

29.09.2022

Learned counsel for the appellant present. Mr. Muhammad Ramazan, S.I (Legal) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Para-wise comments on behalf of respondents submitted, copy of which handed over to learned counsel for the appellant. Adjourned. To come up for rejoinder, if any, as well as arguments on 26.10.2022 before the D.B at Camp Court D.I.Khan.

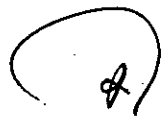


(Salah-Ud-Din)  
Member (J)  
Camp Court D.I.Khan

26<sup>th</sup> Oct 2022

Appellant in person present. Mr. Kabir Ullah Khattak, Additional Advocate General for respondents present.

Lawyers are on strike today. To come up for arguments on 23.11.2022 before D.B at Camp Court, D.I Khan. P.P given to the parties.



(Rozina Rehman)  
Member (J)  
Camp Court, D.I Khan



(Kalim Arshad Khan)  
Chairman  
Camp Court, D.I Khan

28<sup>th</sup> June 2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Ramzan, SI for respondents present.

Written reply/comments on behalf of respondents not submitted. Learned AAG seeks time to submit written reply/comments on the next date. Last opportunity granted. To come up for written reply/comments on 28.07.2022 before S.B at camp court D.I.Khan.



(Kalim Arshad Khan)  
Chairman  
Camp Court D.I.Khan

28-07-2022

28.07.2022

Due to summer vacations, the case is adjourned to 29.09.2022 for the same as before.

**Reader**

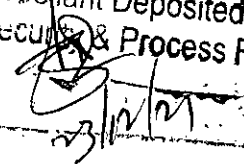


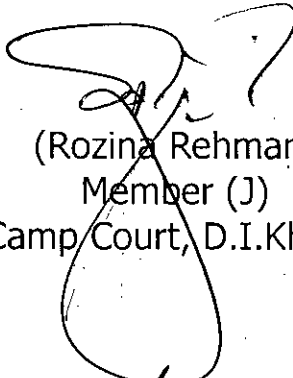
17.12.2021

Appellant present through counsel. Amended appeal submitted. Preliminary arguments heard and record perused.

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of reply/comments. To come up

Appellant Deposited Security & Process Fee for reply/comments on 27 / 01 /2022 before S.B at Camp Court, D.I.Khan.

  
23/12/21

  
(Rozina Rehman)  
Member (J)  
Camp Court, D.I.Khan

27/11/2022

Tours to Camp Court D.I.Khan has been cancelled. To come up for the same as before on 28/11/2021

  
Rends

22.11.2021

Appellant alongwith his counsel Mr. Sheikh Iftikhar-ul-Haq, Advocate, present.

Learned counsel for the appellant stated that the appellant has submitted an application seeking amendment in the instant service appeal, so as to challenge the order dated 12.01.2021, which was passed by the appellate Authority after filing of the instant service appeal. He sought time for arguments on the said application. Adjourned. To come up for arguments on the application on 24.11.2021 at Camp Court D.I.Khan.

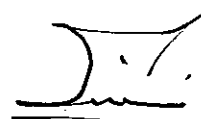


(Salah-Ud-Din)  
Member (J)  
Camp Court D.I.Khan

24.11.2021

Mr. Sheikh Iftikhar-ul-Haq, Advocate, for the appellant present.

Learned counsel for the appellant contended that after filing of the instant service appeal on 04.01.2021, it came to the knowledge of the appellant that the appellate Authority has decided the departmental appeal of the appellant vide order dated 12.01.2021 i.e after filing of service appeal, therefore, the same needs to be challenged in the service appeal. The request of the appellant appears genuine, therefore, the application for submission of amended appeal is allowed. Appellant shall file amended appeal within a period of 15 days and to come up for preliminary hearing on 17.12.2021 before the S.B at Camp Court D.I.Khan.



(Salah-Ud-Din)  
Member (J)  
Camp Court D.I.Khan

27.10.2021

Nemo for appellant.

Notice be issued to appellant/counsel for 22.11.2021 for preliminary hearing, before S.B at Camp Court, D.I.Khan.

*11/11/21*  


(Rozina Rehman)  
Member(J)  
Camp Court, D.I.Khan

~~2021~~

~~Notice is hereby issued to the appellant/counsel for  
preliminary hearing before the S.B at Camp Court, D.I.Khan  
on 22.11.2021. The appellant/counsel is required to appear  
for the hearing on the above date and time for  
preliminary hearing before the S.B at Camp Court, D.I.Khan.~~

~~Salah-Ud-Din  
Member(J)  
Camp Court D.I.Khan~~

Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 08 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	04/01/2021	<p>The appeal of Mr. Hidayatullah received today by post through Sheik Iftikharul Haq 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;"><i>Sandhya</i> REGISTRAR</p> <p>This case is entrusted to touring S. Bench at D.I.Khan for preliminary hearing to be put up there on <u>26-3-2021</u>.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p> <p>26.03.2021</p> <p>Counsel for the appellant present and sought further time for preliminary arguments on the ground that he is not prepared for arguments today. Adjourned. To come up for preliminary arguments before S.B at Camp Court D.I.Khan on 21.06.2021.</p> <p style="text-align: right;"><i>[Signature]</i> (SALAH-UD-DIN) MEMBER (JUDICIAL) CAMP COURT D.I.KHAN</p> <p><i>21-6-21</i></p> <p><i>due to COVID-19 case is adjourned to 27-10-21 for the bench.</i></p> <p style="text-align: right;"><i>[Signature]</i> Reader</p>

**BEFORE THE HONOURABLE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL CAMP COURT DERA  
ISMAIL KHAN**

Service Appeal No. \_\_\_\_\_/2020

Hidayatullah

**VERSUS**

Inspector General of Police and others

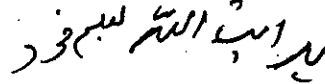
**SERVICE APPEAL**

**INDEX**

S.No	Particulars of the Documents	Annexure	Page
1.	Grounds of Service Appeal and affidavits	--	1-4
2.	Copy of the impugned order dated 26/08/2020	A	5
3.	Copy of the departmental appeal	B	6
4.	Wakalatnama	--	-7-

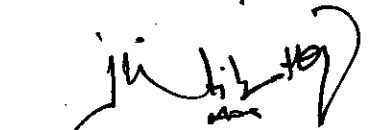
Date: 31/12/2020

Yours Humble Appellant



**Hidayatullah**

Through Counsel,

  
**Sheikh Iftikharul Haq**  
Advocate High Court

①

**BEFORE THE HONOURABLE KHYBER  
PAKHTUNKHWASERVICE TRIBUNAL CAMP COURT DERA**

**ISMAIL KHAN**

Service Appeal No. ~~1000/2020~~ <sup>08/2021</sup> 2020

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 25

Dated 04/01/2021

**Hidayatullah** Constable No. 223 r/o village Umarkhel, Tehsil &  
District Tank.

**Appellant**

**Versus**

1. Provincial Police Officer (IGP), Khyber Pakhtunkhwa,  
Peshawar.
2. Regional Police Officer (DIG), Tank/Dera Ismail Khan  
Region.
3. The District Police Officer, Tank.

.....**Respondents**

**SERVICE APPEAL UNDER SECTION 4 OF THE KPK SERVICES  
TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER  
DATED 26/08/2020 VIDE WHICH THE SERVICES OF THE  
APPELLANT HAD BEEN DISMISSED AND QUA THE SILENCE  
OF APPELLATE AUTHORITY (DIG) ON THE DEPARTMENTAL  
APPEAL OF THE APPELLANT.**

**PRAYER**

On acceptance of the instant Service Appeal the impugned  
order dated 26/08/2020 issued by the District Police Officer  
Tank and also against the order of non-deciding of the  
departmental appeal by the appellate authority (DIG) may  
please be set at not and the void ab initio order of the  
dismissal may please be set aside and the appellant may  
kindly be reinstated into service with all back benefits.

Filed to-day  
Registrar

*J. W. Khan*  
Aur



Respectfully Sheweth:-

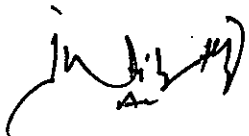
The Appellant most respectfully submits as under:-

**BRIEF FACTS:**

1. That the appellant was appointed as Constable on 30/04/2002 in Police Department District Tank.
2. That the appellant performed his duties to the entire satisfaction of his superiors.
3. That during service, the appellant became seriously ill, for which the appellant started medical treatment from DHQ Hospital Tank. Actually the appellant suffered from COVID-19 and his family members also suffered from COVID-19 in this regard the higher authorities were informed and it was well in the knowledge of the higher authorities.
4. That the appellant during the performance of duties, received the impugned order No. 1397/1400/P.A dated 26/08/2020, vide which the appellant was awarded major penalty of dismissal from service from the date of absence i.e. 23/03/2020. Copy of the impugned order dated 26/08/2020 is annexed as **Annexure-A**.
5. That the appellant, feeling aggrieved by the order dated 26/08/2020, submitted a departmental appeal on 02/09/2020 to the appellant authority (Respondent#2) which is not accepted and even did not response within stipulated period. Copy of the departmental appeal is annexed as **Annexure-B**.
6. That the appellant being aggrieved person, the instant service appeal is being filed, inter alia, on the following grounds.

**GROUND:**

- a. That the impugned order dated 26/08/2020 issued by the respondent#3 is against law, facts, natural justice, void ab initio being from the retrospective effects, hence, liable to be set aside.



3

- b. That the allegation of submitting fake documents is baseless and false, hence, the impugned dismissal order is not sustainable.
- c. That the appellant never remained absent from his duties during the whole service tenure and never got earned leave in his whole service which is evident that the appellant is punctual fellow/subordinate. Moreover, there is 880 days earned leave are available in his credit.
- d. That it is pertinent to mention here that the appellant has not been given a single chance of personal hearing, hence, the appellant condemn unheard which is against law and service rules.
- e. That no proper inquiry had been conducted against the appellant and the appellant never remained absent but due to unavoidable circumstance of suffering from COVID-19. Meaning thereby that the appellant was on duty and never absented himself. Despite of this the appellant submitted medical treatment record to the authorities.
- f. That no charge sheet, initial show-cause notice, final show cause notice and statement of allegations were issued against the appellant, in short no inquiry whatsoever had been conducted in the case of appellant, hence, the impugned dismissal order is against the norms of natural justice and liable to be set aside.
- g. That the impugned order is against the principle of service laws, service policy and is not in the commence of the EASTA Code and in the aforementioned circumstances the punishment is harsh one and the impugned dismissal order is liable to be set aside.
- h. That the appellant is a poor fellow having family with children and there is no earning hand except the service of appellant, hence, the service of appellant is liable to be reinstated along with all back benefits.

*[Handwritten signature]*  
An

(4)

- i. That counsel for appellant may kindly be allowed to raise additional grounds at the time of arguments.

**It is therefore, humbly prayed that on acceptance of the instant Service Appeal the impugned order dated 26/08/2020 issued by the District Police Officer Tank and also against the order of non-deciding of the departmental appeal by the appellate authority (DIG) may please be set at not and the void ab initio order of the dismissal may please be set aside and the appellant may kindly be reinstated into service with all back benefits.**

Date: 31/12/2020

Yours Humble Appellant

ہدایت اللہ کھن کھن

**Hidayatullah**

Through Counsel,

شیخ افتخار الحق

**Sheikh IftikharulHaq**  
Advocate High Court

**AFFIDAVIT**

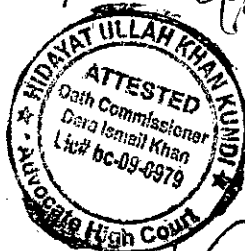
I, **Hidayatullah** Constable No. 223 r/o village Umarkhel, Tehsil & District Tank, do hereby solemnly affirm and declare on oath that contents of above Service Appeal are true & correct to the best of my knowledge and that nothing has been concealed from this Honourable Court.

Dated: 31/12/2020

ہدایت اللہ کھن کھن

**DEPONENT**

Attested by  
شیخ افتخار الحق



شیخ افتخار الحق

31/12/2020


(5)

Annexure A

OFFICE ORDER

My this order will dispose off departmental enquiry initiated against Constable Hidayat Ullah No. 223 of Police Department Tank on the allegation of his willful absence from performance of lawful duty without any leave or reasonable cause w.e.from 23.03.2020 to 28.05.2020 (Total - 02 Months and 05 days) vide DD Report No. 37 & 11 of PS SMA for which he was proper charge sheeted. The DSP/HQR Tank was nominated as Inquiry Officer. The enquiry was conducted as per law. During enquiry the alleged official submitted medical documents to inquiry officer and stated that he was ill. The medical documents was forwarded to MS/DHQ Hospital Tank for verification by inquiry officer vide his office letter: No. 199/HQ dated 03.08.2020, which were returned back and reported as fake / bogus by MS/DHQ Hospital Tank letter No. 4486, dated 03.08.2020. The enquiry report was received in which he was held responsible for the allegation leveled in the charge sheet. Further, the said official fraudulently and dishonestly managed fake / bogus medical documents from Health Department Tank. Upon which a Final Show Cause Notice was issued and served upon him properly. His reply to the Final Show Cause Notice was received and was found unsatisfactory. He was also called on in Orderly Room on 26.08.2020 and heard in person, where he couldn't produce any plausible reason to prove his innocence. He falsely stated that his son was ill and changed all his previous statements. Further, he was produced fake / bogus medical documents also. Therefore, in light of recommendation of Inquiry Officer and relevant material placed before me, I MR. MUHAMMAD ARIFF, DISTRICT POLICE OFFICER, TANK being Competent Authority under power vested in me under Khyber Pakhtunkhwa Police Rules 1975 amended 2014, award Major Punishment of Dismissal from Service to delinquent official Constable Hidayat Ullah No. 223 of Police Department Tank with immediate effect from the date of his absence i.e 23.03.2020.


Order announced.  
26-08-2020.

  
(MUHAMMAD ARIFF)  
District Police Officer,  
Tank.

No. 1397-1400/P.A

Copy of above is submitted for kind information to the:

1. Regional Police Officer, Dera Ismail Khan Region.
2. Pay Officer, District Police Office, Tank.
3. SRC, District Police Office, Tank.

  
(MUHAMMAD ARIFF)  
District Police Officer,  
Tank.

(6)

Annexure - B

بخدمت جناب ڈپٹی انسپکٹر جنرل آف پولیس ڈیرہ اسماعیل خان رینج

عنوان: رحم اپیل بابت سروس بحالی

جناب عالی!

بذریعہ درخواست استدعا کی جاتی ہے کہ من سائل کو بحوالہ آرڈر نمبر

1397-1400/PA مورخہ 26.08.2020 کو محکمہ انکوائری میں جناب ضلعی پولیس آفیسر صاحب ٹانک

نے من سائل کو ملازمت سے برخاست کیا ہے۔

عالیجاہ۔

سائل ایک غریب خاندان سے تعلق رکھتا ہے اور سارے خاندان کی کفالت کی ذمہ داری سائل پر ہے

جسکا دار و مدار سائل کی ماہانہ تنخواہ پر ہے۔ اب جبکہ سائل کو ملازمت سے برخاست کیا گیا ہے۔ ملازمت سے فارغ

اور تنخواہ نہ ہونے کی وجہ سے سائل کے گھر میں پریشانی کا عالم ہے۔

لہذا بذریعہ درخواست استدعا کی جاتی ہے کہ من سائل کی مجبوریوں اور سابقہ سرکاری خدمات کو مد نظر

رکھتے ہوئے سائل کو دوبارہ ملازمت پر بحال کر کے سائل کے مشکلات حل فرمائیں۔ سائل تاحیات دعا گو رہے

گا۔

نقول آرڈر ہمراہ لف ہے۔

عین نوازش ہوگی

مورخہ: 02.09.2020


عارض

سائل سابقہ کنستبل ہدایت اللہ نمبر 223 سکنہ عمرخیل تحصیل و ضلع ٹانک

mob. 0346-9496717

ہدایت اللہ

SH. IFTIKHAR UL HAQ  
Advocate High Court  
N.C. 12204-0316740-9  
S.No 1385



Issuing Authority

(7)

# وکالت نامہ

تبت ایک روپیہ

کورت نمبر \_\_\_\_\_

بعدالت جناب \_\_\_\_\_

مخانب \_\_\_\_\_

Appellant \_\_\_\_\_

صدا بے اللہ \_\_\_\_\_

بنام \_\_\_\_\_

دعویٰ یا جرم \_\_\_\_\_

تفصیل دعویٰ یا جرم \_\_\_\_\_

K.P.K.S. T. Act \_\_\_\_\_

4/5 4 \_\_\_\_\_

باعث تحریر آنکہ \_\_\_\_\_

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیرونی وجود ہی برائے پیشی یا تصفیہ مقدمہ بمقام D.S.K کیلئے

## شیخ افتخار حسین احمدی کی وکالت نامہ

کوسب ذیل شرائط پر وکیل مقرر کیا ہے، کہ میں ہر پیشی پر خود بذریعہ اختیار خاص رو بروعدالت حاضر ہوتا ہوں گا اور ہر وقت پوکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر پیشی پر مظہر حاضر نہ ہوا۔ اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اسکے کسی طرف ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی جگہ یا کچہری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے۔ اور مقدمہ صدر کچہری کے علاوہ اور جگہ ساعت ہونے یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا جمانہ واپس کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پرداخت صاحب موصوف مثل کردہ ذات خود قبول منظور ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ، یا درخواست اجراءے ڈگری و نظر ثانی نگرانی اپیل نگرانی و ہر قسم درخواست پر تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے ہر قسم کے بیان دینے اور اس پر ثالثی یا راضی نامہ فیصلہ بر حلف کرنے، اقبال دعویٰ کا بھی اختیار ہوگا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ بیرون از کچہری صدر بیرونی مقدمہ مذکورہ نظر ثانی و اپیل و نگرانی و برآمدگی مقدمہ یا منسوخی ڈگری یا طرف یا درخواست حکم امتناعی یا ترقی یا گرفتاری قبل از فیصلہ اجراءے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ جمانہ بیرونی کا اختیار ہوگا اور تمام ساختہ پرداخت صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزو کی کاروائی یا بصورت درخواست نظر ثانی اپیل یا نگرانی یا دیگر معاملہ مقدمہ مذکورہ کسی دوسرے وکیل یا ہیرسز کو اپنے بجائے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ ہر جانہ التواہ پڑیگا، صاحب موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیرونی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف ہوگا۔

مورخہ 31 اگست 2005ء

مضمون وکالت نامہ سن لیا ہے اور اپنی طرح سمجھ لیا ہے اور منظور ہے۔

العبد

العبد

العبد

SH. Iftikhar ul Haq

Accepted

SH. Iftikhar ul Haq

"A"

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

No.

APPEAL No..... 08 ..... of 20

21

Hidayat Ullah

Appellant/Petitioner

Versus

PPO Peshawar

RESPONDENT(S)

Notice to Appellant/Petitioner

Hidayat Ullah Constable

No 223 P/O Vill: Umar Khel

Teh & Distt Tank

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

22/11/2024

at 8:00 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.

at camp court

D/Khu

  
Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

10  
A

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

No.

APPEAL No. .... of 20 ..

Appellant/Petitioner

VERSUS

RESPONDENT(S)

Notice to Appellant/Petitioner

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

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.

Registrar  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.



"A"

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

TB Dikhu

No.

APPEAL No. 08 of 20 21

Hidayat Ullah

Appellant/Petitioner

Versus

PPO Pesh

RESPONDENT(S)

Counsel

Notice to Appellant/Petitioner

Sheikh Iftekhar ul Haq

Adv.

High Court Dikhu

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 22/11/2021 at 8:00 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.

at Camp Court

Dikhu

Registrar,

Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

**"B"**

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

*TB D/K*

No.

Appeal No. *08* of 20*21*

*Hidayatullah* Appellant/Petitioner

*PPO Pash* Respondent

Respondent No. *2*

Notice to: *- Regional Police Officer  
(DIG) Tank / Dikhan Region*

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 *27-1-22* 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 *30*.....

Day of..... *12* 20*21*

*J. Camp Court  
Dikhan*

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.

Appeal No. 08/21 of 20 TB DHC

Hidayatullah Appellant/Petitioner

Versus

PO Pesh Respondent

Respondent No. 3

Notice to:

DISTT. Police officer  
Tank

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 27/12/21 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 30

Day of 12 2021

Ch. J. Court  
D/Khu

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.

1

**BEFORE THE KHAYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR CAMP COURT DIKHAN.**

Service Appeal NO. 05/2021.

Hidayat Ullah Ex-Constable No. 223, Tank

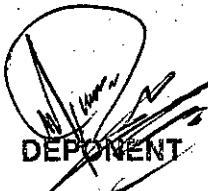
(Petitioner).

Versus

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar & others: (Respondents).

**INDEX**

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DEPONENT

**BEFORE THE KHAYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHWAR CAMP COURT DIKHAN.****Service Appeal NO. 08/2021.**

Hidayat Ullah Ex-Constable No. 223, Tank

**(Petitioner).****Versus**Inspector General of Police, Khyber Pakhtunkhwa, Peshawar & others: **(Respondents).****Para-wise comments by Respondents.****Respectfully sheweth preliminary objections: -**

1. That the appeal is not maintainable in its present form.
2. That the appeal is bad for misjoinder/non-joinders of necessary parties.
3. That the appeal is badly barred by law & limitation.
4. That the appellant has concealed the material facts from the Honorable Tribunal.
5. That the appellant is estopped by his own conduct to file the appeal.

**Reply on Facts:-**

1. Pertains to record.
2. Incorrect. The service record contains adverse entries, which is Annexure "A".
3. In-correct. During departmental enquiry the medical prescription were reported fake/bogus. Copy of enquiry report is Annexure "B".
4. Incorrect. Appellant absented himself from law full duties and proper charge sheet was issued and departmental enquiry conducted, During the course enquiry allegations leveled against him were established, hence the impugned order of dismissal.
5. Correct to the extent of rejection of departmental appeal. Copy is Annexure "C".
6. Pertains to record. However the appellant had also submitted Review Petition before the Inspector General of Police, Khyber Pakhtunkhwa, Peshawar, which has been rejected vide order bearing No. 231-40/2022 dated 22.02.2022. Copy is Annexure "D".  
The appellant has also concealed the fact of Revision Petition.
7. That the instant appeal is not maintainable on the following grounds.

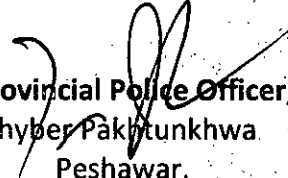
3

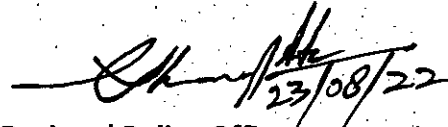
**REPLY ON GROUNDS:**

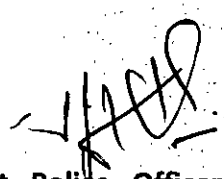
- a) Incorrect. All the codel formalities were observed during enquiry.
- b) Incorrect. During enquiry the medical prescription were reported as fake/bogus.
- c) Incorrect. The service record contains adverse entries.
- d) Incorrect. An opportunity of personnel hearing was given to the appellant but he failed to produce any plausible explanation in his defence.
- e) Incorrect. Proper departmental enquiry was conducted in which allegation were established.
- f) Incorrect. All the codel formalities were observed.
- g) Incorrect. As stated above.
- h) The instant appeal is meritless and time barred, hence liable to be dismissed.
- i) That respondents also seeks permission to raise further objection and produce documents during arguments.

**Prayer:**

In view of above, it is humbly prayed that on acceptance of these Para-wise Comments, the instant appeal may kindly be dismissed being meritless and badly time barred.

  
Provincial Police Officer,  
Khyber Pakhtunkhwa  
Peshawar.  
Respondent No. 1

  
Regional Police Officer,  
Dera Ismail Khan Region.  
Respondent No. 2

  
District Police Officer,  
Tank.  
Respondent No. 3

**BIFORE THE KHAYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHWAR CAMP COURT DIKHAN.**

**Service Appeal NO. 08/2021.**

Hidayat Ullah Ex-Constable No. 223, Tank

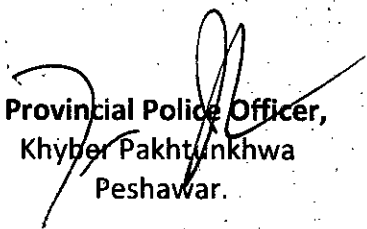
**(Petitioner).**

**Versus**

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar & others: **(Respondents).**

Subject **AUTHORITY LETTER.**

Sub Inspector Muhammad Ramzan, Legal Branch Tank is hereby authorized to appear before the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar Camp Court D.I.Khan on our behalf. He is also authorized to deposit any reply / documents / record etc before the Hon' able Court on my behalf.

  
**Provincial Police Officer,**  
Khyber Pakhtunkhwa  
Peshawar.

  
**Regional Police Officer,**  
Dera Ismail Khan Region.

  
**District Police Officer,**  
Tank.

**BEFORE THE KHAYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHWAR CAMP COURT DIKHAN.**

**Service Appeal NO. 08/2021.**

Hidayat Ullah Ex-Constable No. 223, Tank

**(Petitioner).**

**Versus**

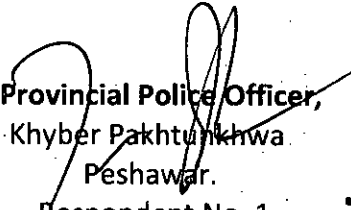
Inspector General of Police, Khyber Pakhtunkhwa, Peshawar & others: **(Respondents).**

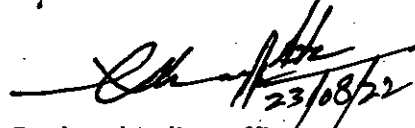
**COUNTER AFFIDAVITE ON BEHALF OF RESPONDENTS.**

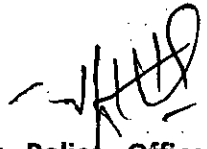
We, the respondent do hereby solemnly affirm and declare on oath that the contents of Comments/Written reply to appeal are true & correct to the best of our knowledge and nothing has been concealed from this Honorable Tribunal.

R. J. A. E  
 Affirmed  
 Kuzin  
 M

**Kuzim Usman Kundl**  
 Associate Oath Commissioner  
 District Tank

  
**Provincial Police Officer,**  
 Khyber Pakhtunkhwa  
 Peshawar.  
 Respondent No. 1

  
**Regional Police Officer,**  
 Dera Ismail Khan Region.  
 Respondent No. 2

  
**District Police Officer,**  
 Tank.  
 Respondent No. 3



6

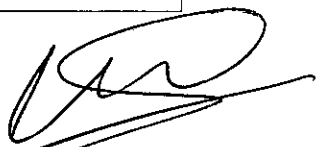
Annex — "A"

POLICE DEPARTMENT

DISTRICT TANK

SERVICE PROFILE IN R/O Ex-Constable Hidayat Ullah No: 223

S#	Name & Rank	F/Name	D.O.B	D.O.E	LENGTH OF SERVICE	RECRUIT COURSE	GOOD ENTRIES	BAD ENTRIES		LEAVE W/O PAY
								Major	Minor	
1	Ex-Constable Hidayat Ullah No:223	Ghazi Marjan	27.03.1980	30.04.2002	17 years 10 months 23 days	Passed	—	01	22	164 days

  
Establishment Clerk  
DPO, OFFICE, Tank.

جناب عالی!

بحوالہ مشمولہ چارج شیٹ نمبر 738/PA مورخہ 05-05-020 معروض ہوں کہ!

کنشٹیبل ہدایت اللہ نمبر 223 کو مورخہ 23-03-020 تا 28-05-020 تھانہ شہید میرا کبر ٹانک سے غیر ہونے پر

جناب DPO صاحب نے چارج شیٹ کر کے من DSP ہیڈ کوارٹر کو انکو آفیسر مقرر فرمایا۔

انکو آفیسر کے سلسلے میں ذیل کارروائی عمل میں لائی گئی۔

کنشٹیبل مذکورہ پر نقل چارج شیٹ حسب ضابطہ تقسیم کی گئی اور اصل چارج برائے انکو آفیسر من DSP کو موصول ہوئی۔

کنشٹیبل ہدایت اللہ نمبر 223 نے ہمراہ چارج شیٹ تحریری جواب پیش کیا کہ مورخہ 23-03-020 کو اپنی ڈیوٹی ادا کرنے

کے بعد تھانہ میں موجود تھا کہ اس دوران مسائل کی طبیعت نہایت خراب ہونے پر فوراً DHQ ہسپتال جا کر معائنہ کرایا جہاں پر ڈاکٹر صاحب

نے بعد معائنہ دوائی کے ساتھ ساتھ ہیڈ ریست تجویز کیا، دوائی کے استعمال اور ریست کے بعد دوبارہ طبی معائنہ کرایا جہاں پر ڈاکٹر صاحب

نے دوبارہ میڈیکل ریست اور دوائی تجویز کی۔ دوائی کے استعمال اور ہیڈ ریست کے بعد مورخہ 28-05-020 کو اپنی جائے تعیناتی پر

حاضری کی اور ڈیوٹی سرانجام دے رہا ہے اور اپنی غیر حاضری مورخہ 23-03-020 تا 28-05-020 ٹوٹل 65 یوم میڈیکل لیو میں شمار

کرنے کی استدعا کی، مذکورہ کنشٹیبل کا تحریری بیان ہمراہ لف قابل ملاحظہ ہے۔

اسی طرح OHC ٹانک سے بذریعہ پروانہ نمبر 147/HQ مورخہ 30-06-020 مذکورہ کنشٹیبل کا سابقہ ریکارڈ طلب کیا گیا،

جو بمطابق ریکارڈ مذکورہ کنشٹیبل کا سابقہ ریکارڈ ذیل ہے۔

تاریخ بھرتی	ٹوٹل غیر حاضری بلا تخواہ	میجر سزا	میجر سزا	ایکسٹرا ڈیوٹی
30-04-2002	164 یوم	NIL	NIL	07 یوم

مذکورہ کنشٹیبل کے پیش کردہ میڈیکل ریست کی بذریعہ پروانہ نمبر 179/HQ مورخہ 13-07-020 میڈیکل

سپرنٹنڈنٹ DHQ ہسپتال ٹانک سے کرائی گئی، جس نے بذریعہ لیٹر انگریزی نمبر 2763 مورخہ 03-08-020 مذکورہ

کنشٹیبل کے پیش کردہ میڈیکل ریست کو ہسپتال کے ریکارڈ پر نہ ہونا تحریر کیا اور ساتھ ساتھ میڈیکل ریست پر کیے گئے

MS اور MO کے دستخط کو بھی بوجس قرار دیا۔ لیٹر انگریزی مجاریہ جناب MS ٹانک ہمراہ لف قابل ملاحظہ ہے۔

عالیجاہ!

کردہ انکو آفیسر، پیش کردہ تحریری جواب کنشٹیبل ہدایت اللہ نمبر 223، بعد ویریفیکیشن میڈیکل ریست،

OHC کی رپورٹ، معلومات سے اس نتیجے پر پہنچا ہوں کہ کنشٹیبل مذکورہ کا پیش کردہ ریست مورخہ 23-03-020

تا 10-05-020 اور مورخہ 11-05-020 تا 27-05-020 ٹوٹل 65 یوم بمطابق رپورٹ میڈیکل سپرنٹنڈنٹ

آف ڈسٹرکٹ ہیڈ کوارٹر ہسپتال ٹانک بوجس اور ریکارڈ پر موجود نہیں ہے۔ اور بمطابق ریکارڈ مذکورہ کنشٹیبل کا سابقہ ریکارڈ

بھی تسلی بخش نہ ہے۔ کنشٹیبل مذکورہ نے بوجس میڈیکل ریست بنا کر اپنے افسران کو دھوکہ دینے کی کوشش کی ہے۔ میجر

Punishment کی سفارش کی جاتی ہے۔

(اقبال بلوچ)

ڈی، ایس، پی ہیڈ کوارٹر ٹانک

**CHARGE SHEET.**


**WHEREAS,** I, am satisfied that a formal enquiry contemplated under <sup>Khyber</sup> PakhtunKhwa Police Rules 1975 with amendment 2014 is necessary and expedient.

**AND WHEREAS,** I am of the view that the allegation(s) if established would call for a Major Penalty including Dismissal From Service as defined in Rules (4) (i) (b) of the aforesaid Rules.

**AND THEREFORE,** as required by Police Rules 6 (a) of the aforesaid Rules, I, **Mr. MUHAMMAD ARIF,** District Police Officer Tank being a competent authority hereby charge you **Constable Hidayat Ullah No. 223 of Police Station SMA Tank** with the misconduct on the basis of statement of allegation attached to this Charge Sheet.

**AND** hereby direct you further under rule 6(b) of the said rules to put in written defense within Seven (7) days of receipt of this Charge Sheet as to why the proposed action should not be taken against you and also state that the same time whether you wish to heard in person or otherwise.


In case your reply is not received within the prescribed period, without sufficient cause, it would be presumed that you have not defense to offer and ex-parte action proceedings will be initiated against you.

  
**(MUHAMMAD ARIF)**  
District Police Officer,  
Tank.

**STATEMENT OF ALLEGATION.**

You Constable Hidayat Ullah No. 223 of Police Station SMA Tank remained absent from performance of lawful duty w.e. from 23.03.2020 to till date vide DD No. 37 dated 23.03.2020, which shows your inefficiency and lack of interest in discharge of your responsibilities thus liable to be taken under consideration under Khyber Pakhtunkhwa Police Rules 1975 amended 2014.

Hence the statement of allegation.

  
(MUHAMMAD ARIF)  
District Police Officer,  
Tank

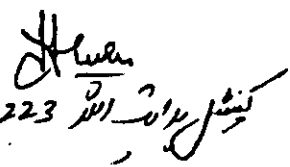
No. 738 IPA, Dated Tank the 05/05 2020.

Copy to the:-

1. Mr. Umar Daraz Baloch DSP/HQ: Tank for initiating departmental proceeding against the defaulter under Provision of KPK Police Rules 1975 and submit findings report within stipulated period as per prescribed rules.
2. Constable Hidayat Ullah No. 223 of Police Station SMA Tank with the direction to appear before the Inquiry Officer on the date, time and venue fixed by the Inquiry Officer for the purpose of enquiry proceedings.



  
(MUHAMMAD ARIF)  
District Police Officer,  
Tank.

  
223  
03-06-2020.



(10)  
OFFICE OF THE  
REGIONAL POLICE OFFICER  
DERA ISMAIL KHAN  
REGION

ANNEX "C"

No. 210 /ES, Dated DI Khan the 12 /01/2021

110  
12-01-2021

**ORDER**

This order is aimed to dispose of the departmental appeal of **Ex-Constable Hidyat Ullah No.223** of District Police Tank against the Major Punishment order i.e. Dismissal from Service by DPO Tank vide No.1397-1400/PA dated 26.08.2020, on the score of following allegations:

Facts of the case are that he was willful absent from performance of lawful duty without any leave or reasonable cause w.e.from 23.03.2020 to 28.05.2020 (total 02-months & 05-days) vide DD No.37 & 11 of PS SMA.

He was issued charge sheet and proper departmental proceedings was initiated against him. Enquiry into the matter was conducted into through DSP Headquarters Tank who submitted his findings report and stated that the alleged official produced medical documents and stated that he was ill. The medical documents were forwarded to MS DQ Hospital Tank for verification by Inquiry Officer, which were returned back and reported as fake/bogus by MS DHQ Hospital Tank. The said official fraudulently and dishonestly managed fake/bogus medical documents from Health department Tank. Upon which Final Show Cause Notice was issued and reply found unsatisfactory and also heard in person on 26.08.2020 but he could not produce any plausible reason to prove his innocence. Hence, DPO Tank has passed the order dated 26.08.2020

He preferred an appeal to the undersigned on 08.09.2020 against the order of DPO Tank. His appeal was sent to DPO Tank for comments and to provide his service record vide this office Endst: No. 8715/ES dated 15.09.2020. DPO Tank vide his office memo: No. 2560/Legal dated 23.09.2020 has furnished the comments on the subject appeal.

The undersigned perused the file of the appellant thoroughly as well as heard him in person in Orderly Room dated 03.11.2020. As per findings report of Inquiry Officer that the appellant produced medical rest granted to him by DHQ Teaching Hospital Tank which was verified and found bogus/fabricated vide MS DHQ Tank letter No.2763 dated 03.08.2020 and recommended him for major punishment.

Therefore, I, **YASEEN FAROOQ**, Regional Police Officer, Dera Ismail Khan, in exercise of the powers conferred upon me under Rule-11(4)(a) of Police Rules 1975 amended 2014, uphold the Major punishment of Dismissal from Service awarded by DPO Tank and his appeal is hereby **rejected** being meritless.

*[Handwritten signature]*  
No. 211 /ES

*[Handwritten signature]*  
District Police Officer

*[Handwritten signature]*  
**(YASEEN FAROOQ) PSP**  
REGIONAL POLICE OFFICER  
DERA ISMAIL KHAN

Copy of above is sent to the DPO Tank along with service records w.r.t his office memo: No.2560/Legal dated 23.09.2020

*[Handwritten signature]*  
**(YASEEN FAROOQ) PSP**  
REGIONAL POLICE OFFICER  
DERA ISMAIL KHAN

OB No 18  
Oct - 14 - 1 - 021

(11)

ANNEX - D



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Hidayat Ullah No. 223. TI petitioner was dismissed from service by District Police Officer, Tank vide order Endst: No. 1397-1400/P dated 26.08.2020 on the allegations of absence from duty w.e.f 23.03.2020 to 28.05.2020 for total period 02 months & 05 days. His appeal was rejected by Regional Police Officer, D.I.Khan vide order Endst: No. 210-211/ES, dated 12.01.2021.

Meeting of Appellate Board was held on 26.01.2022 wherein petitioner was heard in person. Petitioner contended that he was ill.

Perusal of enquiry papers revealed that he produced medical documents before enquiry officer and stated that he was ill. The medical documents were forwarded to MS DHQ Hospital, Tank for verification by inquiry officer vide letter No. 199/HQ, dated 03.08.2020 which were returned back reported as fake/bogus by MS DHQ Hospital, Tank vide letter No. 4486, dated 03.08.2020.

Petitioner has earned 21 bad entries on charges of absence from duty which establishes he is habitual absentee and there is no prospects of mending his ways. During the proceedings, he could not submit solid evidence of his innocence. Therefore, the Board decided that his petition is hereby rejected.

Sd/-

SABIR AHMED, PSP  
Additional Inspector General of Police,  
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/231-40/22, dated Peshawar, the 22/02-2022.

Copy of the above is forwarded to the:

1. Regional Police Officer, D.I.Khan. One Service Roll alongwith Fauji Miscal of the named Ex-FC received vide your office Memo: No. 2767/ES, dated 01.07.2021 is re herewith for your office record.
2. District Police Officer, Tank.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. FA to Adal: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV-CPO Peshawar.

*S. P. R. Khan*  
*25/3/22*

*11/2*

*D. P. Khan*  
*Please inform the petitioner*  
*regarding the order and*  
*ask him to produce*  
*any further documents*  
*if he has any.*  
*The order is*  
*final.*

*08/02/2022*  
*for n/a*  
*17/02/22*

(IRFAN TARIQ) PSP  
AIG/Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.