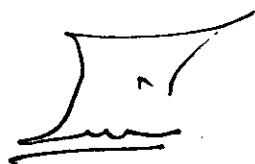


30th September, 2022

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for respondents present.

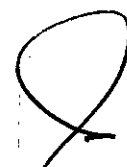
Learned counsel for the appellant seeks time on the ground that he has not prepared the instant appeal. Adjourned. To come up for arguments on 25.10.2022 before the D.B at Camp Court D.I.Khan.



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

25.10.2022

Appellant present through counsel.



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

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

Bench is incomplete, therefore, case is adjourned. To come up for arguments on 22.11.2022 before D.B at Camp Court, D.I Khan.



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

26.01.2022

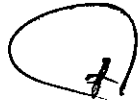
Tour is Cancelled, therefore, case is adjourned to 25.05.2022 for the same as before.


Reader.

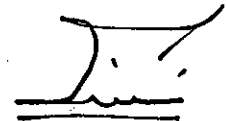
25.05.2022

Learned counsel for the appellant present. Mr. Muhammad Ramazan, S.I (Legal) alongwith Mr. Farhaj Sikandar, District Attorney for the respondents present.

Para-wise comments on behalf of respondents submitted, which are placed on file and copy of the same handed over to learned counsel for the appellant. Adjourned. To come up for rejoinder, if any, as well as arguments on 28.06.2022 before the D.B at Camp Court D.I.Khan.



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



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

28/06/2022

Due to Summer

vacation, case

up 30/09/2022


Reader

25.10.2021


Appellant present in person.

Security and process fee was not deposited. Appellant made a request for extension of time to deposit security and process fee; granted with direction to deposit the same within 10 days, where-after, notices be issued to respondents for submission of reply/comments much before next date in office, positively. File to come up for arguments on 13.12.2021 before D.B at Camp Court, D.I.Khan.

Appellant Deposited
Security & Process Fee
8/11/21



(Atiq ur Rehman Wazir)
Member(E)
Camp Court, D.I.Khan



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

13.12.2021

Counsel for the appellant and Mr. Muhammad Adeel Butt, learned Additional Advocate General alongwith Muhammad Ramzan, S.I(Legal) for the respondents present.

The respondents have not submitted written reply/comments and request for further time is made on their behalf. The respondents are directed to submit written reply within 10 days in office, failing which they shall be liable to payment of cost of Rs. 5000/- for submission of reply on the date fixed. If they fail to submit the reply on the next date, no further adjournment shall be granted for such purpose and appeal shall be heard on available record. Case to come up on 26.01.2022 before D.B at Camp Court, D.I.Khan.



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



Chairman
Camp Court, D.I.Khan

28.07.2021

Nemo for the appellant. This case belongs to the D.I.Khan Region and such cases were previously heard at camp court, D.I.Khan. May be notices issued to appellant/counsel have not been received by them, therefore, they are not in attendance. Anyhow having gone through the memorandum of appeal and copies of documents annexed there-with, there are arguable points warranting admission of appeal for full hearing. Therefore, this appeal is admitted for regular hearing subject to all just and legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 25.10.2021 before the D.B, at camp court D.I.Khan.

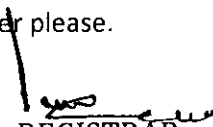
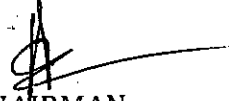

Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 3912/2021 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/03/2021	<p>The appeal of Mr. Najeebullah received today by post through Mr. Inamullah Khan Kundi 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</p>
2-	04/06/2021	<p>This case is entrusted to S. Bench Peshawar. Notices be issued to appellant/counsel for preliminary hearing on 28/07/2021.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

In service Appeal No. _____/2021

Najeebullah
(Appellant)

VERSUS

GOVT of KPK etc
(Respondents)

INDEX


S.No.	Description of documents	Annexure	Page
1.	Memorandum of Appeal along with affidavit		1-7
2.	Copy of FIR	A	8
3.	Copy of order dated 29/07/2019	B	9
4.	Copies of departmental appeal and impugned dated 23/12/2019	C & D	10-13
5.	Copies of the revision petition, postal receipt and order No. 922-30-21 dated 04/03/2021	E	14-19
6.	Copies of the order of acquittal dated 12/12/2020	F	20-23
7.	Copy of charge sheet, inquiry and final show cause notice	--	24-26
8.	Vakalatnama	--	27

Dated: 16/03/2021

Yours humble appellant



Najeebullah


Inamullah Khan Kundi
Advocate High Court

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. _____/2021

Najeeb Ullah son of Mateeullah caste Baloch r/o village Gul Imam Tehsil & District Tank. Ex-Constable#626 District Police Tank.

(Appellant)

VERSUS

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

..... **(RESPONDENTS)**

APPEAL UNDER SECTION 4 OF THE KPK SERVICES TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED ORDER No. OB-560 DATED 29/07/2019 ISSUED BY RESPONDENT NO. 3, WHEREBY THE APPELLANT WAS DISMISSED FROM REGULAR SERVICE AND AGAINST THE ORDER No. 7130/ES OF RESPONDENT NO. 2 dated 23/12/2019 VIDE WHICH HE DISMISSED THE DEPARTMENTAL APPEAL AS WELL AS THE ORDER No. 922-30/21 dated 04/03/2021 OF THE REVISION PETITION WITHOUT ANY COGENT REASONS.

PRAYER

On acceptance of the instant appeal and by setting aside all the impugned orders bearing OB-560 dated 29/07/2019 issued by respondent no. 3 and the impugned order No. 7130 dated 23/12/2019 issued by respondent No.2, order dated 04/03/2021 issued by the respondent#1 and the respondents be directed to reinstate the appellant in service with all back benefits.

Note: Addresses given above shall suffice the object of service. All necessary and proper parties have been arrayed in the panel of respondents.

Respectfully Sheweth;

The appellant humbly submits as under;

1. That the petitioner is law abiding citizen of Pakistan and is enjoying well reputation in the society and is educated person having domicile of District Dera Ismail Khan.
2. That he was appointed as Constable in Police Department Tank and has been performing his duties with zeal and zest and to the entire satisfaction of his superiors.
3. That the appellant was charged in a false and factitious criminal case vide FIR#354 dated 25/04/2019 u/s 9 (C) CNSA 109/34 PPC registered at Police Station SMA Tank. Copy of the FIR is annexed as **Annexure-A**.
4. That thereafter the petitioner was placed under suspension and closed to Police Line Tank for departmental proceedings. The petitioner was charge sheeted and inquiry was conducted by the respondents against the appellant.
5. That after the above mentioned departmental proceedings, the respondent#3 issued the impugned order No. OB-560 dated 29/07/2019 vide which the appellant was awarded major punishment of dismissal from service without assigning any cogent reasons. Copy of order dated 29/07/2019 is annexed as **Annexure-B**.
6. That feeling aggrieved by the order dated 29/07/2019, the appellant preferred a departmental appeal/representation to the respondent#2 being appellate authority and disclosed all the true facts and acknowledging the real happenings with the appellant but the appellate authority vide office order No. 7130/ES dated 23/12/2019 rejected the appeal of the appellant. Copies of departmental appeal and impugned dated 23/12/2019 are annexed as **Annexure-C&D**.

Handwritten signature/initials

7. That feeling aggrieved by both the order mentioned above, the appellant made a revision petition to the respondent#1 being revisional authority which was dismissed vide order No. 922-30/21 dated 04/03/2021. Copies of the revision petition and postal receipt and order dated 04/03/2021 are annexed as **Annexure-E**.
8. That it is pertinent to mention here that the trial of the above mentioned case was concluded before the court of learned Additional Sessions Judge/MCTC Tank in which the appellant was acquitted from the charges leveled against him vide order dated 12/12/2020. Copy of the order dated 12/12/2020 is annexed as **Annexure-F**.
9. That order#OB-560 dated 29/07/2019 and subsequently impugned orders of the appellate authority are based on mala fide and against the law, thus, the appellant left with no other remedy, the appellant approaches this honourable tribunal seeking reinstatement in service with all back benefits in consequence of setting aside impugned orders on gracious acceptance of the instant petition on grounds hereinafter preferred.

G R O U N D S

- a. That the orders passed by the departmental authorities, impugned hereby are arbitrary, discriminatory, legally and factually incorrect, ultra virus, void ab initio and militate against principle of natural justice, thus, are liable to be set aside and malafide.
- b. That the appellant is innocent and has been subjected to the penalty for no fault on his part. The trial of the case No. 354 dated 25/04/2019 registered at P.S SMA Tank has been concluded by the learned Sessions Judge Tank in which the appellant is acquitted from the charges levelled against him, hence, the impugned orders are liable to be set aside after acquittal of the appellant. Hence, on this sole ground the impugned orders are liable to be set aside

and the service appellant is entitled to be reinstated with all back benefits.

- c. That it is a matter of record that appellant has been vexed in clear defiance of law and principle laid by the superior courts as well as the tribunals as could be gathered from the facts and circumstances of the case.
- d. That the respondents/department awarded major penalty i.e. removal from service before the guilt of appellant by the learned trial court. Even then the punishment awarded to the appellant is too harsh.
- e. That the respondent#1 was bound to decide the revision petition of the appellant but the same is not decided as yet, hence, the appellant does not have any remedy except to invoke the jurisdiction of this honourable tribunal.
- f. That the inquiry officer has not conducted the inquiry according to the law which needs serious interference by this honourable Tribunal to meet the ends of justice.
- g. That the appellant had sufficient length of service i.e. approximately 12 years rendered for the department while adjudicating the matter of departmental authority utterly ignored not only the provisions of law on the point but the rights, too, of the appellant including fringe benefits and by imposing the harshest of the penalties in defines of law as aforesaid, deprived the family of appellant of its only means of earning livelihood.
- h. That the respondents while adjudicating in the matter of departmental proceedings and the appeal/representation of the appellant were disposed of the entire matter in a slip shot manner through the orders impugned hereby, thus, the award of impugned punishment is patently unwarranted, illegal, ultra virus, nullity in law and apparently motivated for extraneous reasons and is not maintainable in law.

- i. That the petition of appeal is duly supported by law and rules formulated there under, besides the affirmation/affidavit annexed hereto.
- j. That this honourable Tribunal is competent and has ample powers to adjudge the matter under reference/appeal.
- k. That counsel for the appellant may graciously be allowed to raise additional grounds at the time of arguments.

In wake of submission made above applicant humbly requested that the impugned order No. OB-560 dated 23/12/2019 issued by the respondent#3 and subsequently impugned orders of the appellate and revisional authorities may please be set aside and the appellant may graciously be reinstated into service with all back benefits.

Any other relief deemed appropriate in circumstances of the case may also be allowed in favour of appellant in the large interest of justice.

Dated: 16/03/2021

Yours humble appellant

Najeebullah


Inamullah Khan Kundi
Advocate High Court

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

In service Appeal No. _____/2021

Najeebullah
(Appellant)

VERSUS

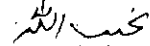
GOVT of KPK etc
(Respondents)

CERTIFICATE

Certified that appellant have not filed an appeal regarding the subject controversy, earlier in this august Tribunal.

Dated 16/03/2021

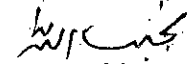
Appellant



NOTE

Appeal with enclosure along-with required sets thereof are being presented in separate file covers.

Dated 16/03/2021



Appellant's counsel

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

In service Appeal No. _____/2021

Najeebullah
(Appellant)

VERSUS

GOVT of KPK etc
(Respondents)

AFFIDAVIT

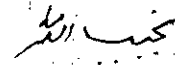
I, **Najeebullah**, appellant herein, do hereby solemnly affirm on oath:-

1. That the accompanying appeal has been drafted by counsel following our instructions;
2. That all para-wise contents of the appeal are true and correct to the best of my knowledge, belief and information;
3. That nothing has been deliberately concealed from this Honourable Court, nor anything contained therein, based on exaggeration or distortion of facts.

Dated: 16/03/2021

Deponent

CNIC#12201-2573602-5



Identified By:-




Inamullah Khan Kundi
Advocate High Court
D.I.Khan

OFFICE ORDER

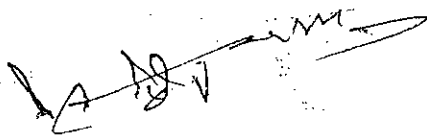
My this order will dispose off departmental enquiry initiated against Constable Najeeb Ullah No. 626 of Police Department Tank on the allegation of his direct involvement in smuggling of narcotics vide Case FIR No. 354, dated 25.04.2019 U/S 9-CNSA (C) Police Station, Shaheed Mureed Akbar Tank. He was placed under suspension and closed to Police Lines Tank for departmental proceeding. He was properly charge sheeted. The charge sheet along with statement of allegation was got served upon him through Superintendent, Judicial Lock-Up, Tank. Mr. Gul Naseeb Khan, SP/Investigation, Tank was nominated as Inquiry Officer. The enquiry was conducted. During enquiry, the accused official was also examined and recorded his defense reply. After completion of enquiry proceedings, finding report of the Inquiry Officer was received in which the accused official was held responsible for the allegation leveled against him in the Charge Sheet and recommended for awarding Major Punishment. A Final Show Cause Notice was issued and served upon him properly. His reply to the Final Show Cause Notice was received and found unsatisfactory. He was also called on in Orderly Room and heard in person. No plausible reason was explained about his innocence. Therefore, in light of recommendation of the Inquiry Officer and other relevant materials placed before me, I MR. MUHAMMAD ARIF, DISTRICT POLICE OFFICER, TANK being Competent Authority under power vested in me under Khyber Pakhtunkhwa Police Rules 1975 amended 2014, awards Major Punishment of Dismissal from Service to accused official Constable Najeeb Ullah No. 626 of Police Department Tank with immediate effect. The period of his absence from duty with effect from 24.04.2019 to 16.05.2019 (Total 22-Days) is also counted h's leave without pay.

Order announced.

89/07/19


(MUHAMMAD ARIF)
District Police Officer,
Tank.

Attested
To be true
Copy



بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

15

Amir
C

سروس اپیل اور خواست رحم

SERVICE APPEAL / MERCY PETITION

بابت بحالی ملازمت بعدہ کا نشیمل

بخیرمت جناب عزت آف سید فیروز شاہ صاحب

ڈپٹی انسپکٹر جنرل آف پولیس ڈیرہ اسماعیل خان

بحوالہ حکم مورخہ 29-07-2019 مجاریہ جناب DPO صاحب

ٹانک

نجیب اللہ

اپیل کنندہ

نجیب اللہ ولد مطیع اللہ قوم بلوچ

سکنہ گل امام تحصیل ضلع ٹانک

CNIC #: 12201-2573602-5

Cell: 0343-9358052

سابقہ کا نشیمل نمبر 626 ڈسٹرکٹ پولیس ٹانک

مورخہ 10-08-2019

(1)

جناب عالی!

☆ معروض ہوں کہ ساکن سال 2007-12-29 کو محکمہ پولیس میں بطور کانسٹیبل بھرتی ہو کر بنیادی ریکروٹ کورس امتیازی نمبرات سے پاس کرنے کے بعد حسب الحکم افسران بالا اپنے فرائض منصبی متعدد Places of Posting پر احسن طریقے سے سرانجام دیتا رہا ہے۔

☆ ساکن نے آج تک اپنے کسی طرز عمل (Behave) سے اپنے Seniors، Colleagues یا عوام الناس کو کبھی کسی شکایت کا موقع نہیں دیا ہے۔

عالی جاہ!

☆ بحوالہ مقدمہ نمبر 354 مورخہ 25-04-2019 جرم CNSA (C) 9 تھا نہ SMA ٹانک میں مجھ پر صرف ایک الزام کی بنیاد پر ایک بے بنیاد مقدمہ قائم ہو کر مجھے باوجود بے گناہی کا ثبوت پیش کرنے کے ملازمت پولیس سے ایک فرضی اور بناوٹی انکوائری کو بنیاد بنا کر برطرف کر دیا گیا ہے۔

☆ عالی جاہ! جملہ انکوائری پر اس میں کسی موثر پر بھی حقیقت کو اجاگر نہ کیا گیا بلکہ Finding رپورٹ مرتب کرتے وقت میرے خلاف جملہ واقعات کو ”تروڑ مروڑ“ کر پیش کیا گیا۔ حتیٰ کہ میں نے بروز وقوعہ تمام ترو واقعات سرکل افسر (DSP/HQ) و SHO صاحب کے نوٹس میں لائے تھے لیکن اس معاملے میں از خود صرف مجھے مارگٹ کرنا نہ صرف میرے ساتھ زیادتی ہے بلکہ ماورائے قانون بھی ہے۔ جس پر تم فرمایا جانا قرین انصاف ہوگا۔

☆ عالی جاہ! میرے خلاف قبل ازیں publically ایسی کوئی شکایت نہ تو موصول ہوئی ہے جس پر کارروائی کی جاتی اور نہ ہی قبل ازیں ایسی کوئی شکایت کہیں زیر سماعت ہے۔ لیکن از خود SHO صاحب کی ذاتی مخاصمت کی بنا پر میرے خلاف کی جانے والی جملہ کارروائی کی بنیاد پر مجھے قصور وار ٹھہرانا نہ صرف ماورائے قانون ہے بلکہ Socially, Morally نظر ثانی کا متقاضی بھی ہے۔

☆ عالی جاہ! میرے خلاف دی جانے والی FIR متذکرہ جو کہ تاحال زیر سماعت عدالت ہے اور جس میں میرے خلاف ابھی تک ”الزام“ حتمی طور پر ثابت بھی نہ ہوا ہے۔ ان حالات میں مجھے ملازمت سے برطرف کر دینا نہ صرف میرے بنیادی انسانی حقوق، بال بچوں کے حقوق، میری سروس کے حقوق بلکہ Natural Justice کے بھی منافی ہے۔

☆ عالی جاہ! میں نے اپنی جملہ پولیس سروس نہایت جانفشانی اور دل جمعی کے ساتھ سرانجام دی ہے۔ جو اندریں سلسلہ متعدد بار مجھے افسران بالا کی طرف سے نقد انعام اور اعزازی اسناد سے بھی نوازا جاتا رہا ہے۔

جناب عالی!

اس جملہ معاملے میں میرے ساتھ بہت زیادتی ہوئی ہے۔ کسی کمپلیٹ کے نہ ہوتے ہوئے مجھ جیسے ایک کارکن پولیس آفسر کو اتنی بڑی سزا دینا توجہ طلب ضرور ہے۔ میرے خلاف برآمدگی منشیات کا الزام ایک جنرل

کویت کا ہے۔ جو حتمی طور پر ابھی ثابت بھی نہ ہوا ہے۔ اسی طرح قبل ازیں اس بابت نہ تو میرے خلاف کوئی شکایت
شکایت برریکارڈ موجود ہے اور نہ ہی کہیں زیر سماعت عدالت ہے۔

ذ

میری ناجزائہ استدعا ہے کہ مجھے طلب فرما کر تفصیلاً میری معروضات سنی جائیں اور میرے حکمانہ حقوق،
اہل خانہ کے حقوق اور بالخصوص۔۔۔ بالخصوص۔۔۔ بالخصوص میرے بنیادی انسانی حقوق کا خیال رکھا جا کر
میرے ساتھ انصاف اور رحم کا معاملہ فرماتے ہوئے اصل حقائق کو مد نظر رکھتے ہوئے مجھے اپنے سابقہ عہدہ کا نشیلمی
پر تازہ نچ بر طرفی سے مع جملہ مراعات بحال فرمانے کے احکامات صادر فرمائیں۔
تازیت جناب کا مشکور و ممنون رہوں گا۔

مورخہ 10-08-2019

ارض

نجیب اللہ ولد مطیع اللہ قوم بلوچ

سکنہ گل امام تحصیل و ضلع ٹانک

CNIC #: 12201-2573602-5

Cell: 0343-9358052

سابقہ کا نشیلمی نمبر 626 ڈسٹرکٹ پولیس ٹانک

نوٹ:

جملہ ضروری کاغذات ہمراہ لف قابل ملاحظہ ہیں

(Handwritten signature)



13 Am 10

3692
27-12-19

OFFICE OF THE
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN
REGION

No. 7130 /ES, Dated DI Khan the 23/12/2019

ORDER

This order shall dispose of the departmental appeal, preferred by Ex Constable Najeeb Ullah, 626 of District Tank against the order of major punishment of dismissal from service by DPO Tank vide OB No. 560 dated 29.07.2019.

Facts of the case are that the appellant was alleged for immersion in smuggling of narcotics and a case vide FIR No. 354 dated 25.04.2019 u/s 9-CNSA(C) of PS SIMA Tank was served with charge sheet and departmental enquiry, was conducted into which Mr. Gul Naseeb Khan, SP Investigation Tank who submitted his findings report wherein defaulter Constable was found guilty of the charges leveled against him. On recommendations of enquiry officer, the competent authority has passed the order dated 29.07.2019.

I have gone through the appeal and relevant record preferred by him as well as comments received by DPO Tank. The appellant was also heard in person on the Orderly Room on 04.12.2019 but failed to give plausible explanation. Therefore, I, MUHAMMAD IMTIAZ SHAH, PSP/QPM, Regional Police Officer, DI Khan, being appellate authority, hereby dismiss the appeal of Ex Constable Najeeb Ullah, 626 of District Tank.

ORDER ANNOUNCED

OB/SR/ATC

Attested
No. 7131 /ES

For m/a
District Police Officer
Tank
27/12

(MUHAMMAD IMTIAZ SHAH)
PSP/QPM
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN

Copy of above is sent to the DPO Tank for information with reference to his office memo No: 3728 dated 24.09.2019 alongwith his service record.

Attested
To be true copy
Adv. Offc

(MUHAMMAD IMTIAZ SHAH)
PSP/QPM
REGIONAL POLICE OFFICER

To

The worthy Provincial Police Officer/IGP,
Khyber Pakhtunkhwa Peshawar.

14
A-1
E

REVISION PETITION AGAINST THE ORDER NO. OB-560 DATED 29/07/2019 ISSUED BY THE DISTRICT POLICE OFFICER TANK, WHEREBY THE APPELLANT WAS DISMISSED FROM REGULAR SERVICE AND AGAINST THE ORDER NO. 7130/ES OF DEPUTY INSPECTOR GENERAL OF POLICE DERA ISMAIL KHAN REGION DATED 23/12/2019 VIDE WHICH HE DISMISSED THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHOUT ANY COGENT REASONS.

PRAYER

On acceptance of the instant Revision Petition and by setting aside all the impugned orders bearing OB-560 dated 29/07/2019 issued by the DPO Tank and the impugned order No. 7130 dated 23/12/2019 issued by D.I.G Police region Dera Ismail Khan and the service of the appellant may kindly be reinstated with all back benefits.

Respected Sir,

The appellant humbly submits as under;

1. That the petitioner is law abiding citizen of Pakistan and is enjoying well reputation in the society and is educated person having domicile of District Dera Ismail Khan.
2. That the petitioner was appointed as Constable in Police Department Tank and has been performed his duties with zeal and zest and to the entire satisfaction of his superiors. Copies of service card along with pay slips are jointly annexed.
3. That the appellant was charged in a false and factitious criminal case vide FIR#354 dated 25/04/2019 u/s 9 (C) CNSA

attached to be done
by the

109/34 PPC registered at Police Station SMA Tank. Copy of the FIR is annexed.

4. That thereafter the petitioner was placed under suspension and closed to Police Line Tank for departmental proceedings. The petitioner was charge sheeted and inquiry was conducted by the respondents against the appellant.
5. That after the above mentioned departmental proceedings, the District Police Officer Tank issued the impugned order No. OB-560 dated 29/07/2019 vide which the appellant was awarded major punishment of dismissal from service without assigning any cogent reasons. Copy of order dated 29/07/2019 is annexed.
6. That feeling aggrieved by the order dated 29/07/2019, the appellant preferred a departmental appeal/representation to the worthy D.I.G Police Region Dera Ismail Khan being appellate authority and disclosed all the true facts and acknowledging the real happenings with the appellant but the appellate authority vide office order No. 7130/ES dated 23/12/2019 rejected the appeal of the appellant. Copies of departmental appeal and impugned dated 23/12/2019 are annexed.
7. That order#OB-560 dated 29/07/2019 and subsequently impugned order of the appellate authority are based on mala fide and against the law, thus, the appellant left with no other remedy, the appellant approaches your good self seeking reinstatement in service with all back benefits in consequence of setting aside impugned orders on gracious acceptance of the instant petition on grounds hereinafter preferred.

GROUNDS

- a. That the orders passed by the departmental authorities, impugned hereby are arbitrary, discriminatory, legally and factually incorrect, ultra virus, void ab initio and militate against principle of natural justice, thus, are liable to be set aside and mala fide.

- b. That the appellant is innocent and has been subjected to the penalty for no fault on his part. The trial of the case No. 354 dated 25/04/2019 registered at P.S SMA Tank is still pending adjudication before the court of learned Sessions Judge Tank where the guilt or innocence of the appellant will be decided after recording evidence, hence, the impugned orders amount as pre-judgment without trial. Hence, on this sole ground the impugned orders are liable to be set aside and the appellant is entitled to be reinstated with all back benefits.
- c. That it is a matter of record that appellant has been vexed in clear defiance of law and principle laid by the superior courts as well as the tribunals as could be gathered from the facts and circumstances of the case.
- d. That the DPO Tank and D.I.G Police region Dera Ismail Khan awarded major penalty i.e. removal from service before the guilt of appellant by the learned trial court. Even then the punishment awarded to the appellant is too harsh.
- e. That the inquiry officer has not conducted the inquiry according to the law which needs serious interference by your good-self to meet the ends of justice.
- f. That the appellant had sufficient length of service i.e. approximately 12 years rendered for the department while adjudicating the matter of departmental authority utterly ignored not only the provisions of law on the point but the rights, too, of the appellant including fringe benefits and by imposing the harshest of the penalties in defines of law as aforesaid, deprived the family of appellant of its only means of earning livelihood.
- g. That the District Police Officer Tank while adjudicating in the matter of departmental proceedings and the appeal/representation of the appellant were disposed of the entire matter in a slip shot manner through the orders impugned hereby, thus, the award of impugned punishment is patently unwarranted, illegal, ultra virus,

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nullity in law and apparently motivated for extraneous reasons and is not maintainable in law.

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

In wake of submission made above applicant humbly requested that the impugned orders bearing No. OB-560 dated 29/07/2019 issued by the DPO Tank and the impugned order No. 7130 dated 23/12/2019 issued by D.I.G Police region Dera Ismail Khan may please be set as de and the appellant may graciously be reinstated into service with all back benefits.

Dated 20/01/2020

Humble Appellant

محمد نایب اللہ

Najeeb Ullah

son of Mateeullah
r/o village Gul Imam
Tehsil & District Tank.
Ex-Constable# 526
District Police Tank.

[Handwritten signature]

No. 870

(18)

For Insurance Notices see reverse
Stamps affixed Rs. 253
unit RGL2369C more than
the weight prescribed in the
Post Office Guide or on which no
acknowledgement is due.

Rs. Ps.

Received a registered
addressed to _____

Date-Stamp

Initials of Receiving Officer _____
*Write here, "letter", "postcard", "packet" or "parcel"
with the word "insured" before it when necessary.

Insured for Rs. (in figures) _____

(in words) _____

insured

Insurance fee Rs. _____ Ps. _____
Name and address of sender _____

[Handwritten signature and date]
Kilo
Grams
20/9



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

19

No. S/ 921 /21, dated Peshawar the 06/03 /2021.

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 Najeeb Ullah No. 626. The petitioner was dismissed from service by District Police Officer, Tank vide OB No 560, dated 29.07.2019 on the allegations that he while posted at Shaheen Squad was directly involved in smuggling of narcotics vide case FIR No 354, dated 25.04.2019 u/s 9-CNSA (c) Police Station Shaheed Mureed Akbar Tank. His appeal was dismissed/rejected by Regional Police Officer, DIKhan vide order, Endst. No 7130/ES, dated 23.12.2019.

Meeting of Appellate Board was held on 21.01.2021 wherein petitioner was heard in person. Petitioner contended that he has been acquitted by the court.

The petitioner was heard and all record perused. His case is under trial in the court. The Board see no ground and reasons for acceptance of his petition, therefore, the Board decided that his petition is hereby rejected.

Sd/-

KASHIF ALAM, PSP
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/ 922-30 /21.

Copy of the above is forwarded to the:

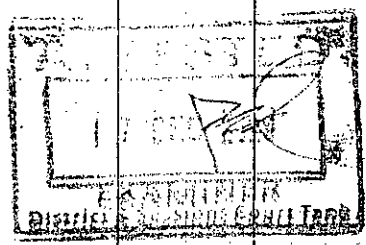
- 1 Regional Police Officer, D.I.Khan. One Service Roll and one Fauji Missal of the above named Ex-FC received vide your office Memo: No. 3275/ES, dated 13.08.2020 is returned herewith for your office record.
- 2 District Police Officer, Tank.
- 3 PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
- 4 AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
- 5 PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
- 6 PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
- 7 Office Supdt: E-IV CPO Peshawar.

(IRFAN ULLAH KHAN) PSP
Addl Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

IN THE COURT OF
SHAUKAT AHMAD KHAN
 ADDITIONAL DISTRICT & SESSIONS JUDGE TANK
THE STATE...VS... NAJEEB ULLAH (ACCUSED)

Amr
 (F)

Order#	Date	Order/Proceedings
<p>27/3/2020 14 6266</p>	<p>12.12.2020</p>	<p>Mr. Farsatullah, the learned Dy.PP for state present. Accused Najeeb Ullah alias Jholey s/o Mati Ullah, caste Baloch, r/o Gul Imam, District, Tank on bail alongwith his counsel present. PWs are not present despite of their service. Counsel for the accused submitted application for acquittal of the accused under section 265-K Cr.P.C. on the grounds mentioned therein. Notice of the application is given to the state and arguments heard.</p> <p>As per the contents of FIR, complainant Sardar Azeem SHO of PS SMA, Tank, alongwith, other police officials, during patrolling, on receipt of spy information regarding carrying of huge quantity of Charas in black bag riding a motorcycle by accused Najeeb Ullah alias Jholey, on way from Umar Adda to Gul Imam, laid a barricade on the spot, where accused Najeeb Ullah alias Jholey riding a CD-70 motorcycle was stopped and overpowered. The person accused disclosed his name as Najeeb Ullah alias Jholey constable No.626 s/o Mati Ullah, the accused facing trial. The bag was searched wherein three packets each containing 1000 grams of Charas was recovered. The police also recovered one Q mobile alongwith SIM and CNIC from the possession of the accused. Hence, the present case.</p>



12/12/2020

27/3/2020
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 6266

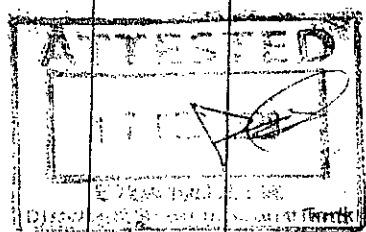
Police after completion of investigation submitted challan for trial. After compliance of the provisions U/S 65-C Cr.PC, formal charge was framed against the accused, to which he pleaded not guilty and claimed trial. Prosecution was directed to produce evidence. Accordingly, prosecution has so far examined as many as two witnesses. i.e. PW-01 is Shafi Ullah. He is marginal witness to the recovery memo. He verified his signature on the recovery memo Ex.PW-1/1. PW-02 is Fareed Ullah MHC. He, upon receipt of Murasila, has incorporated the same into FIR Ex.PA.

Arguments heard and record perused.

Record indicates that though the alleged recovery has been shown effected from the direct possession of accused on the spot, known as "Sadghi Post Tank Pezo road", which is a public road but no effort has been made by the complainant to associate any private witness with the process of search or recovery. Furthermore, the occurrence has allegedly taken place on 25.05.2019 and the alleged sample of chars has been received to the FSL for chemical analysis on 24.06.2019 with a delay of 29 days as against the prescribed period of 72 hours under rule 4(2) of the Control of Narcotics Substances (Govt Analysis) Rules 2001. Similarly, though as per report of FSL, the substance has been found as chars, but the chain of custody of representative sample, beginning with seizing by complainant till its dispatch to the laboratory is not proved. It is also not explained on the file that in whose possession the

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12/12/2019



sample was lying during the intervening period and who has taken the sample to FSL, therefore, the break in the chain of custody and safe transmission of the sample to FSL impairs and vitiates the conclusiveness of the report of FSL rendering it incapable of recording conviction. In this respect reliance can be placed on the precedents laid down by the worthy supreme court of Pakistan in cases "Amjad Ali Vs State" reported in SCMR 2012 page 577 and "Ikramullah Vs" reported in SCMR 2015 page 1002. Similarly, while going through the report of FSL, it is observed that the chemical Expert has not furnished the result together with full protocols of the test applied as required under Rule 06 of the Control of Narcotics Substances (Govt Analysts) Rules, 2001, rendering the report as inconclusive and unreliable. In this respect reliance can be placed on a precedent laid down by Hon'able Supreme Court of Pakistan in case titled as "State Vs Imam Bakhsh" reported in SCMR page 2040.

12/12/20

Above all, the case property, which forms the basis of instant case, is not produced before the court.

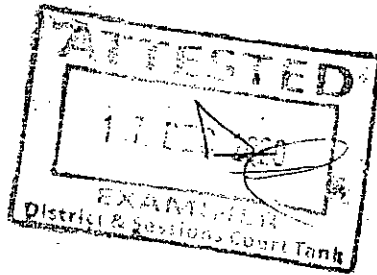
In the given scenario, this court is of opinion that there is no probability of the conviction of the accused facing trial, even if the prosecution is given further opportunity to produce witnesses. Hence the application submitted by the accused facing trial is allowed and the accused Najeeb Ullah alias Jholey s/o Mati Ullah, caste Baloch, r/o Gul Imam, District, Tank is acquitted of the charge under section 265 K Cr.PC. He is on bail. His bail bonds stand cancelled and

ATTENDED
 17/12/20
 EXAMINER
 District & Sessions Court Tank

sureties are relieved from the liability of bail bonds. Case property be destroyed after expiry period of an appeal/revision. File be consigned to record room after its completion

Announced.
12.12.2020

Shaukat Ahmad Khan
MCTC/ASJ-II, Tank.



CHARGE SHEET.

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WHEREAS, I, am satisfied that a formal enquiry contemplated under Khy PakhtunKhwa Police Rules 1975 with amendment 2014 is necessary and expedient.

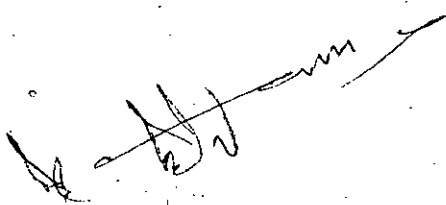
AND WHEREAS, I am of the view that the allegation(s) if established would call a Major Penalty including Dismissal From Service as defined in Rules (4) (i) (b) of aforesaid Rules.

AND THEREFORE, as required by Police Rules 6 (a) of the aforesaid Rule I, Mr. MUHAMMAD ARIF, District Police Officer Tank being a competent authority here charge you Constable Najeeb Ullah No. 626 of Police Department 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 hear 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.



نمبر 1806

تاریخ 24/06/2019

فائنڈنگ رپورٹ انکوائری برخلاف کنسٹیبل نجیب اللہ نمبر 626 معطل پولیس لائن ٹانک۔

جناب عالی:-

بجوالہ موصولہ چارج شیٹ معہ سری آف الیکٹریز نمبری PA/811.12 مورخہ 09/05/2019 نمبر 09/05/2019 جناب DPO ٹانک ، انکوائری برخلاف نجیب اللہ نمبر 626 معطل پولیس لائن ٹانک ، جسکو بحوالہ مقدمہ عدلت نمبر 354 مورخہ 25.04.2019 بج 9C(CNSA) تھانہ شہید مرید اکبر ٹانک میں نامزد کیا جا کر معطل لائن کیا گیا۔ انکوائری عمل میں لائے ہوئے معروضات میں کہ اولاً کنسٹیبل نجیب اللہ نمبر 626 معطل پولیس لائن ٹانک کو طلب کیا جا کر بیان قلمبند کیا گیا۔ جس نے اس گھڑت کہانی بیان کی ہے کہ وہ مورخہ 25.04.2019 کو شب ہاشمی پر گھر خود روانہ تھا۔ جو کہ اڈہ گل امام چیمپے پر ایک موٹر سائیکل سوار کو آتے ہوئے پایا۔ اس سے لفت مائی تو مذکورہ نے بتلایا کہ وہ بیروز جا رہا ہے۔ راستہ میں اسے گل امام پر اتار دے گا۔ جو کہ بعدہ SHO سردار عظیم خان تھانہ SMA معطل پولیس لائن ٹانک نے انھیں سیدگی چیک پوسٹ پر روکا۔ موٹر سائیکل سوار کے پاس ایک بیگ موجود تھا جسکی تلاشی لینے پر چرس برآمد ہوئی۔ مذکورہ نے اپنا نام رکھیں سکتے بیروز بتلایا۔ SHO سردار عظیم نے مذکورہ چرس اسکی ملکیتی بتاتے ہوئے اس کو مقدمہ عدلت نمبر 354 مورخہ 25.04.2019 بج 9C(CNSA) تھانہ شہید مرید اکبر ٹانک میں غلط طور پر نامزد کیا ہے۔ مذکورہ کی سنائی گئی کہانی من گھڑت اور بے بنیاد پائی گئی ہے۔ جو کہ انٹوران پولیس کی آنکھوں میں دھول چھونکنے کے برابر ہے۔ (بیان لف قائل ملاحظہ ہے)

حقیقت میں حالات واقعات کچھ یوں ہیں کہ SHO سردار عظیم خان متعینہ تھانہ شہید مرید اکبر ٹانک کو روز قومیہ تیر نے اطلاع دی کہ کنسٹیبل نجیب اللہ عرف جھولے سکنہ گل امام بھاری مقدمہ میں چرس برآمدی موٹر سائیکل عمر اڈہ سے بیروز سہگل کر کے لے جا رہا ہے جو کہ اس اطلاع پر SHO معہ دیگر نفری پولیس نے سیدگی چیک پوسٹ پر ناکہ بندی کرتے ہوئے نجیب اللہ عرف جھولے کو موٹر سائیکل پر سوار آتے ہوئے پایا جسکو روکا جا کر مذکورہ کے پاس ایک عدد سیاہ بیگ موجود پایا۔ جسکی تلاشی لینے پر 03 کلو گرام چرس برآمد ہوئی۔ جسکو قبضہ میں لیا جا کر نجیب اللہ عرف جھولے کے حسب ضابطہ گرفتار کیا گیا۔ بعدہ بدوران انٹارو گیشن نجیب اللہ عرف جھولے نے یہ انکشاف کیا کہ وہ کراہی کٹی پر مذکورہ منشیات۔ کس نامی شخص کے درہ بیروز کار ہائی ہے۔ کیلئے لے جا رہا تھا۔ اور مذکورہ منشیات اسکا تیب اللہ ولد بنات سکنہ کڑی سیدال نے حوالہ کی تھی۔ ملاحظہ مثل مقدمہ سے پایا گیا ہے کہ بدوران تفتیش نجیب اللہ عرف جھولے نے اپنا جرم تسلیم کیا۔ اور عدالت کے Confession کرنے کا کہا۔ تاہم رد و عدالت ملزم اپنے جرم سے انکاری ہوا جسکو بعدہ جوڈیشل لاک اپ ٹانک جوڈیشل ریمانڈ پر بھیج دیا گیا۔ مذکورہ کی Bail Application بعدت جناب سیشن جج صاحب ٹانک سے منسوخ ہوئی۔ جسکو بعدہ عدالت عالیہ ہائی کورٹ نے ضمانت دی۔ اس دوران میں جوڈیشل ریمانڈ پر ہا اور بر مطابق نقل مد روز نامچہ 6/8 تقریباً 23 دن اپنی جائے تعیناتی سے غیر حاضر رہا۔

عالیجاہ:-

ملزم کنسٹیبل نجیب اللہ عرف جھولے منشیات کا عادی ہے۔ اور قبل ازیں بھی منشیات جیسی لعنت کی سنگٹنگ میں ملوث رہ چکا ہے۔ پولیس جو کہ منشیات کی سنگٹنگ کی روک تھام کیلئے وقوع پزیر ہوا ہے۔ اگر ہم خود ویسے جرائم میں ملوث پائے جائیں گے تو معاشرہ سے منشیات جیسی لعنت نامتو کس طرح ممکن ہو گا۔ کنسٹیبل نجیب اللہ عرف جھولے نے چند بیسوں کے عوض مذکورہ منشیات کی ترسیل کی راہ ہموار کی ہے۔ اور پولیس کی دستانہ میں مایوس رہ کر جرم کا ارتکاب کیا ہے۔ حکمہ پولیس میں موجود ایسی کالی بھیڑوں کو حکمہ سے فارغ کر دینے میں ہی حکمہ پولیس کی بھرتی دیکھ نامی ہے۔ ورنہ اس طرح کے ہلکاران ہمیشہ حکمہ کی بدنامی کا باعث بنتے رہیں گے۔ کنسٹیبل مذکورہ کو قصور وار ٹھہراتے ہوئے Major Punishment متعارف کی جاتی ہے۔ دیگر حکمہ آنجناب افضل ہو گا۔ اسقدر انکوائری رپورٹ مرتب ہو کر گزارش ہے۔

سپرینٹنڈنٹ آف پولیس،

انوسٹی گیشن ٹانک۔

26

...against Constable Najeeb
...involvement in

FINAL SHOW CAUSE NOTICE.

1. MR. MUHAMMAD ARIF, District Police Officer, Tank as Competent Authority, under the KPK Dismissal from Service (Police Rules 1975), do hereby serve upon you Constable Najeeb Ullah No. 626 of Police Department Tank this Final Show Cause Notice as follow:-

2. That consequent upon the completion of Departmental Inquiry conducted against you on the allegations contained in the Charge Sheet and ongoing through the findings and recommendations of the Inquiry Officer and the material on record and other connected papers including your defense before the said Inquiry Officer.

3. I am satisfied that you have committed the following acts/omissions specified in Section-3 of the Khyber PakhtunKhwa (Police Rules 1975).

You Constable Najeeb Ullah No. 626 was charged in Criminal Case vide FIR No. 354 dated 25.04.2019 U/S 9C(CNSA) PPC of Police Station SMA Tank directly for the offence for which you were placed under suspension and closed to Police Line Tank upon which you were properly charge sheeted. The SP/Investigation Tank was nominated as Inquiry Officer. The enquiry was conducted. The enquiry report was received in which you were held responsible for the allegations leveled against you in the charge sheet.

4. As a result thereof I, Mr. MUHAMMAD ARIF District Police Officer, Tank as Competent Authority have tentatively decided to impose one of the Major Punishment Under Section-3 of the Khyber PakhtunKhwa, Police Rules 1975.

5. You are therefore required to show cause as to why the aforesaid penalty should not be imposed upon you.

6. If no reply to the notice is received within seven days of the receipt of this Final Show Cause Notice, in the normal course of circumstances, it shall be presumed that you have no defense to put in and in that case as ex-parte action shall be taken against you.

7. The copy of the findings of the Inquiry Officer is enclosed.

Muhammad Arif
01/07/18

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

(Signature)

b

AM ULLAH KHAN KUNDI
Advocate High Court
12-3369

Date of Issue: 08-04-2018
Valid upto: 08-04-2022



Secretary
KP Bar Council

وکالت نامہ

27

کورٹ
فیس

محکمہ عدالت
 صاحب
 محاسب اللہ
 نام
 P.T.P
 دعوی یا جرم
 تفصیل دعوی یا جرم
 باعث تحریر آنگہ

مقدمہ
 محکمہ عدالت
 محاسب اللہ
 نام

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا ذرا بذریعہ دو ہر عدالت حاضر ہوتا رہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصول کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر منظر حاضر نہ اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ اور گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا پہنچے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ اور گے اور مقدمہ صدر پکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے یا پہنچے پیش ہونے پر منظر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا ضمانت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو اکل ساختہ پر داخست صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو مرض دعوی یا جواب دعوی یا درخواست اجراء اسمائے ذمیری نظر ثانی اپیل گمرانی و ہر قسم درخواست ہر قسم کے بیان دہن اور پر ثانی یا راشی نامہ و فیصلہ برصغیر کرنے اقبال دعوی کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مقرر بیرون از پکھری صدر بیرونی مقدمہ مقرر نظر ثانی اپیل و گمرانی و برآمدگی مقدمہ یا مستوفی ذمیری یک طرفہ یا درخواست علم اتنا ہی یا ترقی یا کرتا ہی قبل از فیصلہ اجراء ذمیری بھی صاحب موصوف کو بشرط ادائیگی ٹیمپورنہ حق پکھری کا اختیار ہو گا اور تمام ساختہ پرداختہ صاحب موصوف مثل کردہ از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو گا کہ مقدمہ مقررہ یا اس کے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی اپیل گمرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا بیرٹر کو اپنے ہمسائے یا اپنے امراء 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 جانب التزام پڑے گا اور صاحب موصوف کا حق ہو گا کہ صاحب موصوف کو پوری نہیں تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پوری نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

Accepted
[Signature]

محکمہ عدالت
[Signature]

"A"

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

No.

APPEAL No.....*3912*..... of 20 *21*.

Najeerullah

Appellant/Petitioner

Versus

P.P.O. Pesh.

RESPONDENT(S)

Counsel
Notice to Appellant/Petitioner

*Mamunullah Khan
Advocate High Court
D. I. Khan*

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *28-7-2021* at *9:00 AM*.

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

at Peshawar.

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

No.

APPEAL No. 3912 of 20²¹.

Najeebullah

Appellant/Petitioner

Versus

PPC K.P.T. Pesh.

RESPONDENT(S)

Notice to Appellant/Petitioner

*Najeebullah S/o Murtuza
Caste Balach R/o Village Ghat
Fehsil Distt. Tank.*

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 28.7.2021 at 9:00 P.M.

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.

[Signature]
at Peshawar.

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"B"

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

No.

TB DIK

Appeal No. 3912

of 20 21

Najeeb Ullah

Appellant/Petitioner

PPO Peshawar

Versus

Respondent

Respondent No. 2

Notice to:

Regional Police officer DIG,
 Police Region Dikha.

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 26-7-22 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 22

Day of 12 20 21

at court
 DIKha


Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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.

TB DHC

Appeal No. 3912 of 2021

Najeeb Ullah Appellant/Petitioner

Versus

PPO Paswan Respondent

Respondent No. 3

Notice to: District 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 25-1-22 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 22

Day of 12-20

at court
DKR

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. *TB DIC*

No.

3912
 Appeal No..... of 20 ~~21~~
Najeeb Ullah..... Appellant/Petitioner

PPO Peshawar..... Respondent
 Versus

Respondent No..... *1*

Notice to: *Provincial Police officer Peshawar*

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on..... *28-1-22*.....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..... *22*

Given under my hand and the seal of this Court, at Peshawar this.....
 Day of..... *12*.....20 *21*

at Camp Court
out
DIC

[Signature]
 Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

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