

20.04.2022

Counsel for the appellant present.

Learned counsel for the appellant argued that the appellant was appointed as ASI in the respondent-department on 01.09.2009. However, there is no copy of appointment order in service of the appellant dated 01.09.2009, found with index of service appeal. It was contended that the appellant had been on Tablegh for four months and on return, his services were terminated, but he was not provided any formal order of termination of his services. There is neither any original impugned order nor appellate order to have been issued by the respondents ~~that~~ the appellant is aggrieved of. As such the basic requirement specified under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 does not meet. Therefore, the instant service appeal being not maintainable is hereby dismissed in limine. Consign.

Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal this 20th day of April, 2022.

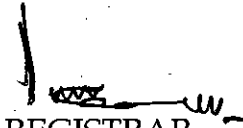



(MIAN MUHAMMAD)
MEMBER(E)

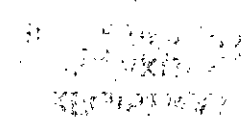
Sir,

This Tribunal raised 5 objections out of which 3 were removed while the remaining 2 objections No. 3 & 4 were not met out. Learned counsel requests to place the case before the bench, as according to him he has already clarify in para-5 of memorandum of appeal.

submitted for appropriate order, please


REGISTRAR - 11/2/2022
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

Worthy Chairman




[Faint, illegible text at the bottom of the page]

The appeal of Mr. Hunar Sher S/O Qader Shah, R/O Nelavi P/S Nahaqi and District Peshawar received today i.e. on 08.02.2022 is incomplete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 days.

1. Annexures of the appeal may be attested.
2. Annexures of the appeal is not in sequence which may be placed in order.
3. Copy of charge sheet, statement of allegation and replies thereto are not attached with the appeal.
4. Copy of termination order in respect of appellants is not attached with the appeal which may be placed on it.
5. One more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 288 /S.T,

Dt. 08/02 /2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Halim Bangash Adv. Pesh.

objection removed but para no 3 & 4
has already clarify in Memorandum
of Appeal.

~~REGISTRAR~~ hereby re-submitted pl.

~~11.2.22~~ The same please be put
for the Court

~~part of memorandum of appeal~~
~~through the case, since the Bench, according to him, he has already clarify in~~
~~remaining 2 objections & 2 were not met and earned counsel requests to~~
~~the final raised objections out of which were removed with the~~

P.T.O

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: HUNAR SHER V/S Govt of KPK & others

S#	CONTENTS	Yes	No
1.	This Appeal has been presented by <u>HALIM BANGASH</u> ,		
2.	Whether counsel / appellant / respondent / deponent have signed the requisite document?	✓	
3.	Whether appeal is within time?	✓	
4.	Whether appeal enactment under which the appeal is filed is mentioned?	✓	
5.	Whether enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?	✓	
8.	Whether appeal / annexure are properly paged?	✓	
9.	Whether certificate regarding filling any earlier appeal in the subject, furnished?		
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?		
12.	Whether copies of annexures are readable/ clear?	✓	
13.	Whether copies of appeal is delivered to AG/ DAG?		
14.	Whether Power of Attorney of the counsel engaged is attested and signed by Petitioner/ Appellant/ Respondents?	✓	
15.	Whether number of referred cases given are correct?	✓	
16.	Whether appeal contains cutting / overwriting?		✓
17.	Whether list of books has been provided at the end of the appeal?	✓	
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies are attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are completed?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether security and process fee deposited? On _____	✓	
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rule 1974 rule 11, Notice along with copy of appeal and annexure has been sent to respondents? On _____		
26.	Whether copies of comments / replay/ rejoinder submitted? On _____		
27.	Whether copies of comments / replay/ rejoinder provided to opposite party? On _____		

It is certified that formalities /documentations as required in the above table, have been fulfilled.

Name: HALIM Khan Bangash

Signature: [Signature]

Dated: 3. 2. 22

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR**

Service Appeal No. 598 /2022

Hunar Sher.

...Appellant

Versus

Govt of KP and others.

...Respondents

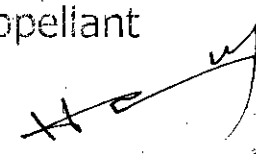
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S. No:	Particulars/Description	Annex	Page No.
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3	First Departmental Appeal	"B"	8
4	Mis. Application along with postal receipt	"C"	9 - 10
5	Second Appeal along with postal receipt	"D"	11 - 12
6	Order Sheet	"E"	13 - 14
7	Wakalatnama	-	-

Dated. 02-02-2022,

Appellant

Through


**Haleem Khan Bangash
Mati-Ur-Rehman
Advocates,
High Court,
Peshawar**

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR.**

Khyber Pakhtunkhwa
Service Tribunal

In Re:
Service Appeal No. 598 /2022

Diary No. 154

Dated 04/02/2022

Hunar Sher S/o Qader Sher Resident of Nelavi P/S
Nahaqi District Peshawar.

...Appellant

Versus

1. Govt of Khyber Pakhtunkhwa through its Chief Secretary Civil Secretariat Peshawar.
2. Inspector General of Police Khyber Pakhtunkhwa Central Police Office Police Road Peshawar.
3. Chief Capital City Police Officer Police Line Peshawar.
4. Senior Superintendent of Police (Operation) Police Line Police Road Peshawar.
5. Secretary Home & Tribal Affairs Khyber Pakhtunkhwa Civil Secretariat Peshawar.

Filed to-day

...Respondents

Registrar

4/2/2022

**APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT 1974 FOR THE RE-
INSTATEMENT OF APPELLANT ON SERVICE AND
UPON HIS DEPARTMENTAL APPEAL HAS GIVEN NO
RESPONSE.**

PRAYER IN APPEAL:

It is most respectfully prayed that this Hon'ble Tribunal
by accepting this appeal may very graciously direct the

Respondent to Re-instate the appellant and restored his service with all back benefit.

Respectfully Sheweth:

Brief facts giving rise to the instant appeal are:

1. That that the appellant was appointed as ASI in 01-09-2009 and was sent to Police Training School Islamabad for advance Leadership Development Course which held on January 11&12 at Police line.
2. That thereafter the appellant was put in elite police force District Peshawar. Certificate annexed as annexure A,B&C.
3. That during the entire service the appellant remain very punctual and dutiful never given a chance of misconduct to his superior.
4. That the appellant went to Tableegh for four month's by taking prior permission from the concerned authority.
5. That on return from Tableegh for joining in duty appellant was told that you have been terminated from services without handing over termination letter and no show cause notice were given to the appellant.

6. That thereafter the appellant filed Departmental Appeal and miscellaneous application for Re-instatement and allied grievances and Redressal application but of no avail. The appellant when failed the appellant filed the service appeal before the Honorable Tribunal inter alia on the following ground.

GROUND

- A. That the Appellant neither informed, nor any termination order in written handed over to the appellant.
- B. That the appellant was not informed with show cause notice which is tantamount to condemn the appellant unheard.
- C. That the Appellant filed Departmental appeal within time but un-respondent, not gave opinion upon the appeal "Annexure-D".
- D. That the appellant filled application to the Inspector General of Police for supplying the termination order and other show case notice or orders but in vain. Copy of application and postal receipt are attached as Annex-E&F.
- E. That the appellant when aggrieved approach to High Court through writ petition which was

returned, with the direction to approach the appropriate forum hence this appeal. Copy of order sheet as annexure-G.

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

Dated. 02-02-2022

Appellant

Through

**Haleem Khan Bangash
Mati-Ur-Rehman
Advocates High Court
Peshawar**

Affidavit:

I do hereby solemnly affirm and declare that the contents of the appeal are true and correct nothing has been concealed for this honourable Court/Tribunal.



United States Department of Justice
International Criminal Investigative Training Assistance Program
Islamabad, Pakistan

This Award Certifies That



Hunar Sher

In Recognition of Completion of

Advance Leadership Development Course
January 11 – January 23, 2010
Police Training School, Islamabad



Pakistan

Shahzad

Shahzad Hameed, Program Manager
US Department of Justice/ICITAP/NAS
US Embassy, Islamabad, Pakistan



Karl Clark

Karl Clark, Senior Law Enforcement Advisor
United States Department of Justice/ICITAP
US Embassy, Islamabad, Pakistan

ATTESTED
Halim Khan Bangash
Advocate

B

*United States Department of Justice
International Criminal Investigative Training Assistance Program*

Islamabad, Pakistan

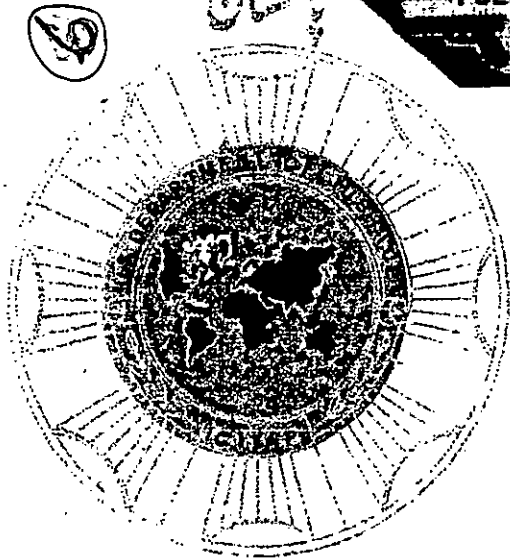


This Certificate is Awarded to

Hunar Sher

In Recognition of Completion of

*Leadership Development Course
November 02 – November 14, 2009
Police Training School, Islamabad*



Pakistan



*ATTESTED
Halim Khan Bangash
Advocate*

*Shahzad Hameed, Administrative Manager
US Department of Justice/ICITAP/NAS
US Embassy, Islamabad, Pakistan*



*Karl Clark, Senior Law Enforcement Advisor
United States Department of Justice/ICITAP
US Embassy, Islamabad, Pakistan*

7

ANN-A

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C
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AMS-C



ELITE Force Police District Peshawar



Leadership Course Diploma

DATE 01/09/2009 HEIGHT 5.7 1/2 Medical OK

Course Date: 01-11-2010 till 01-23-2010 H11, Police Line, Islamabad.



ASI Hunar Sher S/O Qadar Sher



P.O Box Daodzai, Police Station Daodzai, Tehsil/District Peshawar.

Religion: Islam



D.O.B: 13/3/1968

CNIC: 17301-1906169-5

Nationality: Pakistan

Province: KPK

Permanents/ Postal/ Address: Villuge Nelavi.

P.O. Box Nahaqi Tehsil and District Peshawar.

WATSESTE
Malim Khan Bangash
Advocate

P
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L
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C
E

Signature of Issuing Authority:

عزت مآبہ الیکٹرک جنرل صاحب آف پولیس خیبر پختونخواہ، لختاورد

عاجزانه اپیل بمبر اور بحال کئے جانے سائل
بخدمت ASI جو حکم پولیس میں تھا اور بااجازت
اصلی افسران 4 ماہ تبلیغ میں کیا گیا تھا اور
تبلیغ سے واپسی پر سائل ASI کو بھرتہ پینٹل الملکم
ملزومت سے بہر خاست کیا تھا، نہ ہی بہر خاستگی
کا کوئی کمرہ ہی لوٹن دیا اور نہ ہی شوکار دیا تھا،
سائل نے باقاعدہ مطالباتی قانون حکمانہ اسل بھی کیا تھا
کیا درخواستیں افسران بالذاتی خدمت میں گزاریں گئیں جنہوں نے
میں سے کوئی جواب نہیں دیا اور نہ ہی

جناب عالی۔ سائل حسب ذیل انتہائی عاجزانہ اپیل کرتا ہے

1. یہ کہ سائل 2006 میں خیبر پختونخواہ پولیس میں بخدمت ASI بھرتہ
کیا گیا اور انتہائی جان فشانی سے فرض کی انجام دیسی کر رہا تھا۔
 2. یہ کہ بااجازت افسران بالذاتی تبلیغ میں کیا گیا تھا اور واپسی پر زبانی
طور سائل کو کیا گیا، کہ ہم جلازمت سے بہر خاست ہو۔ سائل نے یہ غم ناک
خبر میں کر اس کے پیش آ رہی ہے۔
 3. یہ کہ سائل کے 15 بچے ہیں اور اس میں 3 بچے معذور ہیں۔ بہرہ
سائل سے یہ کسی قسم کی زندگی گزار رہے ہیں جس کی وجہ سے سائل کی
حالت قابل رحم ہے۔
- لینڈ انڈرس حالات سائل کی حال بہر رسم کر کے ملزومت پر
بحال رہنے کا حکم ہمارے قوانین۔ از روئے انصاف سائل کی جوں
پر رسم کر کے نوازتہ نیوی

المترکون
14
2021

سائل شہر مشر ولد مارشہ ساکن ننداری نحتی
شہر دنگل لختاورد
03149003424

ATTESTED
Halim Bangash
Advocate

ATTESTED
HALIM BANGASH
Oath Commissioner
Judicial Complex
Deshawa

بہان حلقہ
حالت بہر رسم کر کے نوازتہ
در سندھ کے قوانین
آب افسران بالذاتی
در حال
میں رہے

Ann C 9

THE HONORABLE CHIEF JUSTICE, PESHAWAR HIGH
COURT PESHAWAR

APPEAL FOR RE-APPOINTMENT OF THE
PETITIONER IN POLICE DEPARTMENT WHO
WAS "ASI" BY RANK.

RESPECTED SIR,

1. That the petitioner / appellant was initially appointed in the police department as an ASI in 01-09-2009.
2. That he was send to Police Institution Islamabad for the leadership training, and so on human right which he has completed successfully.
3. That the petitioner was serving to the entire satisfaction of his superiors no deficiency was on his behalf.
4. That the petitioner approach to tableegh for four months by taking prior permission of his superiors.
5. That in tableegh the communication source is limited. I was not informed properly nor I was able to contact even with my own home.
6. That when I return from tableegh for joining the duties I was verbally told that your services in no more required to this department.
7. That I tendered various applicable before my superior i.e I.G.P & C.C.P.O for restoration of my services but could not accorded.

It is therefore prayed that my service may please be restored in pursuance of many application tendered before.

ATTESTED
Hafim Khan Bangash
Advocate

Appellant / Petitioner
Hunar Sher S/o Qader Sher
R/o Nilavi P.O Nahqi District
Peshawar.
Cell # 0301-8894881

The Honble Inspector General
of Police K.P.K Peshawar

Subjed: Application for supplying the termination
order of Hunar Sher S/O. Qadir Sher
ASI Police Deptt K.P.K.

Dear Sir, Peshawar

1. That the Applicant was serving in your Department as an ASI and he performed his duty with full devotion and honesty.
2. That the applicant was terminated from his services without any show cause, notice, departmental enquiry and not yet provided his termination letter till today, in this respect the applicant made so many applications to your kind consideration, but in vain.

ATTESTED
Halim Khan Bangash
Advocate

It is therefore humbly prayed that on acceptance of this application the Applicant may kindly be supplied all the relevant document if any.

R/O NELAYI. P/S.
Daud Zai Ditta
PESHAWAR

Applicant
HUNAR Sher S/O Qadir
Sher ASI, Police - 0301-88948

IN THE PESHAWAR HIGH COURT, PESHAWAR.
OBJECTION SLIP

No: 44 Hunar Sher V/S Govt of KPK through Chief Secretary and others

54 Being a matter related to the terms and condition of Civil Service, this Writ Petition is not maintainable under article 212 of the Constitution.

[Signature]
READER

Returned with above mentioned objections for removal to be re-submitted on or before _____

17/01/2022

04 January 2022

[Signature]
Deputy Registrar/ Incharge
Peshawar High Court, Peshawar

Sir

There is no remedy available except
this writ Petition -
it hereby resubmitted.

Wajid Ahmad Bangash
Advocate

~~ATTESTED~~
~~Halim Khan Bangash~~
~~Advocate~~

[Signature]

AN. E (14)

WP _____/2022

Hunar Sher vs Govt of KP etc

R/Sir,

1. The above titled **Writ Petition** has been filed by learned counsel for the petitioner which was returned to him with office **objection 54** that being a matter of terms and conditions of civil service this writ petition is not maintainable under Article 212 of the Constitution. He re-filed the case with a note of request i.e (Flag-A).
2. If approved, we may return the petition to the counsel or fix before the Hon'ble Court.
3. Submitted for orders, please.


 H.V.C
 06-01-2022

Add: Registrar Judl:

4. Submitted for orders whether to:
 - A. Entertain the case at the Principal Seat for hearing.
 - B. Return for filing it before the appropriate forum, or
 - C. May be fixed before the court along with objection.

ATTESTED
 Halim Khan Bangash
 Advocate


 Additional Registrar (J)

10/01/22

Hon'able the Chief Justice

Page 4/B

approved



10-1-2022

بعدالت جناب حیدر خان گواہ سرکار پورہ، لٹا

CC-03018902007

2022ء منجانب اسلام آباد

مورثہ 22-2-3

سینئر شہر بنام حکومت و غیرہ

مقدمہ
دعویٰ
جرم

باعث تحریر آنکہ

آن مقام لٹا
مطیع الرحمن ادریس
دعویٰ قبول

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
کیلئے حلیم خان بنگش ایڈووکیٹ، مطیع الرحمن ادریس،
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 برحلف دینے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری بیکطرفہ یا اپیل کی برآمدگی اور منسوجی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور 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 بالا اختیارات حاصل ہوں گے۔ اور اس کا ساختہ
برداشتہ منظور و قبول ہوگا۔ و دوران مقدمہ میں جو خرچہ و حرجانہ التوائے مقدمہ کے سبب سے ہوگا۔
اس کے مستحق وکیل صاحب موصوف ہوں گے۔ نیز بقایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا۔
اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے۔ کہ پیروی مذکور کریں
لہذا وکالت نامہ لکھ دیا کہ سند رہے۔

2022ء

3 مارچ 2022

المقوم

گواہ شد

Accepted

Halim Khan Bangash
Advocate

3-2-22

بمقام لٹا کے لئے منظور ہے۔