

21st July 2022

Learned counsel for the appellant present. Kabiruallah Khttak, Addl: AG alongwith Mr. Gul Shehzad, S.I (Legal) for respondents present.

Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the case. Adjourned. To come up for arguments on 22.09.2022 before D.B at camp court Abbottabad.



(Salah Ud Din)
Member (Judicial)



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

22nd Sept 2022

Appellant in person present. Mr. Muhammad Jan, District Attorney alongwith Mr. Albert David, Supdt (Lit-II) for the respondents present.

Appellant seeks adjournment on the ground that his counsel is not available today. Last chance is given to argue the case failing the case will be decided on the available record without arguments. To come up for arguments on 14.11.2022 before D.B at camp court Abbottabad.



(Fareeha Paul)
Member (Exeuctive)



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

14.02.2022

Due to retirement of the Hon'able Chairman, the Tribunal is defunct, therefore, the case is adjourned for the same before on 18.05.2022



Reader

18.05 2022

Counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not prepared the case. Adjourned. To come up for arguments before D.B on 19.07.2022 at camp court Abbottabad.



(Fareeha Paul)
Member (E)



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad



19th July 2022

Appellant alongwith his counsel present. Mr. Noor Zaman Khattak, District Attorney alongwith Mr. Zahid Khan, ASI for respondents present.

Arguments to some extent heard. Learned counsel for the appellant during the course of arguments wants to produce some documents before the court. He may do so within two days. To come up for further arguments on 21.07.2022 before D.B at camp court Abbottabad.



(Salah Ud Din)
Member (Judicial)



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

1091/20

14.10.2021

Counsel for appellant and Mr. Muhammad Adeel Butt, Addl. AG alongwith Mr. Zahid Asstt. for the respondents present.

Written reply/comments are still awaited. Last opportunity is granted to the respondents for submission of written reply/comments on next date. If they fail to submit reply/comments on the next date, their right for submission of written reply/comments shall be deemed as struck off. Case to come up on 29.11.2021 before the S.B at camp court, Abbottabad.



Chairman
Camp Court, A/Abad

29.11.2021

Appellant in person and Mr. Muhammad Riaz Khan Paindakhel, AAG alongwith Gul Shahzad, SI (Legal) for the respondents present.

Reply/comments have been submitted on behalf of the respondents. To come up for arguments on 14.02.2022 before the D.B at camp court, Abbottabad.



Chairman
Camp Court, A/Abad

30.09.2020

Appellant in person present.

Submitted an application for transfer of instant matter to Camp Court of this Tribunal at Abbottabad. He also requests for adjournment as his learned is indisposed today.

The memorandum of appeals shows that the appellant belongs to District Mansehra while DPO Mansehra has been arrayed as first respondent. Office is, therefore, required to place instant matter in the diary of Camp Court, Abbottabad. To come up for preliminary hearing before S.B on 17.12.2020 at Abbottabad.


Chairman

*Due to COVID-19 case is
adjourned to 18-03-2021*

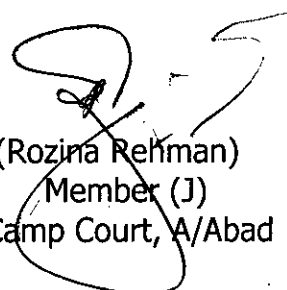
*An
Rashid*

18.03.2021

Appellant present through counsel. Preliminary arguments heard. File perused.

Points raised need consideration. Appeal is admitted to regular hearing subject to all legal objections. Appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for reply/comments. To come up for written reply/comments on 14/07/2021 before S.B at Camp Court, Abbottabad.

Appellant Deposited
Security Process Fee






(Rozina Rehman)
Member (J)
Camp Court, A/Abad

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1091 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/02/2020	<p>The appeal of Mr. Saif-ur-Rehman presented today by Mr. Munir Ahmad Bhatti Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please. decrease</p> <p style="text-align: right;"> REGISTRAR 21/02/2020</p>
2-	06-03-20	<p>This case is entrusted to touring S. Bench for preliminary hearing to be put up there on <u>21-04-020</u></p> <p style="text-align: right;"> MEMBER</p>
	21.04.2020	<p>Due to COVID19, the case is adjourned to 21.07.2020 for the same as before.</p> <p style="text-align: right;"> Reader</p>
	21.07.2020	<p>Neither appellant nor his counsel is present. The appeal was adjourned due to COVID-19, therefore, notices be issued to appellant and his respective counsel for 30.09.2020. File to come up for preliminary hearing before S.B.</p> <p style="text-align: right;"> (MUHAMMAD JAMAL KHAN) MEMBER</p>

گعدالت صبا سرور سے سر جو مل کمیٹی کوٹ ایسٹ آباد

سیف الرحمن نام DPo (پولیس)

سرور سے اسل نمبر 1091
20

درخواست برائے تبدیلی تاریخ روزہ

صبا علی درخواست قابل غرض ہے

1. یہ کہ اسل نمبر ان زیر فوج عدالت انتخاب ہے جس میں

7 مارچ کو تبدیلی ہو چکی ہے

2. یہ کہ ولیل عدالت کی محکمہ فوج پولیس میں ہیں وہ حال

عدالت نہیں ہو سکتے

3. یہ کہ اسل کے ضمنی حقوق کا سوال ہے میں مع درخواست

جدداً کٹا رہی جا رہی ہے

لہذا استدعا ہے کہ تاریخ روزہ کو تبدیل فرمایا جائے

اعضائے عدالت کو مطلع کیا جائے

التاریخ 09
22
2022

بذریعہ عدالت پولیس

سیف الرحمن

سیف الرحمن سائل

**BEFORE THE KHYBER PAKHTUNKHAWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. 1091/2020

Saif ur Rehman

... APPELANT

V E R S U S

District Police Officer, Mansehra & Others

... RESPONDENTS

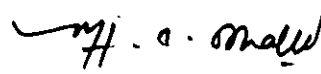
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1	Service Appeal alongwith affidavit	1 to 9	
2	Copy of the Appeal	10 - 17	"A"
3	Copy of the judgment dated 09/09/2017	18 - 20	"B"
4	Copy of the pay roll	21	"C"
5	Copy of the application	22	"D"
6	Copy of the letter dated 21/12/2018 & 14/05/19	23, 24	"E" & "F"
7	Copy of the office letter dated 11/07/2019	25	"F"
8	Copies of the department appeal and postal receipts	26-27, 28	"G", "H"
9	Copies of the letter dated 29/11/2017 and Merit List	29 - 30, 31	"I", "J"
10	Wakalatnama	32	

Dated 19 / 02 / 2020

... APPELANT

Through


Munir Ahmad Bhatti
 Advocate High Court
 Abbottabad

**BEFORE THE KHYBER PAKHTUNKHAWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. 1091/2020

Saif ur Rehman, Head Constable, Police Station Saddar, Presently at
police station- city, Mansehra

... APPELLANT
Khyber Pakhtunkhwa
Service Tribunal
Case No. 1316
Dated 21/2/2020

V E R S U S

1. District Police Officer, Mansehra.
2. Inspector General of Police, KPK, Peshawar.
3. Govt. of Khyber Pakhtunkhwa through Secretary Home Department,
Peshawar.

... RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE ORDER PASSED BY THE RESPONDENT NO. 2, THE DEPARTMENTAL AUTHORITY, VIDE OFFICE ORDER NO.3403 DATED 11/07/2019 RECEIVED BY THE APPELLANT ON HIS PERSONAL VISIT TO THE RESPONDENT NO. 1 OFFICE ON 30/09/2019, WHEREBY APPLICATION OF THE APPELLANT SEEKING SENIORITY W.E.F 11/03/2013 WAS DISMISSED AND OMISSION TO PASS ANY ORDER BY THE APPELLATE AUTHORITY, RESPONDENT NO.3 WITH RESPECT TO DEPARTMENTAL APPEAL SUBMITTED BY APPELLANT DATED 26/10/2019 IS ILLEGAL, UNLAWFUL, VOID , ARBITRARY WITHOUT JURISDICTION, THUS LIABLE TO BE SET ASIDE.

Prayer: ON ACCEPTANCE OF THE INSTANT APPEAL THE IMPUGNED ORDER DATED 11/07/2019, RECEIVED BY THE APPELLANT ON, 30/09/2019 PASSED BY THE DEPARTMENTAL AUTHORITY, MAY KINDLY BE SET ASIDE AND THE APPELLANT MAY GRACIOUSLY BE GRANTED SENIORITY W.E.F 11/03/2013 AND

Filed to-day
21/02/2020
Registrar

BEFORE THE KHYBER PAKHTUNKHAWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. 107/12019

Safir Rehman Head Constable, Police Station Sadar, Peshawar
Police Station-city, Manshera

APPELLANT

V E R S U S

- 1 District Force Officer, Manshera.
- 2 Inspector General of Police, KPK, Peshawar.
- 3 Govt of Khyber Pakhtunkhwa through Secretary Home Department, Peshawar.

...RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE ORDER PASSED BY THE RESPONDENT NO. 2, THE DEPARTMENTAL AUTHORITY, VIDE OFFICE ORDER NO. 3403 DATED 11/07/2019 RECEIVED BY THE APPELLANT ON HIS PERSONAL VISIT TO THE RESPONDENT NO. 1 OFFICE ON 30/08/2019, WHEREBY APPLICATION OF THE APPELLANT SEEKING SENIORITY W.E.F. 11/03/2019 WAS DISMISSED AND OMISSION TO PASS ANY ORDER BY THE APPELLATE AUTHORITY, RESPONDENT NO. 3 WITH RESPECT TO DEPARTMENTAL APPEAL SUBMITTED BY APPELLANT DATED 30/08/2019 IS ILLEGAL, UNLAWFUL, VOID, ARBITRARY WITHOUT JURISDICTION, THIS LABLE TO BE SET ASIDE.

Prayer: ON ACCEPTANCE OF THE INSTANT APPEAL THE IMPUGNED ORDER DATED 11/07/2019, RECEIVED BY THE APPELLANT ON 30/08/2019 PASSED BY THE DEPARTMENTAL AUTHORITY, MAY KINDLY BE SET ASIDE AND THE APPELLANT MAY GRACIOUSLY BE GRANTED SENIORITY W.E.F. 11/03/2019 AND

SUBSEQUENT PROMOTION ALONG WITH ALL THE BACK BENEFITS.

Respectfully Sheweth:

Brief facts leading to the instant appeal are averred as under;

1. That on 04/10/2012 the appellant while serving as Head Constable and posted at police station-city, Mansehra, on mobile duty chasing the Timber smugglers when he was attacked by them, snatched his private pistol and fired at him which caused him grievous injury. The occurrence was duly registered vide FIR No. 1137 dated 05/10/2012.
2. That as consequence of the above occurrence, the appellant was proceeded against departmentally under the Khyber Pakhtunkhwa Police Disciplinary Rules, 1975 on charges of cowardice and criminal negligence amounting to misconduct.
3. That the District Police Officer, Battagram recommended major punishment of reversion from the rank of Head Constable to the Constable vide order no. 109-10/ PA dated 11/03/2013.
4. That the Regional Police Officer, Hazara Region, Abbottabad, the appellate authority, rejected the departmental appeal/ representation filed by the Appellant against the order dated 11/03/2013 vide letter no. 6859 dated 07/08/2013, feeling aggrieved the Appellant instituted

Appeal No. 1333/2013 dated 09/09/2013 under section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974. soliciting setting aside of the order of Appellate authority dated 07/08/2013 before the KPK Service Tribunal, Peshawar which was subsequently transferred to Camp Court, Abbottabad. (Copy of the Appeal is annexed as annexure "A").

5. That the KPK Service Tribunal, Camp Court, Abbottabad vide judgment dated 19/09/2017 set aside the impugned order dated 11/03/2013. (Copy of the judgment dated 19/09/2017 is annexed as annexure "B").
6. That the respondent no.1 as competent authority in compliance of the court order promoted the Appellant as Head Constable (BPS_07) from the date of his reversion i.e. 13/03/2013, readjusted his basic pay and paid arrears for the date of his reversion i.e. 13/03/2013 till date. (Copy of the pay roll is attached as annexure "C").
7. That the Appellant was subsequently selected for intermediate College Course vide office letter no. 27174-84/E dated 29-11-2019 although the Appellant cleared lower course during the year 2003 and was promoted as C-1 Head Constable in 2008. In accordance with merit list he should have been selected for intermediate college course in the year 2013 along with his batch mates A.S.I Samar Khan

26 but due to departmental enquiry and reversion his name was dropped from the list of selectees.

8. That the Appellant after qualifying the intermediate college course in the year 2018, submitted an application dated 16/12/2018 soliciting grant of seniority w.e.f 13/03/2013 to the respondent no.1, the competent authority through proper channel. (Copy of the application is annexed as Annexure "D").
9. That the respondent no. 1, without issuing any appropriate order, forwarded the above referred application to the Regional Police Officer, Hazara Region, Abbottabad for perusal and other necessary action vide office letter no. 19805/SRC dated 21/12/2018. (Copy of the letter dated 21/12/2018 is annexed as annexure "E").
10. That the Regional Police Officer, Hazara Region, Abbottabad abstained from passing any appropriate order and forwarded the same application to the Additional Inspector General of Police (Legal) Peshawar vide office letter No. 12497/E dated 14/05/2019. (Copy annexed as Ann E)
11. That the Additional Inspector General of Police (Legal) Peshawar on behalf of respondent no.2 dismissed the Application of appellant vide office letter no. 3403/ Leg dated 11/07/2019 which was neither communicated n

was dropped from the list of selectees
28 out due to departmental enquiry and reversal of his name

8 That the Appellant after qualifying the intermediate college
course in the year 2018, submitted an application dated
16/12/2018 soliciting grant of seniority w.e.f. 13/03/2013 to
the respondent no.1, the competent authority through proper
channel. (Copy of the application is annexed as Annexure

10)

9. That the respondent no.1, without issuing any appropriate
order forwarded the above referred application to the
Regional Police Officer, Hazara Region, Abbottabad for
perusal and other necessary action vide office letter no
19605/RJC dated 21/12/2018. (Copy of the letter dated
21/12/2018 is annexed as annexure "E").

10. That the Regional Police Officer, Hazara Region
Abbottabad abstained from passing any appropriate order
and forwarded the same application to the Additional
Inspector General of Police (Legal) Peshawar vide office
letter No. 12407/E dated 14/02/2019. (Copy of letter dated

11. That the Additional Inspector General of Police (Legal)
Peshawar on behalf of respondent no.2 dismissed the
Application of appellant vide office letter no. 34031/Legal
dated 11/07/2019 which was neither communicated no

informed to the appellant. When the Appellant personally visited the office of the respondent no. 2 on 30/09/2019, he was verbally informed regarding dismissal of his application, and on his request provided him the attested copy of the above referred office letter dated 11/07/2019 on 30/09/2019. (Copy of the office letter dated 11/07/2019 is annexed as annexure "F").

12. That the Appellant, feeling aggrieved from the order of dismissal of his application, preferred departmental appeal to the respondent no. 3, Appellate authority, on 28/10/2019 through head of the office i.e SHO PS-City Mansehra who handed over the same to the appellant for dispatch through postal service. (Copies of the departmental appeal and postal receipts are annexed as annexure "G", "H").

13. That the Appellate authority inspite of passage of three months (90 days) failed to decide the department appeal in one way or the other, feeling aggrieved from the inaction of the Appellate authority, the instant appeal is instituted by the appellant, for due redressal of his grievances, inter alia, on the following grounds.

Grounds:

- a. That dismissal of application by the departmental authority and failure of the appellate authority to decide the matter in dispute i.e. seniority of the Appellant is illegal, unlawful, void, mala fide and liable to be rectified.

- b. That the Appellant was wrongfully denied his rightful seniority and subsequent promotion inspite of the fact that his reversion order was set aside by the learned KPK Service Tribunal, Camp Court, Abbottabad meaning thereby that he was restored in his original position, without break in his service, therefore, his length of service was to be ascertained from the date when he was originally promoted as Head Constable in the year 2008.
- c. That the Appellant was subsequently selected for intermediate college course vide office letter no. 27174-84/E dated 29/11/2017 although he cleared his lower class course during the year 2003 and was promoted as C-1 Head Constable in the year 2008. In accordance with merit list he should have been selected for intermediate college course in the year 2013 along with his batch mates ASI Samar Khan no. 26, but due to reversion order his name was dropped from the list of selectees. (Copies of the letter dated 29/11/2017 and Merit List are annexed as annexure "I" & "J").
- d. That the Appellant, after gaining original post of Head constable vide order dated 19/09/2017 passed by the KPK Service Tribunal, Camp Court, Abbottabad, he was not only allowed back benefits but also his service continued without any break by the respondent no.1, therefore, the Appellant has a vested right to be granted his original seniority and

That the Appellant was wrongfully denied his rightful seniority and subsequent promotion in spite of the fact that his reversion order was set aside by the learned KPK Service Tribunal, Camp Court, Appointed meaning thereby that he was restored in his original position without break in his service therefore, his length of service was to be ascertained from the date when he was originally promoted as Head Constable in the year 2003.

That the Appellant was subsequently selected for intermediate college course vide office letter no. 27174-84-E dated 29/11/2017 although he cleared the lower class course during the year 2003 and was promoted as C Head Constable in the year 2008 in accordance with merit list he should have been selected for intermediate college course in the year 2013 along with his batch mates ASI Samir Khan no. 26 but due to reversion order his name was dropped from the list of selected. Copies of the letter dated 29/11/2017 and Merit List are annexed as annexure 7 &

(1)

That the Appellant after gaining original post of Head Constable vide order dated 19/03/2017 passed by the KPK Service Tribunal, Camp Court, Appointed, he was not only allowed back benefits but also his service continued without any break by the respondent not, therefore, the Appellant has a vested right to be granted his original seniority and

subsequent promotion retrospectively from the date his batch mates were promoted.

- e. That the Appellant fulfills the criteria laid down for promotion whereas he is illegally and unlawfully denied his due right of promotion to the post of ASI.
- f. That the seniority and consideration for promotion is the vested right of the Appellant withholding of which amounts to imposing penalty without any fault on his part and in violation of the principles of the natural justice being condemned unheard.
- g. That it is also well established that the authorities vested with discretion are required to act in good faith, must have regard to all the relevant considerations and must not be swayed by irrelevant or extraneous considerations. The appellant reminded the respondents verbally and through written representations regarding his seniority and subsequent promotion but the respondents showing indifferent attitude, refused to do so.
- h. That the departmental authority acted in arbitrary manner, grossly violating the principles of natural justice. The appellant was neither called for personal hearing nor provided an opportunity to explain his case. The order passed by the departmental authority refusing to grant

seniority and promotion afterwards is without jurisdiction, bad in the eye of law and liable to be set aside.

- i. That the instant appeal is well within time.
- j. That additional points shall be raised at the time of arguments after permission by this Honourable Tribunal.

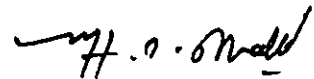
On acceptance of the instant Appeal the impugned order dated 11/07/2019, received by the appellant on 30/09/2019 passed by the departmental Authority, may kindly be set aside and the appellant may graciously be granted seniority w.e.f 11/03/2013 and subsequent promotion along with all the back benefits. Any other relief this honourable tribunal deems fit and proper may also be granted.



....APPELLANT

Dated: 19/02/2020

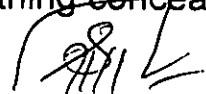
Through



Munir Ahmad Bhatti
Advocate High Court
Abbottabad.

VERIFICATION:

Verified on oath that contents of the foregoing appeal are true and correct to best of my knowledge and belief and nothing concealed from this Honourable Tribunal.



....APPELLANT

**BEFORE THE KHYBER PAKHTUNKHAWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. _____/2020

Saif ur Rehman

... APPELANT

V E R S U S

District Police Officer, Mansehra & Others

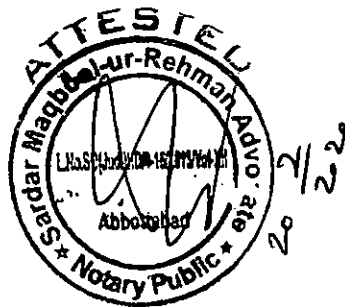
... RESPONDENTS

AFFIDAVIT

I Saif ur Rehman, Head Constable, Police Station Saddar, Presently at police station- city, Mansehra solemnly affirms and declare on oath that the contents of the titled Writ Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon' able court.



DEPONENT



Ann - A

10

BEFORE KHYBER PAKHTOONKHWASERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. _____/2013

Saif ur Rehman, Ex. Head Constable, Police Station-Saddar, presently at Police Post, Township, Police Station City, Mansehra.

...APPELLANT

VERSUS

1. District Police Officer, Mansehra.
2. District Police Officer, Battagram.
3. Regional Police Office, Hazara Region, Abbottabad.
4. Govt. of Khyber Pakhtunkhwa, through Secretary Home Department, Peshawar.

....RESPONDENTS

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER PASSED BY THE RESPONDENT NO. 3, THE APPELLATE AUTHORITY, DATED 07/08/2013 RECEIVED BY THE APPELLANT ON 23/08/2013 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED.

C-7-C
1

M. A. Malik

Musir Ahmad Tabbati
Advocate High Court,
Abbottabad

11

PRAYER: ON ACCEPTANCE OF THE INSTANT APPEAL, THE IMPUGNED ORDER DATED 07/08/2013 PASSED BY THE APPELLATE AUTHORITY MAY KINDLY BE SET-ASIDE AND THE PENALTY OF REVERSION FROM THE RANK OF HEAD CONSTABLE TO THE RANK OF CONSTABLE IMPOSED BY THE DEPARTMENTAL AUTHORITY VIDE ORDER NO. 109-10/PA DATED 11/03/2013 BE GRACIOUSLY REVERSED.

Respectfully Sheweth: -

1. That on 04/10/2012 while the appellant was serving as Head Constable in Police Department and posted at Police Station-City, Mansehra on loan basis from District Battagram and on mobile duty chasing the timer^b smugglers when he was attacked by them, snatched his private pistol and fired at him which caused grievous injury. The occurrence was duly registered vide FIR No. 1137 dated 05/10/2012. Copy of the FIR and statement of appellant are annexed as Annexure "A" & "B".
2. That as consequence of the above occurrence, the appellant was proceeded against departmentally under the Khyber Pakhtunkhwa Police Disciplinary Rules, 1975 on charges of cowardice and criminal negligence amounting to misconduct. Charge sheet and statement of allegation were

C.T.C
/

Muhammad Ali

Muhammad Ali
Advocate High Court,
Abbottabad

served upon the appellant by the respondent No.1. Copies of the charge sheet and statement of allegations dated 11/10/2012 are annexed as Annexure "C" & "D".

3. That the appellant submitted reply of the charge sheet dated 08/11/2012. Copy is annexed as Annexure "E".

4. That Mukhtiar Ahmed, DSP Shinkiari, was deputed to conduct formal departmental inquiry against the appellant by the respondent No.1 vide letter dated 11/10/2012, who summoned the appellant through Police Station-City, Manshara for 23/09/2012. Copy of the order sheet is annexed as Annexure "F".

5. That the inquiry officer after recording statement of the appellant and Rider Nasir No. 1222 of Police Station Saddar-Manshara, submitted inquiry report No. 14 dated 14/01/2013 wherein finding the appellant guilty of cowardice, recommended suitable punishment. Statement of appellant, Nasir and Inquiry report are annexed as Annexure "G", "H", "I".

6. That the final show cause notice was issued, to which the appellant submitted written reply. Copies are annexed as Annexure "J" & "K".

C.T.C

M. N. Malik

Munir Siddiqi
Advocate High Court,
Abbottabad

7. That legal opinion was obtained from the PDSP, Manshara by the respondents who advised criminal proceedings

against the appellant. Copy of the legal opinion dated 04/02/2013 is annexed as Annexure "L".

8. That the respondent No.1 after perusal of the inquiry report, recommended major punishment of the reversion from the rank of Head Constable to the constable and sent the departmental file to the respondent No. 2 for issuing appropriate order vide office letter No. 2647/OHC dated 26/02/2013. Copy of the letter is annexed as Annexure "M".

9. That the respondent No. 2, as recommended by respondent No.1, awarded major punishment of reversion to the appellant vide order No. 109-10/PA dated 11/03/2013. Copy of order is annexed as Annexure "N".

10. That the appellant submitted appeal/representation to the respondent No. 3 through proper channel vide letter No. 2528 dated 04/04/2013. Copies of the letter and appeal/representation are annexed as Annexure "O" & "P".

11. That the respondent No. 3, appellate authority, rejected the appeal/ representation submitted by the appellant vide impugned order / letter No. 6859 dated 07/08/2013 which was received by the appellant on 23/08/2013. Copy of the order / letter is annexed as Annexure "Q".

C.T.C
/

Munir Ahmad Farooqi
Advocate High Court,
Abbottabad

12. That feeling aggrieved by the impugned order/ letter dated 07/08/2013, the instant appeal is filed, inter-alia, on the following grounds; -

GROUNDS; -

- a) That the impugned order dated 07/08/2013 passed by the appellate authority alongwith the order dated 11/03/2013 passed by the departmental authority are illegal, result of misreading of material on record and are therefore, liable to be set-aside.
- b) That the charge leveled against the appellant is not proved in a satisfactory manner. The allegations of cowardice and negligence are not applicable on facts narrated by the appellant of the occurrence registered vide FIR No. 1137 dated 05/10/2012. The appellant was attacked by two timber smugglers who are habitual and hardened criminals, he received grievous fire-arm injury, never fled away but courageously tried his level best to apprehend the criminals. The defence put forth by the appellant was not taken into consideration at all whereas he was punished keeping in view a solitary statement of irrelevant witness who had not seen the occurrence.
- c) That the charge leveled against the appellant is vague and ambiguous, on such allegation no penalty

C.T.C
/

Munir Ahmad Shatti

Munir Ahmad Shatti
Advocate High Court,
Abbottabad

could be imposed upon him, thus entire proceedings are of no legal consequence.

- d) That when the appellant denied charges leveled against him, burden of proof lies on Authority which he had to prove in just, fair and reasonable inquiry conducted in accordance with the principles of natural justice.
- e) That the departmental authority acted in arbitrary manner, grossly violating the principles of natural justice. The order of competent authority, reverting the appellant from the higher rank to the lower was without jurisdiction, illegal, void ab-initio, bad in the eyes of law and liable to be set-aside.
- f) That the appellant restrained himself from attacking the assailants with firearm in good faith as he was not authorized to use lethal weapons against criminals who had not committed any offence punishable with death.
- g) That during the 23 years long tenure of appellant's service, it was first charge of misconduct, for which he was not primarily responsible. The act of omission or commission of appellant emanated from the instinctive possibility of human error, not prompted by any ulterior motive, it can be termed as case of lack of proper care and vigilance although

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Munir Ahmad Bhatti
Advocate High Court,
Abbottabad

which was not willful. Punishment imposed should always commensurate to the guilt proved. In the instant case penalty imposed is definitely excessive which should be set-aside.

- h) That the departmental authority was neither competent to initiate the departmental proceedings against the appellant nor order of reversion was proper, legal or appropriate.
- i) That during the departmental inquiry the appellant was condemned unheard as he was neither provided any opportunity to cross examine the witness appeared against him nor allowed to record evidence in his defence especially statement of the eye-witness of the occurrence thus principle of natural justice as enshrined in maxim "audi alteram partem" was blatantly violated.
- j) That the competent authority failed to pass any order deciding whether the appellant should be tried judicially or departmentally. Although charges leveled against the appellant attracts initiation of criminal proceedings in accordance with the provisions of the police order 2002 and rules laid there under.
- k) That the inquiry proceedings carried out suffered from gross legal infirmities and procedural flaws.

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Munir Ahmad Ghaffar

Munir Ahmad Ghaffar
Advocate High Court,
Abbottabad

Additionally the penalty of reversion without specifying period of punishment is violation of fundamental rules applicable to civil servants.

- l) That in service matters, extreme penalty for minor acts depriving person from right of earning would defeat the reformatory concept of punishment in administration of justice.
- m) That the instant appeal is within time.

It is, therefore, prayed that on acceptance of the instant appeal, the impugned order dated 07/08/2013 passed by the appellate authority may kindly be set-aside and the penalty of reversion from the rank of head constable to the rank of constable imposed by the departmental authority vide order No. 109-10/PA dated 11/03/2013 be graciously reversed.

...APPELLANT

Through

MUNIR AHMED BHATTI
Advocate High Court, Abbottabad

Dated: 05/09/2013

VERIFICATION: -

Verified on oath that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

...APPELLANT

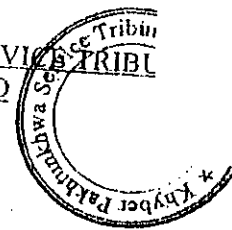
C.F.C
/

Munir Ahmed Bhatti
Advocate
Abbottabad

Ann - B

18

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT ABBOTTABAD



Service Appeal No. 1333/2013

Date of Institution... 09.09.2013

Date of decision... 19.09.2017

Salfur Rahman, Ex-Head Constable, Police Station, presently at Police Post Township, P.S City Mansehra. (Appellant).

Versus

1. The District Police Officer, Mansehra & 3 others.... (Respondents).

MR. Munir Ahmad Bhatti,
Advocate

For appellant.

MR. Muhammad Bilal,
Deputy District Attorney

For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. MUHAMMAD AMIN KHAN KUNDI,

CHAIRMAN
MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the learned counsel for the parties heard and record perused.

FACTS

2. The appellant was proceeded against departmentally on the charge of cowardice by issuing a charge sheet alongwith statement of allegations to him on 11.10.2012. On the same day in the statement of allegations Mr. Mukhtiar Ahmad, DSP Shinkiari was appointed as enquiry officer. After conducting the enquiry the matter culminated into punishment of reversion in rank vide impugned order dated 11.3.2013.

ARGUMENTS

The learned counsel for the appellant argued that the order was passed by an incompetent authority as at the time when the proceedings were initiated and penalty was imposed, the competent authority was Superintendent of Police and the present penalty

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Camp Court, Abbottabad

TESTED

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Munir Ahmad Bhatti

Munir Ahmad Bhatti
Advocate High Court,
Abbottabad

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has been imposed by the District Police Officer (of the rank of S.S.P). That neither in the charge sheet nor in the final show cause, the authority proposed specific penalty but only generally major penalty is mentioned which is also illegal. That only one witness was examined by the enquiry officer but no chance of cross examination was afforded to the appellant and the said witness was also a hearsay witness having no direct account of the occurrence. Besides the enquiry officer failed to examine any eye witness. That no chance of defence was afforded to the appellant by the enquiry officer. He also argued that no period of reversion is mentioned in the impugned order which is in violation of F.R 29. In support of his arguments, he relied upon judgments reported as 1999-SCMR-2321, 1998-SCMR-223, 2003 PLC(C.S) 358, 2000 PLC(C.S) 136 and 2001 PLC(C.S) 109.

4. On the other hand, the learned Deputy District Attorney argued that the order has been passed by the competent authority as the D.P.O has the rank of S.P. That the charge of cowardice against the appellant was proved. That the appellant himself admitted in his examination by the enquiry officer that he had committed cowardice.

CONCLUSION.

5. This Tribunal shall first deal with the competency of the authority passing the impugned order. In the Police Act, 1961, the head of the District Police is to be called "S.P". Against this post some time senior police officer were used to be appointed who used to be called "S.S.P" by virtue of his seniority and not by virtue of his post. An S.S.P while appointed as head of the District Police was exercising the powers of S.P. By virtue of Police Order, 2002, the successor of the S.P was called as DPO, hence the DPO being successor of S.P had the authority to pass the impugned order.

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6. Coming to the charge of cowardice, the Police Rules, 1975 though have no specific definition of cowardice, however, the charge sheet brought the cowardice within the umbrella of the "misconduct". The term "Cowardice" is something which is highly relative and if any person is punished on the basis of this relative term it should be proved

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Musir Ahmed
Advocates High Court,
Abbottabad

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beyond any doubt that the cowardice has been shown by the delinquent. If we go through the record it is established that the appellant was injured during the scuffle in his arm pit. How one can call such episode to be the result of cowardice on the part of the appellant. There is no clear cut evidence on the file, making the appellant guilty of the cowardice. Only one witness has been examined by the enquiry officer which is not the eye witness. This evidence is therefore, not admissible. Furthermore no chance of cross examination was given to the appellant. It is also a well established principle of evidence including the administrative law that chance of defence must be given to the delinquent during the enquiry. There is nothing on the record to show that the appellant has given any chance of defence. One of the judgment press into service by the learned counsel for the appellant is about the mandatory nature of FR 29 which has not been complied with by the authority while passing the impugned order.

7. Keeping all these circumstances and the law in view, this Tribunal reaches the conclusion that the penalty awarded to the appellant was not in accordance with law. The appeal is therefore, accepted and the impugned order is set aside. Parties are left to bear their own costs. File be consigned to the record room.

Sd-
(Niaz Muhammad Khan)

Chairman
Camp Court, A/Abad

Sd-
(Muhammad Amin Khan Kundi)
Member

ANNOUNCED
19.09.2017

Certified to be true copy

F. Sule
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Camp Court, Abbottabad

C.T.C
M. A. Malik
Date of Presentation of Application 19-09-17
Number of Words 1200
Copying Fee 8-00
Urgent 2-00
Total 10-00 *R.*
Name of Copyist _____
Date of Completion of Copy 19-09-17
Date of Delivery of Copy 20-09-17

Munir Ahmad Chaudhry
Advocate High Court,
Abbottabad

Ann- C

(21)

PAY ROLL SYSTEM
 AMENDMENT FORM
 MULTIPLE EMPLOYEE ENTRY
 OFFICE OF THE DISTRICT POLICE OFFICER MANSEHRA
 FOR THE MONTH OF 04/2018.

FORM 03
 DATE 04/2018
 Page No 02

Cost Center	3	0	0	2	3	4	7	4
DDO CODE		M	A	4	0	2	7	

EMPLOYEE DETAIL		GENERAL DATA CHANGE												
Employee No. 07		Employee Name & No.		Info 10 type	Field ID 12	New Contents 13	Wage Type 15	Amount Rs 16 Paise ADJ 17			Stop Sal 18	Effective Date 19	Remarks	
00324644		Hc Saif ur Rehman No-799			0001	Bonus Pay	-	-	27	460	-	-		Promoted as Head Constable BPS-07 from the date of his reversion i.e-13-03-2013 in the light of court order
					5801	Adjust B-Pay	-	-	37	340	-	-		

04-2018

Prepared By [Signature]
 District Police Officer
 Mansehra

Audited/Checked [Signature]
 C.F.C.
 Munsir Ahmed Bhatti
 Advocate High Court,
 Islamabad

Entered Verified by _____

O/C

خدمت صاحب DPO لاہور ہائیکورٹ

صاحب عالی

میں نے اطلاع دی کہ عدالت نے سال 2003 کے سلسلے میں
 رٹوں میں ٹورنر ٹورنر جاس جاس کیا اور سال 2008
 میں آئی جی جیڈ ٹی ایم ایس ایس اور فورٹ ٹی ایم ایس ایس کی
 سائل ٹی ایم ایس ایس ٹی ایم ایس ایس ٹی ایم ایس ایس
 تھا سال 2013 میں انٹرنیٹ پر ٹی ایم ایس ایس
 تھا اس سے پہلے یہ سائل ٹی ایم ایس ایس
 ریفرنڈم ٹی ایم ایس ایس ٹی ایم ایس ایس
 عدالت میں سے عدالت نے سائل سے حق منہم
 سائل عدالت سے منہم ٹی ایم ایس ایس
 سے اور سائل 2018 میں انٹرنیٹ پر ٹی ایم ایس ایس
 ٹی ایم ایس ایس ٹی ایم ایس ایس ٹی ایم ایس ایس
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 An
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عین فریڈم ٹی ایم ایس ایس

اعمالی

سیف الرحمن 799 ضل نظام سٹاٹو سٹریٹ

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Munir Ahmad Bhatti
 Advocate High Court,
 Abbottabad

Ann - E

23



Police - District Police Officer, Mansehra No. 198-5/1111

From The District Police Officer
Mansehra

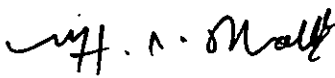
To The Regional Police Officer
Hozara Region, Abbottabad

Subject: APPLICATION
Memorandum.

Enclosed you will find an application in respect of Head Constable
Sait-ur-Rehman No. 799 of this district is submitted herewith for favour of
kind perusal and further necessary action please.


District Police Officer,
Mansehra

C.F.C
)


Munir Ahmed Bhatti
Advocate High Court,
Abbottabad

Ann - E-1

241

From: The Regional Police Officer,
Hazara Region Abbottabad

To: The AIG, Legal,
CPO Peshawar

No. 12497 /E, Dated Abbottabad the, 14-05 2019.

Subject:- APPLICATION.


Memorandum:

Enclosed please find herewith an application submitted by Head Constable Saif-ur-Rehman No.799 of Mansehra District for perusal.

In the year 2013 he was not selected for Intermediate College Course due to awarded of punishment of reversion to the rank of LHC. Later on the said punishment was set aside by accepting his appeal vide Judgment of the Khyber Pakhtunkhwa Service Tribunal dated 19-09-2017 (copy attached). He was selected for Intermediate College Course in the year 2018 and successfully qualified the same. Now he is requesting for seniority from the year 2013.

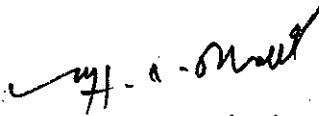
Please necessary legal guidance in the matter is requested

please.


Regional Police Officer
Hazara Region Abbottabad

o/c

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Munir Ahmed Bhatti
Advocate High Court,
Abbottabad

160316
20-05-19

Ann-F-107

25



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar

8197
15.07.19

No: 3403 /Legal dated Peshawar, the 11/07/2019.

To: The Regional Police Officer,
Hazara.

Subject: APPLICATION
Memo:

Office of the Inspector General of Police
5020
26-7-19
Central Police Office

Please refer to your office letter No. 12497A dated 14.05.2019 on the subject cited above.

As per contents the appellant was not selected for intermediate college course in the year 2013 due to reversion as LHC. The appellant lodged Service Appeal which was accepted vide judgment dated 19.09.2017. Hence applicant was selected for intermediate college course in the year 2018. Now applicant seeks seniority from 2013. The perusal of judgment dated 19.09.2017, reveals that no back benefit of seniority has been allowed to applicant.

[Signature]
AIG/Legal
For Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar

RK

D.P.O. Mansehra

No. 17963/EC

dt. 23-07-19

For info. This is w/r to your office Memo No. 19803/SPC dated 21-12-18

[Signature]
15/07

SRL
The same copy has conveyed to Quarter command through SP FRP.

Attested

[Signature] 30/9/19
District Police Officer
Mansehra

[Signature]
D.P.O. Mansehra
23/7

C.F.C.

[Signature]

Munir Ahmad Bhatti
Advocate High Court,
Abbottabad

BETTER COPY

**OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA**

Central Police Office, Peshawar
No. 3403/Legal dated Peshawar, the 11/07/2019.

To:- The Regional Police Officer,
Hazara.

Subject:- APPLICATION

Memo:-

Please refer to your office letter No> 12497/E dated 14.05.2019 on the subject cited above.

As per contents the appellant was not selected for immediate college course in the year 2013 due to reversion as LHC. The appellant lodged Service Appeal which was accepted vide judgment dated 19.09.2017. Hence, applicant was selected for intermediate college course in the year 2018. Now applicant seeks seniority from 2013. The perusal of judgment dated 19.09.2017 reveals that no back benefit of seniority has been allowed to applicant.

AIG/Legal
For Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

To,

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The Secretary,
Home department, KPK, Peshawar.

Subject: Departmental appeal against office letter dated 11-07-2019

Through: Proper Channel

Respected Sir,

1. That on 04.10.2012, when the appellant was serving as Head Constable in police department and posted at Police Station – City, Mansehra, on mobile duty chasing the timber smugglers I was attached by them, and during scuffle they fired at me and I was grievously hurt, the occurrence was duly reported and registered vide FIR No. 1137 dated 05.10.2012.
2. That as consequence of above occurrence, I was proceeded against departmentally under the KPK police disciplinary rules, 1975 and I was reverted from the rank of Head Constable to the Constable vide order no. 109-10/PA dated 11.03.2013.
3. That feeling aggrieved from the afore mentioned order I assailed the same before the KPK Service Tribunal which was subsequently transferred to camp court Abbottabad.
4. That the KPK Service Tribunal, Camp Court, Abbottabad vide judgment dated 19.09.2017 set aside the impugned order dated 11.03.2013. (Copy annexed)
5. That DPO, Mansehra, as a competent authority, in compliance of the court orders restored me as Head Constable BPS-07 from the date of my reversion i.e. 13.03.2013, readjusted my basic pay and other emoluments and paid arrears from the date of my reversion i.e. 13.03.2013 till date.
6. That I was subsequently selected for intermediate college course vide office letter no. 27174-84/E dated 29.11.2019 although I cleared lower class course during the year 2003 and was promoted as C-1 Head Constable in the year 2008. In accordance with merit list I should have been selected for intermediate college course in the year 2013 along with my batch mates ASI Samar Khan, No. 26 but due to reversion order my name was dropped from the list of selectees.
7. That I after qualifying the intermediate college course in 2018 submitted an application dated 16.12.2018 to the DPO Mansehra, through proper channel, soliciting grant of seniority from the date of original appointment as Head Constable. (Copy of the application annexed)
8. That the DPO Mansehra instead of passing any appropriate order, forwarded the above referred application to the regional police officer, Hazara region, Abbottabad along with covering letter no. 19805 dated 21.12.2018.

C.T.C

M. A. M. M. M.

Munir Ahmad Bhatti
Advocate High Court,
Abbottabad

9. That the Regional Police Officer, Hazara region, Abbottabad abstained from passing any order and forwarded the same application to the Additional Inspector General of Police (Legal), Peshawar along with its covering letter.
10. That the Additional Inspector General of Police (Legal), Peshawar on behalf of worthy Inspector General of Police, KPK, Peshawar dismissed the application of the appellant vide office letter no. 3403/Legal dated 11.07.2019 which was neither communicated nor informed to the appellant. When I personally contacted the office of the worthy IGP, Peshawar I was informed regarding dismissal of my application, the attested copy of the above referred office letter dated 11.07.2019 was provided to me on 30-09-2019, therefore the instant departmental appeal is well within time. (Attested copy of the letter dated 11.07.19 is annexed)
11. That I was wrongfully denied my rightful seniority and subsequent promotion inspite of the fact that my reversion order was set aside by the KPK Service Tribunal Camp Court, Abbottabad meaning there by that I was restored in my original position, without any break in service, therefore, my length of service was to be ascertained from the date when I was originally promoted as Head Constable in the year 2008.
12. That I qualified lower class course in 2003 and got promotion as Head Constable in 2008, in accordance with original seniority list I should have been selected for intermediate college course along with my batch mates including Samar Khan No. 26 who is now working against the post of ASI in District Battagram. (Copy of the original seniority list is annexed)
13. That since after gaining my original post of Head Constable vide order dated 19.09.2017 passed by the KPK Service Tribunal Camp Court, Abbottabad I was not only allowed the back benefits but also my service continued without any break, therefore, I had a vested right to be considered for granting me my original seniority and subsequent promotion retrospectively from the date my batch mates were promoted.

It is, therefore, respectfully prayed that I may please be granted seniority retrospectively from the date I was originally promoted as head constable in the year 2008 alongwith my batch mates and subsequent promotion as I am legally entitled for the same.

Date: 26-10-2019



Yours faithfully

Saif ur Rehman,
Head Constable No.799,
District Mansehra.

C.S-C
/

Munir Ahmad Abbasi
Advocate High Court,
Abbottabad

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28

(Postal Receipt)

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Notices see reverse. except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no-acknowledgement is due.

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*Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Initials of Receiving Officer Home depot

Insured for Rs. 1000

If insured, Insurance fee Rs. _____ Weight _____ Kilo _____ (in words) Grams _____

Name and address of sender Postman

Attention to DIG. Training
Ann-I

29 By Fax

To:

The Regional Police Officer,
Hazara Region (Abbottabad)All District Police Officer,
in Hazara Region2) All Superintendents of Police,
Investigation, in Hazara Region

27174-84/E, Dated Abbottabad the, 29/11/2017.

Subject:-

INTERMEDIATE COLLEGE COURSE.Memorandum:

The following officiating Head Constables on promotion list C-I of your districts / Units are hereby selected for the subject course commencing from 01-12-2017:-

NO.	NAME OF DISTRICT	NAME & NO.
01	HARIPUR	HC Akhtar Nawaz No.248.
02		HC Tanveer Ahmed No.333
03		HC Muhammad Arshad No.227/CTD
04		HC Shehzad Khan No.127.
05		HC Syeda Asma Bukhari No.521
06		HC Shahbaz Khan No.78
07	ABBOTTABAD	HC Muhammad Shafique No.10.
08		HC Rashid No.196
09		HC Syed Akhtar Shah No.1072
10		HC Sagheer No.588
11		HC Sultan-ul-Arfeen No.114
12		HC Khan Zada No.420
13		HC Saddique No.291
14		HC Muhammad Tariq No.185
15		HC Zanfar No.395
16		HC Muhammad Azhar No.1042
17	MANSEHRA	HC Saif-ur-Rehman No.799
18		HC Muhammad Touseef No.197
19		HC Yasir No.825/Elite
20		HC Muhammad Muneer No.708
21		HC Faisal Rafique No.721
22		HC Muhammad Faisal No.715/54
23		HC Mushtaq Ahmed No.206/244
24		HC Nazeer Hussain No.151

Attested

D.

District Police Officer
Mansehra

30

25	BATTAGRAM	HC Wahidullah No.217
26		HC Muhammad Zahir No.266
27		HC Sharif Khan No.34
28	KOHISTAN	HC Umar Farooq No.630
29		HC Muhammad Arif No.752
30		HC Faiz-ur-Rehman No.446
31		HC Muhammad Noor No.208
32		HC Zaheer Khan No.297
33		HC Muhammad Yousaf No.127
34	TORGHAR	HC Abid Khan No.05
35		HC Anwar No.252
36		HC Taleh Muhammad No.123
37		HC Gul Afzal No.340

Regional Police Officer
Hazara Region (Abbottabad)

27185-89 IE.

Copy of above is submitted for information and necessary action to the:-

1. Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
2. Deputy Inspector General of Police, Training, Khyber Pakhtunkhwa Peshawar.
3. Commandant Police Training College Hangu.
4. Superintendent of Police, CTD Hazara Abbottabad.
5. Superintendent of Police, Elite Force, Hazara Abbottabad.

Regional Police Officer
Hazara Region (Abbottabad)
(AEC Dilawar)

Attested

Strict Police Officer
Mansehra

Ann-3

(31)

Sl. No. & Name	D/O Birth	D/O Appointed	Education	Promotion List A-I	Promotion List B-I	Term Ending Lower Class Court	Percentage of the Given Marks.	Date of Promotion list C-I	Order of Merit	REMARKS
1. Muhammad Shamaiz No. 164	12.2.1974	20.7.1995	10th	14.1.1999	28.4.2001	20.4.2002	62.10	01.5.2002	46/206	
2. Muhammad Rustam No. 85	27.4.1973	19.7.1995	10th	14.1.1999	23.4.2002	20.9.2002	60.47	01.10.2002	30/211	
3. Ali Zairan No. 106	10.4.1969	19.7.1995	F.A	14.1.1999	23.4.2002	20.9.2002	57.33	01.10.2002		Re-appear for RF on 02.2.2003
4. Hamid No. 170	01.1.1970	09.8.1995	10th	14.1.1999	19.3.2002	20.3.2003	58.55	01.4.2003	51/256	
5. S. Sardar Hussain Shah No. 90	07.3.1977	19.7.1995	10th	14.1.1999	19.3.2002	20.3.2003	56.52	01.4.2003	77/256	
6. Bekir Zulf No. 94	03.8.1972	19.7.1995	10th	14.1.1999	01.4.2002	20.3.2003	53.55	01.4.2003	102/256	
7. Sanaat Khan No. 26	06.11.1971	24.1.1995	10th	14.1.1999	23.4.2003	20.9.2003	59.60	01.10.2003	16/323	
8. Saifur Rehman No. 56	08.3.1971	1.10.1989	10th	01.2.1993	07.5.2003	20.9.2003	57.10	01.10.2003	45/323	
9. Saifur Rehman No. 63	04.4.1970	24.1.1995	F.A	01.6.2000	07.5.2003	20.9.2003	52.81	01.10.2003		Granted gross mark on 25.2.04 and previously failed in Law Subject
10. Basfir Ahmed No. 8	08.1.1971	24.1.1995	F.A	14.1.1999	07.5.2003	20.9.2003	51.29	01.10.2003	164/323	
11. Niaz Muhammad No. 43	03.1.1973	08.8.1991	10th	28.2.1996	06.5.2003	20.3.2004	59.67	01.05.2004	29/271	




C.T.C
Muz. S. Malik

Amir
HC

Signature
Date

Advocate General
Advocate High Court,
Abbottabad

32

50 روپے	42106			
ایڈویکیٹ:		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل ایسوسی ایشن نمبر:				
رابطہ نمبر:				

بعدالت جناب:

منجانب: (بیلانے)	دعویٰ: سرورس ایپل
سینف الرحمان	علت نمبر:
بنام	پورخ:
ڈسٹرکٹ پولیس وکٹریڈ	جرم:
	تھانہ:

باعت تحریر آتکہ

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

آن مقام (جیل) کیلئے ~~مستراح رجسٹر~~ (ادویکیٹ) کو کیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 20-2-21

المقام

مقام کے لیے منظور ہے۔

Accepted by
Manish Ahmed Bhatt
Adv

M.A. Bhatt

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

سینف الرحمان

1/1/21

حضرت صاحب دہلی صفتی ما سرکار فریضہ میں مقیم

حضرت صاحب دہلی صفتی ما سرکار فریضہ میں مقیم
تاریخ ۱۱۸۸ھ مطابق ۱۷۷۵ء
۱۰۱۹

امید ہے کہ یہ خط آپ کو پہنچے گا
میں نے اس خط کو لکھنے کا مقصد یہ ہے کہ

وہ لوگ جو اس خط کو پڑھیں

وہ لوگ جو اس خط کو پڑھیں

میں نے اس خط کو لکھنے کا مقصد یہ ہے کہ

۱۱۸۸ھ

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

APPEAL No.....1091..... of 2020

Recd

Saif ur Rehman

Appellant/Petitioner

Versus

Distt. Police Officer Mansehra

RESPONDENT(S)

Notice to Appellant/Petitioner

Saif ur Rehman, Head
Constable Police Station Saddar,
Presently at Police station city Mansehra.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 30/09/20 at 9:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

M. Jai

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

APPEAL No. 1091 of 20 20

Page 1

Sarf ur Rehman

Appellant/Petitioner

Versus

Distt: Police Officer Manshera

RESPONDENT(S)

Notice to Appellant/Petitioner

Munir Ahmad Bhatti
Advocate High Court Abbottabad.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal

on 30/07/20 at 9:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

M. H. Registrar

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

18

Appeal No. 1091 of 2020

Saif ur Rehman Appellant/Petitioner

Versus

D.P.O. Manshera Respondent

Respondent No. I

Notice to: Distt. Police officer, Manshera

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on 19-7-2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No.....dated.....~~

Given under my hand and the seal of this Court, at Peshawar this 25th Day of March 2021

at Camp Court A. Akad

**Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.**

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
 JUDICIAL COMPLEX (OLD), KHYBER ROAD,
 PESHAWAR.

No.

IB

Appeal No. 1091 of 2020

Saif ur Rehman Appellant/Petitioner

Versus

DPO Manselvia Respondent

Respondent No. 27

Notice to:

Inspector General of Police
of Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 14-7-2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No. dated~~

Given under my hand and the seal of this Court, at Peshawar this 25th

Day of March 2021

at Camp Court A Akad

Asst
23-04-21

Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

1B

Appeal No. 1097 of 20 20

Saif ur Rehman Appellant/Petitioner
Versus

D.P.O. / P. Mansabdar Respondent

Respondent No. 3

Govt. of KP through Secy. Home Peshawar

Notice to:

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on 19-7-2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this 25/7/21

Day of March 20 21

at Camp Court P. Road

[Signature]
27/5/21

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

- Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.