BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.708/2013

Date of Institution ... 19.04.2013
Date of Decision ... 12.08.2021

Wajid Khan Ex-Constable No.810, District Police Kohat S/O Sifat Shah R/O Jarma Tehsil & District Kohat.

... (Appellant)

VERSUS

Deputy Inspector General of Police, Kohat Region, Kohat and two others.

... (Respondents)

Fazal Shah Mohmand, Advocate ... For appellant.

Usman Ghani, District Attorney ... For respondents.

AHMAD SULTAN TAREEN ... CHAIRMAN
ROZINA REHMAN ... MEMBER (J)

JUDGMENT

ROZINA REHMAN, MEMBER : Appellant has filed the instant service appeal U/S 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 26.06.2012, whereby, the appellant was dismissed from service.

2. The relevant facts leading to filing of the instant appeal are that appellant was serving as Constable. He absented himself from his official duty, therefore, he was served with charge sheet and

statement of allegations and proper departmental inquiry proceedings were initiated and lastly, he was dismissed from service vide impugned order dated 26.06.2012. He filed departmental appeal which was also dismissed, hence, the present service appeal.

3. We have heard Mr. Fazal Shah Mohmand Advocate counsel for appellant and Mr. Usman Ghani learned District Attorney for respondents and perused the record.

4. Mr. Fazal Shah Mohmand Advocate appearing on behalf of appellant inter-alia argued that the impugned orders are against law, facts and norms of natural justice, therefore, not tenable in the eye of law. He contended that the appellant was not treated in accordance with law and rules on the subject as he was not afforded any opportunity of personal hearing.

5. Conversely, learned District Attorney submitted that the appellant absented himself from duty intentionally and in order to cover his absence period, he managed to get the medical certificate from a Doctor at K.D.A Hospital, Kohat who has not even mentioned the decease in the relevant column of certificate. He submitted that appellant was required to have made departure in the Roznamcha for hospital for medical checkup as per procedure, but he did not adopt the proper procedure. He contended that show cause notice was issued as he himself absented from duty and after conducting proper departmental inquiry against him and fulfillment of all codal formalities, he was dismissed in view of his absence from duty.

12/8/21

6. It is a well-settled legal proposition that while imposing major penalty, regular inquiry is must, so, as to provide appropriate opportunity of defense. In the instant case, appellant while posted at Police Lines, Kohat, absented himself from official duty vide D. D No.15 dated 11.03.2012 till 02.05.2012 without any leave or permission from the competent authority, therefore, show cause notice No.3806/PA was issued on 02.05.2012. He was served with charge sheet and statement of allegations and Ibrahim Ullah Khan Inspector (Legal) Kohat was appointed as Inquiry Officer. The Inquiry Officer submitted his findings, therefore, the appellant was served with final show cause notice to which he replied but his reply was found unsatisfactory. Record shows that appellant is a habitual absentee and during his entire service, his previous 291 days absence on different occasions were treated as leave without pay. He then once again, absented himself and due to his long absence of 73 days, he was removed from service vide order dated 30.03.2011 of the District Police Officer, Kohat. He then filed departmental appeal which was accepted and his punishment was converted into time scale Constable for the period of three years vide order of D.I.G Kohat Region, Kohat dated 17.05.2011.. His service record is replete with bad entries. He was enrolled in the Police Department on 31.08.2008 and during his short tenure of service, he remained absent from duty on more than 20 occasions besides the absence period for which he was awarded the present punishment. He failed to improve himself and again, absented himself from duty. He was given full opportunity

12/8/21

of defense. He was also summoned in Orderly Room but he failed to justify his innocence. He remained incorrigible and unafraid of the law.

7. In view of the above discussion, we do not find any viable reason to interfere in the impugned order; resultantly, this appeal having no substance, is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.
12.08.2021

(Ahmad Sultan Tareen)
Chairman

(Rozina Rehman)
Member (J)

S.No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	12.08.2021	Present: Fazal Shah Mohmand, Advocate ... For Appellant Usman Ghani, District Attorney ... For respondents Vide our detailed judgment of today of this Tribunal placed on file, we do not find any viable reason to interfere in the impugned order; resultantly, this appeal having no substance, is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room. ANNOUNCED. 12.08.2021 (Ahmad Sultan Tareen) Chairman (Rozina Rehman) Member (J)

29.07.2021 Appellant present through counsel.

Usman Ghani learned District Attorney for respondents present.

As the Bench was busy in the proceedings of Larger Bench, therefore, order in the instant case could not be announced. To come up for order on 12.08.2021 before D.B.

(Rozina Rehman)
Member (J)

Chairman

14.07.2021 Appellant with counsel present.

Mr. Usman Ghani learned District Attorney alongwith Arif Saleem Stenographer for respondents present.

Due to paucity of time, order could not be announced. To come up for order on 29.07.2021 before D.B.

(Rozina Rehman)
Member (J)

Chairman

[illegible] Appellant present through counsel.

[illegible] Ghani learned District Attorney for respondents [illegible] present. Since [illegible] the proceedings of larger Bench, therefore, order in the instant case could not be announced. To come up for order on 19.07.2021 before D.B.

[illegible]
Member (J)

[illegible]

12.02.2021 None for the appellant present. Adl: AG alongwith Mr. Arif Saleem, Steno for respondents present.

Due to general strike of the Bar, the case is adjourned to 15.04.2021 for arguments before D.B.

(Mian Muhammad)
Member (E)

(Muhammad Jamal Khan)
Member(J)

15.04.2021 Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 09.07.2021 for the same as before.

Reader

09.07.2021 Appellant with counsel present.

Mr. Usman Ghani learned District Attorney alongwith Arif Saleem Stenographer for respondents present.

Arguments heard. To come up for order on 14.07.2021 before D.B.

(Rozina Rehman)
Member (J)

Chairman

14.09.2020 Junior counsel on behalf of appellant.

Mr. Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Request for adjournment was made as issue involved in the present case is pending before Larger Bench of this Tribunal. Adjourned. To come up for arguments on 17.11.2020 before D.B.

(Atiq ur Rehman)
Member (E)

(Rozina Rehman)
Member (J)

17.11.2020 Junior counsel for appellant present.

Kabirullah Khattak learned Additional Advocate General for respondents present.

Request for adjournment was made as issue involved in the present case is pending before a Larger Bench of this Tribunal.

Adjourned to 12.02.2021 for arguments before D.B.

(Atiq ur Rehman Wazir)
Member (E)

(Rozina Rehman)
Member (J)

4.5 .2020 Due to COVID19, the case is adjourned to 15/7/2020 for the same as before.

Reader

15.07.2020 Counsel for the appellant and appellant himself are present. Mr. Kabirullah Khattak, Additional Advocate General alongwith representative of the department Mr. Arif Saleem also present.

Learned Additional Advocate General for respondents submitted before Divisional Bench that a question with respect to the fact of giving retrospective effect to impugned order passed by the competent authority, is pending adjudication in the Larger Bench of this Service Tribunal constituted for the purpose therefore, this case may please be sent to the worthy Larger Bench of this august Tribunal. Learned counsel representing appellant concurred with the learned Additional Advocate General hence, the instant appeal may please be placed before the Larger Bench for consideration and appropriate order where the parties and their respective counsel appear on 14.09.2020.

(Mian Muhammad)
Member (Executive)

(Muhammad Jamal Khan)
Member (Judicial)

09.03.2020 Appellant with counsel present. Addl: AG for respondents present. Appellant seeks adjournment as his counsel has gone to Supreme Court of Pakistan, Islamabad. Adjourned. To come up for arguments on 04.05.2020 before D.B.

Member Member

19.11.2019 Appellant in person present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Arif Saleem Stenographer for the respondents present. Appellant requested for adjournment that his counsel is not in attendance. Adjourned. To come up for arguments on 11.12.2019 before D.B.

(Hussain Shah)
Member

(M. Amin Khan Kundi)
Member

11.12.2019 Appellant in person present. Addl: AG alongwith Mr. M. Arif Saleem, ASI for respondents present. Appellant seeks adjournment due to general strike of the Bar the case is adjourned. To come up for arguments on 24.01.2020 before D.B.

Member

Member

24.01.2020 Due to general strike on the call of Khyber Pakhtunkhwa Bar Council learned counsel for the appellant is not available today. Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Adjourned to 09.03.2020 for further proceedings/arguments before D.B.

(M. Amin Khan Kundi)
Member

(Hussain Shah)
Member

04.09.2019 Learned counsel for the appellant present. Notice be issued to the respondents for 27.09.2019 before D.B. Original record be requisitioned for the date fixed

(Hussain Shah)
Member

(M. Amin Khan Kundi)
Member

27.09.2019 Learned counsel for the appellant present. Mr. Usman Ghani learned District Attorney alongwith Bilal Ahmed Head Constable for the respondents present. Representative of the respondents submitted reply which is placed on file. Arguments on restoration application heard.

Record reveals that the main service appeal was dismissed for non-prosecution vide order dated 18.03.2019. The appellant submitted application for a certified copy on 20.03.2019 which was delivered to him on 08.04.2019 and the appellant has submitted restoration application on 10.04.2019 meaning thereby that the restoration application is well within time therefore the same is accepted. To come up for arguments on main service appeal on 19.11.2019 before D.B.

(Hussain Shah)
Member

(M. Amin Khan Kundi)
Member

Form-A

FORM OF ORDER SHEET

Court of_____

Appeal's Restoration Application No. 181/2019

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	10.04.2019	The application for restoration of appeal No. 708/2013 submitted by Mr. Fazal Shah Mohmand Advocate may be entered in the relevant register and put up to the Court for proper order please. REGISTRAR 10/4/19
2	25-4-19	This restoration application is entrusted to D. Bench-I to be put up there on 27-6-2019 CHAIRMAN
	27.06.2019	Counsel for the petitioner present. Due to incomplete bench case is adjourned to11.09.08.2019 for arguments before the D.B. Reader
	09.08.2019	Petitioner in person present and seeks adjournment as his counsel is not in attendance. Adjourned to 04.09.2019 for arguments before D.B. Notice be issued to respdts for reply. Member Member

18.12.2018 Appellant in person present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Ishaq Gul, DSP (Legal) for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 01.02.2019 before D.B.

(Hussain Shah)
Member

(Muhammad Amin Khan Kundi)
Member

01.02.2019 Clerk to counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Ishaq Gul DSP for the respondents present. Clerk to counsel for the appellant requested for adjournment as counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 18.03.2019 before D.B.

Member

Member

18.03.2019 Nemo for appellant. Addl. AG for the respondents present.

It is now 3.25 P.M and the case has been called several times. Despite, no one is in attendance on behalf of appellant.

Dismissed for non-prosecution. File be consigned to the record room.

Member

Chairman

ANNOUNCED
18.03.2019

10.08.2018 Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 01.10.2018 before D.B.

(Muhammad Amin Kundi)
Member

(Muhammad Hamid Mughal)
Member

01.10.2018 Learned counsel for the appellant and Mr. Kabirullah Khattak Additional Advocate General alongwith Mr. Arif Saleem Stenographer for the respondent present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 09.11.2018 before D.B.

(Hussain Shah)
Member

(Muhammad Hamid Mughal)
Member

09.11.2018 Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 18.12.2018.

Reader

28.12.2017 Counsel for the appellant and Addl: AG alongwith Mr. Arif Saleem, ASI for respondents present. Arguments could not be heard due to incomplete bench. Adjourned. To come up for arguments on 22.02.2018 before D.B.

Member

22.02.2018 Due to none availability of D.B the case is adjourned. To come up on 30.04.2018 before D.B

Member

30.04.2018 Clerk to counsel for the appellant and Mr. Kabir Ullah Khattak, learned Additional Advocate General present. The Tribunal is defunct due to retirement of Hon'ble Chairman. Therefore the case is adjourned. To come up for the same on 21.06.2018

READER

21.06.2018 Counsel for the appellant and Mr. Muhammad Jan, DDA alongwith Mr. Arif Saleem, ASI for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 10.08.2018 before D.B.

(Ahmad Hassan)
Member

(M. Amin Khan Kundi)
Member

29.05.2017 Counsel for the appellant and Mr. Arif Saleem, (ASI) alongwith Mr. Muhammad Adeel Butt, Additional AG for the respondent present. Counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 15.08.2017 before D.B

(Muhammad Amin Khan Kundi)
Member

(Gul Zeb Khan)
Member

15.08.2017 Appellant in person present. Mr. Arif Saleem, ASI alongwith Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Appellant seeks adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 11.10.2017 before D.B.

(Muhammad Amin Khan Kundi)
Member (J)

(Muhammad Hamid Mughal)
Member (J)

11.10.2017 Clerk of the counsel for appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Arif Saleem, ASI for the respondents present. Clerk of the counsel for appellant seeks adjournment on the ground that learned counsel for the appellant is not available today. Adjourn. To come up for arguments on 28.12.2017 before D.B.

(Muhammad Amin Khan Kundi)
Member

(Muhammad Hamid Mughal)
Member

20.09.2016 Counsel for the appellant and Mr. Arif Saleem, ASI alongwith Mr. Usman Ghani, Sr. GP for respondents present. Counsel for the appellant requested for adjournment. To come up for arguments on 12.01.2017.

Member Member

12.01.2017 Counsel for the appellant and Mr. Arif Salim, ASI alongwith Mr. Ziaullah, GP for respondents present. Counsel for the appellant requested for adjournment. Request accepted. To come up for arguments on 29.05.2017.

(AHMAD HASSAN) (MUHAMMAD AAMIR NAZIR)
MEMBER MEMBER

15.06.2015 Appellant with counsel and Mr. Imtiaz Gul, DSP (legal) alongwith Mr. Ziaullah, G.P for respondents present. Due to rush of work arguments could not be heard. To come up for arguments on 18.11.2015.

Member Member

18.11.2015 Clerk to counsel for the appellant and Mr. Peshawar Khan, Head Constable alongwith Assistant AG for respondents present. Learned counsel for the appellant is stated busy before the Hon'ble Peshawar High Court. To come up for arguments on 16-2-2016.

MEMBER MEMBER

16.02.2016 Counsel for the appellant and Mr. Arif Saleem, ASI alongwith Addl: A.G for respondents present. The learned Member (Executive) is on official tour to Abbottabad, therefore, Bench is incomplete. To come up for arguments on 1-6-2016

Member

01.06.2016 Counsel for the appellant and Ziaullah, GP for respondents present. Counsel for the appellant requested for adjournment. To come up for arguments on 20.9.2016.

Member Member

31.01.2014 Appellant in person and Mian Imtiaz Gul, DSP (Legal) for respondents with Mr. Usman Ghani, Sr. GP present. Written reply received on behalf of the respondents, copy whereof is handed over to the appellant for rejoinder on 25.4.2014.

Chairman

25.4.2014 Appellant in person and Mian Imtiaz Gul, DSP(legal) on behalf of respondents with AAG present. Rejoinder/replication received on behalf of the appellant, copy whereof is handed over to the learned AAG for arguments on 24.9.2014.

Member Chairman

24.09.2014 Appellant with counsel and Mr. Muhammad Adeel Butt, AAG for the respondents present. Arguments could not be heard due to incomplete Bench. To come up for arguments on 31.03.2015.

Chairman

31.3.2015 Counsel for the appellant and Mr. Ziaullah, GP for the respondents present. The learned Member(Judicial) is on official tour to D.I.Khan, therefore, case to come up for arguments on 15.06.2015.

MEMBER

Amended Appeal No. 708/2013.
Mr. Majid Khan.

01.08.2013 Appellant with counsel present and filed copy of amended appeal with spare sets. Preliminary arguments heard. Contended that the appellant has not been treated in accordance with the law/rules. Appellant has not been issued any charge sheet nor any proper Departmental enquiry conducted. He further stated that the impugned order is defective being passed with retrospective effect and also the period of absence has been regularized by treating the same as leave without pay. No opportunity of personal hearing was given to the appellant. Points raised need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notice be issued to the respondents. Case adjourned to 21.11.2013 for submission of written reply.

Appellant deposited security & process fee Rs 180/- Bank receipt is attached with file

Member.

01.8.2013 This case be put before the Final Bench for further proceedings.

Chairman

21-11-13. Appellant with counsel and Mian Imtiaz Gul DSP Legal for respondents present. The worthy chairman is on tour. To come up for written reply / comment on 31-1-14

4.6.2013 Munshi to Counsel for the appellant present. In pursuance of the Khyber Pakhtunkhwa Service Tribunals (Amendment) Ordinance 2013, (Khyber Pakhtunkhwa ord. II of 2013), the case is adjourned on note Reader for proceedings as before on 17.7.2013.

Reader

17.07.2013 Counsel for the appellant present and requested for adjournment. To come up for amended appeal as per section-4 of the Govt: KPK, Service Tribunal Act, 1974 read with rule 6(2)(D) and 6(4) on 01.08.2013.

Member

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Amended Service Appeal No_____/2013

Wajid Khan Ex Constable No 810..... **Appellant**

V E R S U S

DIG and others.....**Respondents**

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Appellant

Dated:-19-07-2013

Through

Fazal Shah Mohmand
Advocate Peshawar

OFFICE:-
Cantonment Plaza Flat 3/B
Khyber Bazar Peshawar
Cell # 0301 8804841

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Amended Service Appeal No 708 /2013

Wajid Khan Ex Constable No 810, District Police Kohat S/O Sifat Shah R/O Jerma Tehsil and District Kohat..... **Appellant**

V E R S U S

1. Deputy Inspector General of Police, Kohat Region Kohat.
2. District Police Officer Kohat.
3. Provincial Police Officer KPK Peshawar.....**Respondents**

APPEAL U/S 4 0F THE KPK SERVICE TRIBUNAL ACT 1974/RW SECTION 19 OF THE KPK GOVT. SERVANTS E & D RULES 2011 AGAINST THE FINAL ORDER DATED 01-10-2012 OF RESONDENT NO 1 WHEREBY DEPARTMENATL APPEAL OF THE APPELLANT AGAINST THE ORDER DATED 26-06-2012 OF RESPONDENT NO 2 WHEREBY THE APPELLANT WAS DISMISSED FROM SERVICE FROM THE DATE OF ABSENCE AND THE PERIOD OF ABSENCE TREATED AS LEAVE WITH OUT PAY, HAS BEEN DISMISSED.

PRAYER:-

On acceptance of this appeal the impugned final order dated 01-10-2012 of Respondent No 1 and order dated 26-06-2012 of respondent No 2, may kindly be set aside and the appellant may kindly be ordered to be reinstated into service with consequential benefits.

Respectfully Submitted:-

1. That the above titled appeal No 708 /2013 was pending before this honorable Tribunal which on 17-07-2013, was with drawn with the permission to file a amended one, hence this appeal.
2. That the appellant joined the respondent Department as Constable on 31-10-2008 and since then performed his duties with honesty and full devotion and to the entire satisfaction of his superior officers.

3. That in the year 2011, the appellant got sick at various intervals and remained under treatment at KDA, Hospital Kohat. (Copies of Medical chits are enclosed as Annexure A).

4. That in the meanwhile the appellant was issued show cause notice which was replied in detail explaining the true circumstances, but instead the appellant was dismissed from service by respondent No 2 vide order dated 26-06-2012 from the date of absence and the period of absence was treated as leave with out pay, how ever copy was not endorsed to the appellant and copy was delivered to the appellant on 27-07-2012. (Copy of show Cause Notice and Order are enclosed as Annexure B and C).

5. That the appellant preferred departmental appeal before respondent No 1 on 07-08-2012, which too was dismissed vide OB No 8415/EC dated 01-10-2012, the appellant also filed Mercy Petition, which too was turn down. (Copy of departmental appeal and order are enclosed as Annexure D & E).

6. That the impugned final order dated 01-10-2012 of respondent No 1 and order dated 26-06-2012 of respondent No 2 are against the law, facts and principles of justice on grounds inter alia as follows:-

GROUNDS:-

A. That the impugned orders are illegal and void ab-initio.

B. That the appellant has not been treated in accordance with law and mandatory provisions of law have been violated by the respondents and the respondents have violated all norms of justice.

C. That the appellant was not communicated any charge sheet.

D. That no inquiry was conducted in order to find out the true facts and circumstances.

E. That the appellant was not afforded the opportunity of personal hearing.

F. That even other wise the period of absence has been regularized by treating the same as leave with out pay, thus the as appellant could not be punished on this ground again.

G. That even other wise the impugned order is defective being passed with retrospective effect.

H. That the impugned order is also not maintainable, because the law under which the same has been passed is not applicable.

I. That the appellant has been awarded the harshest punishment despite the submission of Medical Chits, which is also illegal.

J. That the appellant has more than four years of service with unblemished service record.

K. That the appellant seeks the permission of this honorable Tribunal for further/additional grounds at the time of arguments.

It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for.

Appellant

Dated:-19-07-2013

Through

Fazal Shah Mohmand
Advocate Peshawar

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Amended Service Appeal No_____/2013

Wajid Khan Ex Constable No 810..... **Appellant**

V E R S U S

DIG and others.....**Respondents**

AFFIDAVIT

I, Wajid Khan Ex Constable No 810, District Police Kohat S/O Sifat Shah R/O Jerma Tehsil and District Kohat, do hereby solemnly affirm and declare on oath that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

DEPONENT

Identified by

Fazal Shah Mohmand
Advocate Peshawar

KHALID MAHMOOD ADVOCATE ★ OATH COMMISSIONER PESHAWAR HIGH COURT ★
ATTESTED

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Amended Service Appeal No_____/2013

Wajid Khan Ex Constable No 810.....**Applicant/ Appellant**

V E R S U S

DIG and others.....**Respondents.**

APPLICATION FOR THE CONDONATION OF DELAY IF ANY.

Respectfully Submitted:-

1. That the above Service Appeal is being filed to day by the applicant/appellant in which no date of hearing has yet been fixed.

2. That the impugned order is void, being in utter violation of law and rules on the subject and time becomes irrelevant in such cases.

3. That the appellant has got a good prima facie case, is hopeful of its success, the balance of convenience lies in his favor and the law as well as the superior Courts are of the view that the cases be decided on merits rather than technicalities including limitation.

It is therefore prayed that on acceptance of this application, the delay if any in filing of the titled appeal may kindly be condoned.

Appellant

Through

Dated:-19-07-2013

Fazal Shah Mohmand
Advocate Peshawar

8

DISTRICT HEADQUARTER HOSPITAL KDA KOHAT

MEDICAL LEAVE CERTIFICATE

Signature of the Patient _____

I Dr. Farid Afridi - CMO after personal examination of the case hereby certify tha

Mr./Ms. Wajid Khan

Designation Constable Department Police

whose signature is given above is suffering from _____

and I advised/recommended complete bed rest for 16 days, w.e.f 16-9-11 to 03-10-11

as necessary for the recovery and restoration of his/her health.

NOT FOR MLC PURPOSE

MEDICAL OFFICER
DHQ Hospital Kohat

Attested
ADO

Attested
Adm

9

1564-38
10/11/11

واجد

- Lig Provisions
- Rengolet 2 100 ml

- (1) Tab. Pregline 75mg 1-0-1
- (2) Tab. Pantoprazole 1-0-1
- (3) Tab. Sinulan 2
- (4) Syp. Levolin

Attested
Adv

GlaxoSmithKline

Chandi Medical College
DHQ Hospital KDA
Kohat.

Attested
Adv

DISTRICT HEADQUARTER HOSPITAL KDA KOHAT

MEDICAL LEAVE CERTIFICATE

Signature of the Patient _____

I Dr. Fazid Afridi - CMO after personal examination of the case hereby certify that,

Mr./Ms. Wajid

Designation Constable Department Police

whose signature is given above is suffering from _____

and I advised/recommended complete bed rest for [illegible] days, w.e.f [illegible] to [illegible]

as necessary for the recovery and restoration of his/her health.

NOT FOR MLC PURPOSE

Attested
Adv

MEDICAL OFFICER
DHQ Hospital Kohat

Attested
Adv

17

2474-76

19/1/12

Attested

Adv

GlaxoSmithKline

Medical Officer
DHQ Hospital KDA
Kohat

Attested

Adv

12

DISTRICT HEADQUARTER HOSPITAL KDA KOHAT

MEDICAL LEAVE CERTIFICATE

Signature of the Patient _____

I Dr. Fazal Afridi CMO after personal examination of the case hereby certify that,

Mr./Ms. Wajid

Designation Constable Department Police

whose signature is given above is suffering from _____

and I advised/recommended complete bed rest for 1 to 15 days, w.e.f 15-9-02 to 25-03-02

as necessary for the recovery and restoration of his/her health.

NOT FOR MLC PURPOSE

Medical Officer
MEDICAL OFFICER
DHQ Hospital Kohat

Attested
Adv.

Attested
Adv.

14 .3

1640
14/3/12

Wajid

inj. provas im.

- Ranjan dacut 1 ampoule

- ① Tab. progine 1 daily

- ② Tab. pashgless 1 daily

- ③ Tab. Sunre 1

- ④ Dpl. injection

Casualty Medical Officer
DHQ Hospital KDA
Kohat.

Attested
Adc

Attested
Adc

14
15

DISTRICT HEADQUARTER HOSPITAL KDA KOHAT

MEDICAL LEAVE CETIFICATE

Signature of the Patient _____

I Dr. Farid Afridi CMO after Personal examination of the case hereby certify tha

Mr./Ms. Khalid

Designation Constable Department Police

Whose signature is given above is suffering from Intermittent fever

and I advised/recommended complete bed rest for 6 mt days, w.e.f 14-3-12 to 14-7-12

as necessary for the recovery and restoration of his/her health.

Casualty Medical Officer
DHQ Hospital KDA
MEDICAL OFFICER
DHQ Hospital Kohat

NOT FOR MLC PURPOSE

Attested

Attested

ORDER

This order is passed on the departmental enquiry against Constable Wajid Khan No. 810 of this district Police under Police Rule 1975.

Brief facts of the Ex-parte departmental action are that the above named official while posted at Police Lines Kohat absented himself from his official duties without any leave or permission for the following period:-

1	From 03.06.2011 to 07.06.2011	=	03 days
2.	From 17.09.2011 to 03.10.2011	=	15 days
3	From 10.11.2011 to 02.01.2012	=	52 days
4	From 22.01.2012 to 08.03.2012	=	22 days
5	From 11.03.2012 till to date		

He was served with charge sheet/summary of allegations and Mr. Ibrahim Ullah Khan Inspector Legal Kohat was appointed as Enquiry Officer. The enquiry officer has submitted his findings and recommended guilty of the charges. He was served with Final Show Cause Notice and his reply was perused and found unsatisfactory. His record reveals that he is a habitual absentee and during his entire service his previous 291 days absence on different occasions were treated as leave without pay and does not seem to be interested in service. Due to his long absence of 73 days he was dismissed from service vide OB No. 192 dated 30.03.2011.

Keeping in view, his Ex-chequer previous service record, his habitual absence, punishments awarded to him for his indifferent insubordination attitude, his present long absence without any leave or permission from his senior officers, the undersigned reached to the conclusion that the official is not interested in his official job, ceased to be inefficient and he is not fit to serve further in the disciplined force like Police department.

He is therefore dismissed from service with effect from 11.03.2012 and his period of absence as mentioned above is treated as leave without pay.

OB No. 500

Date 26-05-2012

DISTRICT POLICE OFFICER,
KOHAT

Attested

Attested

No Copy addressed

I

17 B 148

BEFORE THE DEPUTY INSPECTOR GENERAL OF POLICE, KOHAT REGION KOHAT.

SUBJECT: **APPEAL AGAINST THE ORDER OF DPO KOHAT BEARING OB NO.508 DATED 26-6-2012 WHEREBY THE APPELLANT EX-CONSTABLE WAJID KHAN ~~KHAN~~ NO.810 OF KOHAT DISTRICT POLICE WAS DISMISSED FROM SERVICE W.E.F 11-3-2012 AND PERIOD OF ABSENCE WAS COUNTED AS LEAVE WITHOUT PAY.**

Respectfully Sheweth,

With due respect the appellant submits the instant appeal for your kind consideration on the following facts and grounds:

FACTS:

That the appellant while serving in Kohat District Police in the year 2011, got sick and remained under the medical treatment at KDA Hospital. However the appellant was dismissed from service by then DPO, Kohat. (Copy of the order is enclosed).

GROUNDS:

a. That the impugned order is against the law and rules and is therefore liable to be set aside.

Attested

b. That copy of the report of the enquiry officer was not provided to the appellant.

Attested

Adv

c. That no final show cause notice was issued to the appellant by DPO, Kohat.

d. That the order passed by DPO Kohat due to the facts mentioned at Para No. 2 & 3 above is not sustainable under the law.

e. That the appellant had produced genuine medical documents to the EO for the period of alleged absence, but the same were not considered by the competent authority nor the impugned order contained any reference to the same.

In view of the above, it is requested that the impugned order may be set aside and the appellant re-instated in the service w.e.f 11-3-2012 with all back benefits considering the period of absence as medical leave with pay.

Dated: 07-8-2012.

Yours obediently,

Ex-Constable
Wajid Khan No. 810
R/o Banda Musam Khan,
P.S. Bilitang,
Tehsil & District Kohat.
Contact No: 0332-9796639

Attested

Attested

B/15

SHOW CAUSE NOTICE

WHEREAS, you **Constable Wajid Khan No. 810** while posted at Police lines Kohat had absented yourself from official duty vide DD No. 15 dated 11.05.2012 till to date without any leave or permission from the competent authority.

Your above act amounts to gross misconduct under Police Rule 1975.

NOW, THEREFORE, I **MUBARAK ZEB, District Police Officer, Kohat** in exercise of the power vested in me under the Police Rule 1975, hereby call upon you **Constable Wajid Khan No. 810** to show cause as to why departmental action for Major/Minor Punishments are not taken against you under the aforesaid rules.

Your reply to the Show Cause Notice must reach to this office within 07-days of its receipt. In case your reply is not received within the stipulated period, it shall be presumed that you have no defense to offer and ex-parte departmental action will be taken against you. Also state in writing, as to whether you desire to be heard in person or otherwise.

No. 3806 /PA
Dated 02-5-/2012

DISTRICT POLICE OFFICER,
KOHAT

Attested

Attested

E/195

POLICE DEPTT:

KOHAT REGION

ORDER

This order will dispose an appeal filed by Ex) constable Wajid Khan No. 810 of Kohat district.

Facts arising of the case are that the appellant was proceeded departmentally by the competent authority (DPO Kohat) on the score of charges absence from duty for the period detailed in the DPO's order. After conducting proper departmental proceedings, the appellant was held guilty of the charge, which resulted his dismissal from service vide DPO Kohat OB No. 508 dated 26.06.2012.

Feeling aggrieved from the above impugned order he preferred the instant appeal, requesting therein to set-a-side the impugned order and his re-instatement in service.

The appellant was called in OR on 26.09.2012, heard in person and record requisitioned.

The appellant did not advance any plausible explanation for his long absence from duty during the hearing.

Perusal of his service record revealed that the appellant was enrolled in Police department on 31.10.2008 and during his short tenure of service he remained absent from duty on more then 20 occasions i.e about 291 days besides the absent period for which he was awarded the present punishment. Record further revealed that previously he was also removed from service on the charge of absence from duty vide DPO Kohat OB No. 192 dated 30.03.2011. However, he was re-instated in service by the appellate forum (DIG Kohat) and the punishment of removal from service was converted to time scale constable for the period of three years.

After his re-instatement in service the appellant did not improve himself and again absented him self from duty on various occasions.

Therefore, in view of the above and blemished service record of the appellant, the undersigned came to the conclusion that he was habitual absentee and did not take interest in discharge of his official duty. Hence the punishment order passed by DPO Kohat is commensurate with the charge, based on merits and record, which is upheld and the appeal is hereby dismissed.

Announced
26.09.2012

(MOHAMMAD IMTIAZ SHAH)
PSP,QPM
Dy: Inspector General of Police
Kohat Region, Kohat.

Attested

No. 8415 /EC 1/10/2012

Copy for information to the District Police Officer, Kohat, service record of the individual is returned herewith.

Copy endorsed to appellant

بعدالت جناب سروس ٹریبونل KPK پشاور

مورخہ 26 ماہ جولائی 2013ء منجانب اسلامیہ

مقدمہ واجدخان سابقہ پٹواری 870 بنام DIG وغیرہ

دعویٰ کوہاٹ

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی وجواب دہی وکل کاروائی متعلقہ آن مقام پشاور کیلئے حضرت شاہ محمد ایڈووکیٹ پشاور مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے وتقرر ثالث وفیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور صولی چیک وروپیہ ارعرضی دعوی اور درخواست ہر قسم کی تصدیق زرایں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برامدگی اور منسوخی نیز دائر کرنے اپیل نگرانی ونظر ثانی وپیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بااختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ وہرجانہ التوائے مقدمہ کے سبب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سند رہے۔

المرقوم 26 ماہ جولائی 2013ء

گواہ العبد

کے لئے منظور ہے۔

Attested & Accepted

Adv

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 708/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	19/04/2013	The appeal of Mr. Wajid Khan presented today by Mr. Fazal Shah Mohmand Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing. REGISTRAR
2	24-4-2013	This case is entrusted to Primary Bench for preliminary hearing to be put up there on 4-6-2013. CHAIRMAN

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR.

Service Appeal No:- 708 **/2013**

Wajid Khan **Versus** D.P.O Kohat etc
Ex-Constable No 810
.... Appellant ....Respondents

✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧

INDEX

Dated:- 15/04/2013

Wajid
Appellant

Through:-

Fazal Shah Mohmand,
Advocate, Peshawar.

OFFICE ADDRESS:-

CANTONMENT PLAZA, FLAT 3-B
KHYBER BAZAR PESHAWAR
CELL NO:- 0301-8804841.

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR.

Service Appeal No:- 708 /2013

K.W.P Province
Service Tribunal
Diary No. 802
Dated 19-4-2013

Wajid Khan Ex-Constable No 810, District Police Kohat, S/o Sifat Shah R/o Jarma, Tehsil & District Kohat.

.... Appellant

Versus

#1

1. District Police Officer (D.P.O) Kohat.
2. Deputy Inspector General (D.I.G) of Police Kohat Region, Kohat.
3. Provincial Police Officer (P.P.O) Khyber Pakhtunkhwa, Peshawar.

................................Respondents

◆ ◆ ◆

APPEAL AGAINST THE ORDER DATED 26/06/2012 PASSED BY RESPONDENT NO 1 WHEREBY THE APPELLANT HAS BEEN DISMISSED FROM SERVICE FROM 11/03/2012 AND THE PERIOD OF ABSENCE HAS BEEN TREATED AS LEAVE WITHOUT PAY AND ALSO AGAINST THE ORDER PASSED VIDE NO 8415/EC DATED 01/10/2012 OF RESPONDENT NO 2 WHEREBY APPEAL OF THE APPELLANT HAS BEEN DISMISSED. ✓

Filed to-day
Registrar
19-4-13

Prayer:-

On acceptance of this service appeal the impugned order dated 26/06/2012 passed by respondent No 1 & order

dated 01/10/2012 of respondent No 2 may kindly be set aside and the appellant may kindly be ordered to be reinstated in service with all back benefits.

Respectfully Sheweth:-

1. ***That*** *the appellant was enlisted as Constable on 31/10/2008 and since then performed his duties with honesty and full devotion.*

2. ***That*** *in the year 2011 the appellant got sick at various times and remained under treatment at KDA, Hospital, Kohat.* ***(Copies of medical chits are attached as annexure "A").***

3. ***That*** *in the meanwhile the appellant was issued chow cause notice, which was replied and was dismissed from service by respondent No 1 vide order dated 26/06/2012 from the date of absence and period of absence was treated as leave without pay, copy of with was delivered to the appellant on 27/07/2012.* ***(Copy of the show cause notice, reply and order are attached as annexure "B" "C" & "D").***

4. ***That*** *the appellant preferred departmental appeal before respondent No 2 on 07/08/2012 but the same too was dismissed vide OB No 8415/EC dated 01/10/2012. Even the appellant filed mercy petition, which was also turndown.* ***(Copy of appeal and order are***

attached as annexure "E" & "F" respectively).

5. ***That*** *both the impugned orders dated 26/06/2012 of respondent No 1 & order dated 01/10/2012 of respondent No 2 are against the law, facts, and principles of justice on grounds inter alia as follows:-*

Grounds:-

A. ***That*** *the impugned orders are illegal and void ab-initio.*

B. ***That*** *the appellant has not been treated in accordance with law and rules on the subject.*

C. ***That*** *no final show cause notice was communicated to the appellant.*

D. ***That*** *no proper inquiry was conducted.*

E. ***That*** *the appellant was not afforded the opportunity of personal hearing.*

F. ***That*** *even otherwise the period of absence has been regularized by treating the same as leave without pay, thus the appellant could not be punished on this ground again.*

G. ***That*** *the impugned order is defective being passed with retrospective effect.*

H. ***That*** *the impugned order is also not sustainable, because the law under which the same has been passed is not applicable.*

I. ***That*** *the appellant has been awarded the harshest punishment despite submission of medical certificates.*

J. ***That*** *the appellant has more than 4 years of service with unblemished service record.*

K. ***That*** *the appellant seeks the permission of this Honourable Tribunal for further/additional grounds at the time of arguments.*

It is, therefore, most humbly prayed that on acceptance of this service appeal the impugned order dated 26/06/2012 passed by respondent No 1 & order dated 01/10/2012 of respondent No 2 may kindly be set aside and the appellant may kindly be ordered to be reinstated in service with all back benefits.

Dated:- 15/04/2013

Appellant

Through:-

Fazal Shah Mohmand,
Advocate, Peshawar.

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR.

Service Appeal No:-______________/2013

Wajid Khan **Versus** D.P.O Kohat etc

Ex-Constable No 810

.... Appellant ....Respondents

AFFIDAVIT

*I, **Wajid Khan** Ex-Constable No 810, District Police Kohat, S/o **Sifat Shah** R/o **Jarma, Tehsil & District Kohat** do hereby solemnly affirm and declare on oath that the contents of this Service Appeal are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honourable Tribunal.*

Wajid

Deponent

Attested

NOTARY PUBLIC

Date 19.4.2013

Distt: Courts Peshawar

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR.

Service Appeal No:-_____________/2013

Wajid Khan **Versus** D.P.O Kohat etc

Ex-Constable No 810

.... Appellant/Petitioner ....Respondents

APPLICATION FOR CONDONATION OF DELAY

Respectfully Sheweth:-

1. *That the above Service Appeal is being filed by the petitioner/appellant and no date of hearing has yet been fixed.*

2. *That the impugned order is void being in utter violation of law and rules on the subject.*

3. *That the appellant has got a good case, is hopeful of its success and the law as well as superior courts are of the view that the cases be decided on merits ratter than technicalities including limitation.*

It is, therefore, most humbly prayed that on acceptance of this application the delay, if any, in filing the above noted appeal may kindly be condoned in the interest of justice in the instant petition.

Dated:- 15/04/2013

Appellant

Through:-

Fazal Shah Mohmand,
Advocate, Peshawar.

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR.

Service Appeal No:-______________/2013

Wajid Khan Ex-Constable No 810 ……….. Appellant/Petitioner	**Versus**	D.P.O Kohat etc ………..Respondents

✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧

AFFIDAVIT

*I, **Wajid Khan** Ex-Constable No 810, District Police Kohat, S/o **Sifat Shah** R/o **Jarma, Tehsil & District Kohat** do hereby solemnly affirm and declare on oath that the contents of this Application are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honourable Tribunal.*

wajid

Deponent

Attested

ADVOCATE

NOTARY PUBLIC

No.

Date 19.4.2013

Courts Peshawar

3353

16/9/11

Pro / Umbilicus ?

Pneumo. +

Yes Pneumoperitoneum

Yes, Paracentesis

Sup. Serum

Attested

Casualty Medical Officer
DHQ Hospital KDA
Kohat.

GlaxoSmithKline

DISTRICT HEADQUARTER HOSPITAL KDA KOHAT

MEDICAL LEAVE CERTIFICATE

Signature of the Patient _____

I Dr. Farid Afridi - CMO after personal examination of the case hereby certify that,

Mr./Ms. Wajid Khan

Designation Constable Department Police

whose signature is given above is suffering from _____

and I advised/recommended complete bed rest for 16 days, w.e.f 16-9-11 to 03-10-11

as necessary for the recovery and restoration of his/her health.

NOT FOR MLC PURPOSE

Medical
MEDICAL OFFICER
DHQ Hospital Kohat

Attested
AEO

564-38

10/11/11

- Inj Pronus 1/4
- Rengolet 2 100 ml

- ① Tab. Pirogluto 500mg 1-0-1
- ② Tab. Panadol plus 1-0-1
- ③ Tab. Sinlos 2 ①
- ④ Syp. Lecolvin

Attested

Adv

GlaxoSmithKline

Casualty Medical Officer
DHQ Hospital KDA
Kohat.

DISTRICT HEADQUARTER HOSPITAL KDA KOHAT

MEDICAL LEAVE CERTIFICATE

Signature of the Patient _____

I Dr. Fayid Afridi- CMO _____ after personal examination of the case hereby certify that,

Mr./Ms. Wajid _____

Designation Constable _____ Department Police _____

whose signature is given above is suffering from _____

and I advised/recommended complete bed rest for 2 month days, w.e.f 10-11-011 to 09-01-012

as necessary for the recovery and restoration of his/her health.

NOT FOR MLC PURPOSE

Medical Officer

MEDICAL OFFICER
DHQ Hospital Kohat

Attested

Adv

13

DISTRICT HEADQUARTER HOSPITAL KDA KOHAT

MEDICAL LEAVE CERTIFICATE

Signature of the Patient _____

I Dr. Farid Afridi - CMO after personal examination of the case hereby certify that,

Mr./Ms. Wajid

Designation Constable Department Police

whose signature is given above is suffering from _____

and I advised/recommended complete bed rest for 1 in 15 days, w.e.f 13-9-02 to 05-03-012

as necessary for the recovery and restoration of his/her health.

NOT FOR MLC PURPOSE

Casualty Medical Officer
MEDICAL OFFICER
DHQ Hospital Kohat

Attested

Adv.

4

1640
14/3/12

Wajid

inj. provas 1gm.

- Ranjar Lacut 1000ml.

- (1) Tab. profine
- (2) Tab. pashjless 1+1
- (3) Tab. Sunre 2.
- (4) Dpl. vrj hawtile.

Casualty Medical Officer
DHQ Hospital KDA
Kohat.

Attested
Adc

5

DISTRICT HEADQUARTER HOSPITAL KDA KOHAT

MEDICAL LEAVE CETIFICATE

Signature of the Patient _____

I Dr. Fahid Afridi - CMO after Personal examination of the case hereby certify that,

Mr./Ms. Wajid

Designation Constable Department Police

Whose signature is given above is suffering from Pnteric fever

and I advised/recommended complete bed rest for 4 mt days, w.e.f 14-3-12 to 14-7-12

as necessary for the recovery and restoration of his/her health.

Casualty Medical Officer
DHQ Hospital KDA Kohat.

NOT FOR MLC PURPOSE

MEDICAL OFFICER
DHQ Hospital Kohat

Attested

B/16

SHOW CAUSE NOTICE

WHEREAS, you **Constable Wajid Khan No. 810** while posted at Police lines Kohat had absented yourself from official duty vide DD No. 15 dated 11.03.2012 till to date without any leave or permission from the competent authority.

Your above act amounts to gross misconduct under Police Rule 1975.

NOW, THEREFORE, I **MUBARAK ZEB**, **District Police Officer, Kohat** in exercise of the power vested in me under the Police Rule 1975, hereby call upon you **Constable Wajid Khan No. 810** to show cause as to why departmental action for Major/Minor Punishments are not taken against you under the aforesaid rules.

Your reply to the Show Cause Notice must reach to this office within 07-days of its receipt. In case your reply is not received within the stipulated period, it shall be presumed that you have no defense to offer and ex-parte departmental action will be taken against you. Also state in writing, as to whether you desire to be heard in person or otherwise.

No. 3806 **/PA**
Dated 02-5-**/2012**

DISTRICT POLICE OFFICER
KOHAT

Attested

A/18

ORDER

This order is passed on the departmental enquiry against Constable Wajid Khan No. 810 of this district Police under Police Rule 1975.

Brief facts of the Ex-parte departmental action are that the above named official while posted at Police Lines Kohat absented himself from his official duties without any leave or permission for the following period:-

1	From 03.06.2011 to 07.06.2011.	=	03 days
2.	From 17.09.2011 to 03.10.2011	=	15 days
3	From 10.11.2011 to 02.01.2012	=	52 days
4	From 22.01.2012 to 08.03.2012	=	22 days
5.	From 11.03.2012 till to date		

He was served with charge sheet/summary of allegations and Mr. Ibrahim Ullah Khan Inspector Legal Kohat was appointed as Enquiry Officer. The enquiry officer has submitted his findings and recommended guilty of the charges. He was served with Final Show Cause Notice and his reply was perused and found unsatisfactory. His record reveals that he is a habitual absentee and during his entire service his previous 291 days absence on different occasions were treated as leave without pay and does not seem to be interested in service. Due to his long absence of 73 days he was dismissed from service vide OB No. 192 dated 30.03.2011.

Keeping in view, his Ex-chequer previous service record, his habitual absence, punishments awarded to him for his indifferent insubordination attitude, his present long absence without any leave or permission from his senior officers, the undersigned reached to the conclusion that the official is not interested in his official job, ceased to be inefficient and he is not fit to serve further in the disciplined force like Police department.

He is therefore dismissed from service with effect from 11.03.2012 and his period of absence as mentioned above is treated as leave without pay.

OB No. 500
Date 26-06-/2012

DISTRICT POLICE OFFICER
KOHAT

Attested
Adv

BEFORE THE DEPUTY INSPECTOR GENERAL OF POLICE,
KOHAT REGION KOHAT.

19

SUBJECT: APPEAL AGAINST THE ORDER OF DPO KOHAT BEARING OB NO.508 DATED 26-6-2012 WHEREBY THE APPELLANT EX-CONSTABLE WAJID KHAN ~~KHAN~~ NO.810 OF KOHAT DISTRICT POLICE WAS DISMISSED FROM SERVICE W.E.F 11-3-2012 AND PERIOD OF ABSENCE WAS COUNTED AS LEAVE WITHOUT PAY.

Respectfully Sheweth,

With due respect the appellant submits the instant appeal for your kind consideration on the following facts and grounds:

FACTS:

That the appellant while serving in Kohat District Police in the y 2011, got sick and remained under the medical treatment at KD Hospital. However the appellant was dismissed / ar then DPO, Kohat. (Copy of the order is enclosed).

GROUNDS:

a. That the impugned order is against the law a therefore liable to be set aside.

Attested

b. That copy of the report of the enquiry officer w the appellant.

c. That no final show cause notice was issued to the appellant by DPO, Kohat.

d. That the order passed by DPO Kohat due to the facts mentioned at Para No. 2 & 3 above is not sustainable under the law.

e. That the appellant had produced genuine medical documents to the EO for the period of alleged absence, but the same were not considered by the competent authority nor the impugned order contained any reference to the same.

In view of the above, it is requested that the impugned order may be set aside and the appellant re-instated in the service w.e.f 11-3-2012 with all back benefits considering the period of absence as medical leave with pay.

Dated: 07-8-2012.

Yours obediently,

Ex-Constable
Wajid Khan No. 810
R/o Banda Musam Khan,
P.S. Bilitang,
Tehsil & District Kohat.
Contact No: 0332-9796639

Attested

F/2

POLICE DEPTT: KOHAT REGION

ORDER

This order will dispose an appeal filed by Ex: constable Wajid Khan No. 810 of Kohat district.

Facts arising of the case are that the appellant was proceeded departmentally by the competent authority (DPO Kohat) on the score of charges absence from duty for the period detailed in the DPO's order. After conducting proper departmental proceedings, the appellant was held guilty of the charge, which resulted his dismissal from service vide DPO Kohat OB No. 508 dated 26.06.2012.

Feeling aggrieved from the above impugned order he preferred the instant appeal, requesting therein to set-a-side the impugned order and his re-instatement in service.

The appellant was called in OR on 26.09.2012, heard in person and record requisitioned.

The appellant did not advance any plausible explanation for his long absence from duty during the hearing.

Perusal of his service record revealed that the appellant was enrolled in Police department on 31.10.2008 and during his short tenure of service he remained absent from duty on more then 20 occasions i.e about 291 days besides the absent period for which he was awarded the present punishment. Record further revealed that previously he was also removed from service on the charge of absence from duty vide DPO Kohat OB No. 192 dated 30.03.2011. However, he was re-instated in service by the appellate forum (DIG Kohat) and the punishment of removal from service was converted to time scale constable for the period of three years.

After his re-instatement in service the appellant did not improve himself and again absented him self from duty on various occasions.

Therefore, in view of the above and blemished service record of the appellant, the undersigned came to the conclusion that he was habitual absentee and did not take interest in discharge of his official duty. Hence the punishment order passed by DPO Kohat is commensurate with the charge, based on merits and record, which is upheld and the appeal is hereby dismissed.

Announced
26.09.2012

(MOHAMMAD IMTIAZ SHAH)
PSP,QPM
Dy: Inspector General of Polic
Kohat Region, Kohat.

Attested

No. 8415 /EC 1/10/2012

Copy for information to the District Police Officer, Kohat, se
record of the individual is returned herewith.

بعدالت سروس ٹریبونل خیبر پختونخوا پشاور

22

مورخہ 17 اپریل 2013ء

مقدمہ واجد خان بنام پولیس 81

دعویٰ کوہاٹ

جرم

منجانب

بنام

اسلامک DPO

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کاروائی متعلقہ

آن مقام پشاور کیلئے فضل شاہ محمد ایڈووکیٹ

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارعرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرایں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برامدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بااختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہرجانہ التوائے مقدمہ کے سبب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہٰذا وکالت نامہ لکھدیا کہ سند رہے۔

المرقوم 17 ماہ اپریل 2013ء

Tested & Accepted

العبد گواہ العبد

مقام

کے لئے منظور ہے

عدنان سٹیشنری مارٹ
چوک ہشتنگری پشاور سٹی فون: 2220193
Mob: 0345-9223239

Before The Khyber Pakhtunkhwa, Service Tribunal Peshawar.

Service Appeal No. 708/2013

Wajid Khan Ex-constable No. 810
District Kohat .....Appellant.

VERSUS

DPO Kohat & Others .....Respondents.

Preliminary Objections:-

1. That the appeal is not maintainable in the present form.
2. That the appeal is bad due to misjoinder/non joinder of necessary action.
3. That the appellant has not come to this Hon: Service Tribunal with clear hands.
4. That the appeal is badly time barred.

FACTS:-

1. Correct to the extent that the appellant was enlisted as constable in Police Department district Kohat on 31.10.2008. The remaining para is not based on facts as he did not perform his duty honestly and with full devotion which is evident from his service record.
2. Incorrect. He absented himself from duty intentionally. In order to cover his absence period, he managed to get the medical certificates from a doctor at KDA Hospital Kohat who has not even mentioned a disease in the relevant column of certificates those certificates vide which the concerned doctor had advised medical rest to the appellant for more than two months, were not countersigned by the medical superintendent of District Kohat. It is further submitted that if in fact, the appellant was ill, he was required to have made departure in the Roznamcha for hospital for medical check-up/examination as per procedure but he did not adopt that procedure. It clearly indicates that he was not ill otherwise he would have made departure in the Rozmancha Police Lines Kohat for medical examination.

3. He was correctly issued show cause notice as he absented himself from duty. After conducting proper departmental inquiry against him and fulfillment of other formalities, he was dismissed from service w.e.f 11.03.2012 vide OB No. 508 dated 26.06.2012 in view of his absence from duty.

4. Correct to the extent that appellant preferred a departmental appeal before respondent No. 2 which was dismissed on 26.09.2012 keeping in view his previous record and no interest in the discharge of duty. There is no provision of mercy petition in Police disciplinary Rules, 1975, hence his mercy petition was correctly filed by respondent No. 1.

5. Incorrect. Both the orders passed by respondent No. 1 and 2 are in accordance with provision of Police disciplinary Rules, 1975. Appeal of appellant is not maintainable and is libel to be dismissed only on the ground of limitation as the same is badly time barred.

Grounds:-

a. Incorrect. Both the orders of respondent No. 1 and 2 are legal being passed in accordance with Rules and are not void.

b. Incorrect. The appellant was treated in accordance with Rules as he was provided full opportunity of defence during course of inquiry.

c. Incorrect. Final Show Cause Notice was communicated to the appellant through SHO PS Jarma which was received by his uncle namely Shah Jehan. Copy of the same is annexed as annexture "A".

d. Incorrect. Proper departmental inquiry was conducted into the allegations against the appellant.

e. Incorrect. The appellant was afforded chance of personal hearing.

f. Incorrect. The absence period was treated as leave without pay because the appellant did not serve the department for that period and remained out of service, so that period was required to be treated as without pay while remaining absent from duty was "misconduct" on the part of appellant and he was accordingly awarded punishment for it by the competent authority a per rules.

g. Incorrect. The order has been passed in accordance with Rules.

h. Incorrect. The law under which the said order was passed is presently applicable in case of disciplinary proceedings against Police officials from the rank of constable to inspector.

i. Incorrect. The appellant has correctly been awarded the present punishment of dismissal in view of his previous record because he did not mend his attitude. Previously he was removed from service on account of absence from duty vide OB No. 192 dated 30.03.2011 and in appeal, he was re-instated by respondent No. 2 with a punishment of time scale constable for a period of 03 years on 17.05.2011, copy of both the orders are annexed herewith as annexure B and C respectively.

j. Incorrect. His previous record is not good because during his short service of 04 years, he remained absent from duty on different occasion and he was awarded minor punishments for the same, coy of list showing his previous absence from duty is annexed as annexture "D"..It is also submitted that even during training the appellant remained absent in PTC Hangu, copy of the same is annexed as annexure "E".

k. That any other points, if raised will be submitted at the time of arguments with the permission of this Hon: Service Tribunal.

In view of the foregoing explanation/grounds, it is prayed that appeal of the appellant may kindly be dismissed with costs.

District Police Officer,
Kohat
(Respondent No. 1)

Dy: Inspector General of Police,
Kohat Region, Kohat
(Respondent No. 2)

Provincial Police Officer,
Khyber Pakhtunkhwa,
(Respondent No. 3)

FINAL SHOW CAUSE NOTICE

1. **WHEREAS**, you **Constable Wajid Khan No. 810 while posted at Police Lines, Kohat** committed gross misconduct as defined in Section of NWFP, Removal from Service (Special Powers) Ordinance 2000, resultantly you were Charge Sheeted/statement of allegations and Mr. Ibrahim Ullah Khan Inspector Legal, Kohat was appointed as Enquiry Officer to conduct proper departmental enquiry as per decision of the Competent Authority.

2. **WHEREAS**, the Enquiry Officer finalized the enquiry proceedings, giving you full opportunities of defence besides audience of relevant record.

3. **AND WHEREAS**, on going through the finding, the material placed on record and other concerned papers, I am satisfied that you have committed the misconduct and are guilty of the charges leveled against you as per statement of allegations which stand proved and rendered you liable to be awarded punishment under the said Ordinance.

4. **NOW THEREFORE, I, *MUBARAK ZEB, DISTRICT POLICE OFFICER, KOHAT,*** as competent authority issue Final Show Cause Notice tentatively decided to impose upon you any one or more penalties including the penalty of "dismissal from Service" under Section 3 of the said Ordinance.

You are therefore, required to reply within seven (7) days of the receipt of this Show Cause Notice, as to why the aforesaid penalty should not be imposed upon you, failing which it shall be presumed that you have no defence to offer and ex-parte departmental action shall be taken against you. Meanwhile also intimate whether you further desire to be heard in person or otherwise.

No. 819 **/PA**
Dated 23-01- **/2012**

DISTRICT POLICE OFFICER,
KOHAT

SHO

Su

N

SHO. PS. Jaloo

01-02-018

ORDER

This order is passed on the departmental enquiry against Constable Wajid Khan No. 192 of this district Police under Removal from Service (Special Powers) Ordinance 2000.

Brief facts of the departmental enquiry are that the above named official while posted at Police Lines, Kohat absented himself from his official duties w.e.f 09/09/2010 to 22/11/2010 without any leave or permission from his senior officer.

He was served with charge sheet/summary of allegations. Reply to the same of the official was found unsatisfactory, therefore DSP HQrs: Kohat was appointed as Enquiry Officer to proceed against him departmentally. The enquiry officer has submitted his findings.

He was served with Final Show Cause Notice but his reply to the same was also found unsatisfactory, therefore, he was directed to appear before the undersigned in the OR on 29/03/2011. His record was perused: He previously remained absent on 12 different occasions (total of 113 days) during his service of 02 years and 03 months, it is obvious that he is habitual absentee.

Keeping in view, his Ex Chequer previous service record, his habitual absence, punishments awarded to him for his indifferent insubordination attitude, his present long absentee which comes to two months and 13 days, the undersigned reached to the conclusion that the official is not interest in his official job, ceased to be inefficient and he is not fit to serve further in the disciplined force like Police department. He is therefore removed from service with immediate effect. His absence period from 09.09.2010 to 22.11.2010 is treated as leave without pay.

OB No. 192

Date 30-3-/2011

DISTRICT POLICE OFFICER,
KOHAT

192 اردلی واجد خان

POLICE DEPARTMENT KOHAT REGION.

ORDER.

This order will dispose an appeal of Ex. Constable Wajid Khan No.192 of Kohat District Police. Wherein he has requested that the punishment awarded to him in shape of Removed from Service vide DPO Kohat OB No.192 dated 30.03.2011 may kindly be set-aside and he may be re-instated in service.

Brief facts of the case are that the above named Ex Constable while posted at Police Lines Kohat had deliberately absented himself from his official duties w.e.from 09.09.2010 to 22.11.2010 without any leave or permission.

He was served with the charge sheet and summary of allegation. Reply to the same was found unsatisfactory, therefore, DSP HQrs: Kohat was appointed as Enquiry Officer to proceed against him departmentally. He was served with Final Show Cause Notice, but his reply was also found unsatisfactory. He was also appeared before the DPO Kohat in Orderly Room on 29.03.2011 but he has given no cogent reply in his defence.

In view of the above the DPO Kohat awarded him major punishment of Removed from service vide his OB No. mentioned above.

He was heard in person in Orderly Room held in this office on 17.05.2011. His service record and other connected papers were thoroughly perused.

From the perusal of his Service Record and other relevant papers as well as family circumstance the undersigned has reached to the conclusion that the order passed by the DPO Kohat too harsh and require review, hence his appeal is accepted and the punishment awarded to him is hereby converted into time scale constable for the period of three years. He is reinstated in service with immediate effect. The period of his absence w.e.from 09.09.2010 to 22.11.2010 and the period spent out of service as treated as leave without pay.

ORDER ANNOUNCED.
17.05.2011

(M. MASOOD KHAN AFRIDI)PSP
Dy. Inspector General of Police,
Kohat Region, Kohat.

No 6371-72 /EC, dated Kohat the 24/05 /2011

Copy of above for information and necessary action to the District Police Officer, Kohat w/r to his Memo: No.4420/DSP/Legal dated 12.05.2011. His service record is also enclosed herewith for record which may please be acknowledged.

2. Ex Constable Wajid Khan No.192 r/o Banda Mousam Khan Tehsil & District Kohat PS Bilitang

(M. MASOOD KHAN AFRIDI)PSP
Dy. Inspector General of Police,
Kohat Region, Kohat.

سروس ریکارڈ ازاں کانسٹیبل احمد خان نمبر 810

OB-NO		غیر حاضری / تاریخ بھرتی			سزا
		ریکروٹ بھرتی شدہ			
OB 1041	31-10-08			28 6/09	بلا تنخواہ
OB 783	7-8-09	25 6/09	تا	28 6/09	1 یوم ایکسٹرا ڈرل
OB 952-1	16-9-09	18 8/09	تا	19 8/09	بلا تنخواہ
OB 999-7	7-10-09	31 8/09	تا	3 9/09	بلا تنخواہ
OB 1019-12	13-10-09	7 9/09	تا	10 9/09	3 یوم
OB 1058	22-10-09	18 9/09	تا	21 10/09	33 یوم بلا تنخواہ 2 یوم ایکسٹرا ڈرل
OB 1148	12-11-09	24 10/09	تا	12 11/09	19 یوم بلا تنخواہ
OB 22-16	8-1-10	4 12/09	تا	6 12/09	2 یوم بلا تنخواہ
OB 94	27-1-10	24 10/09	تا	15 11/09	22 یوم بلا تنخواہ
OB 1798-5	8-3-10	25 1/10	تا	4 2/10	10 یوم بلا تنخواہ
OB 186	8-3-10	15 2/10	تا	4 3/10	17 یوم بلا تنخواہ
OB 279-1	6-4-10	5 2/10	تا	12 2/10	7 یوم بلا تنخواہ
OB 361-7	5-5-10	15 2/10	تا	11 3/10	24 یوم بلا تنخواہ
OB 513	16-6-10	13 4/10	تا	18 4/10	5 یوم بلا تنخواہ
OB 597	15-7-10	28 6/10	تا	4 7/10	5 یوم بلا تنخواہ
OB 606	21-7-10	29 3/10	تا	5 4/10	6 یوم بلا تنخواہ
OB 637	28-7-10	14 3/10	تا	27 3/10	12 یوم بلا تنخواہ
OB 673	10-8-10	1 5/10	تا	10 6/10	40 یوم بلا تنخواہ
OB 803	21-9-10	2 9/10	تا	8 9/10	6 یوم بلا تنخواہ
OB 192	30-3-11	9 9/10	تا	22 11/10	73 یوم غیر حاضری (محکمہ ھذا سے برخاست شدہ)

(بحوالہ آرڈر 4371-72/EC 24-5-11 جناب DIG صاحب کوہاٹ ریجن کوہاٹ دوبارہ بحال شدہ)

1- $3\frac{6}{11}$ بجے $07\frac{6}{11}$ بوجھ 03 گھنٹہ 12 گھنٹہ۔

2- $17\frac{9}{11}$ بجے $03\frac{10}{11}$ بوجھ 15 گھنٹہ 12 گھنٹہ۔

3- $10\frac{11}{11}$ بجے $02\frac{1}{12}$ بوجھ 52 گھنٹہ 17 گھنٹہ۔

4- $22\frac{1}{12}$ بجے $08\frac{3}{12}$ بوجھ 45 گھنٹہ 11 گھنٹہ۔

5- $11\frac{3}{12}$ پولیس لائن سے بدمشعور غیر حاضر ہے۔

Police Training College Hangu

Estb 1935

History Sheet/Detail Marks Certificate

Starting Date	: 01.10-2008	Ending Date	: 20.06.2009
College Course	: Recruit	**Name**	**: Wajid Khan**
Rank	: Constable	Belt No.	: 192
Comp#:	: RCT-1308	**District**	**: Kohat**
Education	: 10th	Merit	: 257
Company	: Insp: Ghulam Qamber Shaheed		

LAW			DRILL			REMARKS
PPC	62	/100	Parade	15	/30	Awarded Grace Marks and declared as Passed.
LSL	38	/50	PT	10	/20	
CrPC	62	/100	MD	13	/20	
PR	28	/30	UC	5.67	/10	
Security of VVIP/VIP	17	/20	AC	51	/85	
PFW	113	/170	GD	14.33	/20	
PPWT	42	/50	FC	35.33	/60	
PPWP	25	/50	DPA	49.67	/80	
FCT	40	/50	Raid on P.O,s	9	/15	
FCP	28	/50	Ambush	11	/15	
			Naka Bandi	9	/15	
			Assault Fire	208	/275	
			Sniper Fire	70	/140	
Total:-	455 / 670				501/785	

Overall Percentage is: 65.70 G-Total: 956/1455

Leave Obtained: 1 days Medical Rest: Nil days Absence: 22 days

Punishment: 24 days ED Reward: Nil

(Syed Tobial wadood Shah)
Commandant,
Police Training College Hangu.

D.I.G. Kohat

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 708/2013

Wajid Khan.....**Appellant**

VERSUS

DIG & two others.....**Respondents**

Replication on behalf of the appellant

Rely to Preliminary Objections

All the objections raised by the respondents are incorrect and are denied. Appeal of the appellant is well within time, as the appellant has got prima facie case, in which all the necessary parties have been impleaded. The appellant has come to this honorable tribunal with clean hands and appeal of the appellant is competent in its present form.

Reply to Facts/Grounds

The comments of the respondents are full of admissions, and they have not denied the pleas taken by the appellant. The comments of the respondents are full of contradictions and they have failed to deny the version of the appellant. Respondents have failed to prove that the appellant was ever issued any charge sheet and that any inquiry in the matter was conducted. Respondents have failed to deny the version of the appellant that he has been proceeded and punished under a law which is not applicable in case of the appellant.

Respondents have also admitted that the period of absence has been regularized by treating the same as leave without pay and thus the appellant could not be punished on the ground of absence, as such he is entitled to be reinstated in service. Respondents have also failed to reply and explain material legal questions of the appellant. The appellant has not been treated in accordance with law and he has been condemned unheard, thus the impugned order is not tenable in the eyes of law and liable to be struck down on this score alone.

It is there fore prayed that appeal of the appellant may kindly be accepted as prayed for.

Dated:-25-04-2014

Appellant

Through

Fazal Shah Mohmand
Advocate Peshawar

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 708/2013

Wajid Khan.....**Appellant**

VERSUS

DIG & two others.....**Respondents**

AFFIDAVIT

I, Wajid Khan Ex. Constable No 810, District Police Kohat, (the appellant) ,do hereby solemnly affirm and declare on oath that the contents of this **Replication** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

DEPONENT

Identified by

Fazal Shah Mohmand

Advocate Peshawar

BEFORE THE PESHAWAR SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 708 / 2013

Wajid Khan **Versus** DPO & Others

✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧✧

APPLICATION FOR FIXING AN EARLY DATE OF HEARING IN ABOVE TITLED SERVICE APPEAL.

Respectfully Sheweth:-

Petitioner submits as under:-

1. *That the above noted Service Appeal is pending in this Honourable Tribunal.*
2. *That next date of hearing is fixed for 18/11/2015 before this Honourable Tribunal.*
3. *That the applicant/Appellant is the only earning member of the family, he is passing through a very hard and sever financial crisis, Moreover his appeal is more than four years old.*

It is, therefore, requested that on acceptance of this application, an early date of hearing may kindly be fixed in the above noted Service Appeal.

Dated:- 16/06/2015

Applicant/Appellant

Through:-

Fazal Shah Mohmand
Advocate, High Court,
Peshawar.

BEFORE THE PESHAWAR SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 708/13

Wajid Khan **Versus** DPO & Others

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AFFIDAVIT

*I, **Mr Wajid Khan** S/o **Sifat Shah** R/o **Jarma Kohat**, do hereby solemnly affirm and declare on oath that the contents of this accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.*

DEPONENT
CNIC No:- 14301-7249004-9

Khalid Mehmood Advocate
Attested
Oath Commissioner
16-15