

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR
AT CAMP COURT SWAT

Service Appeal No. 1710/2019

Date of Institution ... 20.11.2019

Date of Decision ... 07.09.2022

Mian Gul Said (No. 1654) Son of Gul Bakht, R/O Alamganj
presently posted in DPO Office at Gulkada, District Swat.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Finance
Civil Secretariat, Peshawar and six others.

... (Respondents)

MR. ARSHAD KHAN,
Advocate

For appellant.

MR. ASIF MASOOD ALI SHAH
Deputy District Attorney

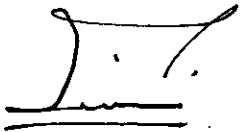
For respondents.

MR. SALAH-UD-DIN
MR. MIAN MUHAMMAD

MEMBER (JUDICIAL)
MEMBER (EXECUTIVE)


JUDGMENT:

SALAH-UD-DIN, MEMBER:- Precisely stated the facts giving rise to filing of the instant service appeal are that while posted in Police Line Swat, disciplinary action was taken against the appellant on the allegations of his absence from duty with effect from 29.09.2008 and he was dismissed from service vide OB No. 28 dated 21.02.2009. The departmental appeal of the appellant was, however allowed vide order dated 16.09.2010 passed by the then Deputy Inspector General of Police Malakand Region Swat and he was reinstated in service but the period during which the appellant



remained out of service was treated as leave without pay. The appellant then submitted a mercy petition seeking grant of benefits for the period during which he remained absent or out of service. The same was declined vide order dated 07.06.2018 issued from the office of Inspector General of Police Khyber Pakhtunkhwa Central Police Office, Peshawar, hence the instant service appeal.

2. Learned counsel for the appellant has contended that the appellant was injured in bomb blast due to which he remained absent from duty and his absence could not be considered as willful. He next argued that certain other police employees had also remained absent from duty, however they had been granted annual increment for the period during which they remained out of service. He further argued that the appellant has not been treated in accordance with law and his request for grant of back benefits has been declined without any legal reason.


3. On the other hand, learned Deputy District Attorney for the respondents has argued that the appellant had remained absent from duty for considerable long period without any sanctioned leave or permission of the competent Authority. He further argued that the appellant has already been treated with extreme leniency and has been reinstated in service despite his long unauthorized absence. He next contended that the appellant could not be legally considered as on duty during the period of his absence from duty, therefore, his request for granting him back benefits is not tenable in the eye of law. He also argued that as the departmental appeal of the appellant was badly time barred, therefore, the appeal in hand is not maintainable and is liable to be dismissed on this score alone.

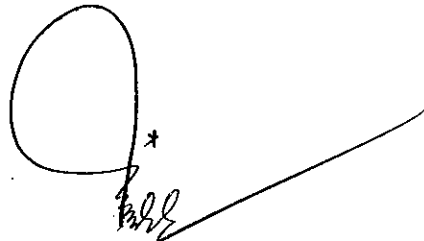
4. We have heard the arguments of learned counsel for the parties and have perused the record.

5. A perusal of the record would show that the appellant was dismissed from service vide order dated 21.02.2009 on

the allegations that he had remained absent from duty with effect from 29.09.2008. The departmental appeal of the appellant was, however allowed vide order dated 16.09.2010 passed by the then Deputy Inspector General of Police Malakand Region Swat and he was reinstated in service but the period during which the appellant remained out of service was treated as leave without pay. The appellant then preferred mercy petition, seeking restoration of two annual increments, however the same was declined vide order dated 07.06.2018 on the ground that it was time barred for about 08 years. As the appellant availed departmental remedy after considerable delay of about 08 years, therefore, this fact has rendered his service appeal as not maintainable. Moreover, the mercy petition of the appellant was declined vide order dated 07.06.2018 but he challenged the same through filing of instant service appeal on 20.11.2019, without giving any plausible reason for condonation of delay. The service appeal of the appellant is thus also time barred. It is well settled that law favours the diligent and not the indolent. This Tribunal can enter into merits of the case only, when the appeal is within time. Worthy Supreme Court of Pakistan in its judgment reported as 1987 SCMR 92 has held that when an appeal is required to be dismissed on the ground of limitation, its merits need not to be discussed.

6. In view of the above discussion, the appeal in hand stands dismissed being time barred. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
07.09.2022



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)
CAMP COURT SWAT



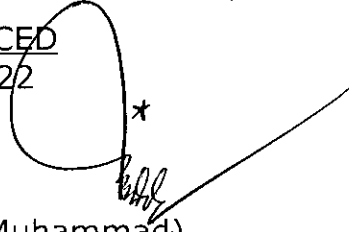
(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT SWAT

O R D E R
07.09.2022

Appellant alongwith his counsel present. Mr. Ali Rehman, Inspector (Legal) and Mr. Khushi Muhammad, Section Officer alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the appeal in hand stands dismissed being time barred. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
07.09.2022

A handwritten signature in black ink, consisting of a large, stylized 'M' followed by a checkmark-like flourish. A small asterisk is written to the right of the signature.

(Mian Muhammad)
Member (Executive)
Camp Court Swat

A handwritten signature in black ink, consisting of a stylized 'S' followed by a horizontal line and a flourish.

(Salah-Ud-Din)
Member (Judicial)
Camp Court Swat

محترم صاحب، نیشنل پبلسٹی ایمر صاحب، کراچی، سندھ

محترم صاحب، نیشنل پبلسٹی ایمر صاحب، کراچی، سندھ

ذیل

محترم صاحب، نیشنل پبلسٹی ایمر صاحب، کراچی، سندھ
محترم صاحب، نیشنل پبلسٹی ایمر صاحب، کراچی، سندھ
محترم صاحب، نیشنل پبلسٹی ایمر صاحب، کراچی، سندھ

محترم صاحب، نیشنل پبلسٹی ایمر صاحب، کراچی، سندھ
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018

محترم صاحب، نیشنل پبلسٹی ایمر صاحب، کراچی، سندھ

32/E
7.10.21

03/Snet

Allan

ORDER

In compliance of Region Office, Swat Order No. 12502/11 dated 2021, three annual increments of Constable Ayaz Ahmad No. 338 is sanctioned by District Police Officer, Muzskand Range at Swat vide order No. mentioned above. Therefore, the pay of above-named Constable is hereby re-fixed as under:

Pay on 14-10-1995:	Rs. 1532/-
Pay on 01-12-1996:	Rs. 1598/-
Pay on 01-12-1997:	Rs. 1664/-
Pay on 01-1998:	Rs. 1730/-
Pay on 01-12-1999:	Rs. 1796/-
Pay on 01-12-2000:	Rs. 1862/-
Pay Revised on 01-12-2001:	Rs. 2800/-
Pay on 01-12-2001:	Rs. 2900/-
Pay on 01-12-2002:	Rs. 3000/-
Pay on 01-12-2003:	Rs. 3100/-
Pay on 01-12-2004:	Rs. 3165/-
Pay Revised on 01-07-2005:	Rs. 3680/-
Pay on 01-12-2005:	Rs. 3795/-
Pay on 01-12-2006:	Rs. 4400/-
Pay Revised on 01-07-2007:	Rs. 4535/-
Pay on 01-12-2007:	Rs. 5420/-
Pay Revised on 01-07-2008:	Rs. 5580/-
Pay on 01-12-2008:	Rs. 5740/-
Pay on 01-12-2009:	Rs. 5900/-
Pay on 01-12-2010:	Rs. 9560/-
Pay Revised on 01-07-2011:	Rs. 9820/-
Pay on 01-12-2011:	Rs. 10080/-
Pay on 01-12-2012:	Rs. 10340/-
Pay on 01-12-2013:	Rs. 10600/-
Pay on 01-12-2014:	Rs. 13785/-
Pay Revised on 01-07-2015:	Rs. 14120/-
Pay on 01-12-2015:	Rs. 14460/-
Pay Revised on 01-07-2016:	Rs. 14800/-
Pay on 01-12-2016:	Rs. 15140/-
Pay Revised on 01-07-2017:	Rs. 15480/-
Pay on 01-12-2017:	Rs. 15820/-
Up-gradation of basic pay scale BPS-11:	Rs. 16160/-
Pay on 01-12-2018:	Rs. 16500/-
Pay on 01-12-2019:	Rs. 16840/-
Pay on 01-12-2020:	Rs. 17180/-

Tax allowed due to dismissed from service

09.06.2022

Petitioner in person present. Mr. Kabirullah Khattak, learned Additional Advocate General alongwith Mr. Naseeb Khan S.O for the respondents present.

The matter was adjourned on the previous date because of non submission of written reply/comments on behalf of respondent No. 1 & 5. Learned AAG for the respondents submitted that joint reply of all the necessary parties have already been filed and further added that there was no need for filing of reply on behalf of Chief Secretary and District Accounts Officer Swat. Therefore, the matter be fixed for D.B for arguments on 05.07.2022 at camp court Swat.



(Kalim Arshad Khan)
Chairman
Camp Court Swat

05.07.2022

Appellant in person present.

Noor Zaman Khattak, learned District Attorney alongwith Ali Rehman S.I for respondents present.

Former requested for adjournment as his counsel is not available today. Adjourned. To come up for arguments on 03.08.2022 before D.B at Camp Court, Swat.



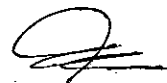
(Fareeha Paul)
Member (E)
Camp Court, Swat



(Rozina Rehman)
Member (J)
Camp Court, Swat

3.8.22

Due to summer vacation the case is adjourned to 7-9.22 for the same.



07.03.2022

Due to retirement of the Hon'ble Chairman, the case is adjourned to 09.05.2022 for the same as before.


Reader

09.05.2022

Due to non-availability of the Bench, the case is adjourned to 11.05.2022 for the same as before.


Reader


11.05.2022

Nemo for the appellant. Mr. Ali Rehman, S.I (Legal) on behalf of respondents No. 2, 3, 4, 6 & 7 alongwith Mr. Noor Zaman Khattak, District Attorney present. None present on behalf of respondents No. 1 & 5.

Written reply on behalf of respondents No. 2, 3, 4, 6 & 7 submitted, which is placed on file.

Previous date was changed on Reader Note, therefore, notices be issued to the respondents No. 1 & 5 through registered post with the directions to submit written reply/comments on the next date positively, failing which their right for submission of written reply/comments shall be deemed as struck off. Adjourned. To come up for submission of written reply/comments on behalf of respondents No. 1 & 5 on 09.06.2022 before the S.B at Camp Court Swat.

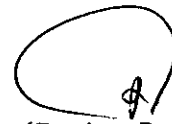
Notice also be issued to appellant as well as his counsel through registered post for the date fixed.


(Salah-Ud-Din)
Member (J)
Camp Court Swat

08.10.2021

Appellant in person present.

He made a request for adjournment as his counsel is not available today. Opportunity is granted and case is adjourned. To come up for preliminary hearing on 07.01.2022 before S.B at Camp Court, Swat.



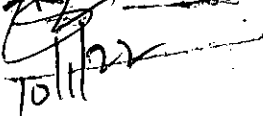
(Rozina Rehman)
Member (J)
Camp Court, Swat

07.01.2022

Appellant alongwith his counsel present. Preliminary arguments heard.

Points raised need consideration, hence admitted to regular hearing subject to all just and legal objections including the question of limitation. The appellant is directed to deposit security and process fee within 10 days, where-after notices be issued to the respondents for submission of written reply/comments on 07.03.2022 before the S.B at Camp Court Swat.

Appellant Deposited
Security & Process Fee


Toll




(Salah-Ud-Din)
Member (J)
Camp Court Swat

5.2021

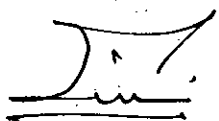
Counsel for the petitioner and Mr. Muhammad Riaz Khan Pindakhel, Asstt. AG for the respondents present.

Although the present application for restoration of appeal No. 1710/2019 has been made beyond the prescribed period of limitation but the application for condonation of delay has also been filed citing the reason of Covid, 19. Therefore, delay, if any, is condoned. Appeal No. 1710/2019 is restored subject to payment of cost of Rs. 2000/- . To come up for preliminary hearing on 02.11.2021 before S.B at camp court, Swat.


Chairman
Camp Court, Swat

02.11.2021

Appellant alongwith his counsel present. Learned counsel for the appellant sought adjournment for preliminary hearing. Adjourned. To come up for preliminary hearing before the S.B on 08.12.2021 at Camp Court Swat.


(Salah-Ud-Din).
Member (Judicial)
Camp Court Swat

Rs. 2000/- deposit

copy

06.01.2021

Due to COVID 19, the case is adjourned to
03.03.2021 for the same as before.



Reader

03.03.2021

Counsel for the petitioner present. Mr. M. Riaz Khan
Paindakhel, Asst: AG for respondents present.

Implementation report not submitted. Notices be issued
to the respondents for submission of implementation report.

Adjourned to 4/5/2021 for further proceedings
before S.B at camp court Swat.



(Mian Muhammad)
Member(E)
Camp Court Swat

26.07.2021


To come up for implementation report on
24.08.2021 before S.B at Camp Court, Swat. Notices be
issued to petitioner/counsel as well as respondents for
the date fixed.


Chairman

24.08.2021

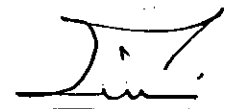
Counsel for the petitioner and Mr. Muhammad Riaz Khan
Paindakhel, Asstt. AG for the respondents present.


Although the present application for restoration of
appeal No. 1710/2019 has been made beyond the
prescribed period of limitation but the application for
condonation of delay has also been filed citing the reason of
Covid, 19. Therefore, delay, if any, is condoned. Appeal No.
1710/2019 is restored subject to payment of cost of Rs.
2000/- . To come up for preliminary hearing on 02.11.2021
before S.B at camp court, Swat.


Chairman
Camp Court, Swat

02.11.2021

Appellant alongwith his counsel present. Learned
counsel for the appellant sought adjournment for
preliminary hearing. Adjourned. To come up for preliminary
hearing before the S.B on 08.12.2021 at Camp Court Swat.


(Salah-Ud-Din),
Member (Judicial)
Camp Court Swat

Rs. 2000/- deposited as cost.

copyist

06.01.2021

Due to COVID 19, the case is adjourned to
03.03.2021 for the same as before.

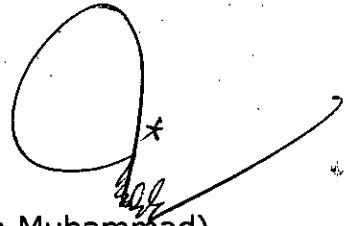

Reader

03.03.2021

Counsel for the petitioner present. Mr. M. Riaz Khan
Paindakhel, Asst: AG for respondents present.

Implementation report not submitted. Notices be issued
to the respondents for submission of implementation report.

Adjourned to 4/5/2021 for further proceedings
before S.B at camp court Swat.


(Mian Muhammad)
Member(E)
Camp Court Swat

26.07.2021

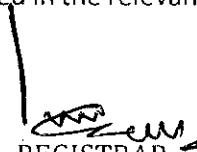

To come up for implementation report on
24.08.2021 before S.B at Camp Court, Swat. Notices be
issued to petitioner/counsel as well as respondents for
the date fixed.


Chairman

FORM OF ORDER SHEET

Court of _____

Execution Petition No. 157 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	26.10.2020	<p>The Restoration Application submitted by Mr. Mian Gull Said through Mr. Arshad Khan Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p> <p>This Restoration Application be put up before Touring S. Bench on <u>06-01-2021</u></p> <p style="text-align: right;"> CHAIRMAN</p>

04.02.2020

Appellant in person present and seeks adjournment as his counsel is not available. Adjourn. To come for preliminary hearing on 03.03.2020 before S.B at Camp Court, Swat.



Member
Camp Court, Swat.

03.03.2020

Nemo for the appellant. Adjourn. To come up for preliminary hearing on 05.03.2020 before S.B at Camp Court, Swat.



Member
Camp Court Swat

05.03.2020

Appellant absent. Learned counsel for the appellant absent. Case called for several times but no one appeared on behalf of appellant. Consequently the present service appeal is hereby dismissed in default. No order as to costs. File be consigned to the record room.



(Muhammad Hamid Mughal)
Member
Camp Court, Swat

ANNOUNCED.


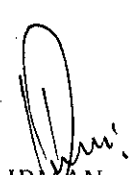
05.03.2020

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1710/2019


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/12/2019	<p>The appeal of Mian Gul Said resubmitted today by Mr. Sher Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 9/12/19</p> <p>This case is entrusted to touring S. Bench at Swat for preliminary hearing to be put up there on <u>04-02-20</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Appellant in person present and seeks adjournment as learned counsel for the appellant is not available. Adjourn. To come for preliminary hearing including maintainability of the present service appeal, on 03-03-2020 before S.B. at Camp Court, Swat.</p> <p style="text-align: right;">Member Camp Court, Swat.</p>
	04-02-2020	

The appeal of Mian Gul Said Constable no. 1654 DPO Gulkada Swat received today i.e. on 20.11.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Appeal may be page marked according to the Index.
- 2- Address of respondent no. 1 is incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- ③- Copy of removal/dismissal order and departmental appeal against it are not attached with the appeal which may be placed on it.
- ④- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- 5- Four more copies/sets of the appeal along with annexures i.e. complete in all respect may be also be submitted with the appeal.

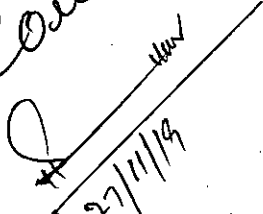
No. 2034 /S.T,

Dt. 21/11 /2019.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Sher Khan Advocate,
District Court Swat.

objections have been removed and the file is being refilled today.

Counsel

27/11/19

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. 1710 of 2019

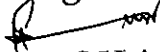
Constable Mian gul Said VERSUS Govt of Khyber Pakhtunkhwa etc

INDEX

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6.	Copy of medical treatment prescriptions	B	9-14
7.	Copy of mercy petition & letter No.9907 dated 10/05/18	C	15,16
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Appellant

Through Counsel


SHER SHAH ADVOCATE .

Cell # 03449685090

Dated 29/10/2019

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

Service Appeal No. 1710 of 2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1662

Date 20/11/2019

Constable Mian Gul Said (No. 1654) son of Gul Bakht resident of Alamganj presently posted in DPO Office at Gulkada, District Swat.

.....Appellant

V E R S U S

- (1) Government of Khyber Pakhtunkhwa through Secretary Civil Secretariat, Peshawar. (*Chief Secretary KPK at Peshawar*)
- (2) Secretary to Government of Khyber Pakhtunkhwa Finance Department.
- (3) Government of Khyber Pakhtunkhwa, Home Secretary
- (4) Inspector General of Police (IGP), Khyber Pakhtunkhwa at Peshawar.
- (5) District Accounts Officer Swat.
- (6) Deputy Inspector General (DIG) Malakand Division at Saidu Sharif, District Swat.
- (7) District Police Officer at Gulkada, District Swat.

.....Respondents

**SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA,
SERVICE TRIBUNAL ACT, 1974;**

Respectfully Sheweth!

Brief facts of the case giving rise to the instant appeal are as under:-

1. That the appellant is the bonafide resident of village Alamganj, Tehsil Charbagh, District Swat with a lower middle class family back ground.
2. That the appellant was appointed as Police Constable on 14.07.2007 in Swat Police.
3. That the appellant, on 29.02.2008, while performing his duty honestly at the appointed station, got severely injured during the funeral ceremony/prayer of Shaheed DSP namely Javed Iqbal Khan, due to bomb blast. (Copy of FIR is attached herewith as Ann: A).

Filed to-day
20/11/19
Registrar

Re-submitted to-day
and filed.

Registrar
20/11/19

4. That after a prolonged illness and mental torture due to insurgency in Swat District, the appellant remained absent from his duties due to medical and physical cogent reasons from 29.08.2008 on ward to 21.02.2010. (Copy of medical treatment prescription is attached herewith at **Ann: B**).
5. That the appellant was dismissed from service during the above said period of more than 20 months.
6. That the appellant was reinstated by respondent No. 6 after the processing a mercy petition filed by the appellant through order sheet No. 170 dated 20.09.2010. (Copy of mercy petition is attached herewith as **Ann: C**).
7. That the re-instated of the appellant was ordered by the Regional Police Officer without pay for the period lapsed while the appellant was not physically well of.
8. That keeping in view of the agonies and financial position of the low grad employees, the Provincial Government was pleased to provide back benefits to employees performing their duties valiantly.
9. That the appellant was greatly shocked down during service of show cause, the appellant was unable to reply and final show cause and charged sheet was prepared in the absence of the appellant. (Copy of show cause notice is herewith attached as **Ann: D**).
10. That the case of the appellant is one of those who got severely injured and sacrificed for a considerable length of time against the agonies of insurgency period in District Swat.
11. That the treatment of higher authorities with respect to the appellant to be without pay during the period of absence, is based on unjust proposition of law and justice.
12. That the rules of re-instated itself prioritizes the appellant to be entitled to back benefits for the gap period.

13. That the appellant has not been treated in accordance with law as laid down in Article 4 of the Constitution of Islamic Republic of Pakistan.
14. That the appellant is eligible to service benefits and respondents have illegally deprived appellant from these rights.
15. That the rules of re-instated itself emphasize that the appellant is entitled to back benefits for the period lapsed in the compulsive absence due to un-avoidable situations faced by the public servants.
16. *Service*
That revision in Khyber Pakhtunkhwa Rules 1975 has enlarged the period of limitation.
17. That further grounds with leave of the Hon'ble court would be agitated at the time of arguments with prior permission of this Hon'ble Court.

PRAYER:-

It is therefore, humbly prayed that respondents may kindly be directed to issue all annual increments along with payment monthly reserved a salaried employed. Any other relief which the Hon'ble Court deems fit and proper in the circumstances, may also be granted.

Appellant

Mian Gul Said (No. 1654)/418

Through counsel

SHER SHAH

Advocate, District Swat.

Dated: 29.10.2019

CERTIFICATE:

It is certified that no such like appeal earlier has been filed by the appellant on the subject matter before this Honorable Court

Deponent

Mian Gul Said (No. 1654)

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

Service Appeal No. _____ of 2019

Constable Mian Gul Said.

.....Appellant

VERSUS

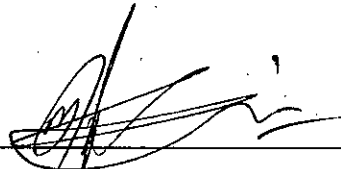
Government of Khyber Pakhtunkhwa through Secretary Civil Secretariat,
Peshawar and others.

.....Respondents

AFFIDAVIT

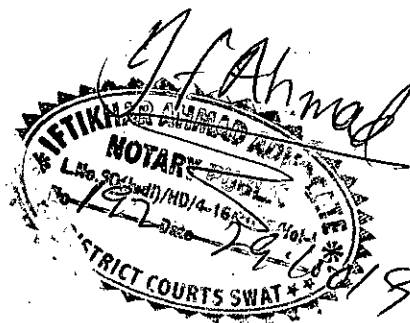
It is stated on oath that all the contents of this appeal are true and correct to the best of my knowledge and belief; nothing has been kept concealed from this Hon'ble Court. Furthermore no such like appeal is neither pending nor decided by any other competent Court.

Deponent: _____



Mian Gul Said son of Gul Bakht (No. 1654)

NIC No: 15602-79 86 410-7



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

Service Appeal No. _____ of 2019

Constable Mian Gul Said.

.....Appellant

V E R S U S

Government of Khyber Pakhtunkhwa through Secretary Civil Secretariat,
Peshawar and others.

.....Respondents

MEMO OF ADDRESSES.

ADDRESSES OF APPELLANT:

Constable Mian Gul Said son of Gul Bakht resident of Alamganj presently posted in DPO Office at Gulkada, District Swat.

Mobile No:

NIC No:

ADDRESSES OF RESPONDENT:

- (1) Government of Khyber Pakhtunkhwa through Secretary Civil Secretariat, Peshawar. *(Chief Secretary KPK at Peshawar)*
- (2) Secretary to Government of Khyber Pakhtunkhwa Finance Department.
- (3) Government of Khyber Pakhtunkhwa, Home Secretary
- (4) Inspector General of Police (IGP), Khyber Pakhtunkhwa at Peshawar.
- (5) District Accounts Officer Swat.
- (6) Deputy Inspector General (DIG) Malakand Division at Saidu Sharif, District Swat.
- (7) District Police Officer at Gulkada, District Swat.

Appellant
Through Counsel



SHER SHAH

Advocate, District Courts Swat.

Dated: 27.10.2019

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

Service Appeal No. _____ of 2019

Constable Mian Gul Said.

.....Appellant

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Civil Secretariat,
Peshawar and others.

.....Respondents

APPLICATION FOR CONDONATION OF DELAY.

Respectfully Sheweth!

The applicant/appellant submits as under:-

1. That the above cited case is going to be file in this Hon'ble Court in which no date of hearing has yet been fixed.
2. That the case of the applicant/appellant is one of those who got severely injured and sacrificed for a considerable length of time against the agonies of insurgency period in District Swat.
3. That the applicant/appellant has not received show cause notice.
4. That the applicant/appellant was communicated later on by the pay officer, responsible for the release of G.P Fund whereby the appellant was informed. His departmental appeal was badly time barred.
5. That numerous judgment of the superior court favours no limitation against the service appeal before service tribunal or any other competent court.

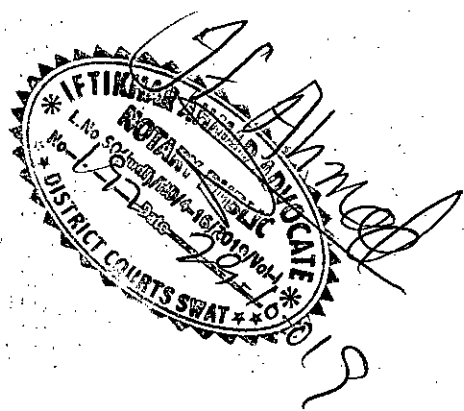
It is, therefore, very respectfully prayed that on acceptance of this application, the inadvertent delay in filing of the instant appeal may very kindly be condoned in the interest of justice.

Applicant/appellant 
Mian Gul Said son of Gul Bakht (No. 1654)

AFFIDAVIT:

It is stated on oath that all the contents of this appeal are true and correct to the best of my knowledge and belief; nothing has been kept concealed from this Hon'ble Court.

Deponent: 
Mian Gul Said son of Gul Bakht (No. 1654)



(9)

**SAIDU GROUP OF TEACHING,
HOSPITALS SAIDU SHARIF SWAT.**

No. 2800 M-2 dated 5-4 /08

CERTIFICATE.

Certified that Mr.Mian Gul Said S/O Mr.Mian Gul Bakht, Resident of Alamganj, Swat was admitted in Casualty on 29-02-2008, vide yearly No.10264, as a case of Bomb Blast Injuries, and was discharged on 29-02-2008.

Jat U

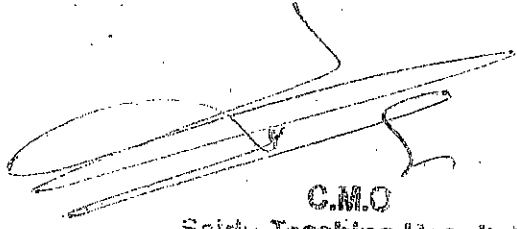
**Deputy Medical Superintendent
Saidu Group of Hospitals,
Saidu Sharif, Swat District.**

No. 1548/M-2 / Dated 13/2 /2010

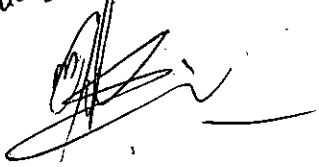
DUPLICATE

INJURED CERTIFICATE

Certified that MR. MIAN GUL s/o MIAN GUL BAKHT
resident of Alamganj District Swat was brought to Casualty Department, Saidu
Teaching Hospital, Swat vide Yearly No. 10264 date 29/02/2008, as a case of
Bomb Blast Injury (BBI).



C.M.O
Saidu Teaching Hospital
Saidu Sharif Swat

C/S
13/2/2010
Attested


CAS
SC
Name
Y. No. 12724
11/3/11
Dr. P. ...
gitsi ...
bank ...
Ab R
Ab W
MA 2
TB T
A. ...

No.

Rs.

OUT-PATIENTS DEPARTMENT

NAME.....

YEARLY NO. 17880

DATE.. 27.3.08

DISEASE.....

FACE VALUE RUPEES

Phyp

Ph. 2.40.00
Ph. 1.00.00
Ph. 2.00.00

Ph. 2.00.00

Ph. 1.00.00

MEDICAL OFFICE
1/C Private Ward
Central Hospital
Baldur Shazil Sw...

Ph. 1.00.00
Ph. 2.00.00
Admission to
confined home bed rest
for 10 days

Rs. 5/-
DEPARTMENT
FACE VALUE RUPEES 5/-
100

DATE

FACE VALUE RUPEES 5/-

No. Rs. 5/-

OUT-PATIENTS DEPARTMENT.

NAME.....

YEARLY NO. 11880

DATE 22-3-08

DISEASE

Phyp

Dr. K. K. K. K.

Dr. K. K. K. K.

Dr. K. K. K. K.

Dr. K. K. K. K.

MEDICAL OFFICER

Central Hospital
Baldob Shastri

Dr. K. K. K. K.

(2)

M. K. K. K.

12724
11/3/08

Dr. K. K. K. K.

gastro-nervous
brach bleed.

Dr. K. K. K. K.

Dr. K. K. K. K.

171

Dr. K. K. K. K.

Dr. K. K. K. K.

Dr. K. K. K. K.

Dr. K. K. K. K.

محضوړ جناب پروډينشنل پوليس آفيسر خيبر پختون خواه پشاور

رحم درخواست

جناب عالی!

گزارش ہے کہ سائیل مورخہ 14-07-2007 کو بحیثیت کنسٹیبل سوات پولیس میں بھرتی ہو کر کشیدہ حالات میں اپنی ڈیوٹی نہایت ایمانداری سے انجام دی۔ مورخہ 29-02-2008 کو سائیل دوران ڈیوٹی بمقام حاجی بابا سکول بینگورہ میں شہید DSP صاحب جاوید اقبال خان کے نماز جنازہ میں ہونے والے خودکش دھماکہ میں شدید زخمی ہو کر بوجہ کشیدہ حالات گھر خود میں زیر علاج رہ کر مورخہ 29-09-2008 سے بدستور غیر حاضر تصور کیا جا کر بحوالہ رڈ آرگن نمبر 28 مورخہ 21-09-2009 محکمہ پولیس سے برخواست کیا گیا۔ سائیل کے اپیل پر بحوالہ رڈ آرگن نمبر 170 مورخہ 20-09-2010 آفسران بالانے سائیل کو دوبارہ بحال کرنے کا حکم صادر فرما کر آیام غیر حاضری بلا تخوا کرنے کا حکم صادر فرمایا۔ جبکہ دوران غیر حاضری سائیل دو (2) انکریمنٹ سے بھی محروم رہا۔ چونکہ سائیل کے غیر حاضری قصداً عمداً اور بزدلی پر مبنی نہیں تھی بلکہ بوجہ مجبوری اور دوران ڈیوٹی شدید زخمی ہونے کے وجہ سے ہوئی ہے۔

لہذا استدعا ہے کہ سائیل کو آیام غیر حاضری کی تخوا اور انکریمنٹ بحال کر کے ادا کیگی کا حکم صادر فرمایا تو

سائیل دعا گورہیگا۔

نقل ایف آئی آر۔ لسٹ زخمی اہلکاران، میڈیکل سرٹیفکیٹ ہسپتال سید و شریف ہمراہ لف ہیں۔

العارض

کنسٹیبل میاں گل سید نمبر 418 سابقہ نمبر 1654

متعینہ پراسیکوشن برانچ

03469403048

Attested
[Signature]

Sir,

Fosuradad

Office M.P.C. DPO
Office Swat
23-4-18



(16)

**OFFICE OF THE
DISTRICT POLICE OFFICER, SWAT**

Ph: 0946-9240393 & Fax No. 0946-9240402

Email: dposwat@gmail.com

No. 9907 /E

Dated Saidu Sharif the 10/15/2018

To: The Regional Police Officer,
Malakand Region at Saidu Sharif, Swat

Subject: MERCY PETITION

Memorandum:

Please refer to your office Ends: No. 4059/E dated 02-05-2018 on the subject noted above.

Brief facts of the case are that Constable Mian Gul Said No. 418/1654 while posted to JIS Police Line Swat absented himself from lawful duty w.e f. 29-09-2008 to 20-09-2010 without permission or approved leave and after proper departmental proceeding, he was dismissed from Service vide OB No. 28 dated 21-02-2009.

On 15-03-2010 the applicant preferred an appeal before the Regional Police Officer, Malakand at Saidu Sharif, Swat, that he had been injured in a suicide attack on the funeral ceremony of Shaheed DSP Javid Iqbal vide case FIR No. 158 dated 29-02-2008 u/s 302-324-353 PPC 7ATA Police Station Mingora, hence he was re-instated into Service and out of Service period was created as leave without pay vide Region office letter No. 8665/E dated 16-09-2010.

Now the applicant wants back benefits of the absentee period i.e 29-09-2008 to 20-09-2010 total one year 11 months & 21 days for which he is not entitled as he was absented whereas the Mercy petition of the applicant is badly Time barred.

Submitted for perusal and appropriate order, please.

Ends: (F. Missal)

Alleged

District Police Officer, Swat

(17)


FINAL SHOW CAUSE NOTICE

You Constable Miam gah Swat no. 1654 posted to Police

have absent absented your self from duty with effect from 27/9/2009

uptill now with out any leave or permission from your immediate officer. The EO in his finding report recommended you for Major Punishment.

You are, therefore, served with this final show cause notice to show cause with in 03 days of the receipt of this notice as to why the proposed action, which may included you dismissal from service, should not be taken against you, in case your written reply is not received within 03 days, you will be definitely dismissed from service.


District Police Officer, Swat

No. 631 /E

Dated 26/11 /2009

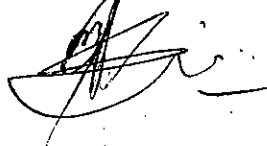
Constable Miam gah Swat no. 1654

S/o _____

R/o Police Line

District Swat

Attested



FINDING REPORT

This is regular departmental enquiry against Constable Muham Gul Said no 1654. According to the allegator, that the Constable while posted in Police Line / Swat absented himself from lawful duty with effect from 29/9/08 uptill now with out getting prior permission of the high ups.

In this connection proper departmental enquiry was conducted and the undersigned was appointed as Enquiry Officer. The defaulter Constable was summoned for 26/11/08 but did not attend this

office. According to report of MHC H of Swat he is absent from 29/9/08 up till now. The charges/allegation were proved against the defaulter Constable

Muham Gul Said no 1654 and found him guilty of the charges.

Being found guilty of charges/allegation, Constable Muham Gul Said no 1654 is recommended for major punishment.

Muham Ayaz
Muhammad Ayaz
DSP / Legal Swat

EC

Issue Final Show Cause Notice

Alleged
[Signature]

[Signature]
DSP / Swat
13/12/08

193-PL
25/11

(A)

DISCIPLINARY ACTION

I Mr. Dilawar Khan, DPO, Swat District Police Officer, Swat as competent authority, am of the opinion that Constable Main Gul Said No.1654 has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meaning of section 3 of the N.W.F.P Removal from Service (Special Powers) Ordinance, 2000.

STATEMENT OF ALLEGATIONS

That he while posted to Police Lines Swat, absented himself from duty with effect from 29/09/2008 till to date with out permission or leave vide DD No.41 dated:29/09/2008 of.Police Lines.

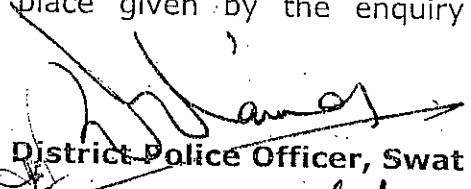
All these based on his malafied intention, negligence, omission and disinterest in duty which is gross misconduct on your part.

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, an Enquiry committee consisting of the following is constituted under section 3 of the Ordinance.

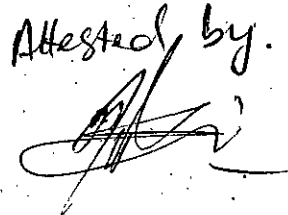
1. Mr. Mohammad Ayaz Khan, DSP Legal
2. _____

3. The enquiry Committee shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused, record its findings and make within, 25 Days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place given by the enquiry Committee.


District Police Officer, Swat

No. 631 /E, Dated Gulkadal the, 15/11 2008.

Attested by.


Copy of above is forwarded to the:-

1. Mr. Mohammad Ayaz Khan, DSP Legal
2. _____ } for initiating proceeding against the Officer/Official under the provisions of the NWFP/Removal from Service (Special Powers) Ordinance 2000.

3. Constable Main Gul Said No.1654 *Through AS Line office.*

With the direction to appear before the enquiry Committee on the date time and place fixed by the Committee for the purpose of he proceeding

Handwritten notes and signature in Urdu at the bottom right of the page.

CHARGE SHEET

I Mr. Dilawar Khan, DPO Swat as competent authority, hereby charge you, Constable Main Gul Said No.1654 as following that you, while posted as Police Lines committed the following irregularities:

You Constable Main Gul Said No.1654 while posted to Police Lines Swat, absented yourself from duty with effect from 29/09/2008 till to date without permission or leave vide DD No.41 dated 29/09/2008 of Police Lines Swat.

All these based on your malafied intention, negligence, omission and disinterest in duty which is gross misconduct on your part.

2. By reasons of the above, you appear to be guilty of misconduct under Section-3 of the NWFP (Removal from Service) Special powers ordinance 2000, and have rendered yourself liable to all or any of penalties specified in section-3 of the ordinance.

3. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the Enquiry officer / Committee, as the case may be.

4. Your written defense, if any, should reach the Enquiry Officer/ Committee within the specified period, failing which it shall be presumed that you have no defense to put in and in that case exparte action shall follow against you.

5. Intimate whether you desire to be heard in person.

6. A statement of allegations is enclosed.

Attested.

District Police Officer, Swat

No. 631 /EB

Dated 15/11 /2008

193-PL

(2)

25/11

DISCIPLINARY ACTION

I Mr. Dilawar Khan, DPO, Swat District Police Officer, Swat as competent authority, am of the opinion that Constable Main Gul Said No.1654 has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meaning of section 3 of the N.W.F.P Removal from Service (Special Powers) Ordinance, 2000.

STATEMENT OF ALLEGATIONS

That he while posted to Police Lines Swat, absented himself from duty with effect from 29/09/2008 till to date with out permission or leave vide DD No.41 dated 29/09/2008 of Police Lines.

All these based on his malafied intention, negligence, omission and disinterest in duty which is gross misconduct on your part.

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, an Enquiry committee consisting of the following is constituted under section 3 of the Ordinance.

1. Mr. Mohammad Ayaz Khan, DSP Legal
2. _____

3. The enquiry Committee shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused, record its findings and make within, 25 Days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place given by the enquiry Committee.

[Signature]
District Police Officer, Swat

No. 631 /E, Dated Gulkadal the, 15/11 2008.

[Signature]
Attested.

Copy of above is forwarded to the:-

1. Mr. Mohammad Ayaz Khan, DSP Legal
2. _____

} for initiating proceeding against the Officer/Official under the provisions of the NWFP/Removal from Service (Special Powers) Ordinance 2000.

3. Constable Main Gul Said No.1654 *Through Police Lines office.*

With the direction to appear before the enquiry Committee on the date time and place fixed by the Committee for the purpose of he proceeding

[Handwritten notes and signatures]
1654
عزیز گل سید
میں نے اس کے لئے
مقررہ وقت پر
حاضر نہیں کیا
میں نے اس کے لئے
مقررہ وقت پر
حاضر نہیں کیا

DISCIPLINARY ACTION

I Mr. Dilawar Khan, DPO, Swat District Police Officer, Swat as competent authority, am of the opinion that Constable Main Gul Said No.1654 has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meaning of section 3 of the N.W.F.P Removal from Service (Special Powers) Ordinance, 2000.

STATEMENT OF ALLEGATIONS

That he while posted to Police Lines Swat, absented himself from duty with effect from 29/09/2008 till to date with out permission or leave vide DD No.41 dated 29/09/2008 of Police Lines.

All these based on his malafied intention, negligence, omission and disinterest in duty which is gross misconduct on your part.

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, an Enquiry committee consisting of the following is constituted under section 3 of the Ordinance.

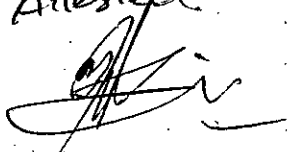
- 1. Mr. Mohammad Ayaz Khan, DSP Legal
- 2. _____

3. The enquiry Committee shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused, record its findings and make within, 25 Days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place given by the enquiry Committee.


District Police Officer, Swat

No. 631 /E, Dated Gulkada the, 15/11 2008.

Attested


Copy of above is forwarded to the:-

- 1. Mr. Mohammad Ayaz Khan, DSP Legal
- 2. _____

} for initiating proceeding

against the Officer/Official under the provisions of the NWFP/Removal from Service (Special Powers) Ordinance 2000.

3. Constable Main Gul Said No.1654 *Through line officer.*

With the direction to appear before the enquiry Committee on the date time and place fixed by the Committee for the purpose of he proceeding

23

order

8229
20/9/10

ORDER

This order will dispose of the appeal of Ex-Constable Mian Gul Saeed No. 1654 of district Swat.

Brief facts are that the above named appellant while posted to Police Lines Swat absented himself from duty with effect from 29/09/2008 due to which the District Police Officer, Swat after proper departmental proceeding dismissed him from service vide OB No. 28 dated 21/02/2009.

The appellant contended in his appeal dated 15/03/2010 that he had been injured in the bomb blast which occurred during funeral ceremony of Shaheed DSP Javid Iqbal. He further stated that due to injuries and persistent threats at the hands of militants he could not attend to his duty regularly.

Later on the above named appellant preferred an appeal to this office 15/03/2010, which has been perused. His contention that he had been injured in a suicide attack needed verification therefore DSP/PSO Range Office was directed to enquire into the matter and verify his contention. The enquiry officer reported that the appellant had sustained injuries in bomb blast which had taken place during the funeral ceremony of Shaheed DSP Javid Iqbal Khan at Mingora vide case FIR No. 158 dated 29/02/2008 u/s 302/324/353 PPC/7 ATA Police Station Mingora.

While considering the recent insurgency and the revival of the writ of the government, one feels constrained to appreciate the sacrifices of Swat police. In those crucial moments of trial, many personnel displayed extra-ordinary valour and bravery. It is primarily because of those heroic acts of police and army that today Swat is again peaceful. While many personnel laid down their lives in the line of duty and offered supreme sacrifice of life; there were others who got injured during different explosions. We need to appreciate these sacrifices which made Khyber Pukhtunkhwa Police a proud law enforcing agency across the world. The case of appellant is one of those who stood the ground and got injured.

Therefore keeping in view the fact that while bravely performing his duty, the appellant got injured; his appeal is accepted and he is reinstated into service with immediate effect. The period for which he remained out of service will be treated as leave without pay.

Alleged

OB No. 170

20-9-10

Stamm

OB/IEC

received S-Roll ①

17/09/10

No. 8665 /E,

Dated 16/9/2010.

Signature of Qazi Jamilur Rahman

(QAZI JAMILUR RAHMAN)
Deputy Inspector General of Police,
Malakand Region, Saidu Sharif, Swat.

SAIF

Copy to the District Police Officer, Swat for information and

نمبر 35 مورخہ 5/12/10

درج ذیل کے مقررین کی فہرست 1815 نمبر 35 مورخہ 5/12/10 کے تحت پیش کی گئی ہے۔
مقررین کے حوالہ سے 25 مورخہ 5/12/10 کے تحت ایک نوٹیفکیشن جاری کیا گیا ہے۔
اس نوٹیفکیشن کے تحت مقررین کو ایک دن کی اضافی فوری سہولت پیش کی گئی ہے۔

صاحب

ڈی ایچ ایف

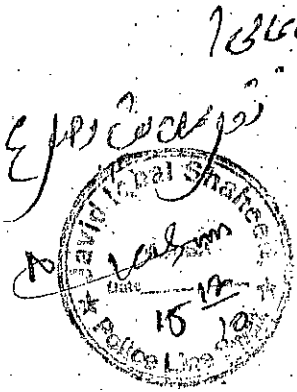
نمبر 35 مورخہ 5/12/10

ڈی ایچ ایف



درج ذیل کے مقررین کی فہرست 1815 نمبر 35 مورخہ 5/12/10 کے تحت پیش کی گئی ہے۔
مقررین کے حوالہ سے 25 مورخہ 5/12/10 کے تحت ایک نوٹیفکیشن جاری کیا گیا ہے۔
اس نوٹیفکیشن کے تحت مقررین کو ایک دن کی اضافی فوری سہولت پیش کی گئی ہے۔
کی جاتی ہے۔
مقررین کے حوالہ سے 25 مورخہ 5/12/10 کے تحت ایک نوٹیفکیشن جاری کیا گیا ہے۔
اس نوٹیفکیشن کے تحت مقررین کو ایک دن کی اضافی فوری سہولت پیش کی گئی ہے۔

Attested
[Signature]



[Signature]
M. M. M.

ڈی ایچ ایف
[Signature]
PL sent

Awarded one day extra chie.

15-12-10

OB. No 8

11-1-11

DPO Sent. 27.12.10.

حاجو پرايشال محمد لولپا لارن

418

لقل 37 روزاج 24/9/10

ALD 37 امر وقت 14:35 كے صوفے 24/9/10 اس وقت

مياں گل سيد 1654 بر صاف دفتر انجنيئرنگ

37 بر صاف دفتر ASI صاف بر لارن

صاف میں انجنيئرنگ کوئلہ OB 170 20.9.10

دو بارہ حال ہو چکا ہے جس لقل کو علیحدہ فرم لارن

لغوی اظہار کسین بالہ کی صورت میں لارن

کسی جائے گئی

Alleged

محمد علی
لقل عطا علی
MM PZ Swat
24/9/10

sir forwarded

[Signature]

ALD swa L
24.9.10

ORDER.

On his re-statement in Service vide
DIG of police D. Swat Office order
issued our Endost: No. 8665/E, dated
16.09.10. Constable Mian Said Gul No. 1654
is hereby allotted Constabulary No. 418
W.e. from 24.09.2010.

OB No 176
24.9.10

[Signature]

IAN)
of Police
D. Swat
ASI

10/10/10
/2010.



10. EDUCATIONAL QUALIFICATIONS.

Educational qualification.	Knowledge of languages.
Un-educated.	English.
Slightly educated.	Persian.
Matriculation.	
First Arts.	
Degree.	Pushto.

*FA Passed/Verified by Baitawat Mub
Letter No-507 Baitawat dt- 20-8-2012.*

*B.A Passed Verified by university
of Malakand with letter no 3490 dt-8-25-12*

*Shah
Baitawat
D. Rasul*

EXAM/UOM

THE I

Subject :-

Sir,

MIAN GU
SUPPLEN
Number

Note.—Under line the qualifications possessed, and particulars where necessary and give date of entry

11. PROFESSIONAL ATTAINMENTS AND SPECIAL QUALIFICATIONS.

Professional attainments	Special qualifications.
Passed Training School Upper Class.	Clerical duties.
Intermediate Class.	Accountant,s duties.
Print Course.	Orderly Head Constable, s duties.
Drill instructor,s Course.	Moharrir,s duties.
	Detectives, duties.
	Traffic duties.

17/3/58

8.12.17

11.17

29.12.2017.

Alleged

and qualifications possessed.

روزنامہ 23

23 روزنامہ 2/08

مہر 23 حافی 2008

وقت 13:00 بجے نیشنل میاں سید 1654

2.4.08

روزنامہ 10.3.08 سے حافر الوردہ میر حافی حاجی بابا دھماکہ میں زخمی ہونا پیرا می 10 اب حافر آریا حافی کی جاویں۔ اکثرہ حافی درجہ روزنامہ کیسی میڈیکل ایسٹ کے کاغذات سمراہ لائے جو کہ نقلہ حفا کے ساتھ کڈ کے بغرض منقود می انہ انبالا کے خدمت میں ارسال ہوگی۔

کے پڑھاری

جناب عالی!

The absence period counted as m/leave and pay released.

درجہ گتے ایام (50) (17) (22)

نقل از اصل ہے
mmmpc Swat
3.4.08

ضلع سوات

نقلہ 43 روزنامہ 3/08

mmmpc Swat
8.4.08

روزنامہ 43

43 والی

پورٹ میر حافی

وقت 19:10 بجے میاں سید 1654 کا 10 ایام
میڈیکل ایسٹ سے والی مطلوب تھی۔ حافر نے اگر مذکورہ کے خلاف رپورٹ میر حافی درجہ روزنامہ کیسی

10

OB No. 71

10/4/08

جناب عالی!

جناب عالی!

نقل از اصل ہے
نقلہ 43 میڈیکل ایسٹ کے کاغذات
میر حافی حاکم میں خدمت سے
mmmpc Swat
3.4.08

10/4/08

Forwarded

mmmpc Swat

Attested
mmmpc Swat


DSP M. M. M. M. M.
5/4/08

ان روزن مائیکل سعید شکیل عمر 1654

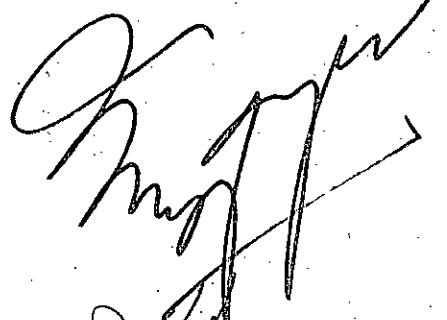
بیان کیا کہ میں بدوران ڈلوٹی حاجی بابا بھگت دھانم میں زخمی ہوا تھا
سعید داخل پشمال ہو گیا۔ علاج معالجہ کے بعد میں اسٹریپر تھا۔ اس کے
صدمہ ہونے کے بعد میں دھانم کے وہ زمینی ولفی تھا۔ اور دماغ پر ایک
لو جو تھا۔ اس کے بعد بیماری عین حاضر ہوا ہوں۔ آئندہ تیسے چھ ماہوں
تو کب خوش حالی کرنے کا حکم صادر فرمایا جائے۔

سعید شکیل سعید 1654

عمر سعید

Attested


ATTESTED



DSP/ Legal



(29)

**OFFICE OF THE
DISTRICT POLICE OFFICER, SWAT**
Ph: 0946-9240393 & Fax No. 0946-9240402,
Email: dposwat@gmail.com

No. 8765 /E,

Dated Saidu Sharif the, 24-4/2018.

To: The **Regional Police Officer,**
Malakand Region at Saidu Sharif, Swat.

Subject: **MERCY PETITION.**

Memorandum:

A mercy petition submitted by Constable Mian Gul Said No.418/1654 of this District Police, is forwarded herewith for necessary action please.

Encls: (05).

Attest

District Police Officer, Swat.

LIST OF INJURED OFFICERS / OFFICIALS IN BOMB BLAST/TERRORISM CASES

S.NO	NAME OF OFFICER	PLACE	CASE FIR, DATE AND SECTION OF LAW	NAME OF PS
1	Dr.Mazhar Ul Haq kaka Khel DPO Swat	Near Police Lines	1236 Dated 04/07/2007 u/s 302,353,324,427 PPC,7ATA,3/4 Exp/Sub/ ACT	Mingora
2	HC Muhammad Alam No.359	Do	Do	Do
3	ASI Itbar Muhammad	PS Matta	388 Dated 04/07/2007u/s 302,324,353,120 B,121 A,427 PPC,6/7 ATA, 3/4 Exp/Sub/ACT	Matta
4	LHC Abdul Allah No.283	Do	Do	Do
5	LHC Islam u Haq No.273	Do	Do	Do
6	FC Sayed Ahmad Khan No.132	Do	Do	Do
7	Fc Muhammad Alam No. 1078	Do	Do	Do
8	FC Momin Khan No.1412	Do	Do	Do
9	DSP Abdur Rashid Khan	Baryam Chowak	389, Dated 06/07/2007 u/s 324,353,120 B,121 A PPC 6/7 ATA, 3/4 Exp/Sub/ACT	Matta
10	SI Sher Zada	Do	Do	Do
11	SI Amjad Ali	Do	Do	Do
12	FC Azam Khan No.45	Do	Do	Do
13	FC Junid Ali Shah No.565	Do	Do	Do
14	FC Majid Khan No. 546	Do	392, Dated 15/07/2007 u/s 302,324,353,120B,121A, 122,427PPC, 7 ATA,3/4 EXP/Sub/ACT	Matta
15	Insp; Bahru Din	Ala Abad	463, Dated 31/07/2007 u/s 324,427 PPC,7ATA,3/4 Exp/Sub/ACT	Khwaza Khela
16	ASI Bakht Rawan	Do	Do	Do
17	FC Muhammad Alam No.11	Do	Do	Do
18	FC Riaz No.847	Do	Do	Do
19	FC Muhammad Akbar No.994	Do	Do#	Do
20	FC Mohd Sheer No. 634	Kot	480, Dated 23/08/07 u/s 324,353,3/4 Exp .Sub Act	Khwaza Khela
21	FC Zarbahadar No. 90	Kot	Do	Do
22	FC Shir Ali No. 463	Kot	Do	Do
23	Constable Bacha Khan No.53	Gulibagh	519 dated 20/09/2007 u/s 302/324/353, 186 PPC, 3/4 Exp: Sub: Act, 7 ATA	Do
24	SI Sanobar Khan	Ghashkor	528 dated 29/09/2007 u/s 324/353/427/34 PPC, 7 ATA	Do
25	HC Said Muhammad No.900	Gulshan Chowk	1439 dated 22/10/2007u/s 17(3) Haraba, 7 ATA, 353/153-A, 124-A PPC	Do
26	SI Bashir Ahmad Khan	Gul Jaba Bridge	552, dated 09/11/07 u/s 302/324/353/427/ 120-B/124-APPC,3/4 Exp.Sub.Act, 7 ATA	Kabal
27	LHC Anwar Syed No.160	Madyan	426, dated 20/11/07, u/s 17(3) Haraba, 324/ 343/452/148/149/337-A (II) PPC, 7ATA	Madyan
28	Insp: Mohd Ghani Khan	PS Kabal	559, dated 20/11/07 u/s 324/353 PPC,3/4 Exp.Sub.Act, 7 ATA	Kabal
29	SI Mohd Munir Khan	Gaman Bridge	531, dated 25/11/07 u/s 324/353/120-B/121/427 PPC, 3/4 Exp.Sub.Act, 7 ATA	Ghalegai
30	Const: Fazal Hayat No.1402	Nawakalai Chowk	1468, dated 25/11/2007 u/s 324/353/120-B/121-A/124-A/148/149 PPC, 7 ATA	Mingora
31	SI Bahadar Khan (PC)	CP Ningolai	578, dated 09/12/07 u/s 302/353/120-B/124-A PPC 3/4 Exp.Sub.Act, 7 ATA	Kabal
32	LHC Mohd Ghafar No.606	New Madyan Road Mingora	1487, dated 28/12/07 u/s 324/353 PPC, 7ATA	Mingora
33	PASI Aman Khan	Media Centre Saidu Sharif	44 dated 16/02/2008 u/s 302/324/353/427 PPC, 3/4 Exp: Sub: Act, 7ATA	Saidu Sharif
34	HC Sadat No.1190	Do	Do	Do
35	DSP Sarbiland Khan	Bara Bandai	25, dated 17/02/2008 u/s 324,353,427 PPC, 3/4 Exp. Sub Act, 7 ATA	Kabal
36	Const: Bakht Ali No.1177	Do	158, dated 29/02/2008 u/s 302/324/353 PPC, 3/4 Exp.Sub.Act, 7ATA	Mingora
37	Const: Ali Khan No.1559	Do	Do	Do
38	Const: Mian Gul No.1654	Do	Do	Do
39	Const: Umar Zeb No.1637	Do	Do	Do
40	Const: Fazal Hamid No.1583	Do	Do	Do
41	Const: Said Bacha No.1362	Do	Do	Do

[Handwritten signature]



1549/E
13/6/18

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE,
PESHAWAR.

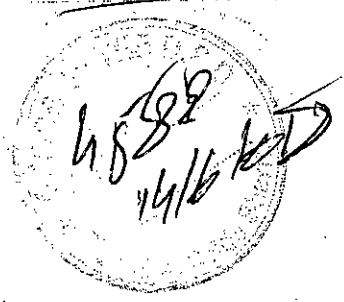
231

No. SI/ 2302 /18, dated Peshawar the 07/06/2018.

To : The Regional Police Officer,
Malakand Region, Swat.

Subject: APPEAL (FC MIAN GUL SAID NO. 418 / 1654)

Memo:



Please refer to your office memo: No. 4806 / E, dated 23.05.2018.

The appeal of Constable Mian Gul Said No. 418 / 1654 of District Police Swat to the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar for restoration of two annual increments has processed / examined at Central Police Office, Peshawar and filed by the competent authority being badly time barred for about 08 years.

The applicant may please be informed accordingly.

cmeh F-missal
— α —

(SYED ANISUL-HASSAN),
Registrar,

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

6/b

No 5489 /E
dt 13-06-18

EC/DPO Swat

OPST
Pr V objection

Pr objection. The applicant may be informed accordingly please

District Police Officer
SWAT
14/6

Abt ustad

cmeh F-missal

Registrar
Malakand Region
Swat
13/6/2018

32

1654

S, ETC
5
are of Superintendent of Police

ORDER

This order will dispose off the enquiry initiated against Constable Mian Gul Said No.1654, who while posted to Police Lines absented himself from duty with vide DD No.41, dated 29/09/2008 and failed to report. Thus absented himself from his legitimate duty and a report to this effect was entered at Police Lines vide DD No.41, dated 29/09/2008.

He was issued charge sheet with statement of allegations. Enquiry was initiated against him and DSP Legal was appointed as Enquiry Officer. The Enquiry Officer in his finding report submitted that the defaulter Constable was summoned time and again, but did not appear to record his statement. Hence he was recommended for Major punishment of the Enquiry Officer. He was issued Final Show Cause Notice No. 631/E, dated 26/01/2009 but no reply has been received.

This constitutes misconduct, cowardice on his part and as such he is liable for action under section 5 sub section (4) of the Removal from service (Special Powers) Ordinance 2000 (Amendment) Ordinance 2001.

This constitutes misconduct/disinterest on his part and as such he is liable for action under section 5 Sub Section (4) of the Removal from service (Special Power) Ordinance 2000 (Amendment) Ordinance 2001 and dispose with the enquiry proceeding as laid down in the Ordinance and am further satisfied that there is no need of holding further departmental enquiry. Since the defaulter Constable has been found guilty of gross misconduct as defined in the said Ordinance, I Mr. Dilawar Khan Bangash DPO Swat as a competent authority, therefore impose major penalty by dismissing him from service from the date of absence i.e 29/09/2008.

Order announced.

[Signature]
District Police Officer, Swat

O.B. No. 28

Dated. 21.2.09.

Office of the Accountant General
Khyber Pakhtunkhwa, Peshawar
Pa, Fixed at the Rate of Basic Pay Scales

3340/08
w.o. of Punjab
5400/07/071

Rs. 11/11/07-2007
1000000 3340-160-8140/05
Pay Band 1000000 3340/1000000
1000000 5400-160-132000/05
1000000 5400/1000000

transfer
10
55/E
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Accountant General
Khyber Pakhtunkhwa, Peshawar

1654

Better Copy 33

1654 (13) Pages

ORDER

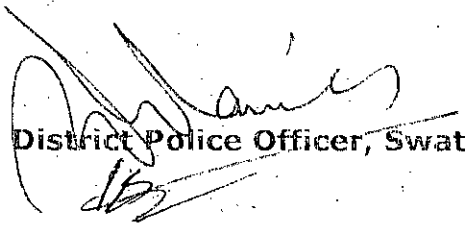
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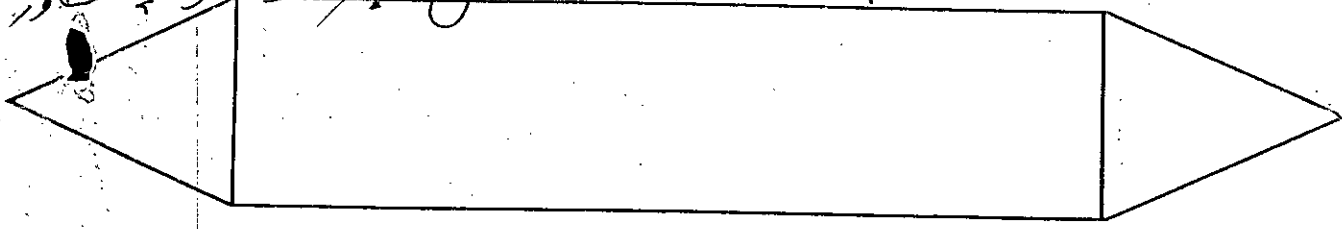
Order announced.


District Police Officer, Swat

O.B. No. 28

Dated. 21.2.09.

بعد الت جنا۔ سروں ٹر اکیبول فیبر کتوں فوہ لیشاور



مورخہ 28 نومبر 2019ء منجانب ایوانہ

مقدمہ میا لفل سید بنام حکومت فیبر کتوں فوہ لیشاور

دعویٰ سروں سید
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی دکل
 کارروائی متعلقہ آن مقام لیشاور کے لئے شہید سید سید
 مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
 کیل صاحب کو کرنے راضی نامہ و تقرر ثالث و فیصلہ بر حلف دیے جواب دہی اور اقبال دعویٰ اور
 بصورت ڈگری کرنے اجراء اور وصولی چیک نہ روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمد اور
 منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت
 مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے
 تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور
 اس کا ساختہ پداختہ منظور و قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہرجانہ 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 ہے تو وکیل صاحب پابند نہ ہوں
 گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

الرقوم 28 ماہ نومبر 2019ء

العبد گواہ شد العبد

کلیں میا لفل سید و ماہرین بنج

Accepted
2/12/19

بمقام سروں ٹر اکیبول لیشاور کے لئے منظور ہے۔

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

C.M No. 157/2020

Constable Mian Gul Said No.1654 S/O Gul Bakht R/O Alamganj, presently posted in
DPO Office at Gulkada District Swat.

..... Appellant

VERSUS

Inspector General of Police, Khyber Pukhtunkhwa, Peshawar & others.

....Respondents

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S.No:	Description of Documents	Annexure	Page
1	Reply by Respondent	-	1-2
2	Affidavit	-	3
3	Authority Letter	-	4


District Police Officer, Swat

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

C.M No. 157/2020

Constable Mian Gul Said No.1654 S/O Gul Bakht R/O Alamganj, presently posted in DPO Office at Gulkada District Swat.

..... Appellant

VERSUS

Inspector General of Police, Khyber Pukhtunkhwa Peshawar & others.

..... Respondents

REPLY BY RESPONDENT

Respectfully Shewith,

FACTS:

1. Pertain to the record of Honorable KPK Service Tribunal Peshawar: The Service Appeal of the applicant is barred by Law and limitation.
2. That the instant restoration application may kindly be filed on the following grounds:-

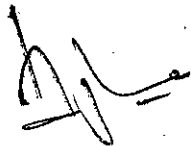
GROUND


- i. Incorrect. Appellant and his counsel without any reasonable cause willfully absented from hearing in order to waste the precious time of honorable Tribunal and did not pursue the case properly.
- ii. Incorrect. There is no need of issuing Notice/Summon to the applicant under the rules. Applicant and his counsel were well aware about their fix date of appeal pending in the Court but they intentionally did not appear before the Tribunal to pursue their case.
- iii. Incorrect. The applicant and his counsel have willfully absented from the hearing of the case without any justified cause, therefore the restoration application of applicant is not maintainable under the rules.
- iv. Incorrect. No valuable and precious rights of the appellant are involved in the instant appeal as the appellant has willfully absented himself from the hearing and did not pursue the case in Service Tribunal.
- v. As stated above, the applicant has willfully absented himself from the hearing of the case and did not attend the court on due date, hence the same was rightly dismissed by the honorable Tribunal. Applicant has no right to file application for restoration of service appeal due to his willful mistakes.

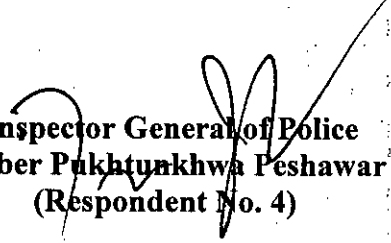
- vi. Incorrect. There is no law/rules for restoration of dismissed appeal due to mistake of applicant and his counsel. The process of restoration is amount to wastage of precious time of Court as well as of the respondents. Furthermore representative of respondents department has attended the Honorable Tribunal on each & every date.
- vii. That appeal of the appellant had once dismissed on account of willful absence on the date of hearing and did not pursue the case properly. Applicant has no right to file application for restoration of service appeal due to his willful mistakes.

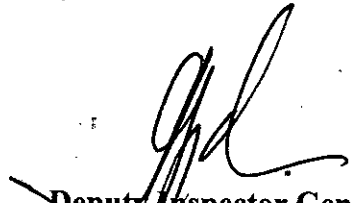
PRAYER:

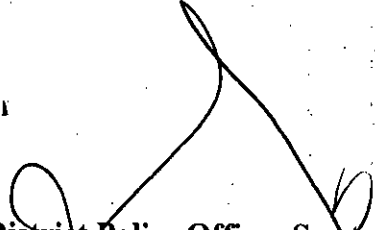
Keeping in views the above facts and circumstances, it is humbly prayed that the restoration application of applicant is devoid of legal force, may kindly be filed/dismissed with costs.


**Secretary to Govt: of KPK
Finance Department Peshawar
(Respondent No. 2)**


**Secretary Home & TA
Department, Govt: of KPK
(Respondent No. 03)**


**Inspector General of Police
Khyber Pakhtunkhwa Peshawar
(Respondent No. 4)**


**Deputy Inspector General of
Police, Malakand Region
(Respondent No. 6)**


**District Police Officer Swat
(Respondent No. 7)**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

C.M No. 157/2020

Constable Mian Gul Said No.1654 S/O Gul Bakht R/O Alamganj, presently posted in DPO Office at Gulkada District Swat.

..... Appellant

VERSUS

Inspector General of Police, Khyber Pukhtunkhwa, Peshawar & others.

....Respondents

AFFIDAVIT

We, the above respondents do hereby solemnly affirm on oath and declare that the contents of the restoration application are correct/true to the best of our knowledge/ belief and nothing has been kept secret from the honorable Tribunal.



Secretary to Govt: of KPK
Finance Department Peshawar
(Respondent No. 2)

Secretary Home & TA
Department, Govt: of KPK
(Respondent No. 03)

Inspector General of Police
Khyber Pukhtunkhwa Peshawar
(Respondent No. 4)

Deputy Inspector General of
Regional Police, Malakand Region
(Respondent No. 6)

District Police Officer Swat
(Respondent No. 7)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

C.M No. 157/2020

Constable Mian Gul Said No.1654 S/O Gul Bakht R/O Alamganj, presently posted in DPO Office at Gulkada District Swat.

..... Appellant

VERSUS

Inspector General of Police, Khyber Pukhtunkhwa, Peshawar & others.

....Respondents

AUTHORITY LETTER

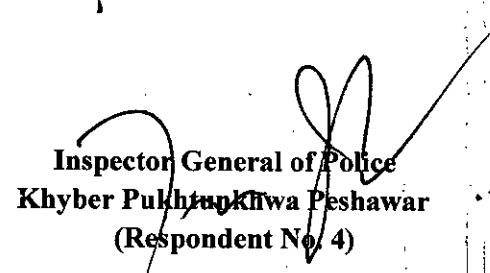
We, the above respondents do hereby authorize Mr. Naeem Hussain DSP/Legal Swat to appear before the Tribunal on our behalf and submit reply etc in connection with titled Restoration application.




Secretary to Govt: of KPK
Finance Department Peshawar
(Respondent No. 2)



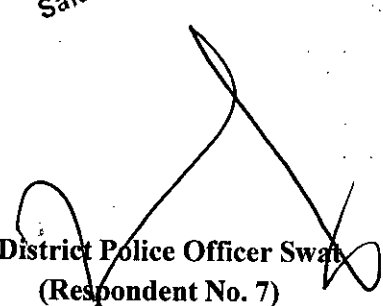
Secretary Home & TA
Department, Govt: of KPK
(Respondent No. 03)



Inspector General of Police
Khyber Pukhtunkhwa Peshawar
(Respondent No. 4)



Deputy Inspector General of
Police, Malakand Region
Khyber Pakhtunkhwa
Saidu Swat
(Respondent No. 6)



District Police Officer Swat
(Respondent No. 7)

CHARGE SHEET

I Mr. Dilawar Khan, DPO Swat as competent authority, hereby charge you, Constable Main Gul Said No.1654 as following that you, while posted as Police Lines committed the following irregularities:

You Constable Main Gul Said No.1654 while posted to Police Lines Swat, absented yourself from duty with effect from 29/09/2008 till to date with out permission or leave vide DD No.41 dated 29/09/2008 of Police Lines Swat.

All these based on your malafied intention, negligence, omission and disinterest in duty which is gross misconduct on your part.

2. By reasons of the above, you appear to be guilty of misconduct under Section-3 of the NWFP (Removal from Service) Special powers ordinance 2000, and have rendered yourself liable to all or any of penalties specified in section-3 of the ordinance.

3. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the Enquiry officer / Committee, as the case may be.

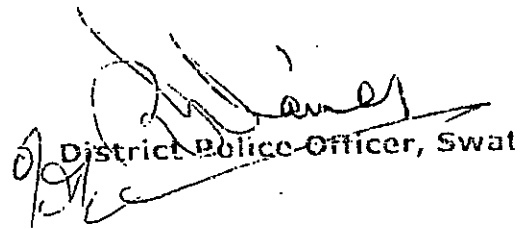
4. Your written defense, if any, should reach the Enquiry Officer/ Committee within the specified period, failing which it shall be presumed that you have no defense to put in and in that case exparte action shall follow against you.

5. Intimate whether you desire to be heard in person.

6. A statement of allegations is enclosed.

Attested




District Police Officer, Swat

No. 631 /EB

Dated 15/11 2008.

DISCIPLINARY ACTION

I Mr. Dilawar Khan, DPO, Swat District Police Officer, Swat as competent authority, am of the opinion that Constable Main Gul Said No.1654 has rendered himself liable to be proceeded against as he committed the following acts/omissions with in the meaning of section 3 of the N.W.F.P Removal from Service (Special Powers) Ordinance, 2000.

STATEMENT OF ALLEGATIONS

That he while posted to Police Lines Swat, absented himself from duty with effect from 29/09/2008 till to date with out permission or leave vide DD No.41 dated 29/09/2008 of Police Lines.

All these based on his malafied intention, negligence, omission and disinterest in duty which is gross misconduct on your part.

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, an Enquiry committee consisting of the following is constituted under section 3 of the Ordinance.

1. Mr. Mohammad Ayaz Khan, DSP Legal

2. _____

3. The enquiry Committee shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused, record its findings and make within 25 Days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place given by the enquiry Committee.


District Police Officer, Swat

No. 631 /E, Dated Gulkada the, 15/11 2008.

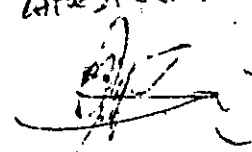
Copy of above is forwarded to the:-

1. Mr. Mohammad Ayaz Khan, DSP Legal

2. _____ } for initiating proceeding against the Officer/Official under the provisions of the NWFP/Removal from Service (Special Powers) Ordinance 2000.

3. Constable Main Gul Said No.1654 Through Home Officer.

With the direction to appear before the enquiry Committee on the date time and place fixed by the Committee for the purpose of he proceeding

Attested.


FINAL SHOW CAUSE NOTICE

1654

You Constable Mian Gul Saib no. 1654 while posted to Po

Swat absented your self from duty with effect from 29/9/08

now with out any leave or permission from your immediate officer. The EO in his report recommended you for Major Punishment.

You are, therefore, served with this final show cause notice to show cause with in 03 days of the receipt of this notice as to why the proposed action, which may included you dismissal from service, should not be taken against you, in case your written reply is not received within 03 days, you will be definitely dismissed from service.


District Police Officer, Swat

No. 631 /E

Dated 26/11 /2008

Constable Mian Gul Saib no. 1654.

S/o _____

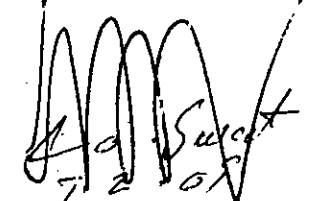
R/o Police Line

District Swat.

عزت آباد
سید مہر علی صاحب 1654 کو الہ صواب روزانہ 29/08
سے ہٹا دینا چاہیے۔ (کوئی اعتراض نہیں ہے)

Pl. Saib
7 2 08

عزت آباد
الوٹ ڈیوٹی سے ہٹا دینا چاہیے
الوٹ ڈیوٹی سے

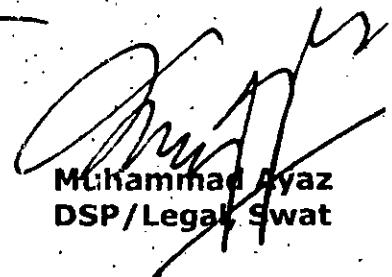

7 2 08

FINDING REPORT

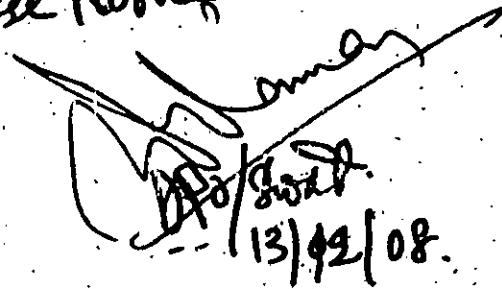
This is regular departmental enquiry against Constable Mian Gul Said No 1654. According to the allegator, that the Constable while posted in Police Line Swat absented himself from lawful duty with effect from 29/9/08 uptill now with out getting prior permission of the high ups.

In this connection proper departmental enquiry was conducted and the undersigned was appointed as Enquiry Officer. The defaulter Constable was summoned for 26/11/08 but did not attend this office. According to report of MHC H O Swat he is absent from 29/9/08 up till now. The charges/allegation were proved against the defaulter Constable Mian Gul Said No 1654 and found him guilty of the charges.

Being found guilty of charges/allegation, Constable Mian Gul Said No 1654 is recommended for major punishment.


Muhammad Ayaz
DSP/Legal Swat

EC
Issue Final Show Cause Notice


H O Swat
13/12/08

خبا عالی! کوالہ انلوٹری ازان ٹیبل میں مل سید

حدت میں کہ ٹیبل میں مل سید 1654 جوڑ 08

(29) پولیس لائن شدہ سے غیر حاضر ہو کر اس سلسلہ میں شروع ہوئے انلوٹری کے نسبت زبردستی کو برداشت ہوئی

دوران انلوٹری ٹیبل میں مل سید

کو طلب کیا جا کر بیان طلب ہوئی۔ مذکورہ نے واضح کیا کہ وہ

ڈلوٹی منگورہ (حاجی بابا) کم دھانہ میں زخمی ہوا تھا۔ علاج

کے بعد اپنی ڈلوٹی سدا لیا کے رہا تھا۔ دھانہ کپور سے وہ

برکھن ہو گیا تھا۔ اور ذہن پر ادب لکھو تھا۔ اس علاج سلسلہ

6/5/08 کو علاج دیا گیا ہے۔ سوال سدا جا کر دھانہ کے بعد ڈاکٹر

لئے Bed Rest دیا۔ ریسٹ گزرنے کے بعد وہ ڈلوٹی کا قابل ہے

تھا اور 6/4 تک غیر حاضر ہو گیا۔ (بیان کم 08 سدا سے)

کاروائی انلوٹری سے اس نتیجہ پر پہنچا کہ ٹیبل

میں مل سید 1654 واقعی 5.4.08 کو دوران ڈلوٹی زخمی ہوا تھا اور

کے بعد حاضر ڈلوٹی ہوا جوڑ 6.5.08 سے 19.5.08 تک اس سدا

نے کل بیڑ ریسٹ دیا ہے جبکہ 20.5.08 تا 4.6.08 مذکورہ ٹیبل (15) جوڑ

غیر حاضر ہوا ہے۔

لہذا 6.5.08 سے 19.5.08 (14) جوڑ سدا لیا اور 19.5.08

تا 4.6.08 (15) جوڑ کو بلا تنخواہ کرنے اور آئندہ سدا سے متاثر

کی سفارش کی جاتی ہے فاؤنڈیشن رپورٹ میں اس کے نام سے

DSP/ Legal/ Smart

158
12/8/2008

Submitted for
08/08/2008

1654

1654. (1)

ORDER

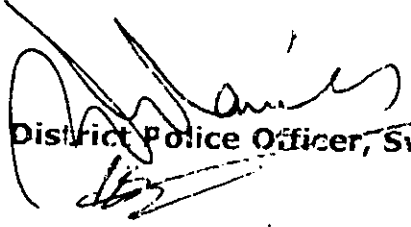
This order will dispose off the enquiry initiated against Constable Mian Gul Said No.1654, who while posted to Police Lines absented himself from duty with vide DD No.41, dated 29/09/2008 and failed to report. Thus absented himself from his legitimate duty and a report to this effect was entered at Police Lines vide DD No.41, dated 29/09/2008.

He was issued charge sheet with statement of allegations. Enquiry was initiated against him and DSP Legal was appointed as Enquiry Officer. The Enquiry Officer in his finding report submitted that the defaulter Constable was summoned time and again, but did not appear to record his statement. Hence he was recommended for Major punishment of the Enquiry Officer. He was issued Final Show Cause Notice No. 631/E, dated 26/01/2009 but no reply has been received.

This constitutes misconduct, cowardice on his part and as such he is liable for action under section 5 sub section (4) of the Removal from service (Special Powers) Ordinance 2000 (Amendment) Ordinance 2001.

This constitutes misconduct/disinterest on his part and as such he is liable for action under section 5 Sub Section (4) of the Removal from service (Special Power) Ordinance 2000 (Amendment) Ordinance 2001 and dispose with the enquiry proceeding as laid down in the Ordinance and am further satisfied that there is no need of holding further departmental enquiry. Since the defaulter Constable has been found guilty of gross misconduct as defined in the said Ordinance, I Mr. Dilawar Khan Bangash DPO Swat as a competent authority, therefore impose major penalty by cismissing him from service from the date of absence i.e 29/09/2008.

Order announced.


District Police Officer, Swat

O.B. No. 28

Dated. 21.2.09.

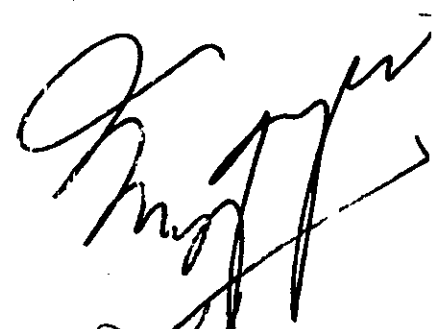
ان روزن میں داخل مسجد کتب خانہ 1654

بیان کیا کہ میں دوران ڈیوٹی حاجی بابا حکیم دہلوی میں زخمی ہوا تھا
بعد داخل ہسپتال ہو گیا۔ علاج معالجہ کے بعد میں اسٹریٹ ہسپتال
میں بیوی کے بعد میں دہلی آئے وہ زخمی و لہجہ تھا اور دماغ پر اثر
پڑا تھا۔ اس کے بعد بیماری غیر حاضر ہوئی۔ آئندہ ایسے خونا و اتر
نہو، زخموں کا علاج کا حکم صادر فرمایا جائے۔

محمد علی سعید 1654 مسجد کتب خانہ

عہدہ

ATTESTE



DSP/Regal

8229
20/9/10

ORDER

This order will dispose of the appeal of Ex-Constable Mian Gul Saeed No. 1654 of district Swat.

Brief facts are that the above named appellant while posted to Police Lines Swat absented himself from duty with effect from 29/09/2008 due to which the District Police Officer, Swat after proper departmental proceeding dismissed him from service vide OB No. 28 dated 21/02/2009.

The appellant contended in his appeal dated 15/03/2010 that he had been injured in the bomb blast which occurred during funeral ceremony of Shaheed DSP Javid Iqbal. He further stated that due to injuries and persistent threats at the hands of militants he could not attend to his duty regularly.

Later on the above named appellant preferred an appeal to this office 15/03/2010, which has been perused. His contention that he had been injured in a suicide attack needed verification therefore DSP/PSO Range Office was directed to enquire into the matter and verify his contention. The enquiry officer reported that the appellant had sustained injuries in bomb blast which had taken place during the funeral ceremony of Shaheed DSP Javid Iqbal Khan at Mingora vide case FIR No. 158 dated 29/02/2008 u/s 302/324/353 PPC/7 ATA Police Station Mingora.

While considering the recent insurgency and the revival of the writ of the government, one feels constrained to appreciate the sacrifices of Swat police. In those crucial moments of trial, many personnel displayed extra-ordinary valour and bravery. It is primarily because of those heroic acts of police and army that today Swat is again peaceful. While many personnel laid down their lives in the line of duty and offered supreme sacrifice of life; there were others who got injured during different explosions. We need to appreciate these sacrifices which made Khyber-Pukhtunkhwa Police a proud law enforcing agency across the world. The case of appellant is one of those who stood the ground and got injured.

Therefore keeping in view the fact that while bravely performing his duty, the appellant got injured; his appeal is accepted and he is reinstated into service with immediate effect. The period for which he remained out of service will be treated as leave without pay.

OB No. 170

20-9-10

Stamm

OB 170
Mr. J. J. J.
17/9

(QAZI JAMILUR RAHMAN)
Deputy Inspector General of Police,
Malakand Region, Saidu Sharif, Swat.
***SAIF**

Received S-Roll (1)

Mr. J. J. J.
17/09/10

No. 8665 /E,

Dated 16/9/2010.

Copy to the District Police Officer, Swat for information and necessary action with reference to his Memo. No. 4094/3 dated 01/10/2009

SAIDU SHARIF SWAT

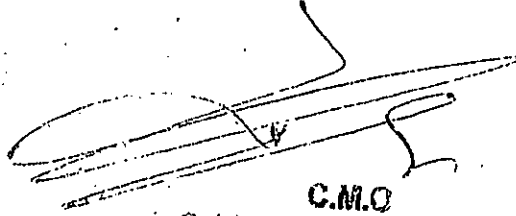
No. 1548/M.O. 1 Dated 13/2 /2010

DUPLICATE

INJURED CERTIFICATE

Certified that MR. MIAN GUL s/o MIAN GUL BAKHT resident of Alamganj, District Swat was brought to Casualty Department, Saidu Teaching Hospital, Swat vide Yearly No. 10264 date 29/02/2003, as a case of Bomb Blast Injury (BBI).

C/S



C.M.O.
Saidu Teaching Hospital
Saidu Sharif Swat

13/2/2010

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع سب سے جرم قابل دست اندازی پولیس رپورٹ شام ۱۵۳ بجے جمعہ ۲۹ اکتوبر ۱۹۵۸ء کو جمعہ ضابطہ جاری

کار نمبر ۱۵۳

موضوع	منگورہ
تاریخ و وقت وقوعہ	۲۹/۱۰/۵۸
وقت رپورٹ	۲۹/۱۰/۵۸
مقام اطلاع دہندہ مستقیم	منگورہ پولیس سٹیشن
قیمت جرم (مدرفعہ) محل اگر ایسا ہو اور اس کی نوعیت	3/4 41/5 1/2 ATA-3
آخری فاصلہ تھانہ سے اور مت	منگورہ گاؤں کا علاقہ ۱۹۵۸ء
اچھوتہ کی تعلق کی کمی اگر ایسا ہو اور اس کی نوعیت	منگورہ پولیس سٹیشن
پروائی کی تاریخ و وقت	۱۵۳

منگورہ پولیس سٹیشن پر اطلاع دہندہ
 مظہر عبداللہ

ابتدائی اطلاع منگورہ میں درج کردہ منگورہ پولیس سٹیشن پر اطلاع دہندہ مظہر عبداللہ نے
 منگورہ گاؤں میں واقع منگورہ پولیس سٹیشن میں اطلاع دہندہ مظہر عبداللہ نے اطلاع دی کہ
 منگورہ گاؤں میں واقع منگورہ پولیس سٹیشن میں اطلاع دہندہ مظہر عبداللہ نے اطلاع دی کہ
 منگورہ گاؤں میں واقع منگورہ پولیس سٹیشن میں اطلاع دہندہ مظہر عبداللہ نے اطلاع دی کہ
 منگورہ گاؤں میں واقع منگورہ پولیس سٹیشن میں اطلاع دہندہ مظہر عبداللہ نے اطلاع دی کہ
 منگورہ گاؤں میں واقع منگورہ پولیس سٹیشن میں اطلاع دہندہ مظہر عبداللہ نے اطلاع دی کہ
 منگورہ گاؤں میں واقع منگورہ پولیس سٹیشن میں اطلاع دہندہ مظہر عبداللہ نے اطلاع دی کہ
 منگورہ گاؤں میں واقع منگورہ پولیس سٹیشن میں اطلاع دہندہ مظہر عبداللہ نے اطلاع دی کہ
 منگورہ گاؤں میں واقع منگورہ پولیس سٹیشن میں اطلاع دہندہ مظہر عبداللہ نے اطلاع دی کہ
 منگورہ گاؤں میں واقع منگورہ پولیس سٹیشن میں اطلاع دہندہ مظہر عبداللہ نے اطلاع دی کہ
 منگورہ گاؤں میں واقع منگورہ پولیس سٹیشن میں اطلاع دہندہ مظہر عبداللہ نے اطلاع دی کہ

(مظہر عبداللہ خان)

MHA S. Mum

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

Put up to the court with
reference of ~~CM~~ C.M No. 57 -M/2020

In

~~Service~~ Service appeal No. 1710 of 2019
26/10/2020.

Constable Mian Gul Said.....applicant/appellant


VERSUS

The Govt. of KPK & others..... Respondents

INDEX

<u>S #</u>	<u>Description</u>	<u>Pages</u>
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2	Condonation of delay application with affidavit	5-6
2	Copy Order dated 05-03-2020	7-8
3	Wakalatnama	9

Applicant / appellant
Through counsel


Arshad Khan & Imran Hussain
Advocate High Court.

Opposite: Grassy Ground
Saidu Sharif, Swat
Cell No: 03377000777

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

C.M No. 157 -M /2020



In

Service appeal No. 1710 of 2019

Constable Mian Gul Said (No. 1654) son of Gul Bakht
resident of Alamganj, presently posted in DPO Office at
Gulkada, District Swat.

.....applicant/appellant

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Secretary at Peshawar.
2. Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department at Peshawar.
3. Govt. of Khyber Pakhtunkhwa through Home Secretary at Peshawar.
4. Inspector General of Police (IGP) Khyber Pakhtunkhwa at Peshawar.
5. District Accounts Officer Swat.
6. Deputy Inspector General (DIG) Malakand Division at Saidu Sharif, Swat.
7. District Police Officer at Gulkada, Swat.

.....Respondents

3

**Application u/s order 9 rule 4 for
restoration of above titled case dismissed
in default vide order dated 05-03-2020.**

Respectfully Sheweth:

1. That the above titled appeal was pending in this Hon'ble court, which was dismissed in default on 05-03-2020.(Copy of dismissal order is attached as annexure "A")
2. That the applicant prayed for the restoration of the above appeal on the following grounds:-

GROUND:-

- i. That the absence of the applicant was not wilful.
- ii. That due to the pandemic covid-19, the applicant was severely ill, and the courts were closed later on the counsel of the applicant was also not served with any notice, hence, could not appear on date fixed.
- iii. That the applicant is in service and because of severe weather conditions arrived lately on the date fixed, but the case was already being dismissed in default.

- 4
- iv. That very valuable & precious rights of the appellant are involved in the instant appeal.
 - v. That the application is within time and there is no legal bar against accepting such like application.
 - vi. That it is against the ends of justice to technically knock-out the present appeal.
 - vii. That if this august court restores the instant appeal, the appellant will attend the court regularly.

It is, therefore, most humbly prayed that on acceptance of this application the above titled appeal may kindly be restored.

Applicant / appellant

Through Counsel



ARSHAD KHAN & IMRAN HUSSAIN
Advocates, High Court

5

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

C.M No. _____-M /2020

In

Service appeal No. 1710 of 2019

Constable Mian Gul Said.....**applicant/appellant**

VERSUS

The Govt. of KPK & others..... Respondents

AFFIDAVIT

I, Constable Mian Gul Said (applicant / appellant), do hereby solemnly affirm and declare on oath that the accompanying application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



DEPONENT

6
**BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR**

C.M No. _____-M /2020

In

Service appeal No. 1710 of 2019

Constable Mian Gul Said.....applicant/appellant

VERSUS

The Govt. of KPK & others..... Respondents

AFFIDAVIT

I, Constable **Mian Gul Said** (applicant / appellant), do hereby solemnly affirm and declare on oath that the accompanying application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.




DEPONENT

7

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

C.M No. _____-M /2020

In

Service appeal No. 1710 of 2019

Constable Mian Gul Said.....**applicant/appellant**

VERSUS

The Govt. of KPK & others..... Respondents

Application for Condonation of delay if arises

Respectfully Sheweth!

1. That the captioned application has filed today.
2. That the appellant / applicant due to covid-19 was unaware of the dismissal order of the instant appeal
3. That the delay (if any) occurred in filing the captioned application for condonation of delay was due to the above mentioned reasons which were beyond the appellant control.

It is, therefore, humbly prayed that by the acceptance of instance Application the delay (if any) in filing the captioned application may kindly be condoned.

Appellant
Through Counsels


ARSHAD KHAN & IMRAN HUSSAIN
Advocates, High Court


B.K

8

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

Service Appeal No. 1710 of 2019

Khyber Pakhtunkhwa
Service Tribunal

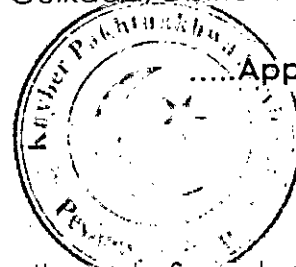
Diary No. 1662

Date 20/11/2019

Constable Mian Gul Said (No. 1654) son of Gul Bakht resident of Alamganj presently posted in DPO Office at Gulkada, District Swat.

.....Appellant

VERSUS



- (1) Government of Khyber Pakhtunkhwa through Secretary Civil Secretariat, Peshawar. (*Chief Secretary KPK at Peshawar*)
- (2) Secretary to Government of Khyber Pakhtunkhwa Finance Department.
- (3) Government of Khyber Pakhtunkhwa, Home Secretary
- (4) Inspector General of Police (IGP), Khyber Pakhtunkhwa at Peshawar.
- (5) District Accounts Officer Swat.
- (6) Deputy Inspector General (DIG) Malakand Division at Saidu Sharif, District Swat.
- (7) District Police Officer at Gulkada, District Swat.

.....Respondents

**SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA,
SERVICE TRIBUNAL ACT, 1974;**

Respectfully Sheweth!

Brief facts of the case giving rise to the instant appeal are as under:-

1. That the appellant is the bonafide resident of village Alamganj, Tehsil Charbagh, District Swat with a lower middle class family back ground.
2. That the appellant was appointed as Police Constable on 14.07.2007 in Swat Police.
3. That the appellant, on 29.02.2008, while performing his duty honestly at the appointed station, got severely injured during the funeral ceremony/prayer of Shaheed DSP namely Javed Iqbal Khan, due to bomb blast. (Copy of FIR is attached herewith as Ann: A).

Certified to be true copy.

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Filed to-day
20/11/19
Registrar

Re-submitted to-day
and filed.

Appel No. 1710/2019

9

04.02.2020

Appellant in person present and seeks adjournment as his counsel is not available. Adjourn. To come for preliminary hearing on 03.03.2020 before S.B at Camp Court, Swat.

Member
Camp Court, Swat.

03.03.2020

Nemo for the appellant. Adjourn. To come up for preliminary hearing on 05.03.2020 before S.B at Camp Court, Swat.

Member
Camp Court Swat



05.03.2020

Appellant absent. Learned counsel for the appellant absent. Case called for several times but no one appeared on behalf of appellant. Consequently the present service appeal is hereby dismissed in default. No order as to costs. File be consigned to the record room.

(Muhammad Hamid Mughal)

Member

Camp Court, Swat

Certified to be true copy

ANNOUNCED

05.03.2020

Date of Presentation of Application 15/10/20
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MEMBER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar



بار کونسل نمبر:

بار ایسوسی ایشن نمبر:

رابطہ نمبر: 03005985653



بریل نمبر: 70557

ڈسٹرکٹ بار ایسوسی ایشن سوات

بعدالت جناب: بعدالت جناب سروس ٹریبیونل ضلع وکھتوا/پشاور

منجانب: ایمپل مینٹ	دعویٰ اورخواست:
میاں گل شمس الدین	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

باعت حیرانگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے برائے پیروی مقدمہ

آن مقام کمال کوٹ کیلئے ارشد خاں ایسٹوٹ میں ایڈووکیٹ کے طور پر مقرر کر کے اقرار کیا جاتا ہے، کہ صاحب موصوف کو مقدمہ کی کل کارروائی کو مکمل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث کرنے دعویٰ، جواب دعویٰ، اقبال دعویٰ، اور درخواست برائے سرسبزی مقدمہ، منسوخی ڈگری یکطرفہ، اجراء و پیروی کرنے کا مختار ہوگا۔ نیز دائر کرنے اپیل نگرانی، نظر ثانی و پیروی کرنے کا مختار ہوگا۔ اور مقدمہ مذکورہ کیلئے کل وقتی یا جزوی کارروائی کیلئے کسی دیگر وکیل یا مختار قانون کو اپنے ہمرازہ یا اپنے بجائے تقریر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی جملہ مذکورہ اختیارات حاصل ہوں گے، اور اس کا ساختہ و پرواختہ منظور قبول ہوگا، بدوران مقدمہ جو خرچہ ہر جانبہ کسی بھی سبب سے حاصل ہوگا، وہ وکیل موصوف وصول کرنے کا حقدار ہوگا، کوئی تاریخ پیش مقام مذکورہ بالا سے باہر ہو، تو وکیل صاحب پیروی مقدمہ کرنے کے پابند نہ ہوں گے، مقدمہ کسی عدالت میں بعد پیروی خارج ہونے یا ڈگری یکطرفہ ہونے کے صورت میں وکیل صاحب ذمہ دار نہیں ہوں گے،

لہذا وکالت نامہ لکھ دیا کہ سندر ہے

کے لئے منظور ہے۔

مقام پشاور

ایڈووکیٹ دستخط:

المقوم: 20-10-2020