

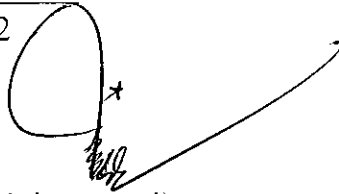
28.10.2022

Nemo for the petitioner. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

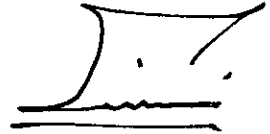
The restoration application in hand was called on for hearing after various intervals, however none appeared on behalf of the petitioner till the closing time, therefore, the restoration application in hand stands dismissed in default. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

28.10.2022



(Mian Muhammad)
Member (Executive)



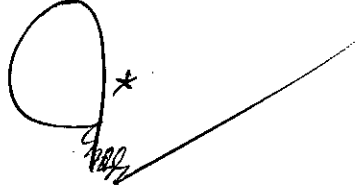
(Salah-Ud-Din)
Member (Judicial)

SCANNED
28.10.2022

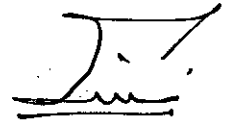
12.04.2022

Nemo for the petitioner. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Previous date was changed on Reader Note, therefore, notice for prosecution of the petition be issued to the petitioner as well as his counsel and to come up for reply as well as arguments on restoration application on 24.06.2022 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

24th June, 2022

Counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG for the respondents present.

Learned AAG seeks further time to submit reply. Last chance is given. To come up for reply/arguments on restoration application on 01.09.2022 before the D.B.



(Fareeha Paul)
Member(E)



Chairman

01.09.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, learned Additional Advocate General for the respondents present.

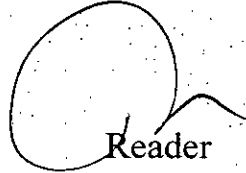
Learned Member (Judicial) Mrs. Rozina Rehman is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 28.10.2022 before the D.B.



(Salah-Ud-Din)
Member(J)

12.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 27.07.2021 for the same as before.



Reader

27.07.2021

None for the appellant present.

Mr. Usman Ghani, learned District Attorney for respondents present.

Notices be issued to the appellant and his counsel for appearance. Adjourned. To come up for arguments on 16.12.2021 before D.B.


(Rozina Rehman)
Member(J)


Chairman

16-12-21

DB is on Tour case to come up?
For the same as dated. 12-4-22

R. Rehman

29.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 06.08.2020 before D.B.



Reader

06.08.2020

Due to summer vacation case to come up for the same on 26.10.2020 before D.B.




Reader

26.10.2020

Junior to counsel for the petitioner and Addl. AG alongwith Nazir Ahmad, Asstt. for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 31.12.2020 for hearing before the D.B.



(Atiq-ur-Rehman Wazir)
Member



Chairman

31.12.2020


Due to summer vacation, case is adjourned to 12.04.2021 for the same as before.



Reader

26.12.2019

Appellant in person present. Mr. Muhammad Jan, DDA for respondents present. Appellant seeks adjournment. Adjourn. To come up for arguments on 29.01.2020 before D.B.



Member


Member

29.01.2020

Junior to counsel for the appellant and Addl. AG alongwith Shahinshah, SCT for the respondents present.

Former requests for adjournment due to general strike of the Bar. Adjourned to 11.03.2020 for arguments before the D.B.

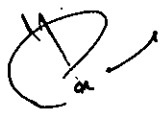

Member


Member

11.03.2020

Petitioner absent. Learned counsel for the petitioner absent. Mr. Zia Ullah learned Deputy District Attorney alongwith representative Asif Ali Shah ADO (Litigation) present and submitted reply. Adjourn. To come up for further proceedings on 29.04.2020 before D.B. Petitioner be put to notice for the date fixed.








Member


Member

Form-A
FORM OF ORDER SHEET

Court of _____

Appeal's Restoration Application No. 233 /2019

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	30.05.2019	<p>The application for restoration of appeal No.1400/2017 submitted by Mr. Shahid Mehmood Khan Advocate, may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR 30/5/19</p>
2	24-6-19	<p>This restoration application is entrusted to D. Bench to be put up there on <u>05-08-2019</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	05.08.2019	<p>Learned counsel for the petitioner present. Mr. Ziaullah learned DDA present and seeks adjournment to furnish reply. Adjourn. To come up for reply/further proceedings on 21.10.2019 before D.B.</p> <p style="text-align: center;">  Member  Member </p>
	21.10.2019	<p>Due to general strike on the call of Khyber Pakhtunkhwa Bar Council learned counsel for the appellant is not in attendance. Mr. Zia Ullah learned Deputy District Attorney for the respondents present Adjourned. To come up for further proceedings on 26.12.2019 before D.B.</p> <p style="text-align: center;">  (Hussain Shah) Member  (M. Amin Khan Kundi) Member </p>

BEFORE THE SERVICES TRIBUNAL KPK, PESHAWAR

Restoration Appli. No. 233/2019

In Re:

Service Appeal No. 1400 of 2017

Muhammad AminPetitioner

V E R S U S

Govt. of KPK & othersRespondents

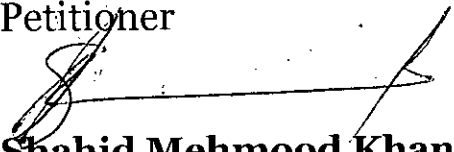
I N D E X

S.No	Description of Documents	Annex	Pages
1.	Application for restoration		1-2
2.	Affidavit		3
3.	Copy of appeal alongwith order dated 09/05/2019	A	4-11

Date: 27/05/2019

Through

Petitioner

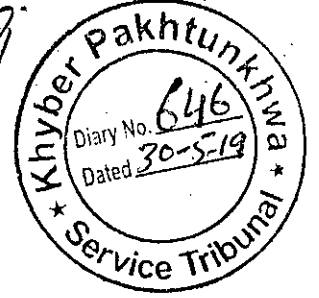

Shahid Mehmood Khan
Advocate, High court
Peshawar

①

BEFORE THE SERVICES TRIBUNAL KPK, PESHAWAR

Restoration Appli - no. 233/19

In Re:
Service Appeal No.1400 of 2017



Muhammad Amin.....**Applicant/ Appellant**

V E R S U S

Govt of KPK and others.....**Respondents**

**Application for restoration of the
titled service appeal, dismissed in
default vide order dated 09.05.2019**

Respectfully Sheweth:

1. That the above titled service appeal was fixed for hearing before this Honourable Tribunal on 09.05.2019.
2. That on previous date i.e. 08.04.2019, the titled service appeal was adjourned on the request of counsel for applicant/ appellant, but, inadvertently he (counsel) noted the date as 13.05.2019 instead of 09.05.2019 and as a result, the titled service appeal has been dismissed in default on 09.05.2019.

2

3. That the applicant seeks restoration of the titled service appeal for the following grounds amongst other:

GROUND S:

- A. That the absence of the applicant was neither willful nor intentional but due to reasons mentioned above.
- B. That valuable rights of the applicant/ appellant are involved in the case.
- C. That the law otherwise favours decision on merit.
- D. That the applicant/ appellant seeks the permission of this Hon'ble Tribunal to raise any additional ground at the time of arguments.

It is, therefore, respectfully prayed that by accepting this application, the titled service appeal may kindly be restored to its original number and be decided on merits.

Through


Applicant/ Appellant

Shahid Mehmood Khan
Advocate High Court

Date: 27.05.2019

3

BEFORE THE SERVICES TRIBUNAL KPK, PESHAWAR

In Re:
Service Appeal No.1400 of 2017

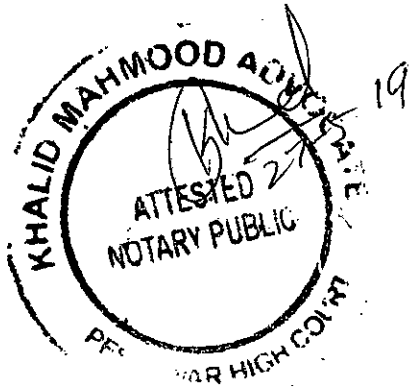
Muhammad Amin.....**Applicant/ Appellant**

VERSUS

Govt of KPK and others.....**Respondents**

AFFIDAVIT

I, **Shahid Mehmood Khan** Advocate (counsel for applicant/ appellant) do hereby solemnly affirm and declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.




DEPONENT

4



08.04.2019

Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 09.05.2019 before D.B.


Member



Member

09.05.2019

Nemo for appellant. Mr. Ziaullah, DDA for the respondents present.

On the last date the matter was adjourned for today in presence of learned counsel for the appellant. Today, despite repeated calls no one is in attendance on behalf of the appellant.

Dismissed for non-prosecution. File be consigned to the record room.



Member


Chairman

ANNOUNCED
09.05.2019

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 16-05-19
Number of Words 4500
Copying Fee 4-
Urgent -
Total 4-
Name of Copyist 
Date of Completion of Copy 20-5-19
Date of Delivery of Copy 20-5-19

5



IN THE COURT OF SERVICE TRIBUNAL KPK,
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1388

Dated 06-12-2017

Service Appeal No. 1400 /2017

Muhammad Amin S/o Said Nawab Presently DDEO Tor
Ghar **Appellant**

VS

- ✓ 1. Govt of KPK through Chief Secretary Civil Secretariat Peshawar
- ✓ 2. Govt of KPK through Secretary Elementary and Secondary Education Civil Secretariat Peshawar
- ✓ 3. Director Elementary and Secondary Education G.T Road Peshawar
- ✓ 4. District Education Officer (Male) Elementary and Secondary Education District Shangla at Alpuri
- ✓ 5. District Accounts Officer District Shangla at Alpuri
- ✓ 6. Deputy Commissioner Shangla..... **Respondents**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974

Filed to-day
Registrar
6/12/17

**AGAINST THE IMPUGNED ORDER
NO.SO(S/M)E&SED/4-26/2016 DATED**

**04.07.2017 WHEREBY THE RESPONDENTS
HAVE IMPOSED A PENALTY OF WITH HOLDING**

**THREE INCREMENTS FOR THREE YEARS AND
RECOVERY OF AMOUNT RS.78,000/- and have**

**stopped the salary of the appellant WITHOUT
ANY LAWFUL AND LEGAL JUSTIFICATION.**

Re-submitted to -day
and filed.
Registrar
20/12/17

PRAYER IN APPEAL:-

ATTESTED On acceptance of this appeal the impugned order

No. **NO.SO(S/M)E&SED/4-26/2016** DATED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

6



04.07.2017 may kindly be set aside and the appellant may kindly be exonerated from the charges/penalty imposed by the respondents and the salary of the appellant may kindly be released with back benefits.

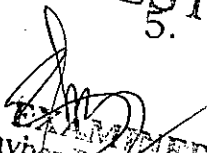
Any other relief which deems fit by this hon'ble Court may also be granted in the best interest of justice.

Respectfully Sheweth:-

1. That the appellant was posted as DDEO Shangla on 29.05.2014.
2. That the appellant has unblemished service record and he has served the Education Department honestly and with full devotion.
3. That on dated 18.04.2016 the respondent No.6 directed the appellant to hand over to DEO (F) a single official vehicle which was allotted to appellant for the supervision of more than 500 for flanged schools which are situated in the hilly and mountainous areas of District Shangla, moreover the DEO (F) had already four official vehicles. **(Copy of the order is attached as Annexure "A")**.
4. That at that time the appellant was incharge of the office because the DEO was on a long tour, the appellant made a request to District Nazim through proper channel i.e through respondent No.6 for optimum use of the vehicle in response to the order of the respondent No.6. **(Copy of the Request/Application is attached as Annexure "B")**.

ATTESTED

5. That the District Nazim being a Chief Executive of the logistics in the District accepted the request of


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

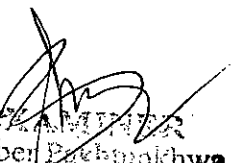
7



the appellant as it was just legal and after following all the legal and codal formalities and the District Nazim allotted the vehicle back to the appellant. **(Copy of the allotment order is attached as Annexure "C")**.

6. That the appellant had taken the respondent No.3 into confidence and had taken his approval/permission regarding the correspondence with District Nazim through Respondent No.6 telephonically as he was on official tour.
7. That when respondent No.3 arrived and assume the charge the appellant once again took his approval for correspondence in respect of the official vehicle with District Nazim through Respondent No.6. it is pertinent to mention here that respondent No.3 showed full satisfaction and did not make any report nor he called any explanation from the appellant regarding the correspondence.
8. That during the course of his duty the appellant was appointed as District Focal Person for the collection and distribution of free text books the appellant signed the responsibility to a team consisting of ADEO (Sports), ASDEOs and some teachers the task was successfully accomplished for the session 2015. **(Copy of order for assigning duties is attached as Annexure "D")**.
9. That on 28.03.2016 the appellant was on inspection duty by BISE Swat at GHS Barikot Swat, the appellant received telephonic information from the concern ASDEOs that trucks loaded with books are standing on road side near GHSS kotkay Shangla as on that day it was heavy raining followed by flood and sliding on road and it was apprehended that the books are going to be damaged/lost.
10. That in order to save the books from losses and damaged the appellant constituted a committee telephonically which was later on notified consisting of two headmasters and two ASDEOs to manage the

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

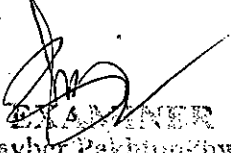
8



emergency situation. **(Copy of notification/order is attached as Annexure "E")**.

11. That on the same day i.e 28.03.2016 appellant by himself visited the site i.e GHS Kotkay in afternoon and received the report of the committee. **(Copy of the report is attached as Annexure "F")**.
12. That being as focal person the appellant passed/approved the recommendations of the committee in which it was held that the contract for proper arrangement and placement of books was assigned to one Mr Khurshid Ali and his co-workers.
13. That it is pertinent to mention here that it was in emergency situation and late hours time the heads of schools were requested by the committee to spend some amount from the Government PTC funds in order to meet the financial expenditure for the distribution of books and adjust the spent amount with other logistic expenditures.
14. That on dated 13.05.2016 on the instance of MPA of PK-88 an inquiry was conducted by DEO Dir Lower Hafiz Ibrahim followed by another inquiry which was conducted by DEO Dir Upper on 19.08.2016 on the same case in which it was recommended that the appellant be transferred but by passing the recommendations the appellant was processed under E&D Rule 2011 on the basis of prior inquiry.
15. That the inquiry conducted by DEO Dir Upper on dated 19.08.2016 was a detailed and comprehensive inquiry in which the appellant has been exonerated of the charges but which was ignored and the appellant was made a scape goat in the political legs pulling between the District Nazim and the MPA of PK-88. **(Copy of inquiry report is attached as Annexure "G")**.
16. That it is pertinent to mention here that two

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

appellant.(Copies of Statements/Replies are attached as annexure "H").

17. That on dated 02.02.2017 on the basis of inquiry the appellant was issued a show cause notice by the respondents in which it was tentatively decided to impose upon a minor penalty of **"Stoppage of three annual increments for three years and recovery of Rs.78000/- (Copy of show cause notice is attached as Annexure "I")**.
18. That on 14.02.2017 the appellant filed a detailed reply to the show cause notice issued to him. **(Copy of Reply is attached as Annexure "J")**.
19. That finally on dated 04.07.2017 the respondents imposed the desired penalty upon the appellant. **(Copy of notification/order is attached as Annexure "K")**.
20. That feeling aggrieved from the order dated 04.07.2017 the appellant filed a Departmental Representation/Appeal which was rejected by the competent authority.**(Copy of Departmental appeal and the order are attached as Annexure "L")**
21. That feeling aggrieved of the order dated 04.07.2017 the appellant approaches this Hon'ble Tribunal inter alia on the following grounds.

GROUND:-

- A. That the order dated 04.07.2017 is illegal, unlawful, malafide and perverse hence not tenable in the eyes of law.
- B. That two separate inquiries have been conducted for the same cause in a short time of three months against the appellant which is clear cut violation of Article 13 of the constitution of Islamic Republic of Pakistan.

ATTESTED


- C. That following the findings of prior inquiry by the respondents and ignoring the later inquiry in which the appellant has been exonerated by

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the inquiry officer is sheer disregard of the E&D Rules and the constitution.

- D. That the Distribution of books which is the main cause for conducting inquiry against the appellant was joint responsibility of all ASDEOs, ADEOs (Sports) and his team and the appellant was also not present at the spot but the penalty imposed and recommended only for appellant is the violation of his fundamental rights guaranteed by the constitution under Article 24 of the constitution.
- E. That the evidence/documents produced by the appellant before the inquiry committee has totally been ignored without any lawful justification.
- F. That the order dated 04.07.2017 is illegal against the law, facts and natural justice.
- G. That the inquiry conducted against he appellant is biased, malafide and on the instance of political pressure which should be declared as such.
- H. That no action has ever been initiated by the District Nazim who is the Chief Executive of District on the correspondence regarding the vehicle.
- I. That the appellant has not been properly heard nor he has been given any inquiry reports and the evidence is on the basis of which the penalty has been imposed on the appellant which is the violation of Article 19-A of the constitution of Islamic Republic of Pakistan 1973.
- J. That the amount which was spend for the distribution of books from government PTC fund was for a public cause and public interest.

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

11



- K. That stoppage of monthly salary of the appellant by the respondents is illegal, unlawful and violation of the fundamental rights of the appellant and has dependents.
- L. That the appellant seeks the permission of this Hon'ble Court to produce and file further documents during the pendency of this appeal with the kind permission of this Hon'ble Tribunal.
- M. That any other grounds will be raised at the time of arguments with the prior permission of this Hon'ble Tribunal.

It is, therefore, most humbly prayed that on acceptance of this appeal, the impugned order dated 04.07.2017 may kindly be set aside and the appellant may kindly be exonerated of the charges leveled against him.

Any other relief which has not specifically been asked for and which is just and deems fit by this Hon'ble Tribunal may also be granted.

INTERIM RELIEF:-

By way of interim relief this August Tribunal may kindly suspend the operation of the impugned order dated 04.07.2017. Moreover the respondents may kindly be directed to issue LPC to the appellant and the monthly salary of the appellant may kindly be released/activated at new station i.e District Tor Ghar.

Appellant

Through

Shahid Mehmood Khan
Advocate, High Court
Peshawar
Cell#0333-9306491

Dated:- 06.12.2017

ATTESTED

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

RESTORATION APPEAL NO. 233/2019

IN

SERVICE APPEAL No. 1400/2017

Muhammad Amin S/O Said Nawab Presently DEO (M) Kohistan

(Appellant)

VERSUS

1. The Government of Khyber Pakhtunkhwa through Secretary E&SE Department Khyber Pakhtunkhwa Peshawar.
2. Director E& SE Department Khyber Pakhtunkhwa Peshawar.
3. District Education Officer (M) District Shangla.

(Respondents)

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS.

PRELIMINARY OBJECTIONS:-

1. That the Appellant has no cause of action/locus standi.
2. That the Appellant has concealed the material facts from this Honorable Tribunal.
3. That the Appellant has not come to this Honorable Tribunal with clean hands.
4. That the Appellant has filed the instant appeal on mala fide motives.
5. That the appellant has been treated as per law, rules & policy.
6. That the instant service appeal is not maintainable in the present form.
7. That the instant service appeal is against the prevailing Law and Rules.
8. That this Restoration Appeal being baseless may be dismissed please.

RESPECTED SHEWETH:

FACTS.

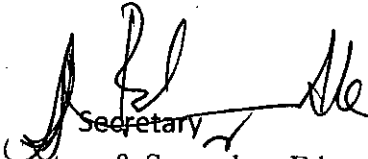
1. Correct.
2. As per Order Sheet dated 08/04/2019, it was announced in the court that the learned Council seeks adjournment and was adjourned till 09/05/2019.
3. That the titled Service Appeal may not be restored on the following grounds.

GROUNDS.

- A. The Appellant has no interest in the titled appeal rather tries to waste time and energy of the Honorable Court and Education Department.
- B. The valuable rights of the Department are involved.
- C. That the law never favors baseless please.
- D. No need to comment.

PRAYER:

In view of the above comments it is very humbly prayed to please reject/dismissed the appeal for Restoration of the case with heavy cost in order to discourage habitual Litigation in Education Department please.



Secretary

Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

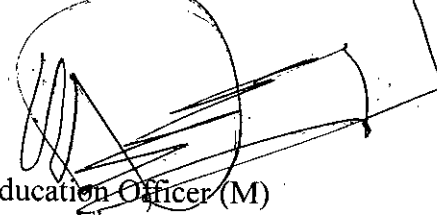
Respondent No: 1



Director

Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Respondent No:2



District Education Officer (M)
District Shangla

Respondent No:3

"A"

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

DAI

No.

Restoration Application No. 233/2019

APPEAL No. 1400 of 2017.

Muhammed Amin

Appellant/Petitioner

Versus

Through chief Secy Pesh.

RESPONDENT(S)

Notice to Appellant/Petitioner

Muhammed Amin s/o
Said Nawab Presently DDEO Toyghar.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 16/12/2021 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.



Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

D.B.I

No.

Restoration Application N- 233/2019

APPEAL No. 14/00 of 2012.

Muhammad Amin

Appellant/Petitioner

Versus

Through Chief Secy Pesh:

RESPONDENT(S)

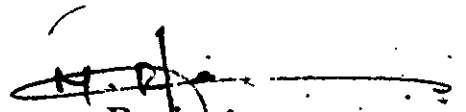
Notice to Appellant/Petitioner

Counsel / Shahid Mehmood Khan
Advocate High Court Peshawar.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 16/12/2021 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.

1/9/21



Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

S.A NO 1400/17

Muhammad Amin VS Grant

Reply to the restoration of Appeal

Respectfully sheweth,
preliminary objection

- (A) The Petition has no cause of Action
- (B) That the Petitioner has not come to the Tribunal with clean Hands.
- (C) That the Petition is Time barred.

facts

- 1- no comments
- 2- incorrect. if the Council would have noted the date 13.5.19 then he would have submitted application for order sheet on the same date hence the plea of the Petitioner is denied.
- 3- incorrect.

Grounds

- A - incorrect. detail reply has been given in para 2
- B - incorrect.
- C - Law helps vigilance not indolence.
- D. no comments. However respondent also seeks permission to raise other grounds during Arguments.

It is therefore requested that the application may kindly be dismissed/Reject with cost

Respondent
Thayy

AA G/DDA

BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR

In Re S.A. 10516/2020

Muhammad Aman

VERSUS

I.G.P Peshawar & Others

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7.	Copy of application Dated: 06-08-2020		13
8.	Wakalatnama		14

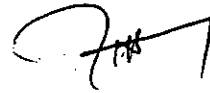
Dated : 17/08/2020

Appellant



Through

Zahid Gul
Advocate, High Court,
Peshawar.



①

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

In Re S.A _____/2020

Mr. Muhammad Aman, Ex Constable No: 223,
Police Line Peshawar District Peshawar.

-----(*Appellant*)

VERSUS

1. The Inspector General of Police, Khyber Pakhtunkhwa Peshawar.
2. The Capital City Police Officer, Peshawar.
3. Commandant Campus Peace Corps, University Campus, Peshawar.

-----(*Respondents*).

**APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL
ACT -1974 AGAINST THE IMPUGNED
ORDER DATED 17/10/2019 WHEREBY
THE APPELLANT DEPARTMENTAL
APPEAL DATED 05/03/2020 HAS BEEN
REJECTED ON NO GOOD GROUNDS.**

PRAYER

**ON ACCEPTANCE OF THIS APEPAL,
THE IMPUGNED ORDERS DATED
17/10/2019 AND DATED 05/03/2020 MAY
VERY KINDLY BE REINSTATED ON
SERVICE WITH ALL BACK BENEFITS
AND ANY OTHER REMEDY WHICH**

(3)

THIS AUGUST TRIBUNAL DEEMS FIT
MAY ALSO BE ORDERED IN FAVOR OF
THE APPELLANT.

Respectfully Sheweth:

1. That appellant was appointed as constable No: 223 in the respondent department and right from appointment he performed his job quite efficiently and up to the entire satisfaction of his superiors.
2. That the appellant was serving the Police Department from the last eight years very regularly and punctually and having clear record in the department.
3. That the appellant while posted in Campus Peace Corps University of Peshawar and performing his duty efficiently and professionally and appellant during duty did not misbehave & resort to any physical attack on incharge ASI Shujat Hussain with rifle on the pretext of motorcycle parking issue outside Irnam Gate

Peshawar and appellant neither was absent himself from the duty.

4. That neither any show-cause notice was served upon Appellant by the respondents, nor any inquiry was conducted by the respondents and appellant was also not charge sheeted for the said allegations, and actually the allegations against appellant were based on baseless facts and circumstances, and such like situation did not raised during his posting and appellant was illegally dismissed from service vide order dated 17/10/2019. (Copy of dismissal order is Annexure "A").
5. That no regular inquiry has been conducted in the matter which is necessary as per Supreme Court Judgment before issuing major punishment orders.
6. That feeling aggrieved from the impugned order dated 17/10/2019 the appellant moved departmental appeal to Respondent No:2 but it was rejected on dated 05/03/2020 on no grounds. (Copy of Departmental appeal and rejection orders are annexure "B & C").

7. That appellant also moved application dated 08-06-2020 to the respondent No.1 but it still no responded to appellant.(Copy of application annexure "D")
8. That appellant having no other remedy but to file the instant appeal on the following grounds amongst the others:-

GROUND:

- A. That the impugned order dated 17/10/2019 is against the law, facts and norms of natural justice, hence not tenable and liable to be set aside.
- B. That appellant has not been treated by the respondent department according to law & rules on subject noted above and as such, the respondents violated Articles 4 & 25 of Constitution of Islamic Republic of Pakistan 1973.
- C. That there is no evidence available whereby it could have proved that appellant misbehaved or resorted to his senior and neither he was absent himself from the duty.

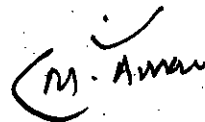
5

D. That appellant is jobless since his dismissal from the service, therefore entitled to be reinstated with all back benefits.

E. That appellant seeks the permission of this Hon'ble Tribunal to rely on additional grounds at the time of hearing of appeal.

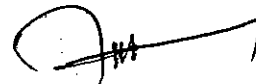
It is therefore most humbly prayed that appeal of the appellant may accepted as prayed for.

Dated: 17/08/2020

M. Aman

Petitioner

Through



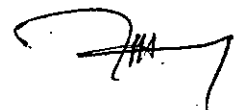
Zahid Gul

Advocate, High Court
Peshawar

NOTE:-

No such like service appeal for the same appellant upon the same subject matter has earlier been filed by me before this Hon'ble Tribunal.

Advocate.



6

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

In Re S.A _____/2020

Muhammad Aman

VERSUS

I.G.P Peshawar & Others

APPLICATION FOR CONDONATION OF DELAY

Respectfully Sheweth.

1. That the Petitioner/ Appellant is filing the accompanying service appeal the contents of which may graciously be considered as integral part and parcel of the instant petition.
2. That the Petitioner/ Appellant has got a good arguable and prima facie case, besides having balance of convenience in his favor.
3. That the delay occurred in filing the accompanying Service Appeal was due to the reason the Covid 19 pandemic and repeated lock downs thereafter and its impact (Social/ Economical) upon the Petitioner/ Appellant.

7

4. That the delay in approaching the Hon'ble Tribunal was never deliberate, but due to the aforementioned reasons which were certainly behind his control.
5. That if the instant application is not allowed the petitioner shall suffer irreparable loss.

It is, therefore, must humbly prayed that delay in filing the accompanying service appeal may graciously be condoned and the same be decided on its merits.

M. Aman

Petitioner/ Appellant

Through

Zahid Gul

Zahid Gul
Advocate, High Court
Peshawar.

(8)

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

In Re S.A _____/2020

Muhammad Aman

VERSUS

I.G.P Peshawar & Others

AFFIDAVIT

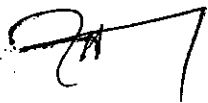
I, Muhammad Aman, Ex Constable No: 223, Police Line Peshawar District Peshawar, do hereby solemnly affirm and declare that all the contents of the accompanied **appeal** is true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.

DEPONENT

CNIC: 17301 - 8786471-7

CELL NO:

Identified By:


Zahid Gul
Advocate High Court
Peshawar.



9

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

In Re S.A _____/2020

Muhammad Aman

VERSUS

I.G.P Peshawar & Others

ADDRESSES OF PARTIES

APPELLANT.

Mr. Muhammad Aman, Ex Constable No: 223,
Police Line Peshawar District Peshawar.

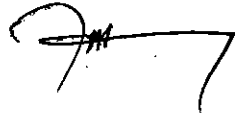
RESPONDENTS:

1. The Inspector General of Police, Khyber Pakhtunkhwa Peshawar.
2. The Capital City Police Officer, Peshawar.
3. Commandant Campus Police Corps, University Campus, Peshawar.

Dated : 17/08/2020

Appellant

Through


Zahid Gul
Advocate, High Court,
Peshawar.

ORDER

(10)

Annexure "A"

Show cause Notice u/s 5(3) of the Khyber Pakhtunkhwa Police (Efficiency and Disciplinary) Rules, 1975 bearing No. 2088/PA dated 25/09/2019 was issued to constable Amman No. 223 on account of misbehavior and physical attack on his charge ASI Shujaat Hussain with his rifle on the pretext of motorcycle parking outside Innum gate, and also absented himself from lawful duty for seventeen days.

The show cause was served on his home address, which was received by his brother but he failed to submit the reply. After which, two separate notices were also served on his home address. This time he reported for duty on 11-10-2019. The defaulter constable then submits the reply of the served show cause notice, and was informed to appear in the orderly room before the undersigned. It is worth to mention that the defaulter constable again absented himself from lawful duty on the 17-10-2019 at 6:00 AM. After which, appeared before the undersigned in the orderly room.

The undersigned heard him in person and found his reply unsatisfactory, and found him liable for major punishment under the law.

In the light of material available on record, the undersigned came to the conclusion that the alleged official is guilty of this misconduct, and found unwilling worker. Therefore, he is hereby dismissed from service under police & Disciplinary Rules, 1975 with immediate effect.

Attested
[Signature]

Order announced.

Office - Peshawar
dated - 17/10/2019

[Signature]
WASEEM AHMED KHALIL
COMMANDANT
CAMPUS PEACE CORPS
UNIVERSITY CAMPUS PESHAWAR

No. 11972/PA

dated Peshawar the 17/10/2019

Copy to:-

1. EC
2. Accountant
3. OSI
4. LO

(10A)

BETTER COPY

Order

Show cause notice u/s 5(3) of the Khyber pukhtukhwa Police (Efficiency and Disciplinary) Rules, bearing No. 2088 dated 25/09/2019 was issued to constable Amman No 223 on account of misbehavior and physical attack on his charge ASI Shujaat Hussain with his wife with his rifle on the pretext of motorcycle parking outside Irnum gate, and also absented himself from lawful duty for seventeen days.

The Shows cause was served on his home address, which was received by his brother but he failed to submit the reply. After which two separate notices were also served on his home address. This time he reported for duty on 11-10-2019. The defaulter constable then submits the reply of the served notice. And was informed to appear in the orderly room before the undersigned. It is worth to mention that the defaulter constable again absent himself from lawful duty on the 17-10-2019 at 6:00 AM.

After which appeared before the undersigned in the orderly room.

The undersigned heard him in person and found his reply unsatisfactory, and found him liable for major punishment under law.

In the light of material available on record , the undersigned come to the conclusion that the alleged official is guilty of this misconduct, and found unwilling worker Therefore he is dismissed from service under police & Disciplinary Rules 1975 with immediate effect.

Oder announced

Order No: 969

Date: 17-10-2019

WASEEMAHMADKHALILKhalil

COMMANDANT


CAMPUS PEACE CORPS UNIVERSITY
CAMPUS PESHAWAR

No:114-17/PA

DATED PESHAWAR THE 17-10-2019

Copy to:-

1. EC
2. Accountant
3. OSI
4. Lo

M. Khalil


حکومت صبا - کیش

محکمہ اسپل بریفنگ حکم جاریہ زیر دستخطی صبا
کمانڈرینٹ پولیس کیش نمبر 269 جو 17.10.2019

No 06-LB
14/1/2020

Dy: No. 1911 PA CCPO
DI: 12/19
File:

جناب عالی! سائل حسب ذیل عرض رہا ہے :-

1. یہ سائل پولیس کیش میں بطور کیش ڈیوٹی سرانجام دے رہا تھا
2. یہ کہ دوران ڈیوٹی سائل خلاف بنیاد الزامات متعلقہ پولیس میں
زمانہ دراز اور اپنے اہل خانہ پر اسٹیشن سے قلم اٹھا کر سائل
خلاف جملہ انضامی کارروائی شروع کی گئی۔
3. یہ اہل خانہ نے سائل پر اسٹیشن کیش بھاری سے میں منسلک تھا
اور حسب دستور ڈاکٹر صاحب امیر کیش لگا تھا۔ اور سائل پولیس میں منسلک
کہ اس دوران حسب موجودہ صورت میں خلاف SCN جاری کرتے ہیں
ناتوا ہو جاوے تیار کرتے ارسال لگا لگا تھا۔ لیکن میں بہر قسم کی
رہ سے میری دفاعی مواد کو ریکارڈ میں نہیں لگاتا تھا۔ اور آخر
سائل کو ملزمت سے بحوالہ حکیمانہ عنوان الصدر پر خواہش لگا لگا
چونکہ سائل ایک سبب شخص ہے اور ملزمت پولیس کے سوا اور کوئی
کوئی ذریعہ معائنہ نہیں ہے۔

Handwritten signature

اس لئے درخواست حضور انور ہے کہ درج بالا حقیقت کو پیش
رکھ کر سائل کو ملزمت پر دوبارہ بحال فرما کر عنوان الصدر سزا
کا لگایا جائے اور دیگر دستوریات ملزمت سے بحال فرمائی جائیں۔
موجودہ طور پر سائل

DSP/L
Fu
MPL
14/1

ارکات صدر کمانڈرینٹ پولیس کیش 2013 سالانہ کیش C.P.C. سٹاؤ
0330-9296936
0313-0938556



(12)
CAP

OF THE
POLICE OFFICER

PESHAWAR

Phone No. 091-9210989

Fax No. 091-9212597

Annexure "C"

ORDER.

This order will dispose of the departmental appeal preferred by Ex-Constable Muhammad Aman No.223 of CPC who was awarded the major punishment of "dismissal from service" under Police Rules-1975 by Commandant CPC University Campus Peshawar vide OB No.269, dated 17-10-2019.

2- The allegations leveled against him were that he while posted in Campus Peace Corps University Campus Peshawar was issued Show Cause Notice on account of misbehavior and resorted to physical attack on Incharge ASI Shujat Hussain with his rifle on the pretext of motorcycle parking outside Innum Gate despite the fact that all kind of parking was prohibited by the Commandant CPC Peshawar keeping in view the prevailing situation. The appellant insisted on parking of motorcycle of his acquaintance in sheer disregard to the direction

3- He was issued with a Show Cause Notice under Rules 5(3) KPK Police Rules 1975 at his home address which was received by his brother. He failed to submit reply to the Show Cause Notice. The competent authority also issued two separate notices at his home address and finally submitted his reply. The competent authority heard him in person but his reply was found unsatisfactory and hence was awarded the above major punishment.

4- He was heard in person in O.R. The relevant record perused along with his explanation. During personal hearing the appellant failed to produce any plausible explanation in his defense. Therefore, keeping in view the above circumstances his appeal for setting aside the punishment awarded to him by Commandant CPC University campus Peshawar vide OB No.269, dated 17-10-2019 is hereby rejected/filed.

Alleged
A

(MUHAMMAD ALI KHAN)PSP
CAPITAL CITY POLICE OFFICER,
PESHAWAR

No. 159-62 /PA dated Peshawar the 08-03-2020

Copies for information and n/a to the:-

1. Commandant CPC University Campus Peshawar alongwith Service Record & FMC.
2. FMC/ Pay officer CPC University Campus Peshawar.
3. Official concerned.

12A

BETTER COPY

**CAPITAL CITY POLICE OFFICER
PESHAWAR**

Phone No. 091-9210989

Fax No. 091-9212597

ORDER:

1. This order will dispose of the department appeal preferred by **Ex-Constable Muhammad Aman No.233 of CPC** who awarded the major punishment of "dismissal from Service" under Police Rules-1975 by Commandant CPC University Campus Peshawar vide OB No. 269, dated 17-10-2019.
2. The allegation leveled against him were that he while posted in Campus peace corps University campus Peshawar was issued show cause notice on account of misbehavior and resorted to physical attack on incharge ASI Shujahat Hussian with his rifle on the pretext of motorcycle parking outside Irum gate despite the fact that all kind of parking was prohibited by the commandant CPC Peshawar keeping in view the prevailing situation. The appellant insisted on parking of motorcycle of his acquaintance in sheer disregard to the direction.
3. He was issued with a show Cause Notice under rule 5(3) KPK police 1975 at his home address which was received by his brother. He failed to submit reply to the show cause noticed. The competent authority also issued two separate noticed at his home address and finally submitted his reply . the competent authority heard him in person but his reply was found unsatisfactory and hence was awarded the above major punishment.
4. He was heard in person in O.R. the relevant record perused along with his explanation. During personal hearing the appellant failed to produce any plausible explanation in his defense. **Therefore, keeping in view the above circumstances CPC University campus Peshawar vide OB No. 269, dated 17-10-2019 is hereby rejected/filed.**

**(MUHAMMAD ALI KHAN)PSP
CAPITAL CITY POLICE OFFICER,
PESHAWAR**

No159-62/PA dated Peshawar the05-03-2020

Copies for information and n/a to the:-

1. Commandant CPC University campus Peshawar along with service record & FMC
2. CHFMC/ pay officer CPC university campus Peshawar.
3. Official concerned.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.10516/2020.

Ex- Constable Muhammad Aman No.223 of Campus Peace Corps, University of Peshawar. **Appellant.**

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. **Respondents.**

REPLY BY RESPONDENTS NO. 1, 2, &3.

Respectfully Sheweth:-

PRELIMINARY OBJECTIONS:-

1. That the appeal is badly barred by law & limitation.
2. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
3. That the appellant has not come to Hon'able Tribunal with clean hands.
4. That the appellant has no cause of action and locus standi.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant has concealed the material facts from Honorable Tribunal.
7. That the appeal is not maintainable being devoid of any merit.

REPLY ON FACTS:-

- (1) Incorrect. Infact the appellant was appointed as constable in the year 2012 in the respondent department. It is worth to mention here that he has not a clean service record on his credit as he contains 15 bad entries in his service. (copy of bad entries list annexure as "A")
- (2) Incorrect. Para already explained in the above para.
- (3) Incorrect. The appellant while posted in Campus Peace Corps University Campus Peshawar proceeded departmentally on the charges of misbehavior and resorted to physical attack on Incharge ASI Shujjat Hussain with his rifle on the pretext of motorcycle parking outside Irnum Gate despite the fact that all kind of parking was prohibited by the commandant CPC Peshawar, keeping in view the prevailing situation, the appellant insisted on parking motorcycle of his acquaintance in sheer disregard to the directions. The appellant also absented himself from his lawful duty without leave/permission. In this regard he was issued show cause notice under Rules 5(3) KPK Police Rules 1975.(SCN is annexure as "B")
- (4) Incorrect. The appellant was issued show cause notice under Rules 5(3) KPK Police Rules 1975 and sent him on home address to which he received and also submitted his written reply, but his reply was found unsatisfactory. The competent authority heard him in person, but the appellant failed to rebut the charges leveled against

- (5) Incorrect. The competent authority has discretion/power to dispense with the enquiry proceeding and under Police Rules 1975 is empowered to issue show cause notice u/s 5(3) of the Police Rules. In the instant case real facts based allegations was framed in the show cause notice to which appellant failed to submit convincing reply.
- (6) Incorrect. The appellant filed departmental appeal, which was thoroughly processed and an ample opportunity of hearing was provided to appellant by appellate authority but appellant failed to defend himself with plausible/justifiable grounds, hence his appeal was rejected filed.(copy of departmental appeal and rejection order are annexure as "D""E"
- (7) Incorrect. The application/mercy petition was without any material and plausible reasons.
- (8) The appeal of the appellant being devoid of merits may kindly be dismissed.


REPLY ON GROUNDS:-


- A. Incorrect. The punishment orders passed by the competent authority are in accordance with law/rules and liable to be upheld.
- B. Incorrect. The appellant was treated as per law/rules and no violation of the Constitution of Pakistan 1973 has been done by the respondent's department.
- C. Incorrect. In fact charges of undisciplined act were framed, which led to imposition of major penalty upon the appellant, hence impugned orders are quite legal and justified.
- D. Incorrect. The appellant himself is responsible for the situation by committing gross misconduct.
- E. Respondents also seek permission of this Honorable Tribunal to raise additional grounds at the time of arguments.

Prayers:-

It is, therefore, most humbly prayed that in light of above facts and submission, the appeal of the appellant being devoid of merits, legal footing, may be dismissed with cost please.


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.


Capital City Police Officer,
Peshawar.


Commandant,
Campus Peace Corps,
University of Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.10516/2020.


Ex- Constable Muhammad Aman No.223 of Campus Peace Corps, University of Peshawar. Appellant.


VERSUS

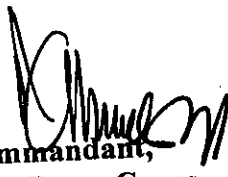
Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. Respondents.

AFFIDAVIT

We respondents No. 1 , 2 & 3 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and nothing has concealed/kept secret from this Honorable Tribunal.


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.


Capital City Police Officer,
Peshawar.


Commandant,
Campus Peace Corps,
University of Peshawar.

1. Name of Official **MUHAMMAD AMAN NO.223S/O ASAL KHAN**
R/O Sufaid Ghari Pishtakhara Distt: Peshawar.
2. Date of Birth 15.02.1992
3. Date of enlistment 26.12.2012
4. Education **FA**
5. Courses Passed **Recruit**
6. Total qualifying service 06 years, 06 Months & 18 days.
7. Good Entries **Nil**
8. Punishment (previous)

Bad Entries (L.W.O Pay, E/Drill & Warning)

1. 03 days leave without pay vide OB No.265 dt: 15.12.2014
2. 1/1 day leave without pay vide OB No.08 dt: 06.01.2015
3. Warning be careful in future vide OB No.38 dt: 28.01.2015
4. 03 days leave without pay vide OB No.79 dt: 23.02.2015
5. 07 days leave without pay vide OB No.89 dt: 27.02.2015
6. 06 days leave without pay vide OB No.361 dt: 31.12.2015
7. Warning be careful in future vide OB No.223 dt: 02.07.2015
8. 03 days leave without pay vide OB No.302 dt: 16.10.2016
9. 05 days leave without pay vide OB No.333 dt: 23.11.2015
10. 01 day leave without pay vide OB No.336 dt: 26.11.2015
11. 06 days leave without pay vide OB No.361 dt: 31.12.2015
12. Warning be careful in future vide OB No.137 dt: 01.08.2016
13. 09 days leave without pay vide OB No.210 dt: 17.11.2016
14. 03 days leave without pay vide OB No.219 dt: 01.12.2016
15. 04 days leave without pay vide OB No.236 dt: 19.12.2019

Minor Punishment

Nil

Major Punishment

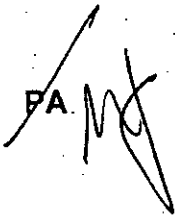
Nil

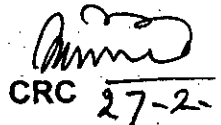
09. Punishment (Current)

- Awarded the major punishment dismissed from service vide OB No.269 dated 17.10.2019 by Commandant CPC Peshawar.

10. Leave Account

<u>Total leave at his credit</u>	<u>Availed leaves</u>	<u>Balance</u>
312 days	15	297 Days

FA 


CRC 27-2-

W/CCPO

(71)

**OFFICE OF THE COMMANDANT,
CAMPUS PEACE CORPS, UNIVERSITY CAMPUS, PESHAWAR**

No. 2088/PA

Dt: 25/09/2019

SHOW CAUSE NOTICE

(Under Rule 5(3) KPK, Police rules 1975)

1. That you Constable Amman No. 223 while posted at PG Innum gate University Campus have rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 for the following misconduct:
 - a. That on 23.9.2019 at about 9:30 AM you misbehaved and resorted to physical attacked on your in charge ASI Shujaat Hussain with your rifle on the pretext of motorcycle parking outside PG Innum gate.
 - b. Despite the fact, that all kind of parking was prohibited by the undersigned keeping in view the prevailing situation, you insisted on parking motorcycle of your acquaintances in sheer disregard to the directives of undersigned.
 - c. By doing so, you not only disobeyed lawful orders of your senior officers but also tarnished the image of police force in the eyes of general public.
2. That by reason of above, as sufficient material is placed before the undersigned; therefore it is decided to proceed against you in general police proceedings without aid of enquiry officer.
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
4. That your retention in the police force will amount to encourage inefficient and unbecoming of good police officer;
5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind of punishments as provided in the rules.
6. You are, therefore, called upon to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 for the misconduct referred to above.
7. You should submit reply to this show cause notice within 07 days of the receipt of the notice failing which an ex-parte action shall be taken against you.
8. You are further directed to inform the undersigned that you wish to be heard in person or not.

0334-9014389 + 0102
11501-101100
Jew

**COMMANDANT
CAMPUS PEACE CORPS,
UNIVERSITY CAMPUS, PESHAWAR**

**COMMANDANT
CAMPUS PEACE CORPS,
UNIVERSITY CAMPUS, PESHAWAR**

ادال بیان مع

(79)

انچارج شجاعت سن جمع تین کا
 23¹⁰/₁₉ وقت 30PM: 59 انچارج شجاعت سن جمع تین کا
 سے 12 ڈیوش میں موجود تھے اس درمیان ایک جانا بھانہ اسی
 عقال کے ساتھ آیا اور کہا کہ عباتن پان بہ مہتر ساکل گئی کہی
 پھار ڈرر میں تھے میں نہ کیا کہہ سکتا تو وہ اس نے پورا
 مرغالا دار عباتن کو سکول میں ایک بجے نے پتر سے صارا اور
 اس کی ایک کھلا دس نے کہا ٹک جمع ایک ساکو مال ہے
 آپ عباتن تو اس دوران انچارج اور ٹیٹ شجاعت سن 45
 نے پورا کر نہیں پھرتا ہے 5 PM حساب میں مانسا
 درمیان نے کیا کہہ سکتی تھی اور میں نے تو درخت کے
 عباتن کو لیا ہے اس حکم نے کو اچ بون کو ہمارے سپاہی فادان
 نے بھی لیا تھا کہو بھی نہیں ہے اور میں نے بھی بھونکی میں
 کٹر لیا ہے 5 PM صلیب کے فاطمہ اور بھونکی میں بھی لیا ہے

P.T.O

تنت کی بھی طرح ہوتی ہے۔ میں آخر کار وہ عالمی کٹر رہا

میں نے مالک صاحب کے ساتھ ساتھ ساتھ ہی سے لے کر

لے لیا تو پھر انہی حاجت اور انہی کی طرف سے بھی ہر ماہ سے

پہلے انہی کے ہوتے ہیں انہی کے ایکوں سے لیا۔ اس کے ساتھ

میں سے لے کر اور لیا۔ جب میں نے اس کے ساتھ سے

دیکھا کہ تو میں لائی لکھی لیا۔ اور میرا متبادل نے اس کے

میں لکھی لیا اور میں لائی میں سے لے کر میں سے لے کر

میں سے لے کر اور میں سے لے کر اور میں سے لے کر

میں سے لے کر اور میں سے لے کر اور میں سے لے کر

میں سے لے کر اور میں سے لے کر اور میں سے لے کر

میں سے لے کر اور میں سے لے کر اور میں سے لے کر

خدمت جناب کیشیل سٹی پولیس ایفدر ضلع شیواور

مخبر حکیمانہ اسپس بر خلاف حکم جاریہ زیر دستخطی صا۔

کمانڈر نٹ پونٹوری کیس نمبری 269 OB نو 2019. 17. 10.

No 14

جسکی بناء پر سائل کو مللزلت سے درخواست کیا گیا تھا

1911 PLCCPD
24-12-19

جناب عالی! سائل حسب ذیل عرض رسا ہے :-

1. یہ سائل پونٹوری کیس میں بطور کیشیل ڈیوٹی سرانجام دے رہا تھا
2. یہ کہ دوران ڈیوٹی سائل کو خلاف ے بنیاد الزامات متعلقہ لاٹھری
زمانہ دراز اور اپنے اخراج پر رائل سے حملہ کرنا لگا کر سائل
خلاف حکمانہ انصافی باروائی شروع کی گئی۔

یہ اور مان کر کہ سائل کو اس کی جھلک بھاری ہے میں مبتلا تھا
اور حسب مشورہ ڈاکٹر صاحب ابھرنے لگا تھا۔ اور متعلق طور پر علاج
کہ اس دوران جہت جوہوت سے خلاف SCN جاری کرتے جس کا
بامقصد جواب تیار کرتے ارسال کیا گیا تھا۔ لیکن میری بدقسمتی کی
وجہ سے میری دفاعی مواد کو ریکارڈ پر نہیں لایا گیا تھا۔ اور آخر کار
سائل کو مللزلت سے بحوالہ حکمانہ عنوان الصدر درخواست کیا گیا۔

چونکہ سائل ایک غریب شخص ہے اور مللزلت پولیس کے سوا دوسرا
کوئی ذریعہ معاش نہیں ہے۔

اس لئے درخواست حضور النور ہے کہ درج بالا حقیقت کو پیش
رکھ کر سائل کو مللزلت پر دوبارہ بحال فرما کر عنوان الصدر سائل کو
کالعدم قرار دیا جائے۔
مخبر
M. Kishan

انکا نام سردار محمد امان نمبر 223 سائل کیشیل C.P.C. شیواور
0332-9296936
0315-0938556



OFFICE OF THE
CAPITAL CITY POLICE OFFICER
PESHAWAR

Phone No. 091-9210989

Fax No. 091-9212597

ORDER.

This order will dispose of the departmental appeal preferred by **Ex-Constable Muhammad Aman No.223 of CPC** who was awarded the major punishment of “**dismissal from service**” under Police Rules-1975 by Commandant CPC University Campus Peshawar vide OB No.269, dated 17-10-2019.

2- The allegations leveled against him were that he while posted in Campus Peace Corps University Campus Peshawar was issued Show Cause Notice on account of misbehavior and resorted to physical attack on Incharge ASI Shujat Hussain with his rifle on the pretext of motorcycle parking outside Innum Gate despite the fact that all kind of parking was prohibited by the Commandant CPC Peshawar keeping in view the prevailing situation. The appellant insisted on parking of motorcycle of his acquaintance in sheer disregard to the direction.

3- He was issued with a Show Cause Notice under Rules 5(3) KPK Police Rules 1975 at his home address which was received by his brother. He failed to submit reply to the Show Cause Notice. The competent authority also issued two separate notices at his home address and finally submitted his reply. The competent authority heard him in person but his reply was found unsatisfactory and hence was awarded the above major punishment.

4- He was heard in person in O.R. The relevant record perused along with his explanation. During personal hearing the appellant failed to produce any plausible explanation in his defense. **Therefore, keeping in view the above circumstances his appeal for setting aside the punishment awarded to him by Commandant CPC University campus Peshawar vide OB No.269, dated 17-10-2019 is hereby rejected/filed.**

(MUHAMMAD ALI KHAN)PSP
CAPITAL CITY POLICE OFFICER,
PESHAWAR

No. 159-62 /PA dated Peshawar the 28-03- 2020

Copies for information and n/a to the:-

EC/OAS:

- For information:
1. Commandant CPC University Campus Peshawar alongwith Service Record & FMC.
 2. FMC/ Pay officer CPC University Campus Peshawar.
 3. Official concerned.

Commandant CPC
to 1-2

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Service Appeal No: 10516/2020

Ex Constable Muhammad Aman No. 223 of Campus
Peace Corps, University of Peshawar.

APPELLANT

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa
Peshawar and others.

RESPONDENTS

APPELLANT'S REJOINDER

Respectfully Sheweth,

Preliminary Objections:-

1. That Para No. 1 of the appeal is incorrect hence denied.
2. That Para No. 2 of the appeal is incorrect hence denied.
3. That Para No. 3 of the appeal is incorrect hence denied.
4. That Para No. 4 of the appeal is incorrect hence denied.

5. That Para No. 5 of the appeal is incorrect hence denied.
6. That Para No. 6 of the appeal is incorrect hence denied.
7. That Para No. 7 of the appeal is incorrect hence denied.

Reply On Facts:-

1. That Para No. 1 of the Facts is correct to the extent that he was appointed as Constable in year 2012, while the remain para is incorrect hence denied.
2. That Para No. 2 of the Facts is incorrect hence denied and no reply.
3. That Para No. 3 of the Facts is incorrect hence denied, in fact that Mr. Shujat Hussain ASI compromised with the appellant and that Compromised Deed, appellant was declared innocent in that occurrence / incident and Ms. Shujat Hussain pardon the appellant. *(Copy of Compromised Deed is annexed).*
4. That Para No. 4 of the Facts is incorrect hence denied and no reply.
5. That Para No. 5 of the Facts is incorrect hence denied and no reply.
6. That Para No. 6 of the Facts is correct extent to that the appellant filed a departmental appeal, which was thoroughly processed in the remaining is denied.
7. That Para No. 7 of the Facts is incorrect hence denied and no reply.
8. That Para No. 8 of the Facts is incorrect hence denied and no reply.

Grounds:-

- A. That Para No. A of the ground is of the comments is incorrect in fact the appellant was not treated in accordance with law, rules and regulation of the police.
- B. That Para No. B of the ground is incorrect
- C. That Para No. C of the ground is incorrect
- D. That Para No. D of the ground is incorrect
- E. That Para No. E of the ground is incorrect

It is, therefore, most respectfully prayed that an acceptance of instant rejoinder, the appeal of the appellant may graciously be allowed as prayed for therein.

Dated: 24/06/2022

Through
APPELLANT
ZAHID GUL
Advocate, High Court,
Peshawar.

AFFIDAVIT:

I, *Ex Constable Muhammad Aman No. 223 of Campus Peace Corps, University of Peshawar*, do hereby solemnly affirm and declare on oath that contents of the instant writ petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.

DEPONENT

