


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

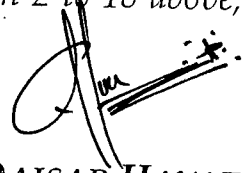
Case No.- 1634/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	-15/11/2022	<p>The appeal of Mr. Hassan Said presented today by Mr. Qaisar Hayat Advocate, It is fixed for preliminary hearing before touring Single Bench at Swat on _____.</p> <p>Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN KHWA, PESHAWAR.**  
**CHECK LIST**

1.	Case Title	<i>Hassan Said Vs District Police office District Swat &amp; others.</i>	
2.	Case is duly signed	Yes	✓
3.	The law under which the case is preferred has been mentioned	Yes	✓
4.	Approved file cover is used	Yes	✓
5.	Affidavit is duly attested and appended	Yes	✓
6.	Case and annexures are properly paged and numbered according to index	Yes	✓
7.	Copies of annexures are legible and attested. If not, then better copies duly attested have been annexed.	Yes	✓
8.	Certified copies of all the requisite documents have been filed	Yes	✓
9.	Certificate specifying that no case on similar grounds was earlier submitted in this court, filed	Yes	✓
10.	Case is within time	Yes	✓
11.	The value for the purpose of court fee and jurisdiction has been mentioned in the relevant column.	Yes	-
12.	Court fee in shape of stamp paper is affixed. (For writ Rs. 500. for other as required)	Yes	-
13.	Power of attorney is in proper form	Yes	✓
14.	Memo addresses filed.	Yes	✓
15.	List of books mentioned in the petition.	Yes	✓
16.	The requisite number of spare copies attached. (Writ Petition-3 Nos, Civil Appeal (SB-1, DB-2), Civil Revision (SB-1, DB-2)	Yes	✓
17.	Case (Revision / Appeal / Petition etc) is filed on a prescribed form	Yes	✓
18.	Power of attorney is attested by jail authority (For jail prisoners only)		-

It is certified that for malities/documentation as required in column 2 to 18 above, have been fulfilled.



Name: **QAISAR HAYAT**  
Advocate, High Court  
Date: 31/10/2022

**FOR OFFICE USE ONLY**

Case No. \_\_\_\_\_  
Case received on \_\_\_\_\_  
Complete in all respect: Yes/No (if no. the grounds) \_\_\_\_\_

Date in Court \_\_\_\_\_ Signature \_\_\_\_\_  
(Reader)

Dated \_\_\_\_\_

Countersigned: \_\_\_\_\_  
(Additional Registrar)

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN KHWA,  
PESHAWAR.**

Service Appeal No 1634 of 2022.

Hassan said

**Versus**

Distract police officer, District swat  
and others.

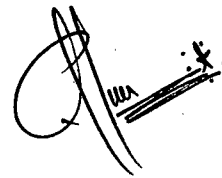
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S.#	Description of Documents	Annexures	Pages
1.	Service Appeal	---	1 to 5
2.	Affidavit	---	5 &
3.	Memo of addresses	---	6 &
5.	Copy of CNIC	"A"	7 &
6.	Copy of Appointment Order	"B"	8
7.	Order No: OB No 160 Dated: 30/07/011	"C"	9 &
9.	Copy of Departmental Appeal	"D"	10, 11
10.	Wakalat Nama	---	12 ....

*Appellant*

Through

**Qaisar Hayat**  
**Advocate High court.**



**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN KHWA,  
PESHAWAR.**

Service Appeal No. 1634 of 2022.

Hassan said S/o Minhaj mian R/O Guli gram Tehsil; Babozai, District swat.

.....Appellant

**Versus**

- 1) Distract police officer, Districts swat.
- 2) Regional Police Officer/Deputy Inspector General Malakand Division at Saidu Sharif, Swat.
- 3) Inspector general of police govt. of Khyber pakhtunkhwa at Peshawar.

.....Respondents

**Appeal under Section 4 of Service Tribunal Act read with any other relevant provisions, against no action taken on the departmental appeal within the statutory period of 90 days.**

**PRAYER:**

**On acceptance of this appeal the respondent No 1 may kindly be directed to reinstate the appellant on the post of driver constable form the date of his groundless, illegal and unlawful dismissal.**

**Or**

**At least the groundless, illegal and unlawful order of the applicants' dismissal may kindly be varied so that he may become able to be given all back benefits including funds and pension for his long service.**

**Respectfully Sheweth:**

The appellant submits as under;

- 1) That the appellant is a permanent resident of Guli gram Tehsil; Babozai, District swat. **(Copy of CNIC is annexure A)**
- 2) That the appellant was appointed as driver constable in police department on 05/11/1990 vide appointment order dated 05/11/1990 **(copy of appointment order is annexure B)**

- 3) That in 2008 the catastrophe of talibanization broke out. When Taliban dominated the swat district, their first ever target was police. They killed many police constables and officials in various direct and indirect attacks. A Large number of police personals also left their posts and fled to safe places.
- 4) That the appellant also, because of the extraordinary ordinary hard situations initially left swat just to safeguard the lives of his children and family but soon he was directed/ advices to join and perform his duty with DIG.
- 5) That even in that dangerous and hard situation the appellant very performed his duty with great honestly and enthusiasm.
- 6) That on 14/05/2011 when the appellant was on duty a very illegal, irrational and baseless inquiry was initiated against him, on the basses of which the respondent No 1 surprisingly and invalidly dismissed him from his duty vide an illegal and baseless order No: OB No 160 dated: 30/07/011 **(Copy of Order No: OB No 160 dated: 30/07/011 is annexure C)**
- 7) That despite the fact that those who had left their posts and fled to safe areas at the time of talibanization were reinstated to their position, the respondent No 1 very illegally and discriminately punished the appellant for an offence which he has never committed on the biases of a preliminary inquiry.
- 8) That the appellant then filed a departmental appeal before the respondent No1 against the illegal order dated No: OB No 160 dated: 30/07/011 but it was given no attention. **(Copy of departmental appeal is annexure D)**
- 9) That the appellant now having no other adequate remedy but to file the instant appeal before this hon'ble court on the basses of inter alia the following ground.

**GROUNDS:**

- i) **That** the impugned action of respondent No 1 is against the law, facts, material available on record. Hence liable to be rectified.
- ii) That despite the fact that those who had left their posts and fled to safe areas at the time of talibanization were reinstated to their position, the respondent No 1 very illegally and

discriminately punished the appellant for an offence which he has never committed on the bases of a preliminary inquiry.

- iii) That in order No: OB No 160 dated: 30/07/011 the respondent No 1 has not mentioned or referred to any law under which the appellant has been dismissed.
- iv) That the appellant has never been absent from his duty, he had been performing his duty with the DIG director (FIA) Shawkat Ali (late) for the time period in question in the inquiry.
- v) That the order dated No: OB No 160 dated: 30/07/011 of the respondent No 1 is based on a preliminary inquiry and throughout the whole proceeding the appellant has been remained unheard hence order dated No: OB No 160 dated: 30/07/011 being invalid , illegal and baseless ab inatio , need to set aside.
- vi) That absence is not even a ground for dismissal hence the order dated No: OB No 160 dated: 30/07/011 of the respondent No 1 is baseless, illegal and need to be rectified.
- vii) **That** the article 4 of the constitution of Islamic Republic of Pakistan 1973, has clearly unequivocally stated that every individual is to be dealt in accordance with law, but the respondents not only violated this principle but also violated article 25 of the Constitution of Islamic Republic of Pakistan which guarantees equality.
- viii) **That** the appellant has not been treated in accordance with law and rules on the subject noted above and such the respondent violated Article 4 and 25 of constitution of Pakistan 1973
- ix) **That** the impugned action of the respondents is nothing else, but a clear violation of Khyber Pakhtunkhwa Efficiency and Discipline Rules 1973, (Amended in 2011) and other relevant laws.
- x) **That** the impugned action of respondents is whimsical, capricious and founded on surmises and conjectures.

xi) **That** other grounds not specifically rose will be argued with the prior permission of this Honorable Court at the time of arguments.

**Prayers;**

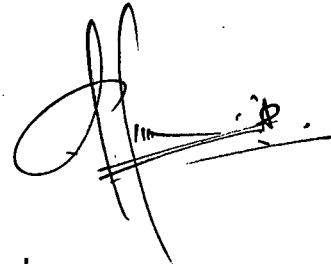
**On acceptance of this appeal the respondent No 1 may kindly be directed to reinstate the appellant on the post of driver constable form the date of his groundless, illegal and unlawful dismissal.**

**Or**

**At least the groundless, illegal and unlawful order of the applicants' dismissal may kindly be varied so that he may become able to be given all the back benefits including funds and pension for his long service.**



Appellant  
Through



Qaisar Hayat  
Advocate High court.

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN KHWA,  
PESHAWAR.**

Service Appeal No ..... of 2022.

Hassan said S/o Minhaj mian R/O Guli gram Tehsil; Babozai, District swat.

.....Appellant

**Versus**

Distract police officer, District swat and others.

.....Respondents

**AFFIDAVIT**

I, Hassan said S/o Minhaj mian R/O Guli Gram Tehsil; Babozai, District swat, do hereby solemnly affirm and declare on oath that all the contents of this Service Appeal are true and correct to the best of my knowledge and belief, and nothing has been concealed from this Honorable Court.



DEPONENT

Hassan said  
In person



**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN KHWA,  
PESHAWAR.**

Service Appeal No ..... of 2022.

Hassan said S/o Minhaj mian R/O Guli gram Tehsil; Babozai, District swat.

.....Appellant

**Versus**

District police officer, District swat and others.

.....Respondents

**ADDRESSES OF THE PARTIES**

**ADDRESS OF THE APPELLANT**

Hassan said S/o Minhaj mian R/O Guli gram Tehsil; Babozai, District swat.

CNIC: 15602-0176884-1

Cell:

**ADDRESSES OF THE RESPONDENTS**

- 4) District police officer, District swat.
- 5) Regional Police Officer/Deputy Inspector General Malakand Division at Saidu Sharif, Swat.
- 6) Inspector general of police govt. of Khyber pakhtunkhwa at Peshawar.




**APPELLANT**

Hassan said

۶



حکومت پاکستان  
 قومی شناختی کارڈ  
 15602-0176884-1



محمد حسن سید  
 محمد حسن سید  
 عثمان یوسف مین  
 عثمان یوسف مین  
 1966  
 دستکار جسٹس جنرل  
 دستکار جنرل


Hassan Said

شناختی نمبر: 15602-0176884-1  
 خاندان نمبر: S78B78





محمد حسن سید  
 محمد حسن سید  
 عثمان یوسف مین  
 عثمان یوسف مین  
 19/05/2026  
 19/05/2016  
 دستکار جسٹس جنرل  
 دستکار جسٹس جنرل

11488133457



Qureshi my  
 Tahir Hayat Sale



ENLISTMENT ORDER.

8

Name Hassan Said son of Minhaj MIAN

Resident of Gulbi Goum Serai Police Station Saidu Sharif

District Sawat is hereby enlisted as Const-ble time scale <sup>Driver</sup>

on three years probation in B.P.S.No.5 Rs.(700-25-1200) @ Rs.700/- P.M with

effect from 5-11-90 and allotted constabulary No. 742.

High No - 5-10<sup>1</sup>

Chest 34x36

Education NIL

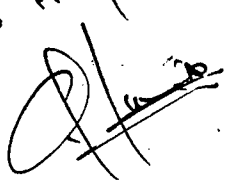
Date of Birth 1966 JL

O.B.No 968

Date'd 5-11-90

~~CB to~~

Superintendent of Police,  
Charsadda.

Requested by  
Paisar Hayat adu  


*Page*

OFFICE OF THE DISTRICT POLICE OFFICER SWAT

ORDER SHEET IN CONNECTION WITH ENQUIRY AGAINST

DRIVER CONSTABLE HASSAN SAID NO. 351

ALLEGATION:-

That the Driver Constable Hassan Said No. 351 while deputed for official duty with Inv. Circle Officer at Matta reported his departure on 07/11/2009 but he reported his arrival alongwith vehicle on 08/11/2009 vide DD No. 18, dated 08/11/2009 at Police Station Matta and after that the MTO / LO JIS Police Line, Swat vide. has report dated 24/05/2011 submitted information for clarification as to whether the above named driver is performing duties in Inv. Wing or otherwise. As per report of MTO/Moharrir Inv. Dated 30/04/2011 he has not performs duties in Inv. Wing. DSP/Matta, Swat was appointed as Enquiry Officer, to conduct departmental enquiry against him. Charge Sheet No. 208/E dated 30/05/2011 was issued to him.

RECOMMENDATION OF ENQUIRY COMMITTEE:-

The Enquiry Officer DSP/Matta, Swat in his finding report dated 12/07/2011 intimated that where about of the above named driver constable since 08/11/2009 is not known as to where he has performed duty till to date, hence recommended for suitable punishment.

O/S

*[Signature]*  
E.C.  
18/07/2011

FINAL DECISION BY DPO SWAT:-

*Dismissed from the date of absence*

*Directed by*  
*Qaisar Hayat sdu*  
*[Signature]*

OB. No. 16c

30.7.11

*07/08/11*

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

No. SI. 2544-45/19, dated Peshawar the 08/08/2019.

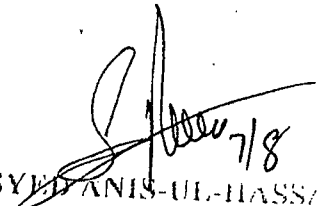
To: The Regional Police Officer,  
Malakand at Saidu Sharif Swat.

Subject: REVISION PETITION.

Memo:

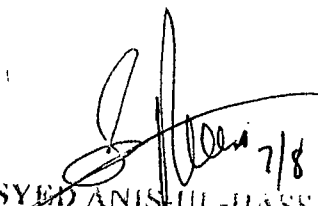
The Competent Authority has examined and filed the revision petition submitted by Ex Constable Hassan Said No. 351 of Swat District Police against the punishment of dismissal from service awarded by District Police Officer, Swat vide OB No. 160, dated 30.07.2011, being such and barred.

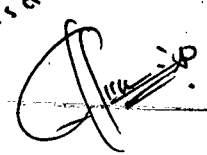
The applicant may please be informed accordingly.

  
(SYED ANIS-UL-HASSAN)  
Registrar,  
For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.  
07-08-2019

Enclst: No. & date even:-

Copy of above is forwarded to the District Police Officer, Swat for information with his office Memo: No. 11808/19, dated 26.07.2019.

  
(SYED ANIS-UL-HASSAN)  
Registrar,  
For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.  
07-08-2019

Directed by  
Faisan Hayat Solu  


11

# LAST PAY CERTIFICATE

No. 76883

1. Last Pay Certificate of Hassan Said D/O 139  
 of the ATG - CID NWFP Peshawar  
 proceeding to D/O Swat  
 He has been paid upto 31-7-09

2. as the following rates:—

Particulars:	B Pay	6540-00
Substantive Pay:—	HRA	1503-00
Officiating Pay:—	CA	920-00
Exchange Compensation Allowance:—	MA	500-00
	RA	681-00
	WA	100-00
	CRA	300-00
	SAA	350-00
	SRA	555-00
	ADR	555-00
	DA	673-00
	Rig Allow:	3340-00
	Sp. Incr:	775-00
	ADR	2509/308-00

Deductions:—  
 Member of Q.A. @ Rs 1658 29075 Pm  
Sw 1658

IV For A/C No  
 Sw 1658

3. He made over charge of the Office of HIS Duties  
 on the After noon of 31/7/09

4. Recoveries are to be made from the pay of the Government servant as detailed on the reverse.

5. He has been paid leave salary as detailed below. Deductions have been made as noted on the reverse.

From / to / at Rs. / a month  
 From / to / at Rs. / a month  
 From / to / at Rs. / a month

6. He is entitled to draw the following:— Pay and Allowances of his rank & grade are there

7. He is also entitled to joining time for \_\_\_\_\_ days.

8. The details to the Income Tax recovered from him upto the date from the beginning of the current year are noted on the reverse.

Dated at \_\_\_\_\_ 19 \_\_\_\_\_

Signature: Mohammad J. Khan  
 Designation: Inspector General of Police  
 CID, NWFP Peshawar, P.T.O.

Witnessed by  
Chairman at Adv  
[Signature]

39  
5/2

ملفوظات  
مکتبہ

Head  
Wahab  
30/7/09

CID  
مفتی

1

30/7/09

S.A.B.

CID  
سہیل

2

Accept  
29/7/09

CID  
اکاؤنٹ

3

[Signature]

CID  
ورد گوہر

4

[Signature]

CID  
میل گوہر

5

Recd  
30-7-09

Recd  
30-7-09

CID  
کوٹ

6

A. Bolkhan  
MASI/CID  
31-7-09

CID  
مستجاب

7

[Signature]  
2009

MTOCID

8

کوٹ

9

Checked by  
Chairman Masjid  
[Signature]

بکھنور جناب DIG صاحب ملاکنڈ ریج

جناب عالی!

عرض ہے کہ سائل سال 1990ء میں محکمہ پولیس سوات میں بحیثیت ڈرائیور کا نیشنل بھرتی ہو کر احسن طریقہ سے ڈیوٹی انجام دے رہا تھا۔

سال 2008/09 میں ضلع سوات میں طالبان کی ایمر جنسی شروع ہوئی اور لا تعداد پولیس اہلکاران کو شہید کیا گیا اور کافی پولیس اہلکاران نے پولیس چوکی اور تھانہ جات چھوڑ کر ملازمت سے دستبردار ہوئے۔

سال 2010ء میں جناب IG صاحب ضلع سوات کے دورہ پر آکر 253 پولیس اہلکاران کو دوبارہ بحال کئے جبکہ کورٹ کے ذریعے بحال ہوئے۔

جناب عالی!

اس ایمر جنسی کی وجہ سے سائل نے ضلع سوات چھوڑ کر سال 30/07/2011 میں ڈسس کیا گیا۔ آپ صاحبان مہربانی فرما کر سائل کو یا تو دوبارہ اپنی ڈرائیور اسامی پر بحال کرنے کا حکم صادر فرمائیں۔ یا سائل کے 21 سالہ ملازمت کی پینشن دینے کا حکم صادر فرمایا جائے۔

جناب عالی!

من سائل کی اتنی استطاعت نہیں کہ میں اپنے لئے وکیل کا بندوبست کر سکوں۔ اسلئے آپ مہربانی فرما کر مناسب حکم صادر فرمائے۔ من سائل تاحیات دُعا گورہوں گا۔

العارض

حسن سید ولد منہاج ساکن گلگیر ام، تحصیل بابوزی، ضلع سوات

سابقہ پولیس نمبر 351 تھانہ سید و شریف، ضلع سوات

موبائل رابطہ نمبر 0946-9070233

Attested by  
Qasim Hayat Dad



BEFORE SREVICE TRIBUNAL KHYBER PAKHTUNKHWA

**WAKALAT NAMA**

Appeal No. \_\_\_\_\_ 2022

Titled:

Hasan Said

**VERSUS**

DPO & others

Hasan Said S/o Minhaj Mian, Resident of Mohallah Guli Gram Saidu Sharif Tehsil Babuzai, District Swat do hereby appoint Qaisar Hayat Advocate, High Court, in the above mentioned case, to do all or any of the following acts, deeds and things:-

- 1) To appear, act and plead for me/us in the above-mentioned case in this Court/Tribunal in which the same may be tried or heard, and any other proceedings arising out of or connected therewith.
- 2) To sign and verify and file, petitions, appeals, affidavits and applications as may be deemed necessary or advisable by them for the conduct, prosecution or defense of the said case at all its stages.
- 3) To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of the proceedings.
- 4) To do any act necessary or ancillary to the above acts, deed and things.
- 5) To appoint any other counsel to do any/all of the acts, deeds and things.
- 6) I/we, shall appear in the court/tribunal on every date of hearing for assistance and if due to my/our non appearance, any adverse judgment/order/decree is passed, they will not be held responsible.

IN WITNESS whereof I/we have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this \_\_\_\_\_

*Signature of Executants(s)*

ATTESTED & ACCEPTED BY:

QAI SAR HAYAT  
Advocate,  
High Court  
Cell # 0313-2595975

Office room No. S-3, Third floor, Continental Plaza, Makanbagh, Mingora, Swat,