

27th Oct, 2022

Learned counsel for the appellant present.

Learned counsel for the appellant submits that the appellant had filed appeal on 02.07.2021 against the orders dated 11.08.2020 passed by respondent No.3 and dated 12.01.2021 passed by respondent No.2, whereby the appellant was dismissed from service by the DPO and appeal against dismissal order was rejected by the RPO, D.I.Khan. The learned counsel submits that after dismissal of appeal of the appellant by the RPO, he filed a revision petition before the IGP, and then this appeal. During the pendency the review petition was partially allowed and penalty of dismissal from service was converted into time scale for three years and treating the intervening period to be without pay. This order was issued vide endst: No. 700-06/22 dated 13.04.2022 i.e. during the pendency of the appeal. The appellant filed amended appeal challenging the last order passed during the pendency of appeal, therefore, this appeal is admitted to full hearing subject to all just and legal objections by the other side. Appellant is directed to deposit security fee. Out district respondents be summoned through TCS, the expenses of which be deposited by the appellant within three days, while the local respondents be summoned through process serving agency of the learned Senior Civil Judge, Peshawar. To come up for written reply/comments on 24.11.2022 before S.B at camp court D.I.Khan.



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

Form- A

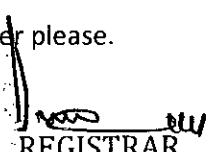


FORM OF ORDER SHEET

Court of _____

Case No.-

6707

/2021

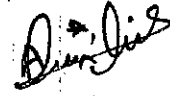
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	02/07/2021	<p>The appeal of Mr. Muhammad Arshad presented today by Mr. Burhan Latif Khaisori Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench Peshawar. Notices be issued to appellant/counsel for preliminary hearing to be put up there on <u>23/08/21</u>.</p> <p> CHAIRMAN</p>
30 th	Sept 2022	<p>Learned counsel for the appellant present.</p> <p>Learned counsel for the appellant submitted amended appeal which is placed on file. Learned counsel for the appellant seeks time to prepare the case. To come up for preliminary hearing on 27.10.2022 before S.B at camp court D.I.Khan.</p> <p> (Kalim Arshad Khan) Chairman Camp Court D.I.Khan</p>


BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**PESHAWAR**Service Appeal No. 6707 /2021**Muhammad Arshad****VERSUS****Provincial Police Officer etc****INDEX**

Sr. #	Particulars of Documents	Annexure	Page
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5.	Copies of Departmental Appeal along with the Order dated 12/01/2021	D	12-13
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Dated: 02 / 05 / 2021

Your humble appellant


Muhammad Arshad
 Through Counsel


Burhan Latif Khaisori
 Advocate Supreme Court

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

Service Appeal No. _____/2021

Muhammad Arshad (Ex-Constable No.1629) son of Muhammad Mushtaq Ahmad R/o Roda, Post Office Daraban Khurd, Tehsil Parova, District Dera Ismail Khan, lastly posted at Police Line, Dera Ismail Khan. **Cell #0342-804-3003.**

(Appellant)**VERSUS**

1. Provincial Police Officer, Khybar Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Region Dera Ismail Khan.
3. District Police Officer, Dera Ismail Khan.
4. SDPO, Dera Ismail Khan.

(Respondents)

SERVICE APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED ORDERS DATED 11/08/2020 PASSED BY RESPONDENT NO.3, AND AGAINST THE IMPUGNED ORDER DATED 12/01/2021 PASSED BY RESPONDENT NO.2.

PRAYER:-

ON ACCEPTANCE OF THE INSTANT APPEAL AND BY SETTING ASIDE THE IMPUGNED ORDER DATED 11/08/2020 AND 12/01/2021 PASSED BY RESPONDENTS NO. 3 & 2 RESPECTIVELY AND BY RESTORING THE APPELLANT W.E.F THE PASSING OF IMPUGNED ORDER DATED 11/08/2020 ALONG WITH ALL THE BACK BENEFITS.

Respectfully Sheweth:-

1. That the appellant was inducted in the police department in 2007 and was posted as Constable in BPS-07 in the Police Line Dera Ismail Khan presently serving as **Constable No.1629 in BPS-07** at the time of appointment.
2. That on 08/04/2020 due to ill will and grudges, the SHO, Cantt lodged one fabricated FIR against present appellant along with one Hammad Suleman Constable No.30. Copy of the FIR along with its better copy is annexed as **Annexure-A.**
3. That on 09/04/2020 the appellant was charged sheet by Respondent no.3 and in result the appellant submitted his reply to the inquiry officer Respondent No.4. Copies of charge sheet along with reply are jointly annexed as **Annexure-B.**
4. That the inquiry officer (Respondent No.4) after conducting the inquiry recommended no action against the appellant till the Decision/Trial of the Appellant which is pending subjudice before the competent court of law. The said inquiry is in possession of respondents and respondents are not providing the copy of the inquiry to the appellant and the respondents are bound to produce the same before this respectable forum in the appeal of the appellant.
5. That despite finding of the inquiry report by the Respondent No.3 illegally issued the Impugned Letter dated 11/08/2020, by discriminating the appellant. Copy of the Impugned Order dated 11/08/2020 is annexed as **Annexure-C.**
6. That the appellant feeling aggrieved by the impugned order dated 11/08/2020 submitted the Departmental Appeal before Respondent No.2 which was also rejected by the Respondent No.2, on 12/01/2021. Copies of Departmental Appeal along with the Order dated 12/01/2021 are jointly annexed as **Annexure-D.**
7. That the appellant as a result filed a Revision Petition under Rule 11, A of Police Rule, 1975 against the above mentioned Impugned Order which is still pending and up till now no response has ever

been communicated to the appellant since long. Copy of the Revision Petition is annexed as **Annexure-E**.

8. That the Petitioner always has striven hard to discharge and fulfil the duties and tasks assigned to him with due diligence and dedication. Service record of the Appellant is clean and devoid of any adverse marking.
9. That the Petitioner was in no manner involved in any misconduct but was condemned for an apparent misconceived opinion drawn on the basis of an erroneous inquiry report.
10. That feeling aggrieved with the above mentioned orders, the appellant is left with no other remedy except to file the present appeal under the following grounds:-

GROUND S:-

- a. That the report of the local police by itself is questionable in the light of Letter dated 05/03/2020 issued by Provincial Government wherein 30 days emergency was implemented due to COVID-19 and it was Curfew situation and there is no possibility the Appellant was ever available at the spot duly mentioned in the FIR. Copy of Letter dated 05/03/2020 and its better copy is annexed as **Annexure-F**.
- b. That the Revision of the Appellant to Respondent No.1 was sent to DPO (Respondent No.3) vide Letter No.55113 and the correspondence was made vide Letters No.561 and 603 dated 18/02/2021 and 22/02/2021 respectively but up till now the Appellant awaited a lot for any positive reply.
- c. That the order passed by DPO, D.I.Khan (Respondent No.3) and consequential order of departmental Appellate authority i.e RPO/DIG, D.I.Khan (Respondent No.2) as impugned hereby, are discriminatory, arbitrary in nature, legally and factually incorrect,

ultra-vires, void ab-initio and militate against the principles of natural justice thus are liable to be set-aside and nullified because the co-accused namely Hammad Suleman was only suspended by the Respondent No.3 while the case of the appellant was on better footings than him and the Respondents are also not providing the suspension order of said Hammad Suleman and the Respondents are bound to produce the same during the appeal of the appellant.

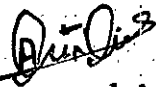
- d. That the Petitioner is innocent and has been subjected to the Penalty/Punishment of the gravest nature for a fault on his part.
- e. That the Petitioner has sufficient length of service rendered for the department. While adjudicating in the matter the authorities below utterly ignored not only provisions of law on the point but the rights, too, of the Petitioner.
- f. That the punishing as well departmental Appellate authorities utterly failed to follow due procedures, hence, erred in disposal of the matter in accordance with law and rules. The impugned orders passed by DPO, D.I.Khan (Respondent No.3) & consequential order of RPO/DIG, D.I.Khan (Respondent No.2) thus lack in legal sanction and therefore, are liable to be set-aside in the interest of justice.
- g. That the Petitioner has been virtually condemned unheard and never was afforded with an opportunity to defend himself beyond encumbrance, hence, the entire proceedings were nothing less than grave miscarriage of justice.
- h. That your good office has ample powers to adjudge the matter under reference in the interest of justice and equity.

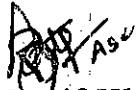
- i. That counsel for the appellant may kindly be allowed to raise additional grounds at the time of arguments.

It is therefore, humbly prayed that on acceptance of the *Instant Appeal and by setting aside the Impugned Order dated 11/08/2020 and 12/01/2021 passed by Respondents No. 3 & 2 respectively and by restoring the Appellant w.e.f the passing of Impugned Order dated 11/08/2020 along with all the back benefits.*

Dated: 02 / 07 / 2021

Your humble appellant

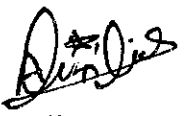

Muhammad Arshad
Through Counsel


Burhan Latif Khaisori
Advocate Supreme Court

CERTIFICATE

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

Dated: 02 / 07 / 2021


Appellant

AFFIDAVIT

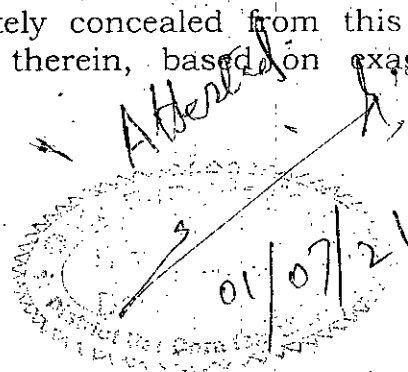
I, **Muhammad Arshad**, the appellant, do hereby solemnly affirm on oath:-

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.

Identified By:-


Burhan Latif Khaisori
Advocate Supreme Court,


Deponent



6

"Anex A" ابتدائی اطلاعی رپورٹ

(فائل) ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 154 مجموعہ ضابطہ فوجداری

تھانہ کنت

ضلع D12

تاریخ وقوع 08/04/2020

نمبر 027

427

1	تاریخ و وقت رپورٹ 08/04/2020 وقت 18:10 بجے	واکرا کی 08 بجے وقت 18:50 بجے
2	نام و سکونت اطلاع دہندہ مستغیث	صاحب خان (کنت)
3	مختصر کیفیت مجرم (معدومہ) حال اگر کچھ لیا گیا ہو	Pe 489B/489
4	جائے وقوع فاصلہ تھانہ سے اور سمت	گڑ روڈ ٹانکر منڈی لوہا لڈی جانب شمال
5	نام و سکونت لازم و حصار مسلمان ولد عبدالستار قوم	کمار کو سنگھ (بھائی شواہو لالہ) محمد ارشد (بھائی شواہو لالہ) محمد ارشد (بھائی شواہو لالہ)
6	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہو تو وجہ بیان کرو	رہسید کی عمر سنگھ حضور نے قائم ہووا
7	تھانہ سے روانگی کی تاریخ و وقت	نہ سہیل ڈرائی

ابتدائی اطلاع نیچے درج کروا کر مذکورہ سر اسلمہ خانہ مستند
 خانہ کنت لکھنؤ صاحب حضور نے عدالت کنتیل فضل الرحمن 849 فیصلوں کے تحت
 حضور متھانہ دوران کنت حیرت اطلاع دی کہ حضور سائیکل نمبر 5956
 خود اسٹیشن چھلی ٹوٹ رہا تھا مگر وہیں جو گڑ روڈ سے لکھنؤ
 حیرت حسب اطلاع حیرت جائے وقوعہ مالہ لالہ ٹانکر منڈی کے چھوٹے مکان کے
 طرف سے سائیکل سے حضور سائیکل منڈی کے مالہ لالہ کے چھوٹے مکان کے
 اسی نام حصار مسلمان ولد عبدالستار قوم کمار کو سنگھ (بھائی شواہو لالہ) شواہو لالہ
 چھلی سٹیشن کے متعلق نے دیا نام محمد ارشد ولد ملک شتاف احمد قوم
 سٹیشن کے حال قدوس آباد گڑ روڈ سے سٹیشن یا ملووران حصار
 ارشد کی شواہو لالہ سے کسی حیرت سے صلوع (56) منڈی کے 1000
 ناکتانی گرنے پر بعد چھوٹے حصار چھلی ٹوٹ صلوع (56) منڈی کے
 سائیکل منڈی کے مالہ لالہ منڈی کے حصار مسلمان محمد ارشد
 مالہ لالہ کے علوت بحر قلم مالہ لالہ کا ٹانکر حسب حصار لالہ کے حصار
 حضور نے عدالت کنتیل فضل الرحمن 849 ارسال نمٹانے سے حضور نے
 ایک لکھنؤ کا سٹیشن لکھا جا رہا ہے پر حضور حضور حضور حضور
 رنگ لکھنؤ عدلی مالہ لالہ حصار لکھنؤ حصار لکھنؤ حصار لکھنؤ
 لکھنؤ لکھنؤ مالہ لالہ حصار لکھنؤ حصار لکھنؤ حصار لکھنؤ حصار لکھنؤ

حالی ہے لکھنؤ لکھنؤ لکھنؤ
 MHL - Compt
 08-4-2020

ابتدائی اطلاعی رپورٹ

ضلع DIK

تھانہ: چھاؤلی

تاریخ وقت وقوعہ 08/04/2020 وقت 18:00 بجے

نمبر 427

1- تاریخ و وقت رپورٹ 08/04/2020 وقت 18:10 بجے چاکیڈگی 08/04/2020 وقت 18:50 بجے۔

2- نام و سکونت اطلاع دہندہ مستغیث : صابر خان SHO تھانہ کینٹ۔

3- مختصر کیفیت مجرم (معدنفہ) : 489-B/489-C, PPC:

4- جائے وقوعہ فاصلہ تھانہ سے اور سمت : گرڈ روڈ نا کہ بندی پوائنٹ جانب شمال بفاصلہ 3/4 کلومیٹر تقریباً

5- نام و سکونت ملزم : (1)۔ حماد سلیمان ولد عبدالستار قوم کارلو سکنتہ پستی شیخا نوالی۔ (2)۔ محمد ارشد ولد ملک مشتاق احمد قوم دھپ

سکنتہ روڈ۔

6- کارروائی جو تفتیش کے متعلق کی گئی ہو۔ : برسیڈگی مراسلہ مقدمہ قائم ہوا۔

7- تھانہ سے روانگی کی تاریخ و وقت : برسیڈگی ڈاک۔

ابتدائی اطلاع نئے درج کرو

تحریری مراسلہ منجانب مستغیث مندرجہ خانہ نمبر 2 بغرض قانچی مقدمہ بدست کانسٹیبل فضل الرحمن 849 موصول ہو کر ذیل ہے۔ محرر تھانہ دوران گشت مخبر نے اطلاع دی کہ موٹرسائیکل نمبر 5956/DIK پر سوار دو اشخاص جعلی نوٹ استعمال کر رہے ہیں جو گرڈ روڈ سے بطرف۔۔۔۔۔ کر رہے ہیں حسب اطلاع مخبر جائے وقوعہ بالا پر نا کہ بندی کئے ہوئے تھا جانب قرطبہ سکول سے موٹرسائیکل متذکرہ بالا آتے ہوئے روکا جا کر پوچھا جانے پر اپنا نام حماد سلیمان ولد عبدالستار قوم کارلو سکنتہ پستی شیخا نوالی شی DIK جبکہ پچھلی سیٹ پر بیٹھے شخص نے اپنا نام محمد ارشد ولد ملک مشتاق احمد قوم دھپ سکنتہ روڈ احال قدوس آباد گرڈ روڈ بتلایا بدوران جامعہ تلاشی محمد ارشد کی شلوار زیب تن کی جیب سے مبلغ 56,000/- روپے 1000/1000 نوٹ جعلی پاکستانی کرنسی برآمد ہوئی برآمدہ جعلی نوٹ مبلغ 56,000/- روپے اور موٹرسائیکل متذکرہ بالا قبضہ پولیس میں کر کے حماد سلیمان و محمد ارشد مذکورین بالا کو ملوث بجرانم بالا کا پا کر حسب ضابطہ گرفتار کر کے مراسلہ بغرض قانچی مقدمہ بدست کانسٹیبل فضل الرحمن 849 ارسال تھانہ ہے مقدمہ درج رجسٹر کر کے تفتیش کا بندوبست کیا جاوے۔ میں بر موقع موجود ہوں دستخط انگریزی مدعی بالا کارروائی تھانہ آمدہ مراسلہ حرف بہ حرف درج بالا ہو کر پرچہ بجرانم بالا چاک کر کے نقل FIR بغرض تفتیش حوالے INV سٹاف کی جاتی ہے پرچہ گزارش ہے۔

Asc
Better Copy



No 2043 /EC

C/S No.102

"Anex B"
Office of the
District Police Officer,
DIKhan

8

Dated 09-04/2020

CHARGE SHEET.

1. CAPT @ WAHID MEHMOOD, DISTRICT POLICE OFFICER, DIKHAN, as competent authority under Khyber Pakhtunkhwa Police Rules (amendments 2014) 1975, am of the opinion that you Constable Muhammad Arshad No. 1629 rendered yourself liable to be proceeded against, as you have committed the following act/omissions within the meaning of Rule 3 of the Police Rules 1975.


It has been reported that you while posted at Police Lines DI Khan, Involved your self by using forged Currency and directly charged in case FIR No.427, dated 08.04.2020 U/S 489-B/489-C PS Cantt DI Khan. This act on your part amounts to gross misconduct which is punishable under the rules.

2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Rules ibid and have rendered yourself liable to all or any of the penalties specified in the Rule 4 of the Rules ibid.

3. You are, therefore, required to submit your written statement within 07days of the receipt of this Charge Sheet to the enquiry officer.

Your written defense if any should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and ex-parte action shall be taken against you.

4. A statement of allegation is enclosed.


DISTRICT POLICE OFFICER,
DIKHAN

”جواب چارج شیٹ“

بخدمت جناب۔ ڈسٹرکٹ پولیس آفیسر صاحب ضلع ڈیرہ اسماعیل خان۔

منجانب۔ کانٹریبل محمد ارشد بیلٹ نمبر 1629 ڈسٹرکٹ پولیس ڈیرہ اسماعیل خان۔

جناب عالی!

بلسلسلہ چارج شیٹ مجریہ حضور انور مورخہ 09-04-2020 معروض ہوں کہ۔

من سائل نے بحیثیت پولیس کانٹریبل اپنے فرائض منصبی نہایت احسن طریقہ سے ادا کئے ہیں اور ہمیشہ غلط و بلا اختیار کام کرنے سے گریز کیا ہے۔ اور اپنے ہمنواؤں و افسران بالا کو کبھی بھی شکایت کا کوئی موقع نہیں دیا ہے۔ اور من سائل کی ان ہی پیشہ وارانہ خدمات کے اعتراف اور فرائض منصبی کی خوش اسلوبی سے دیانتداری کے اعزاز میں من سائل کو متعدد تعریفی اسناد دی گئی ہیں۔ نقول اسناد لطف ہیں۔

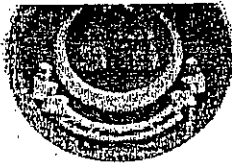
جناب عالی! من سائل اپنے اوپر عائد الزامات کی سختی سے تردید کرتا ہے۔ کیونکہ مبینہ الزامات کی ہرگز کوئی حقیقت نہیں ہے۔ اور نہ ہی مبینہ الزامات و FIR میں درج کہانی میں کوئی حقیقت موجود ہے۔ مد نمبر 86 روزنامہ تاریخ 06 اشفاق شاہ DSB انچارج حاضر آیا ہے۔ جس نے کانٹریبل محمد ارشد 1629 کو مد نمبر 85 میں غیر حاضر کروایا ہے۔ اور اس کے دوست حماد سلیمان نمبر 30 کو بذریعہ فون کر کے پولیس لائن بلا گیا۔ اور اس کو اپنے ساتھ کانٹریبل محمد ارشد 1629 کے گھر لے گیا۔ جس کا ریکارڈ ساتھ روزنامہ نقل لہف ہے۔ پھر کانٹریبل محمد ارشد 1629 کورٹ کو تھانہ کینٹ کی طرف لے جایا گیا اور بٹھادیا گیا۔ اُس دن چھ تاریخ تھی۔ اور آٹھ تاریخ کو FIR درج کی گئی جو جھوٹ پر مبنی ہے۔

فی الاصل من سائل ایک دن پیدل گشت ڈیوٹی پر تھا۔ اور سائل کو چھوٹے پیشاب نے سخت تنگ کیا تو من سائل 15 کا واش روم استعمال کرنے کے لئے 15 کی عمارت میں داخل ہوا۔ جہاں جناب اشفاق شاہ DSB انچارج 15 موجود تھے۔ جن سے واش روم استعمال کرنے کی اجازت چاہی۔ جو کہ موصوف نے نہ دی۔ سائل نے اپنی مجبوری پیش کی۔ اسی دوران موصوف اشفاق شاہ انتہائی غصہ ہو کر آپے سے باہر ہوئے اور من سائل کو نہایت غلیظ گالیاں دینے کے علاوہ ہاتھ پائی پر بھی اتر آئے۔ بدیں وجہ سائل نے بھی اپنا دفاع کیا۔

موصوف اشفاق شاہ صاحب کے صابر خان SHO تھانہ کینٹ کے ساتھ انتہائی قریبی دوستانہ تعلقات ہیں۔ اور موصوف نے مذکورہ بالا واقعہ کو اپنی انا کا مسئلہ گردانتے ہوئے اور اپنے دوستانہ تعلقات کو استعمال کر کے برخلاف سائل سراسر جھوٹا و غلط مقدمہ قائم کرایا ہے۔ جو کہ ہرگز قابل پذیرائی نہ ہے۔ مبینہ وقوعہ مندرجہ FIR سرے سے وقوع پذیر نہیں ہوا ہے۔ اور نہ ہی من سائل سے کسی قسم کی کوئی جعلی کرنسی برآمد ہوئی ہے۔ مقدمہ مذکورہ میں من سائل کی ضمانت ہو چکی ہے۔ جب کہ بوقت Trail سائل اپنے آپ کو انشاء اللہ بیگناہ ثابت کرے گا۔ اس لئے برخلاف من سائل کسی قسم کی تادیبی کارروائی عمل میں نہ لائے جانے کی استدعا ہے۔ جواب چارج شیٹ مرتب ہو کر گزارش ہے۔

آپ کا تابعدار،

کانٹریبل محمد ارشد بیلٹ نمبر 1629 ضلع ڈیرہ اسماعیل خان



DEPT. OF POLICE
 Tel: (09966) 9280281
 Fax: (09966) 9280281

10

"Anex C"

No.5243/EC,

Dated.11/08/2020

ORDER

This order will dispose of departmental proceedings conducted against **Constable Muhammad Arshad No.1629** of this district Police, under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment.2014).

It has been reported that he while posted at Police Lines DI Khan, Involved himself by using forged Currency and directly charged in case FIR No.427, dated 08.04.2020 U/S 489-B/489-C PS Cantt DI Khan

He was served with charge sheet/statement of allegations. An enquiry was conducted into the matter through **Mohammad Iqbal SDPO/City Circle DIKhan**, under Police Rules-1975 ammended-2014. The Enquiry Officer submitted his finding report in which he stated that the challan in the case has been completed and sent for hearing court. Enquiry Officer recommended that enquiry papers may kindly be kept pending till the decision of Court

Keeping in view of finding and recommendations of the Enquiry Officer, the undersigned came to the conclusion that the charge levelled against the accused official has been established beyond any shadow of doubt.

Therefore, in exercise of powers conferred upon me under the ibid rules I, **Capt. @ Wahid Mehmood**, District Police Officer, DI Khan, award him Major Punishment of **Dismissal from Police Service**, with immediate effect.

OB No. 17571
 Dated: 17-108/2020

Capt: @ WAHID MEHMOOD, PSP
 District Police Officer,
 Dera Ismail Khan

809
 27-08-2020
 FCM. Arshad
 NO 1629
 27-08-2020
 21-08-2020
 FC8 Appeal

Better Copy

Dera Ismail Khan

Tel:(0966) 9280290

Fax:(0966) 9280290

No.5243/EC,

Dated:11/08/2020

ORDER

This order will dispose of departmental proceedings conducted against **Constable Muhammad Arshad No.1629** of this District Police, under the Khyber Pakthunkhawa, Police Rules, 1975 (Amended, 2014).

It has been reported that he while posted at Police Lines DIkhan, involved himself by using forged Currency and directly charged in case FIR No.427, dated 08/04/2020 U/s 489-B/489-C PS Cantt DI Khan.

He was served with charge Sheet/Statement of allegations. An inquiry was conducted into the matter through Mohammad Iqbal SDPO/City Circle DI Khan, under Police Rules-1975 amended-2014. The inquiry Officer submitted his finding report in which he stated that the challan in the case has been completed and sent for hearing court. Inquiry Officer recommended that inquiry papers may kindly be kept pending till the decision of Court.

Keeping in view of finding and recommendations of the Inquiry Officer, the undersigned came to the conclusion that the charge levelled against the accused official has been established beyond any shadow of doubt.

Therefore, in exercise of powers conferred upon me under the ibid rules I, Capt.(R) Wahid Mehmood, District Police Officer, DI Khan, award him Major Punishment of Dismissal from Police Service, with immediate effect.

OB No. 1759/

Dated: 17/08/2020

Capt: (R) WAHID MEHMOOD, PSP

District Police Officer,

Dera Ismail Khan

Dr. Asif
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بخدمت جناب ڈپٹی انسپکٹر جنرل آف پولیس رینج ڈیرہ اسماعیل خان

Departmental Appeal

برخلاف حکم OB-NO.1759 مورخہ No.5243/EC17/08/2020 جاری شدہ ازاں

جناب ڈسٹرکٹ پولیس آفیسر صاحب ڈیرہ اسماعیل خان

استدعائے اپیل:

بمنظوری اپیل ہذا حکم متدعو یہ نمبر OB: No. 1759 مورخہ No. 5243/EC 17-08-2020 جاری شدہ

ازاں جناب DPO صاحب ڈیرہ اسماعیل خان کو منسوخ فرما کر من اپیلانٹ کو ملازمت پر With All Bach Benefits بحال فرمایا جائے۔

جناب عالی! اپیلانٹ حسب ذیل عرض رساں ہے۔

(1) یہ کہ من اپیلانٹ سال 2007 میں ڈسٹرکٹ پولیس ڈیرہ اسماعیل خان میں بطور کانسٹیبل بھرتی ہوا تھا اور اپنی ڈیوٹی پولیس لائن ڈیرہ اسماعیل خان میں سرانجام دے رہا تھا اور اپنی 13 سال سروس میں من اپیلانٹ کے خلاف کسی قسم کی کوئی شکایت وغیرہ عوام الناس کی طرف سے نہ تھی اور نہ ہی من اپیلانٹ کی دوران ملازمت پولیس ڈیپارٹمنٹ میں کوئی شکایت نہیں ہوئی بلکہ من اپیلانٹ اپنی نیک نیتی اور ایمانداری کے ساتھ ڈیوٹی سرانجام دیتا رہا۔

(2) یہ سائل اپیلانٹ کو برائے متدعو یہ نمبر No. 5243/EC OB: NO 1759 مورخہ 11-08-2020 جاری شدہ ازاں ڈی پی اوصاحب ڈیرہ اسماعیل خان نے ملازمت سے Dismiss فرما دیا گیا نقل حکم ڈی پی اوصاحب لف اپیل ہے۔

(3) وجوہات اپیل:

یہ کہ من سائل کے خلاف ایک جھوٹی FIR نمبر 489B, 489C, 427 مورخہ PS 08-04-2020 تھانہ کینٹ میں ہوئی تھی۔ FIR جو کہ مبنی پر حقیقت نہیں ہے یہ کہ من اپیلانٹ اپنی 13 سال سروس ایمانداری کے ساتھ ڈیوٹی سرانجام دی ہے۔

(4) یہ کہ من اپیلانٹ کا دیگر کوئی زریعہ روزگار نہیں اور من اپیلانٹ کے بوڑھے والدین اور چھوٹے چھوٹے بچے ہیں۔ من اپیلانٹ نے زندگی کے 13 سال اس محکمے میں سرانجام دیئے ہیں ان تمام مجبوریوں کو مد نظر رکھ کر مجھ پر رحم کرتے ہوئے دوبارہ سروس پر بحال کیا جائے اور ساری عمر من سائل آپ کا دعا گور ہے گا۔

آپ کی عین نوازش ہوگی

مورخہ 18-03-2021

ارض

سابقہ کانسٹیبل محمد ارشد بیلٹ نمبر 1629

موبائل نمبر: 0342-8043003



OFFICE OF THE
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN
REGION

13

No. 208 ES, Dated DI Khan the 12/01/2021

ORDER

This order is aimed to dispose of the departmental appeal of **Ex-Constable Muhammad Arshad No.1629** of District Police D.I.Khan against the Major Punishment order i.e. Dismissal from Service by DPO D.I.Khan vide OB No.1759 dated 17.08.2020, on the score of following allegations:

Facts of the case are that it has been reported that he while posted at Police Lines DI Khan, involved himself by using forged currency and directly charged in case FIR No.427 dated 08.04.2020 u/s 489-B/489-C PS Cantt DI Khan

He was issued charge sheet and proper departmental proceedings was initiated against him. Enquiry into the matter was conducted by Mr. Mohammad Iqbal SDPO City Circle DI Khan, who submitted his finding report and stated that the Challan in the case has been completed and sent for trial. Enquiry Officer recommended that enquiry papers may kindly be kept pending till the decision of Court. Hence, DPO DIKhan has passed the order dated 17.08.2020.

He preferred an appeal to the undersigned on 03.09.2020 against the order of DPO DIKhan. His appeal was sent to DPO DIKhan for comments and to provide his service record vide this office Endst: No. 8536/ES dated 03.09.2020. DPO DIKhan vide his office memo: No. 5942/EC dated 23.09.2020 has furnished the comments on the subject appeal.

The undersigned perused the file of the appellant thoroughly as well as heard him in person in Orderly Room dated 03.11.2020. The appellant is involved in criminal case u/s 489-B/489-C of PS Cantt D.I.Khan which is pending trial before the Court of law. The appellant has brought bad name to Police.

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

Sd/-

(YASEEN FAROOQ) PSP
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN

No. 209 /ES

Copy of above is sent to the DPO Tank alongwith service records w.r.t his office memo: No. 5942/EC dated 23.09.2020.

Sd/-

(YASEEN FAROOQ) PSP
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN

To: Worthy Provincial Police Officer/ Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Subject: Revision Petition Under Rule 11-A of Police Rules-1975 Against Order Of DPO, D.I.Khan Passed over OB No.1759 dated 17.8.2020 and Consequential Appellate Order of RPO/DIG, D.I.Khan, Passed Over No.208-9/ES Dated 12.01.2021.

Reverend Sir,

Respectfully, the petitioner states as under,

1. That the petitioner was enrolled as Constable in the Police Department at district of Dera Ismail Khan during the year 2007. The petitioner has unblemished service and has always served the department with due diligence, dedication and to the utter satisfaction of his superiors. Service record of the petitioner is second to none and no adverse inference was ever drawn by the superiors since nothing of the sort was ever conveyed to the petitioner.
2. That the petitioner always has striven hard to discharge and fulfill the duties and tasks assigned to him with due diligence and dedication. Service record of the appellant is clean and devoid of any adverse marking.
3. That during April-2020 the petitioner was subjected to departmental action on the allegation of involvement in a criminal case, though falsely and erroneously.
4. That the matter was assigned for inquiry to SDPO/City, D.I.Khan who while pushing the proceedings in a slipshod manner, recommended to the authority that the proceedings may be kept pending till decision of the criminal case while no conclusion could be drawn from the inquiry report about complicity of the petitioner.
5. That the petitioner was in no manner involved in any misconduct but was condemned for an apparent misconceived opinion drawn on the basis of an erroneous inquiry report.
6. That the matter having been put-up for consideration to the authority i.e DPO, D.I.Khan it culminated in award of punishment to the petitioner of the kind "Dismissal From service" after a cursory proceedings yet neither held nor processed in accordance with the provisions of the relevant rules.
7. That on coming to know of the impugned order a departmental appeal was preferred with the office of RPO/DIG, D.I.Khan which also failed vide order dated 12.01,2021 yet without proper appraisal of facts and law / rules on the subject. Copies of charge Sheet, Reply thereto, impugned orders besides departmental appeal are placed herewith at Annexes-A, B, C, D & E, respectively.

8. That aggrieved from the orders of DPO & RPO/ DIG, D.I.Khan and left with no other remedy, the petitioner approaches your kind office seeking revision of the impugned orders on gracious acceptance of the instant petition on grounds hereinafter preferred.

Grounds:

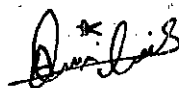
1. That the order passed by DPO, D.I.Khan and consequential order of departmental appellate authority i.e RPO/ DIG, D.I.Khan, as impugned hereby, are discriminatory, arbitrary in nature, legally and factually incorrect, ultra-vires, void ab-initio and militate against the principles of natural justice thus are liable to be set-aside and nullified.
2. That the petitioner is innocent and has been subjected to the penalty / punishment of the gravest nature for no fault on his part.
3. That the petitioner has sufficient length of service rendered for the department. While adjudicating in the matter the authorities below utterly ignored not only the provisions of law on the point but the rights, too, of the petitioner.
4. That the punishing as well departmental appellate authorities utterly failed to follow due procedures hence erred in disposal of the matter in accordance with the law and rules. The impugned orders passed by DPO, D.I.Khan & consequential order of RPO/DIG, D.I.Khan thus lack in legal sanction and therefore, are liable to be set-aside in the interest of justice.
5. That the petitioner has been virtually condemned unheard and never was afforded with an opportunity to defend himself beyond encumbrance hence the entire proceedings were nothing less than grave miscarriage of justice.
6. That your good office has ample powers to adjudge the matter under reference in the interest of justice and equity.

Prayer:

In view of the fore mentioned submissions, it is very humbly requested that the impugned dated 17.08.2020 passed by DPO, D.I.Khan and consequential order of RPO / DIG, D.I.Khan dated 12.01.2021 may be very graciously set-aside and the petitioner may in consequence thereof be very kindly reinstated in service with grant of back benefits in the interest of justice.

Dated:

Humble Petitioner.



(Muhammad Arshad) Petitioner,
Ex-Constable No.1629,
Cell No. 0342-804-3003
District Dera Ismail Khan.

" Annex F "

16



GOVERNMENT OF KHYBER PAKHTUNKHWA
RELIEF REHABILITATION & SETTLEMENT
DEPARTMENT

Dated Peshawar the 5th March, 2020

NOTIFICATION:

No. SO (Estt) RR&SD/3-5/2019: In pursuance of the declaration of Health Emergency by Chairperson PHC under Section 6(1) read with section 3 of the Khyber Pakhtunkhwa Public Health (Surveillance and Response) Act, 2017 vide Notification No. E&A(Health)4-1/2019 dated 02-03-2020, wherein a request for extension of Emergency already declared under National Disaster Management Act of Khyber Pakhtunkhwa vide this Department Notification of even No. dated 3rd February, 2020 is made and in continuation of the said notification vide which an Emergency regarding Novel Corona Virus (2019-nCoV) was declared for 30 days, the emergency thus declared is hereby extended w.e.f. 04.03.2020 to 01.06.2020 (90 days) in exercise of powers conferred under section 16(A)(1) of National Disaster Management (Khyber Pakhtunkhwa), Act [as amended from time to time].

-sd-

Secretary
Relief, Rehabilitation and
Settlement Department

Endst: No. & Date Even

Copy forwarded to the:

1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa
2. Secretary Health Department, Khyber Pakhtunkhwa.
3. Director General Provincial Disaster Management Authority
4. Director General Health Department, Khyber Pakhtunkhwa
5. Principal Staff Officer to Chief Secretary, Khyber Pakhtunkhwa

Section Officer (Estt)

BETTER COPY**GOVERNMENT OF KHYBER PAKHTUNKHWA
RELIEF REHABILITATION & SETTLEMENT
DEPARTMENT**Dated Peshawar the 5th March, 2020**NOTIFICATION:**

No. SO (Esst:RR&SD/3-5/2019: In pursuance of the declaration of Health Emergency by Chairperson PHC under Section 6(1) read with Section 3 of the Khyber Pakhtunkhawa Public Health (Surveillance and Response) Act, 2017 vide Notification No. E&A(Health) 4-1/2019 dated 02/03/2020, wherein a request for extension of Emergency already declared under National Disaster Management Act of Khyber Pakhtunkhawa vide this Department Notification of even no dated 3rd February, 2020 is made and in continuation of the said notification vide which an Emergency regarding Novel Corona Virus (2019-nCov) was declared for 30 days, the emergency thus declared is hereby extended wef; 04.03.2020 to 01.06.2020 (90 days) in exercise of powers conferred under section 16(A) () of National Disaster Management (Khyber Pakhtunkhawa) Act, [as amended from time to time].

-sd-

SecretaryRelief, Rehabilitation and
Settlement Department**Endst: No. & Data Even**

Copy forwarded to the:

1. Principle Secretary to Chief Minister, Khyber Pakhtunkhawa.
2. Secretary Health Department, Khyber Pakkhtunkhawa.
3. Director General Provincial Disaster Management Authority.
4. Director General Health Department, Khyber Pakkhtunkhawa.
5. Principle Staff Officer to Chief Secretary, Khyber Pakhtunkhawa.

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وکالت نامہ

Burhan Latif Khaisori
Advocate Supreme Court

Before the KPK Services Tribunal, Peshawar بجالت جناب
From Appellant مخائب
Muhammad Arshad N/s Provincial Police Officer
Services Appeal دعویٰ یا جرم
" تفصیل دعویٰ یا جرم

باعث ہر آنکہ

کیلے

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیروی وجودی برائے پیشی یا تہفہ مقدمہ بمقام

BURHAN LATIF KHAISORI ADVOCATE SUPREME

COURT OF PAKISTAN

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے، کہ میں ہر پیشی پر خود بذریعہ اختیار خاص رو برو عدالت حاضر ہوتا رہوں گا اور ہر وقت پورا جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر پیشی پر مظہر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا۔ تو صاحب موصوف اسکے کسی طرح ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیروی کرنے کے ذمہ دار نہ ہوں گے۔ اور مقدمہ صدر پکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا جمانہ واپس کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داخل صاحب موصوف مثل کردہ ذات خود قبول منظور ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ یا درخواست اجراءے ڈگری و نظر ثانی نگرانی ایبل نگرانی و ہر قسم درخواست پر تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے ہر قسم کے بیان دینے اور اس پر ثالثی یا راضی نامہ فیصلہ برحلاف کرنے، اقبال دعویٰ کا بھی اختیار ہوگا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ بیرون از پکھری صدر بیروی مقدمہ مذکورہ نظر ثانی و ایبل و نگرانی و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ یا درخواست حکم امتناعی یا قرتی یا گرفتاری قبل از فیصلہ اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا نیگی علیحدہ جمانہ بیروی کا اختیار ہوگا اور تمام ساختہ پر داخل صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزوی کاروائی یا بصورت درخواست نظر ثانی ایبل یا نگرانی یا دیگر معاملہ مقدمہ 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 ویسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ ہر جمانہ التواء پڑیگا، وہ صاحب موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے۔

مورخہ 02 جولائی 2021

مضمون وکالت نامہ من لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

ACCEPTED

(Signature)

BURHAN LATIF KHAISORI

Advocate Supreme Court

Cell: 0342-804-3003

(Signature)

Muhammad Arshad
(Appellant)

CNIC # 38101-1946625-3

cell # 0342-804-3003



19

وکالت نامہ

کورت فیر
قیمت ایک روپیہ
Before the KPK Services Tribunal, Peshawar
From Appellant
Muhammad Arshad Vs Provincial Police officer
services Appeal
دعویٰ یا جرم
تفصیل دعویٰ یا جرم

11

باعث تحریر آنکہ

کیلئے

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیروی و جو بدائی برائے پیشی یا تصفیہ مقدمہ بمقام

Noor ul Hassan Advocate High Court, D.I. Khan

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

Accepted

Signature of Noor ul Hassan

مورخہ
مضمون وکالت نامہ من لیا ہے اور اپنی طرح کچھ لیا ہے اور منظور ہے۔

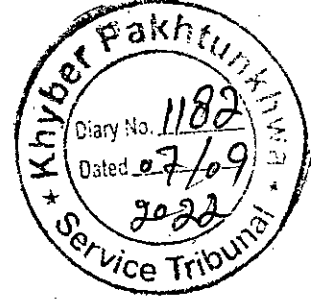
العبد

العبد

العبد

Muhammad Arshad
Appellant

Signature of Muhammad Arshad



BEFORE THE SERVICE TRIBUNAL, PESHAWAR

In matter of. S.A No. 6707/2021

Muhammad Arshad

Versus

Provincial Police officer & others

Application for impleadment of the below parties as respondents in the case.

Respectfully Submitted:-

1. That the titled case is pending before this Hon'ble Tribunal.
2. That an order has been passed by the below parties during pendency of the service appeal , therefore, they are required to be impleaded as respondents in hte titled appeal, the parties are:-

A. Additional Inspector General of Police, Headquarters, KP, Peshawar.

B. Additional Inspector General/Establishment for Inspector General of Police,KPK Peshawar.

It is, therefore, humbly prayed that on acceptance of the instant application the above parties may kindly be impleaded as respondents being necessary parties.

APPLICANT

Through

**Nouman Khan Kundi
Advocate Peshawar.**

BEFORE THE SERVICE TRIBUNAL, PESHAWAR

In matter of. S.A No. 6707/2021

Muhammad Arshad

Versus

Provincial Police officer & others

AFFIDAVIT

I, Muhammad Arshad S/o Muhammad Mushtaq Ahmad
R/o D.I.Khan (appellant), do hereby solemnly affirm and
declare, that the contents of the **instant Application** are true
and correct to the best of my knowledge and belief and nothing
has been concealed from this Hon'ble Court.

Muhammad Arshad

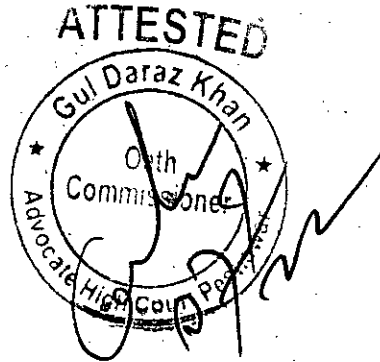
DEPONENT

CNIC: 38101-1946625-3

Cell No: 0342-8043003

Identified by:

Nouman Khan Kundi
Nouman Khan Kundi
Advocate



قیمت
50

10271



ایڈوکیٹ: محمد نعمان خان

بار کونسل ایسوسی ایشن نمبر: 25-2178

رابطہ نمبر: 0333-9969936

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

Service Tribunal Ape, Peshawar

بعدالت جناب:

منجانب: محمد اشقند	Service AP. No: 6767/21
	دعویٰ:
	علت نمبر:
	مورثہ:
	جرم:
	تھانہ:

باعت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دی کاروائی متعلقہ

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

26/08/2022

المقوم:

محمد اشقند
M. Nouman
Adv, Peshawar
0333-9969936

نوٹ: اس وکالت نامہ کی فونو کاپی قابل قبول ہوگی۔

محمد اشقند 0333-9969936

PROFORMA FOR EARLY HEARING



FORM 'A'

To be filled by the Counsel/Applicant

Case Number

6707/2021

Case Title

Muhammad Arshad vs Provincial Police officers & others

Date of

-

Institution

Bench

SB

DB

Case Status

Fresh

Pending

Stage

Notice

Reply

Argument

Urgency to clearly stated.

Case Not fixed after 27/09/2021

Nature of the relief sought.

Restoration alongwith all back benefits.

Next date of hearing

Last date was 27/09/2021 & yet no date fixed

Alleged Target

Date


07/09/2022

Counsel for

Petitioner

Respondent

In person


Signature of counsel/party

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING

FORM 'B'

Inst#

Early Hearing 1181 -p/2021

In case No. 6707 -p/2021

Muhammad Asghar Vs Provincial Police officer.

Presented by Learned Counsel on behalf of Appellant. Entered in the relevant register.

Put up alongwith main case ✓

Last date fixed	<u>27/09/2021</u>
Reason(S) for last adjournment, if any by the Branch Incharge.	
Date(s) fixed in the similar matter by the Branch Incharge.	<u>—</u>
Available dates Readers/Assistant Registrar branch	<u>28/9/2022 at Complainant DI Khan.</u>

[Signature]
Assistant Registrar 07/09/2022

Be fixed at camp court D.I. Khan in September 2022 too.

REGISTRAR

[Signature]
7/9/2022

BEFORE THE SERVICE TRIBUNAL, PESHAWAR

In matter of. S.A No. 6707/2021

Muhammad Arshad

Versus

Provincial Police officer & others

Application for early hearing of the titled case.

Respectfully Submitted:-

1. That the titled case is pending before this Hon'ble Court, wherein last date of hearing in the titled case was 27.09.2021 and till date no date fixed in the titled case.
2. That the titled case may kindly be fixed for early hearing before this Hon'ble court.

It is, therefore, humbly prayed on acceptance of the instant application the titled case may kindly be fixed for hearing before this hon'ble court.

APPLICANT

Through



**Nouman Khan Kundi
Advocate Peshawar.**

“B”

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

No.

TB

Appeal No. 6707 of 2022

M. Arshad Appellant/Petitioner

Versus

P.P.O. Peshawar Respondent

Respondent No. 2

Notice to: Regional Public office, Region, Dera Ismail Khan

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 24-11-22 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 8th Day of Nov 2022

at camp Court D.I. Khan

[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.

"B"

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

TB

No.

Appeal No. 6707 of 20 21

M. Arshad Appellant/Petitioner

PPO KP Pr Pesh: Respondent

Respondent No. 3

Notice to: Distt. Police office Dera Ismail Khan

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 24-11-22 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 8/11

Day of Nov 2022

at Camp Court D.I. Khan


Registrar,
Khyber Pakhtunkhwa Service Tribunal
Peshawar.

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

“B”

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

No.

TB

Appeal No. 6707 of 2021

M. Arshad Appellant/Petitioner

Versus

P.P.O., K.P.U. Pesh: Respondent

Respondent No. 4

Notice to: SDPO, Dera Ismail Khan

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 24-11-22 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 along with 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 24th

Day of Nov 2022

at camp Court D.I. Khan

[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.

"B"

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

No.

TB

Appeal No. 6707 of 20 21

M. Arshad Appellant/Petitioner

Versus

P.P.O, 15th Pesh: Respondent

Respondent No. 1

Notice to:

Provincial Police Officer, Genl. of P.P.O.
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 24-11-22 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.

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

Given under my hand and the seal of this Court, at Peshawar this 8th

Day of Nov. 20 22

at Camp Court D. I. Khan

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

- Note:
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 2. Always quote Case No. While making any correspondence.

