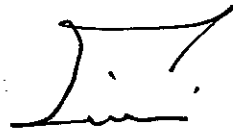


26th September, 2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Mehmood Nawaz, DSP (Legal) for respondents present.

Para-wise reply on behalf of respondents submitted, which is placed on file and copy of the same is handed over to learned counsel for the appellant. Adjourned. To come up for rejoinder, if any, as well as arguments on 25.10.2022 before the D.B at Camp Court D.I.Khan.



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



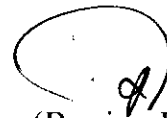
(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan

25.10.2022

Appellant present through counsel.

Muhammad Jan, learned District Attorney 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

27.01.2022

Tour is Cancelled, therefore, case is adjourned to 26.05.2022 for the same as before.

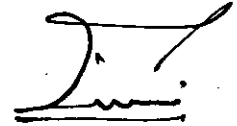

Reader.

26.05.2022

Nemo for the appellant. Mr. Muhammad Zubair, Head Constable alongwith Mr. Farhaj Sikandar, District Attorney for the respondents present and sought time for submission of reply/comments. Last chance given. To come up for submission of reply/comments as well as arguments before the D.B on 25.07.2022 at Camp Court D.I.Khan. Notice also be issued to appellant as well as his counsel through registered post for the date fixed.



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



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

25.7.22

due to summons non-compliance the case is adjourned to 26-9-22 for the same as before



25.10.2021

Counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted to regular hearing subject to all just and 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 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 before the D.B on 14.12.2021 at Camp Court D.I Khan.

Appellant Deposited
Security Process Fee


(ROZINA REHMAN)
MEMBER (J)
CAMP COURT D.I KHAN

14.12.2021

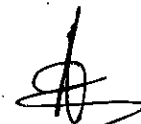
Counsel for appellant present.

Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

Notices be issued to the respondents with direction to furnish reply/comments within 10 days of the receipt of notice in office, positively. To come up for arguments on 27.01.2022 before the D.B at Camp Court, D.I.Khan.



(Rozina Rehman)
Member (J)



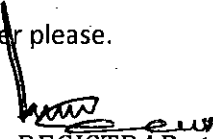


Chairman
Camp Court, D.I.Khan

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 5734/2021 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	31/05/2021	<p>The appeal of Mr. Muhammad Sajjad received today by post through Sheikh Iftikharul Haq Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	04/06/21	<p>This case is entrusted to S. Bench Peshawar. Notices be issued to appellant/counsel for preliminary hearing on <u>29/07/21</u></p> <p> CHAIRMAN</p>
	30.07.2021	<p>Counsel for the appellant seeks time to further prepare the case. Granted. To come up for preliminary hearing on 26.10.2021 before S.B at camp court, D.I.Khan.</p> <p> Chairman</p>

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

Service Appeal No. 5734/2021

Muhammad Sajjad

VERSUS

Inspector General of Police and others

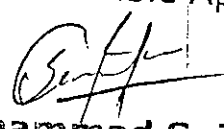
SERVICE APPEAL

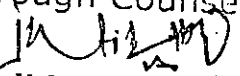
INDEX

S.No	Particulars of the Documents	Annexure	Page
1.	Grounds of Service Appeal and affidavits	--	1-5
2.	Copy of leave application	A	6-7
3.	Copies of the charge sheet and statement of allegations	B & C	8-9
4.	Copies of the impugned order dated 17/10/2018	D	-10-
5.	Copies of academic transcript, departmental appeal and comments	E to E/2	11-13
6.	Copy of the order dated 17/09/2020	F	-14-
7.	Wakalatnama	--	-15-

Date: 21/05/2021

Yours Humble Appellant


Muhammad Sajjad

Through Counsel,

Sheikh Iftikhar ul Haq
Advocate High Court

①

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

Service Appeal No. _____/2021

Muhammad Sajjad son of Mumtaz Khan caste Kundi r/o
village Pai Tehsil & District Tank. Ex-Constable No. 8306-FRP
Dera Ismail Khan. Cell#0316-9457157

Appellant

Versus

1. **Provincial Police Officer, (IGP), Khyber
Pakhtunkhwa Peshawar.**
2. **Commandant Frontier Reserve Police, Khyber
Pakhtunkhwa Peshawar.**
3. **Superintendent of Police, FRP, D.I.Khan Range, Dera
Ismal Khan.**

.....**Respondents**

**SERVICE APPEAL UNDER SECTION 4 OF THE KPK SERVICES
TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER
OB#677/FRP DATED 17/10/2018 VIDE WHICH THE MAJOR
PUNISHMENT OF REMOVAL FROM SERVICE FROM THE DATE
OF ABSENCE WAS AWARDED TO THE APPELLANT AND
AGAINST THE ORDER NO. 3645 DATED 17/09/2020 VIDE
WHICH THE DEPARTMENTAL APPEAL/REVISION PETITION
OF THE APPELLANT WAS REJECTED .**

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PRAYER

On acceptance of the instant Service Appeal the impugned order OB#677/FRP dated 17/10/2018 issued by the Superintendent of Police FRP Range Dera Ismail Khan and the order No. 3645 dated 17/09/2020 issued by the concerned respondents/appellate authority may kindly be set aside and the service of appellant may graciously be reinstated/restored with all back benefits.

Respectfully Sheweth:-

The Appellant most respectfully submits as under:-

BRIEF FACTS:

1. That the appellant was appointed as constable in August 2015 in Frontier Reserved Police Dera Ismail Khan and awarded Belt No. 7511 and later on 8306.
2. That the appellant performed his duties to the entire satisfaction of his superiors.
3. That during performance of his duties the appellant fond of getting education and this fact was submitted before immediate boss and higher authority and for processing of admission in MSC Physics in Gomal University Dera Ismail Khan, One month leave was granted to the appellant. Later on for proper study leave an application was submitted for grant of leave of 19 months i.e. 11/03/2018 to 31/12/2019, which was accepted by the authority as the appellant was assured and permitted to continue the study. Copy of the leave application is annexed as Annexure-A.
4. That later on astonishingly the appellant was served charge ^{div} _{sheet} No. 559-60 dated 09/04/2018 along with statement of allegations. Then the appellant requested to submit detail reply which was not allowed and simply the appellant appeared personally before the one Zahoor Khan DSP at that time and explain his position, wherein the said DSP was conceded the stance of the appellant and thus the appellant

in the
1/1/18

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continue the study and study leave. It is also pertinent to mention that in the detail of charge sheet and statement of allegations it is evident that show-cause notice was issued but not served upon the appellant. Copies of the charge sheet and statement of allegations are annexed as **Annexure-B & C.**

5. That after completing the MSc Physics, the appellant came into the knowledge that the impugned removal order was issued at the back of the appellant vide OB#677/FRP dated 17/10/2018, wherein major punishment of removal from service was awarded to the appellant from the date of absence and absence period i.e. 10/03/2018 to 07/09/2018 total 181 days and 10/09/2018 to till date is treated as without pay. Copies of the impugned order dated 17/10/2018 are annexed as **Annexure-D.**

6. That after completing the M.Sc Physics came into knowledge the impugned removal order, hence, at once submitted departmental appeal/representation on 22/07/2020 to the Commandant FRP KPK Peshawar, wherein comments were called from the concerned authority which were duly submitted by the concerned authority. Copies of academic transcript, departmental appeal and comments are annexed as **Annexure-E to E/2.**

7. That thereafter the waves of COVID-19 occurred in the country and offices remained closed and when the appellant approached to the concerned authority on 20/05/2021, then the appellant was told that your departmental appeal has already been filed/rejected vide order no. 3645/20 dated 17/09/2020 and thus the appellant received the copy of the impugned order of appellate authority on 20/05/2021 after submitting written application. Copy of the order dated 17/09/2020 is annexed as **Annexure-F.**

8. That the appellant being aggrieved person, the instant service appeal is being filed, inter alia, on the following grounds.

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GROUND:

- a. That both the impugned orders are against law, facts, natural justice, void ab initio being from the retrospective effects, hence, liable to be set aside.
- b. That no initial show-cause notice and final show cause notice were issued against the appellant, in short no proper inquiry whatsoever had been conducted in the case of appellant, hence, the impugned removal from service order is against the norms of natural justice and liable to be set aside.
- c. That the impugned dismissal order is void ab initio, thus, no limitation is run in the case of appellant. Moreover, the appellant got study leave after fulfilling all the departmental requirements, hence, the impugned orders are not sustainable in the eyes of law.
- d. 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.
- e. That both the impugned orders are against the principles of law and policy and are not in the commence of EASTA Code.
- f. That counsel for appellant may kindly be allowed to raise additional grounds at the time of arguments.

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man:

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It is therefore, humbly prayed that on acceptance of the instant Service Appeal the impugned order OB#677/FRP dated 17/10/2018 issued by the Superintendent of Police FRP Range Dera Ismail Khan and the order No. 3645 dated 17/09/2020 issued by the concerned respondents/appellate authority may kindly be set aside and the service of appellant may graciously be reinstated/restored with all back benefits.

Date: 21/05/2021

Yours Humble Appellant

[Handwritten Signature]

Muhammad Sajjad

Through Counsel,

[Handwritten Signature]

Sheikh Iftkhar ul Haq
Advocate High Court

AFFIDAVIT

I, **Muhammad Sajjad** son of Mumtaz Khan caste Kundi r/o village Pai Tehsil & District Tank. Ex-Constable No. 8306-FRP Dera Ismail Khan, 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: 21/05/2021

dated by
[Handwritten Signature]

SN: *[Handwritten Signature]*

[Handwritten Signature]
Sign
Date 27/5/21
District Bar Dera Ismail Khan

[Handwritten Signature]
DEPONENT

Lea

6

ANZ: A

To

Honorable,
Commandant Sabib,
FRP, Peshawar.

11-3-2018 to 31-12-2019

Application for grant of 19(Months) w.e.f. ~~4-5-2018~~ to ~~4-12-2019~~ for Study Leave for M.Sc. Physics.

Subject:-
Study Leave for grant
of 19 months without pay with
allowance for completion of
M.Sc. Physics

Respected Sir,

With due respect it is humbly submitted that I am working as constable FRP at District Tank having my service 02 years and 08 months vide my Belt No: 8306.

Sir, I have to need long period ^{leave} ~~12~~ 19 months leave with effect from 1.5.2018 to 1.12.2019 for the completion of my study as M.Sc Physics according to the Terms and condition of Leave Rules.

Therefore, it is humbly prayed that on acceptance of my this application I may kindly be granted 19 Months Leave w.e.f. 11-03-2018 ~~1.5.2018 to~~ 1.12.2019 for the completion of my study as M.Sc. Physics and oblige.

Thanking Sir,

Your Most Obedient Servant

Sajjad
Muhammad Sajjad
Belt No. 8306 FRP
Tank.
Mobile ~~0315 235 235~~

Dated: _____

Attached to be
true copy

Sajjad

0316 9457157

To

7

Honorable,
Commandant Sahib,
FRP, Peshawar.

Subject: Application for grant of leave without pay w.e.f 11-03-2018 To 31-12-2019

Respected Sir

With due respect it is humbly submitted that I am working as constable FRP at District Tank having my service 02 years and 08 months vide belt No: 8306.

Sir, I have to need long period leave without pay with the effect from 11-03-2018 To 31-12-2019 for completion of my study as M.Sc Physics. according to the term and condition of Leave Rules

There fore , it is humbly prayed that on acceptance of my this application I may kindly be granted leave 11-03-2018 To 31-12-2019 for the completion of my study as M.Sc Physics.

Thanks Sir,

Your Obedient Servant,
Muhammad Sajjad
Bel: No.8306 FPR Tank
Mobile No:03169457157

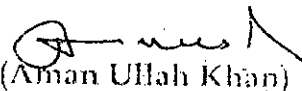
Dated: 20/02/2018

Attested to be true
copy

(Signature)

CHARGE SHEET

- I) I, Aman Ullah Khan, SP FRP DIKhan as competent authority, am of the opinion that you Constable Muhammad Sajid No.8306/FRP of FRP DIKhan Range have committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975.
- II) According to daily diary report No.10 dated 10.03.2018 of FRP Police Line Tank, on expiry of 30 days leave, you were required to report your arrival at FRP Police Line Tank but you failed to do so and remained absent from law full duties with effect from 10.03.2018 to till date without any leave or permission from the competent authority. Show Cause Notice was prepared and sent to your home address for delivered upon you through Constable Sajjad No.8306/FRP vide daily diary report No.37 dated 31.04.2018 of FRP Police Line DIKhan but you refused to received said Show Cause Notice. Thus you have committed a gross "Misconduct" as defined in Rule 2 (iii) of Police Rules 1975 and have rendered yourself liable to be proceeded against departmentally.
- III) By reason of the above, you seem to be guilty as sufficient materials is placed before the undersigned; therefore it is decided to proceed against you in general police proceeding.
- IV) You are, therefore, required to submit your written reply within 07 days of the receipt of this charges sheet to the Enquiry Officer.
- V) Your written reply, if any, should reach the Enquiry Officer within specific period, failing which it shall be presumed that you have no defense to offer and in that case ex-parte action shall follow against you.
- VI) Intimate as to whether you desire to be heard in person or not?
- VII) A statement of allegation is enclosed.


(Aman Ullah Khan)

Superintendent of Police, FRP
DIKhan Range DIKha

11/9/18

Attested to be true copy



Start

9

ANK: C

DISCIPLINARY ACTION

I, Aman Ullah Khan, SP FRP DIKhan as competent authority, am of the opinion that you Constable Muhammad Sajid No.8306/FRP of FRP DIKhan Range of FRP have committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975.

STATEMENT OF ALLEGATION

1. According to daily diary report No.10 dated 10.03.2018 of FRP Police Line Tank, on expiry of 30 days leave, you were required to report your arrival at FRP Police Line Tank but you failed to do so and remained absent from law full duties with effect from 10.03.2018 to till date without any leave or permission from the competent authority. Show Cause Notice was prepared and sent to your home address for delivered upon you through Constable Sajjad No.8306/FRP vide daily diary report No.37 dated 31.04.2018 of FRP Police Line DIKhan but you refused to received said Show Cause Notice. It is a gross "Misconduct" on your part as defined in Rule 2 (iii) of Police Rules 1975 and has rendered yourself liable to be proceeded against departmentally.
2. For the purpose of scrutinize the conduct of said Constable with reference to the above allegation, Muhammad Yousaf DSP/FRP DIKhan is appointed as Inquiry Officer.
3. The Inquiry Officer shall conduct proceeding in accordance with provision of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record it is finding and make with twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused official.
4. The delinquent official shall join the proceeding on the date, time and place fixed by the officer.

(Aman Ullah Khan)
Superintendent of Police, FRP
DIKhan Range DIKhan

12/9/18

Attested to be true copy

Order

10

Amz: 'D'

My this order will dispose off departmental enquiry conducted against Constable Muhammad Sajjad No.8306/FRP under Khyber Pakhtunkhwa Police Disciplinary Rules-1975 (Amended in 2014).

According to daily diary report No.10 dated 10.03.2018 of FRP Police Lines Tank, on expiry of 30 days e/leave, he required to report his arrival at FRP Police Lines Tank but he failed to do so and remained absent from law full duties with effect from 10.03.2018 to till date without any leave or permission from the competent authority. To this effect show cause notice was prepared and sent to his home address through Constable Said Khan No.8910/FRP for deliver upon him vide daily diary report No.37 dated 31.04.2018 of FRP Police Lines DIKhan but he refused to receive the said show cause notice. He reported back his arrival on 07.09.2018 vide daily diary report No.09 dated 07.09.2018 of FRP Police Lines Tank. Total absence period comes (181) days. He was issued charge sheet along with summary of allegation and Zahoor Ud Din Khan was nominated as enquiry officer. The enquiry officer submitted his finding report wherein he stated that the defaulter constable was found guilty of the charges leveled against him and he is a regular student of MSC in Gomal University DIKhan. On the finding report of Enquiry Officer a letter was sent to Chairman Physics Department, Gomal University DIKhan vide this office memo: No.1916/FRP dated 05.10.2018 for verification about his regular study. The Chairman Physics Department, Gomal University DIKhan vide his office letter No.987/PHYS/GU dated 08.10.2018 verified the defaulter Constable is a regular student of M.Sc Physics 2nd Semester Session 2017-19 under class No.34. The defaulter Constable again absented himself from law full duties with effect from 10.09.2018 to till date vide daily diary report No.07 dated 10.09.2018 of FRP Police Lines Tank. He was called in orderly room in the office of undersigned time and again but he does not appear before the undersigned which shows that the defaulter constable is not interested in Govt: Service. From perusal of his service record it revealed that he was enlisted as Constable on 13.08.2015. During short period of his service, being under probation period of 03 years he remained absent from law full duties for (181) days and 10.09.2018 to till date.

Keeping in view the facts stated above, I MR. AMAN ULLAH KHAN, Superintendent of Police FRP D.I.Khan Range, D.I.Khan, in exercise of powers vested in me under Khyber Pakhtunkhwa Police Disciplinary Rules-1975 amended-2014 hereby taking Ex-parte action against Constable Muhammad Sajjad No.8306/FRP awarded him major punishment of Removal from Service from the date of absence. His absence period i.e 10.03.2018 to 07.09.2018 total (181) days and 10.09.2018 to till date is treated as without pay.

ORDER ANNOUNCED.

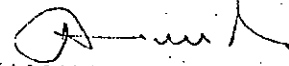
Dated, /2018.

OB.No. 677/FRP

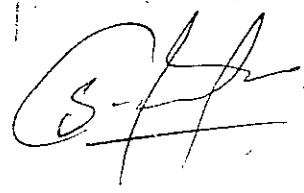
Dated 17/10/2018

Copy to:-

1. Pay Officer
2. SRC
3. OHC


 (AMAN ULLAH KHAN)
 Superintendent of Police,
 FRP, DIKhan Range DIKhan.
 15/10/2018

Attended to be true copy



Nº 147371

ACAD

ANZ "E"



GOMAL UNIVERSITY, DERA ISMAIL KHAN

ACADEMIC TRANSCRIPT

Name: Muhammad Sajjad
 Degree: Master of Science in Physics
 Session: 2017-2019

Father Name: Mumtaz Khan
 Registration No: 95 AKT/C/S-2015
 Roll No: 34

Course Code	Course Title	CH	Marks %	Grade	NG	CH*GP
1st Semester						
Phy-5101	Mathematical Methods of Physics	3	84.17	AR	4.000	12
Phy-5102	Classical Mechanics	3	70.00	B	3.000	9
Phy-5103	Quantum Mechanics-I	3	50.00	D	1.000	3
Phy-5104	Basic Electronics	3	70.00	B	3.000	9
Phy-5105	Modern Physics (Practical)	1.5	73.33	B	3.333	5
Phy-5106	Basic Electronics (Practical)	1.5	60.00	C	2.000	3
SCH	15	GPA:	2.73	Grade:	C+	
CCH	15	SNG	16.33	CGPA:	2.73	
2nd Semester						
Phy-5201	Mathematical Methods of Physics-II	3	61.67	C	2.167	6.5
Phy-5202	Quantum Mechanics-II	3	70.00	BR	3.000	9
Phy-5203	Atomic Physics	3	70.00	B	3.000	9
Phy-5204	Nuclear Physics	3	63.33	C	2.333	7
Phy-5205	Solid State Physics	3	73.33	B	3.333	10
Phy-5206	Nuclear Physics (Practical)	1.5	73.33	B	3.333	5
Phy-5207	Applied Radiation (Practical)	1.5	70.00	B	3.000	4.5
SCH	18	Grade:	C+	GPA:	2.83	
CCH	33	SNG	36.50	CGPA:	2.79	
3rd Semester						
Phy-6301	Electromagnetic Theory-I	3	50.00	D	1.000	3
Phy-6302	Solid State Physics	3	75.00	B+	3.500	10.5
Phy-6303	Computational Physics	3	91.67	A+	4.000	12
Phy-6304	SP:Paper A-I (Digital Electronics)	3	81.67	A	4.000	12
Phy-6305	SP:Paper B-I (Practical/Viva Voice)	3	86.67	A	4.000	12
SCH	15	Grade:	B	GPA:	3.30	
CCH	48	SNG	53.00	CGPA:	2.95	
4th Semester						
Phy-6401	EMT-II	3	78.33	B+	3.833	11.50
Phy-6402	Statistical Mechanics	3	83.33	A	4.000	12.00
Phy-6403	Sp.Paper A-II (Electronics)	3	80.00	A	4.000	12.00
Phy-6404	Sp.Paper B-II (Project Work)	3	81.67	A	4.000	12.00
SCH	12	GPA:	3.96	Grade:	B+	
CCH	60	SNG	68.83			

Cumulative Result	
CGPA	3.15
Grade	B
Remarks	Good
Total Credits Hour	60
Total Marks	1200
Obtain marks	875.50
Average Weighted Per. (%)	72.96
Result declaration Date	13-03-2020

Attested
M. Syed Musa
 Head of Mission
 Gomal Sy. of Mission
 Dera Ismail Khan

[Signature]
 Controller of Examinations
 Gomal University, D.I. Khan

Errors and Omission Excepted

12

خدمت جناب کمانڈنٹ صاحب FRP/KPK پشاور

جناب عالی!

گزارش کی جاتی ہے کہ سائل کو بحوالہ OB نمبر 677 مورخہ 17.10.2018 بوجہ غیر حاضری اور ریگولر اڈمیشن
 لیا گیا تھا۔ جبکہ حقیقت یہ ہے کہ سائل اپنی ڈیوٹی نہایت احسن طریقہ سے سرانجام دے رہا تھا چند مجبوریوں کی بد
 خاطر یہ سائل Education کا زوق رکھتا ہے اور اس سے لاعلم تھا کہ پولیس کی نوکری کے ساتھ ریگولر اڈمیشن نہیں کر سکتا
 سائل ایک فریب خاندان سے تعلق رکھتا ہے اور اپنے خاندان کا واحد سہارا ہے۔
 لہذا

آپ صاحبان سے گزارش کی جاتی ہے کہ سائل کی مجبوریوں کو مد نظر رکھتے ہوئے سائل کو دوبارہ اپنے سروں میں
 لے لیں۔

Ex-پولیس سب انسپکشن جوائننگ نمبر 8306/FRP ڈیرہ اسماعیل خان۔

Attended to be
 true copy

Chief Constable
F. P. Cyber Pol. Unit, Inva. P. Rawat

13

APPEAL

Kindly refer to your office memo No 612/Ad-Legal dated 22.07.2020 on the subject above in the subject.

Comments on appeal of Ex-Constable Muhammad Sajjad No.8306/FRP are submitted as under please.

According to daily diary report No 10 dated 10.03.2018 of FRP Police Lines Tank, on expiry of 30 days leave, he required to report his arrival at FRP Police Lines Tank but he failed to do so and remained absent from law full duties with effect from 10.03.2018 to till date without any leave or permission from the competent authority.

In this effect Show Cause Notice was prepared and sent to his home address through Constable Saif Khan No 8910/FRP for deliver upon him vide daily diary report No 7 dated 31.04.2018 of FRP Police Lines DIKhan but he refused to receive the said Show Cause Notice. He reported back his arrival on 07.09.2018 vide daily diary report No.09 dated 07.09.2018 of FRP Police Lines Tank, total absence period comes (181) days. He was issued charge sheet along with summary of allegation, Zahoor Ud Din Khan DSP/FRP DIKhan was nominated as enquiry officer. The enquiry officer submitted his finding report wherein he stated that the defaulter constable was found guilty of the charges leveled against him and he is a regular student of MSC in Gomal University DIKhan. On the finding report of Enquiry Officer a letter was sent to Chairman Physics Department, Gomal University DIKhan vide this office memo No.1916/FRP dated 05.10.2018 for verification about his regular study. Chairman Physics Department, Gomal University DIKhan vide his office letter No 57/PHYS/GU dated 08.10.2018 verified the defaulter Constable is a regular student of MSC Physics 2nd Semester Session 2017-19 under Class No.34. The defaulter Constable again absented himself from law full duties with effect from 10.09.2018 to till date vide daily diary report No 07 dated 10.09.2018 of FRP Police Lines Tank. He was called in orderly room in the presence of undersigned time and again but he does not appear before the undersigned which shows that the defaulter constable is not interested in Govt: Service.

Hence by taking Ex-parte action he was awarded major punishment of Removal from Service and his absence period was treated as without pay vide this order No 677/FRP dated 17.10.2018.

From perusal of his service record it revealed that he was enlisted as Constable on 17.03.2015. During short period of his service, being under probation period of 03 years he was absent from law full duties for (181) days and 10.09.2018 to till date.

Comments along with service record containing departmental enquiry report of Constable Muhammad Sajjad No.8306/FRP are submitted herewith.

Attached to be true copy

[Handwritten signature]



14

REV

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

Office No 885/FRP
30-9-2020

No. S/ 3645 /20, dated Peshawar the 12/09/2020.

Ant: F

To: The Commandant,
FRP, Khyber Pakhtunkhwa,
Peshawar

Office of the Addl: IGP/Commandant
F.R.P KPK Peshawar.

Diary No 6079 Encl
Date 18/09/2020

Subject: - REVISION PETITION.

Memo:

The Competent Authority has examined and filed the application submitted by Ex-Constable Muhammad Sajjad No. 8306 of FRP D.I.Khan against the punishment of removal from service awarded by Dy: Commandant FRP Khyber Pakhtunkhwa vide OB No. 677, dated 17.10.2018, being badly time barred.

The applicant may please be informed accordingly.

SI legal
for information
Dy. Commandant

Syed Anis-ul-Hasan
(SYED ANIS-UL-HASSAN)
Registrar,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

OFFICE OF THE COMMANDANT FRP KP, PESHAWAR.

No. 8394 SI legal, dated Peshawar 22/09/2020.
copy of the above is forwarded to the FRP
DI Khan Range, DIK for information & further
necessary action with direction to inform the

applicants accordingly.

SRC informed acco.

informed the applicant accordingly

For Commandant FRP KP

Superintendent of Police
FRP, D.I. Khan Range

29/9

FA2020/Letter A


Attached to be from copy

[Signature]

15

وکالت نامہ

SH. IFTIKHAR UL HAQ
Advocate High Court
N.F.C. 12201-0316740-9
S.No. 1365



Issuing Authority

کورٹ
فیس

Before The Khyber Pakhtunkhwa Service Tribunal
Appellant مخالف Camp Const D.I.K
Muhammad Saif Adv. J.G.P
Service Appeal دعوی یا جرم
4/5 4. K.P.K.S. T-1 Act 1974 تفصیل دعوی یا جرم

باعث تخریر آنکہ
D.I. Khan مقدمہ مندرجہ بالا ان میں اپنی طرف واسطے بیرونی اور جواب دہی برائے پیشی یا تفریق مقدمہ بنام
Shahid Iftikhar ul Haq Advocate High Court

کہ جب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا اپنا بڑا بیہ رو برو عدالت حاضر ہوتا رہوں گا اور ہر وقت پکارتے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر مقام پکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے یا پیچھے پیش ہونے پر مظہر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا سخت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو کھل ساختہ پر وادخت صاحب موصوف مشل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعوی یا جواب دعوی یا درخواست اجراء اسانے ذکرہ نظر ثانی اپیل گمرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر ثانی یا راضی نامہ و فیصلہ برطرف کرنے اقبال دعوی کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مزکور بیرون از پکھری صدر بیرونی مقدمہ مزکور نظر ثانی اپیل و گمرانی و برآمدگی مقدمہ یا منسوفی ذکرہ یک طرفہ یا درخواست حکم استعفی یا ترقی یا گرفتاری قبل از فیصلہ اجراء ذکرہ بھی صاحب موصوف کو بشرط ادائیگی نتیجہ مختام بیرونی کا اختیار ہو گا اور تمام ساختہ پروادخت صاحب موصوف مشل کردہ از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مزکورہ یا اس کے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی اپیل گمرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا بیرونی کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور دیے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پوری فیس 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

مورخہ 21 مئی 2021
 مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

Attest
 Accepted
 Sh. Iftikhar ul Haq

0316-9457157
 12201-7912898-1

"A"

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

No.

APPEAL No..... 5734 of 20 21

Muhammad Sajjad

Appellant/Petitioner

Versus

P.P.O. 14 Pto Pesh.

RESPONDENT(S)

Notice to Appellant/Petitioner

Muhammad Sajjad

R/o village Pai Tehsil & Dist. Tank.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 29-7-2021 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.

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

No.

APPEAL No.....*5734*..... of 20*21*.

Muhammad Sajjad

Appellant/Petitioner

Versus

PPO, 14 PC Pesh.

RESPONDENT(S)

Counsel

Notice to Appellant/Petitioner

*Sheikh H. Khair ul Haq
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 *29-7-2021* at *9:00 A.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.

at Peshawar

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

No. TB
APPEAL No. 5734 of 20 21.

Mahamoud Sajjad
Appellant/Petitioner

Versus

P.P.O. K.P.K. Pesh.
RESPONDENT(S)

Counsel
Notice to Appellant/Petitioner Sheikh Iftikhar ul Haq
Advocate High Court
at D.I. Khars.

Take notice that your appeal has been fixed for Preliminary hearing, replication/affidavit/counter affidavit/record/arguments/order before this Tribunal on 28/10/2021 at 7:00 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.I. Khars

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

"A"

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

No.

5734

21

APPEAL No..... of 20

Mohammad Sajjad

Appellant/Petitioner

Versus

P.P.O. K.P.C. Pesh.

RESPONDENT(S)

Mohammad Sajjad Go

Notice to Appellant/Petitioner

*Muhtaz Khan Castle Kundh
R/O Village Pasi Tehsil & Distt.
Tank*

Take notice that your appeal has been fixed for Preliminary hearing, replication, ^{26/10/2021}affidavit/counter affidavit/record/arguments/order before this Tribunal on..... at.....

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.I. Khan

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"B"

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

No.

TB D/12

Appeal No. 5734 of 2021

M. Sajjad Appellant/Petitioner

Versus

PPO Peshawar Respondent

Respondent No. 3

Notice to: - Subsistentent of Police FRP
Dikhan Range Dikhan

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 27/12/22 at 8.00 A.M. If you wish to urge anything against the appellent/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 21

Day of 12 2021

at 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.