

14.06.2022

Appellant present through representative.

Muhammad Adeel Butt, learned Additional Advocate General alongwith Shamraiz Khan ASI (Legal) for respondents present.

Representative of respondents submitted reply/comments. Lawyers are on general strike, therefore, case is adjourned to 15.08.2022 for rejoinder, if any, and arguments before D.B at Camp Court, Abbottabad.



(Fareeha Paul)
Member (E)
Camp Court, A/Abad



(Rozina Rehman)
Member (J)
Camp Court, A/Abad

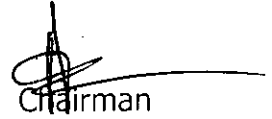
13.08.2021

Counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration. Subject to all just and legal objections including that of limitation to be determined during full hearing, this appeal is admitted for full hearing. 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 13.10.2021 before the D.B at camp court, Abbottabad.


Appellant Deposited
Security & Process Fee

13/8/21


Chairman

13.10.2021

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Shamraiz Khan, ASI for the respondents present and seeks further time for submission of written reply/comments. Respondents are directed to furnish reply/comments within 10 days in office. In case they fail to submit reply/comments within stipulated time from today, they shall have to seek extension of time through written application citing sufficient reasons. Otherwise, their right for submission of reply/comments shall be deemed as struck off. To come up for arguments before the D.B on 18.02.2022 at Camp Court Abbottabad.


(Salah-Ud-Din)
Member (Judicial)
Camp Court A/Abad


Chairman
Camp Court A/Abad

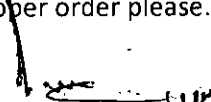

18.02.2022 Due to retirement of chairman, case is adjourned to 14.06.2022.
Reader

Form- A

FORM OF ORDER SHEET

Court of _____


Case No.- 6597 /2021

S.No.	Date of order proceedings.	Order or other proceedings with signature of judge
1	2	3
1-	24/06/2021	<p>The appeal of Mr. Niaz Khan resubmitted today by post through Sardar Muhammad Azeem 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> <p>This case is entrusted to S. Bench Peshawar. Notice be issued to appellant/counsel for preliminary hearing to be put up there on <u>13/08/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

The appeal of Mr. Niaz-Khan received to-day i.e. on 14.06.2021 which is returned to the counsel for the appellant with the direction to submit one more copy/set of the appeal along with annexures i.e. complete in all respect within 15 days.


No. 985 /S.T,

Dt. 14/06 /2021


Registrar
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Sardar Muhammad Azeem Adv.
High Court A.Abad.

*complete
one copy of
Appeal Annexed
with original
Appeal*

*After Removal of objection
Re-submitted*


BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHUWA, PESHAWAR

6598
Service Appeal No. _____/2021

Niaz Khan son of Gohar Rehman Ex-Constable No. 130, resident of Kasakay Khord Tehsil & District Abbottabad.

...APPELLANT

VERSUS

Government of KPK through Secretary Home Department Peshawar & others.

...RESPONDENTS

SERVICE APPEAL


INDEX

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1.	Service Appeal	1 to 6	
2.	Copy of Application	- 7 -	"A"
3.	Copy of charge sheet statement of allegation and impugned order	8 to 10	"B", "C" & "D"
4.	Copy of representation and order of respondent No.3	11 to 12	"E" & "F"
5.	Copy of revision petition and order	13 to 14	"G" & "H"
6.	Copies of reinstatement order of other Constable	15 to 18	"I" "J" "K" & "L"
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Through

Dated: 10/8 -/2021

6598
...APPELLANT


(Sardar Muhammad Azeem)
Advocate, Abbottabad



BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHUWA, PESHAWAR

Service Appeal No. _____/2021

Niaz Khan son of Gohar Rehman Ex-Constable No. 130, resident of Kasakay Khord Tehsil & District Abbottabad.

...APPELLANT

VERSUS

1. Government of KPK through Secretary Home Department Peshawar.
2. Inspector General of Police KPK Peshawar.
3. Regional Police Officer Hazara Abbottabad.
4. District Police Officer Abbottabad.

...RESPONDENTS

**SERVICE APPEAL UNDER SECTION 4 OF
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
ACT 1974 AGAINST ORDER NO. 1750-53 DATED
20/03/2020 ISSUED BY RESPONDENT NO.4 AND
WHERE IN PENALTY OF DISMISSED FROM
SERVICE WAS IMPOSED TO APPELLANT AND
ORDER NO. 16020PA DATED 07/07/2020 ISSUED
BY RESPONDENT NO.3 WHEREIN
DEPARTMENTAL APPEAL OF THE APPELLANT
WAS REJECTED AND ORDER NO. 1046 DATED
10/03/2021 WHICH WAS COMMUNICATED TO
APPELLANT ON 09/06/2021 WHEREIN REVISION
PETITION OF THE APPELLANT WAS REJECTED**

WITHOUT HEARING OF THE APPELLANT AND PRAYING THAT ON ACCEPTANCE OF INSTANT APPEAL ALL THESE ORDERS MAY GRACIOUSLY BE SET ASIDE AS ILLEGAL, UNLAWFUL, VOID, WITHOUT JURISDICTION AND AGAINST THE LAW AND NATURAL JUSTICE AND APPELLANT REINSTATED IN SERVICE WITH ALL BACK BENEFITS IN THE INTEREST OF JUSTICE.

Respectfully Sheweth;-

That Facts forming the background of instant service appeal are arrayed as under;-

1. That the appellant was appointed as a Constable in Police Department in July 2007.
2. That the appellant performed his duty in the Department to the satisfaction of his Superior as well as officer and length of service of the appellant till dismissal is 13 years.
3. That the appellant absent form his duties on 12/03/2019 to date of Dismissal due to illness of Shahtika and serious illness of his Mother, who Continuously remained under Treatment and she was admitted in various Hospital.

4. That the appellant during the period of absence alone was fully engaged with his Mother because there was no other Male Member to take care arranged the treatment.
5. That the appellant sent application for leave to Respondent No. 4 along with Medical Certificate Mother of appellant but Respondent No. 4 not intimated the appellant regarding non acceptance of leave application. Copy of Application is attached as Annexure "A".
6. That after recovery Mother of appellant he reported arrival on duty First in P.S Bakot and then in Police Line Abbottabad where the appellant handed over copy of charge sheet statement of allegation and order of dismissal from service on 21/04/2020. Copy of charge sheet statement of allegation and impugned order for Dismissal from service is attached as Annexure "B" "C" & "D".
7. That the appellant after receiving of impugned order Dismissal from service filed representation before respondent No. 3 and respondent No.3 reject the representation of the appellant without

hearing of the appellant on 07/07/2020. Copy of representation and order of respondent No.3 are annexed as Annexure "E" & "F".

8. That the appellant filed revision petition before respondent No.4 and respondent No.4 reject the revision of the appellant on 10/03/2021 but the order was communicated to appellant on 09/06/2021. Copy of revision petition and order is annexed as Annexure "G" & "H".
9. That the appellant feeling aggrieved the instant appeal inter alia on the following grounds amongst other.

GROUNDS:

- a) That the impugned order of dismissal from service was passed against the appellant without conduct of regular inquiry charge sheet final show cause notice personal hearing of the appellant thus impugned order against appellant is illegal, void, coram non-Judice and against the law and not sustainable under the law.

5

- b) That the appellant was entitled for same relief, which was given by the respondents to other Constable who was also discharge from his service on the basis of unauthorized absences and respondent No.3 on acceptance of representation reinstated other Constable in his service while representation of the appellant was rejected thus the Act of the respondent is malafide and discriminatory which is illegal and against the article 4 & 25 of the Constitution. Copies of reinstatement order of other Constable are annexed as Annexure "I" "J" "K" & "L".
- c) That according to the law respondents was duty bound to intimate the appellant regarding non acceptance of leave application but they were not intimated the appellant.
- d) That the punishment awarded to appellant without conduct of regular inquiry, which was against the provision of law and as such is not sustainable under the law.

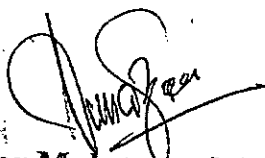
- e) That the respondents passed the impugned order against the appellant without considering of 13 years length of service and valid revision of illness. Thus not sustainable and liable to be set aside.

It is, therefore, respectfully prayed that on acceptance of this appeal impugned order against the appellant may graciously be set aside and appellant reinstated in service with all back benefits in the interest of justice. Any other relief this Honourable Tribunal may deem fit and proper may also be granted.

نواز
...APPELLANT

Through

Dated: 10/6 - /2021


(Sardar Muhammad Azeem)
Advocate, Abbottabad

VERIFICATION:-

Verified on oath that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

نواز
...APPELLANT

(6) A-1 Annex

جناب صاحب ڈسٹرکٹ پولیس افسیر ایف آئی اے

درخواست بکراہ عطا فرمائے پتھی ساہل

تاکتدرستی سائل و والدہ سائل

جناب عالی درخواست ذیل عرض

ساکم سائل محکمہ پزا میں بطور مائنٹیننس پولیس اسٹیشن

قحانہ بلوک میں اپنے فرائض سرانجام دے رہا ہے

۲۔ یہ کم سائل شہینہ کی عمر میں مبتلا ہے اور سائل کو شدید

تکلیف ہے علاوہ ازیں سائل کی والدہ بھی شدید بیمار ہے

جسکا علاج کروانے اور ان کی دیگر بحال کرنے والی سائل کے

علاج دیگر کوئی شخص نہ ہے

سو رہا نہ التماس ہے کہ سائل کو اس کے تدریس سے دور سائل کی

والدہ کے تدریس سے تدریسی عنایت فرمائی جائے

جناب کی عین لوازش ہوئے

عرض نیاز خان مائنٹیننس 130 قحانہ بلوک

نیاز خان

0318-5538518

Attested
13-3-19
Sardar Muhammad
Azam
Advocate Sahiwal

Annex (B)
CHARGE SHEET

8

19.
Being pending in your
within seven (7) days
No. _____
Date _____

I **Muhammad Jamil Akhtar Addl: Superintendent of Police Abbottabad** as competent authority hereby charge you FC Niaz No. 130 of PS Baker Abbottabad as explained in the attached statement of allegations

- 2). You appear to be guilty of misconduct under **Police Disciplinary Rules 1975(Amended 2014)**, and have rendered yourself liable to all or any of the penalties specified in the said Police Disciplinary Rules.
- 3). You are therefore, directed to submit your written defense within seven days on the receipt of this Charge Sheet in the Enquiry Officer.
- 4). Your written defense, if any shall reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.
- 5). Intimate whether you desire to be heard in person or otherwise.
- 6). A statement of allegations is enclosed.



Addl: Superintendent of Police
Abbottabad
01/01/2020

Waqar
Sardar Muhammad Azeem
Advocate Abbottabad

Steno

Process it

7
DSP Cantt
3-1-2020

Annex - FC 3 (9)

DISCIPLINARY ACTION

I Muhammad Jamil Akhtar Addl: Superintendent of Police Abbottabad as Competent Authority of the opinion that you FC Niaz No.130 of PS Bakot, Abbottabad, rendered yourself liable to be proceeded against as you committed the following act/omission within the meaning of Police Disciplinary Rules 1975 (amended 2014).

STATEMENT OF THE ALLEGATIONS

- 1). Dy Superintendent of Police Circle Galiyat has been reported that you absented himself without any sufficient cause or leave from 12-03-2019 to 26-06-2019. This practice speaks a poor performance and gross misconduct.
- 2). For the purpose of scrutinizing your conduct with reference to the above allegations, DSP Cantt: Abbottabad is appointed as Enquiry Officer.
- 3). The Enquiry Officer shall in accordance with the provision of this ordinance, provide reasonable opportunity of hearing to the accused, record finding and make within 15 days of the receipt of this order, recommendation as to punishment or the appropriate action the accused.
- 4). The accused a well conversant representative of departmental shall in the proceedings on the date, time and place fixed by the Enquiry Officer.

Attested
[Signature]
Sardar Muhammad
Azeem
Advocate Abbottabad

Addl: Superintendent of Police

Abbottabad
(01-01-2020)

No: 01 /PA, Dated Abbottabad the 01/01/2020

CC:

1. Delinquent official, with the direction to submit his defense within 07 days of the receipt of this statement of allegations and also to appear before the Enquiry Officer of the date, time and place fixed for the purpose of departmental proceedings.
2. Enquiry officer to complete departmental enquiry within stipulated period.

132
Annex (D)

10

ORDER

This office order will dispose of the departmental enquiry against Constable Niaz No.130 of Police Station Bakot. He while posted at Police Station Bakot as reported be DSP Galiyat you absented himself without sufficient cause of leave from 12-03-2019 to 26-06-2019.(03 Months and 13 days) and again absented vide DD No.06 dated 29-06-2019 to till now, this practice speak a poor performance and gross misconduct.

He was issued Charge Sheet along with statement of allegations. Mr. Altaf Khan SDPO Cantt was appointed as Enquiry Officer. He conducted proper departmental enquiry against the delinquent official and recorded statements of all concerned. After conducting proper departmental enquiry, the Enquiry Officer submitted its findings, wherein allegations have been proved against him. Consequently, he was summoned to appear in Orderly Room on 17-03-2020. He was given a patient hearing but noting plausible to state in his defense.

Therefore, in exercise of the powers vested in the undersigned Police Disciplinary Rules-1975 (Amended 2014), I, Muhammad Jamil Akhtar, Addl: Superintendent of Police, Abbottabad as a competent authority, am constrained to award him the punishment of Dismissed from service with immediate effect.

Order announced.

Addl: Superintendent of Police
Abbottabad

No. 1750-53 /dated 20/03/2020.

Copy to:

- 1: Pay Officer
2. EA
3. OB

OB - No - 60
31 - 3 - 20

Attested
Sardar Muhammad
Azeem
Advocate Abbottabad

محترم جناب ڈی جی صاحب نواز ایچ ایسٹ آباد

اپنی بخالی ملازمت

جناب عالی :-

معرض عرض ہوں کہ عنبر حاضری صبریہ والہ کی شہریدہ بیماری کی وجہ سے پوری

۱۔ جناب SDPO صاحب لنڈ ایسٹ آباد کو انٹرویو آفیسر مقرر کیا گیا جنہوں نے یکطرفہ طور پر بعض کاغذی کارروائی پورے اور چھپے انٹرویو میں کہیں گواہ پر عبور کرنے کا موقع نہ دیا گیا اور نہ ہی صبر سے اسے کہیں گواہ کا بیانیہ قلمبند کیا گیا۔

۲۔ یہ کہ صبریہ عدت ملازمت کا سال ہے جس نے صبریہ حاضری میں تمدن نس کی بلکہ والدہ کی بیماری کچی اور چھوری کی گئی ہے۔ جس نے باقاعدہ طور پر چھٹی کی درخواست ارسال کی ہے۔

۳۔ سائل کے چھوٹے چھوٹے بچے ہیں جنکا ذہن معاش روزی سوار کے صبریہ ملازمت کے کچھ نہیں ہے۔ اور صبریہ آئندہ زندگی کی تباہی پر بارڈر کا سبب بھی تو کرسی سے نکالا جانا چاہیے۔

بذریعہ درخواست معرض عرض ہوں اپنی گزارشوں کے لیے وقف نادان صالح مافق اور ایم جے جے جے جے معاف فرماتا جا کر ملازمت بحال فرمایا جاوے اور درپہر خاشاکی نمبر

3-0B1750 نمبر 60 $\frac{3}{2020}$ 31 کف حرج ہے۔

نیاز علی FC-130 بہر خواست شدہ پولیس اسٹیشن ایسٹ آباد 2020

attested 0346-9561578

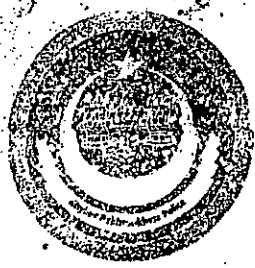
Sardar Muhammad Azeem Advocate Abbottabad

نیاز علی

56
180/Dismiss

Annex (F)

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OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

☎ 0992-9310021-22

☎ 0992-9310023

✉ r.rpohazara@gmail.com

☎ 0345-9560687

NO: 16020 /PA DATED 7/7/2020

ORDER

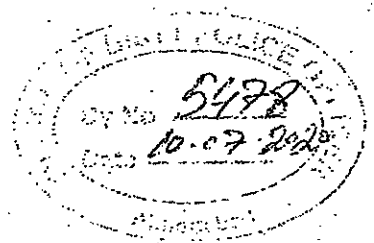
This order will dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by Ex: Constable Niaz Khan No.130 of District Abbottabad against the order of punishment i.e. *Dismissal from Service* awarded by Addl: SP, Abbottabad vide OB No.60 dated 31.03.2020.

Brief facts leading to the punishment are that he while posted at *Police Station Bakot* absented himself from his official duty from 12.03.2019 to 26.06.2019 without any leave or permission and again remained absent vide DD No.06 dated 29.06.2019 till his dismissal (Total absence 01 year and 15 days).

The appellant was issued charge sheet alongwith summary of allegations and DSP Cantt, Abbottabad was deputed to conduct departmental enquiry. The EO held the appellant responsible of misconduct. He was called in OR and heard in person, however he failed to advance any cogent reason in his defence. Consequently, Addl: SP Abbottabad awarded him major punishment of dismissal from service.

After receiving his appeal, comments of DPO Abbottabad were sought and examined/perused. The Undersigned called the appellant in OR and heard him in person. It has been concluded that the official despite being part of a disciplined force remained absent for such a long period without any information/permission, which shows lack of interest and inefficiency on his part. In addition to this, it is also evident from his service record that the appellant has been *dismissed from Service 3rd time* which reflects his disinterest in Government service. Therefore in exercise of the powers conferred upon the Undersigned under Rule 11-A(a) of Khyber Pakhtunkhwa Police Rules, 1975 the instant appeal is hereby *filed* with immediate

WPC
C/O
10/7/2020



[Signature]
Qazi Jamil ur Rehman (FSP)
REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

No. 16021 /PA, dated Abbottabad the 7/7/2020.

10/7/2020

1. The District Police Officer, Abbottabad for information and necessary action with reference to his office Memo No 2122/Legal dated 05-06-2020. Service Roll and Fuji Missal containing enquiry file of the appellant is returned herewith for record.

[Signature]
Sardar Muhammad
Azeem
Advocate Abbottabad

خدمتِ جنازہ ان کے جسدِ آف کو بیس جینریشنوں کو
شمار

درجہ اول - اپیل ننگہ لاہور جج آر ڈی، 1750-531 اور 2020 مارچ
2020 آر ڈی، 16080 اور 7 جولائی 2020

جنازہ الٹا :- درخواست ننگہ لاہور اپیل ننگہ لاہور سے

- (1) ریکر سائل نمبر 10 بیس میں 2 جولائی 2007 کو پورے پورا اور پورے پورے کے بعد اپنے فریقین تہا ریکر سائل نمبر 10 سے سرانجام دیا گیا۔
- (2) ریکر سائل نمبر 10 مارچ 2018 میں سٹیٹک لہری مدفن میں جسدِ لہری لیا گیا اور 12 مارچ سے نو فرما سے غیر حاضر ہو گیا۔ سائل نمبر 10 کے بارے میں سائل اور تہا ریکر سائل نمبر 10 اور جین کا علاج کروانے والا سائل نمبر 10 کے علاوہ کوئی سائل نہ تھا۔
- (3) ریکر سائل نمبر 10 مارچ 2019 کو سائل نمبر 10 اپنا بیادہ اور اولاد کا بیادہ لکھنے کے لیے درخواست دی۔ بیس انجمن کو ارسال کیا گیا۔ سائل نمبر 10 کے درخواست کا منظر لایا نام منظر طور کا باب 10 کا منظر لایا گیا۔ سائل نمبر 10 کے منظر لایا گیا۔ سائل نمبر 10 کے منظر لایا گیا۔ سائل نمبر 10 کے منظر لایا گیا۔
- (4) ریکر سائل نمبر 10 کے منظر لایا گیا۔ سائل نمبر 10 کے منظر لایا گیا۔ سائل نمبر 10 کے منظر لایا گیا۔ سائل نمبر 10 کے منظر لایا گیا۔

Sardar Muhammad Azeem Advocate Abbottabad

نیاز خان



Annex: H)

(4)

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

No. SI/ 1646 /21, dated Peshawar the 10/03/2021.

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 Niaz Khan No. 130. The petitioner was dismissed from service by Addl: Superintendent of Police, Abbottabad vide OB No. 60, dated 31.03.2020 on the allegations of absence from duty w.e.f 12.03.2019 to 26.06.2019 and again 29.06.2019 till date of dismissal from service i.e. 31.03.2020 for a period of 01 year & 15 days. His appeal was filed by Regional Police Officer, Hazara vide order No. 16020/PA, dated 07.07.2020.

Meeting of Appellate Board was held on 18.02.2021 wherein petitioner was heard in person. Petitioner contended that his mother was ill.

Perusal of records reveals that the petitioner was earlier twice dismissed from service in the year 2015 & 2017 on the allegations of absence from duty which establishes that he is habitual absentee and there is no prospects of mending his ways. His present absence is 01 year and 15 days. He has earned 38 bad entries during his service. During the proceedings, he could not submit solid evidence of his innocence. Therefore, the Board decided that his petition is hereby rejected.

آڈیٹر جنرل آف پولیس
کو دفتر آئی۔ بی۔ ماس سے
وصول کیا گیا - نیا زکون

No. SI/ 1647-56 /21,

Sd/-

KASHIF ALAM, PSP

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

Copy of the above is forwarded to the:

1. Regional Police Officer, Hazara at Abbottabad. One Service Roll and one Fauji Missal (containing enquiry file) of the above named Ex-FC received vide your office Memo: No. 21754/PA, dated 04.09.2020 is returned herewith for your office record.
2. District Police Officer, Abbottabad.
3. Addl: Superintendent of Police, Abbottabad.
4. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
5. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
6. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
8. Office Supdt: E-IV CPO Peshawar.

(Signature)
Sardar Muhammad
Azeem
Advocate Abbottabad

(Signature)
(IRFAN ILLAH KHAN) PSP
AIG Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.



Annex-1,

15

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

ORDER

This order is hereby passed to dispose off departmental appeal under Rule 11-a of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-Constable Sarfaraz No. 1237 of District Abbottabad against the Punishment order i.e Discharge from service passed against the appellant by DPO/Abbottabad vide his Order Book No. 311 dated 04.10.2009.

In the light of recommendations of Appeal Board meeting held on 02.04.2015, the board examined the enquiry in detail & other relevant documents. It revealed that the appellant was served with Charge Sheet/Statement of Allegations and punishment order was announced on the basis of reply to the Charge Sheet and Statement of Allegations.

Present in person and was heard in detail. Record perused. The said official was absented from duty for 06 months and 05 days due to the illness of his father. The board accepted his appeal and his punishment of discharge from service is converted into stoppage of increments for two years. He is re-instated in service with no back benefits.

Order announced in the presence of appellant.

Sd/-
NASIR KHAN DURRANI
Inspector General of Police,
Khyber Pakhtunkhwa
Peshawar.

No. 4886-90 /E-IV dated Peshawar the 17/4 /2015

Copy of above is forwarded to the:-

1. Deputy Inspector General of Police, Hazara Region, Abbottabad. The service Roll, Fauji Missal and Enquiry File of the above named official are returned herewith.
2. District Police Officer, Abbottabad.
3. PSO to IGP/Khyber Pakhtunkhwa Peshawar.
4. PA to Addl: IGP/HQrs Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs Khyber Pakhtunkhwa, Peshawar.

Attested
Sarfaraz Sarfaraz
Azeem
Advocate Abbottabad

Syed Fida Hassan Shah
(SYED FIDA HASSAN SHAH)
AIG/Establishment
For Inspector General of Police,
Khyber Pakhtunkhwa Peshawar.

ORDER

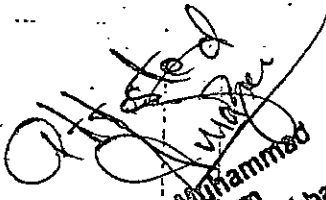
This is an order on the representation preferred by Ex-Constable Muhammad Sohail No. 1311 of Abbottabad against the order of discharge from service vide OB No. 352 dated 15-09-2009.

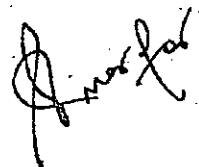
Facts leading to his discharge from service are that while posted at Police Lines Abbottabad absented himself w.e. from 21-05-2008 to 07-08-2008 (Total 79 days) without any leave or permission and information.

He was charge sheeted under removal from service (Special Powers) Ordinance 2000 and DSP Lines Abbottabad was appointed as an enquiry Officer. The Enquiry Officer in his findings held him guilty and recommended him for major punishment. Agreeing with the Enquiry Officer District Police Officer, Abbottabad discharged him from service vide OB No. referred above.

The Enquiry file of the appellant was perused which reveals that ex-part action was taken against him and he has not given any opportunity to offer his defence which is against the rules and in justice.

Therefore, taking into consideration the above facts, I take lenient view of the matter and set-aside order of discharge from service issued by the District Police Officer Abbottabad vide OB No. 352 dated 15-09-2008. He is re-instated in service from the date of discharge. The period of his absence and he remained out of service is treated as leave without


Sardar Muhammad
Azeem
Advocate Abbottabad



Ammer: 'K'

(17)

ORDER

This is an order on the representation preferred by Ex-Constable Imtiaz Sultan No. 1342 of Abbottabad District against the order of discharge from service vide OB No. 149 dated 29-04-08.

Facts leading to his punishment are that while he was posted at Police Line Abbottabad absented himself from duty without any permission information with effect from 01-02-08 to 10-03-08 (Total 39 days).

The defaulter Ex-Constable was proceeded against departmentally under removal from service (Special Power) ordinance 2000 and RI Line Abbottabad was appointed as Enquiry Officer. The Enquiry Officer held him responsible for his negligence in the performance of Official duty. Therefore District Police Officer, Abbottabad discharged him from service vide OB No. 149 dated 29-04-08.

The Enquiry file and service record of the appellant was perused minutely. He is a youngman and only source of livelihood for his poor family. He has submitted Medical Certificate for the said absence period duly verified by Deputy Medical Superintendent Ayub Teaching Hospital Abbottabad.

Therefore taking into consideration the above facts, I take lenient view of the matter, the order passed by the District Police Officer, Abbottabad vide OB No. 149 dated 29-04-08 is set aside on humanitarian grounds and he is re-instated in service from the date of his discharge. His period of absence and the period he remained out of service is treated as leave without pay. However he is ~~reprimanded~~ ~~with a last~~ warning to remain careful in future.

Attested
Sardar Muhammad
Azeem
Advocate Abbottabad

[Signature]
Deputy Inspector General of Police
Hazara (Abbottabad)

ATTESTED
[Signature]

Annex 2 L 2

18

ORDER

This is an order on the representation of Ex-Constable Shahzeb No. 120 of Abbottabad District.

Facts leading to his discharge from service are that he while posted in Police Lines Abbottabad was caught red handed when carrying iron pipe from General Godown to his home dishonestly. He also absented himself from duty with effect from 02-05-2007 to 08-05-2007 i.e. 7 days.

The defaulter constable was proceeded against departmentally under removal from service (Special Power) Ordinance 2000 and DSP, Headquarters, Abbottabad held him responsible for the misconduct, therefore, District Police Officer, Abbottabad discharged him from service under PR-12-21, vide OB No. 204-A, dated 08-05-2007.

The enquiry file was perused, heard him in person in orderly room held on 03-07-2007. His explanation was found plausible. He is a young man and is a source of livelihood for his poor and miserable family.

Therefore taking into consideration the above facts, I take a lenient view of the matter. The order passed by District Police Officer, Abbottabad, is set-aside. He is re-instated in service from the date of his discharge. The period he remained out of service is treated as leave without pay.

He should be detailed for recruit course/ training immediately.

ATTESTED

[Signature]

[Signature]
Deputy Inspector General of Police,
Hazara (Abbottabad)

ATTESTED
[Signature]

Sardar Muhammad
Azeem
Advocate Abbottabad

وکالت نامہ

کورٹ فیس

بعدالت یہ سروس کیلئے منظور کیا گیا ہے

عنوان: نیما رضیہ نام گورنمنٹ وکالت

منجانب: اسپیکر

نوعیت مقدمہ: سروس کیلئے

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب وہی کل کاروائی متعلقہ آں مقام

سردار محمد عظیم الدین صاحب کی طرف سے

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل

صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری

کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت

ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی

جگہ تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا

ساختہ پر داخستہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے

مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا

حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں

کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد

استجارت نالیش بیغہ مفلسی کے دائر کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کیا تاکہ سند رہے۔

نیما رضیہ

المرقوم: ۱۵/۹/۲۱

بمقام: سردار محمد عظیم الدین
Accepted
Sardar Muhammad Azeem
Advocate Abbottabad

"A"

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

No.

APPEAL No. 6597 of 2021

Muz Khan

Appellant/Petitioner

Versus

Through Secy: House Deptt. Pesh.

RESPONDENT(S)

Notice to Appellant/Petitioner

Muz Khan. J/o Gohar
R/o Masud Masatay Khurd
Tehsil & Distt. Abbottabad

Rehman

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

on 13/8/2021 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..... of 20
6597 *21*

Niaz Khan

Appellant/Petitioner

Versus

Through Secy: Home M. Pl. Pesh. RESPONDENT(S)

Notice to Appellant/Petitioner

Sardar Mohammad Azeez
Advocate High Court
Akhtotabad

13/8/2021

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *13/8-2021* 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.

"B"

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

No.

18

Appeal No.....6597..... of 20 21

Muz Khan.....Appellant/Petitioner

Versus

Abdul Wahid Khan.....Respondent

Respondent No.....3.....

Notice to: —

Regional Police Officer, Hazara
Abottabad

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.....13/10/2021.....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.....25/10.....

Day of.....August.....20 21

at Camp Court A. Road

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..... 6597 of 2021

..... Niaz Khan Appellant/Petitioner

Versus

..... Through Sayyid Hameed Respondent

K.P.C. Pesh.

Respondent No..... 4

Notice to: - Distt. Police Officer, Aleso Talad

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~~ 3/10/2021 that the said appeal/petition is fixed for hearing before the Tribunal *on..... 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.....

25/11

Given under my hand and the seal of this Court, at Peshawar this.....
Day of..... August 2021

at Camp Court A. Aleso

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.

713

Appeal No. ES 97 of 20 21

Niaz Khan Appellant/Petitioner

Versus

Through Secy Home Dept Pesh Respondent

Respondent No. 2

Notice to:

Inspector General of Police Govt of PPK 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 3/10/2021 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.

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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 25/10/21

Day of August 2021

at Camp Court A Head

[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. 6597 of 2021

Niaz Khan Appellant/Petitioner
Versus

Through Saq Home Dept. Peshawar Respondent

Respondent No. J

Notice to:

Genl of CPD Through Saq Home
Dept. 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.....13/10/2021.....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.....25/11.....

Day of.....August.....2021

at Camp Court P. Abad

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.
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