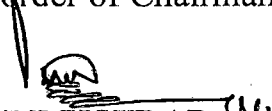


FORM OF ORDER SHEET

Court of _____

Case No. - 1640 /2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/11/2022	<p>The appeal of Mr. Muhammad Asad Khan resubmitted today by Roeda Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Notices be issued to appellant and his counsel for the date fixed.</p>
		<p>By the order of Chairman</p>
		<p> REGISTRAR</p>

The appeal of Mr. Muhammad Asad Khan Ex-Constable son of Hameed Khan r/o Togh Bala Payeen District Kohat received today i.e. on 8.11.2022 is incomplete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 days.


- 1- Check list attached with the appeal is unsigned.
- 2- Affidavit is not attested by the Oath Commissioner.
- 3- Annexure-A of the appeal is illegible which may be replaced by legible/better one.
- 4- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.

No. 3163 /S.T,

Dt. 08/11 /2022




Roeeda Khan Adv. Pesh.



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Object No 1 to 3 has
been removed which in
Response of objects No 4
No show cause notice,
No charge sheet No statement of
allegations has been issued
OR served to the appellants



12-11-2022

BEFORE THE HONORABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No 1640 /2022

Muhammad Asad Khan (Ex-Constable)Appellant

V E R S U S

IG KPK & others.....Respondents

I N D E X

S NO	DESCRIPTION OF DOCUMENTS	ANNEX	PAGES
1.	Service Appeal	-	1-6
2.	Affidavit	-	7
3.	Application for condonation of Delay along with affidavit		8-9
4.	Addresses of Parties		10
5.	Copy of the Impugned Order dated 08.06.2020	A	11
6.	Copy of departmental Appeal	B	12 TO 13
7.	Copies of the Applications	C & D	14-15
8.	Wakalat Nama		

M. Asad Khan

Appellant

Through:

[Signature]
ROEEDA KHAN

&

[Signature]
AFSHA MANZOOR

&

ABIDA NOREEN

Advocates,
High Court, Peshawar

Dated:- 08.11.2022

(1)

BEFORE THE HONORABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No 1640 /2022

Muhammad Asad Khan (Ex-Constable) S/o Hameed Khan
R/o Togh Bala Payan, Tehsil & District Kohat

.....Appellant

VERSUS

1. Inspector General of Police Khyber Pakhtunkhwa Peshawar
2. Superintendent of Police, FRP Kohat Range Kohat.
3. Commandant FRP Khyber Pakhtunkhwa, Peshawar

.....Respondents

SERVICE APPEAL UNDER SECTION 4 OF
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
ACT 1974 AGAINST THE IMPUGNED ORDER
DATED 08.06.2020, WHEREBY THE
APPELLANT WAS IMPOSED MAJOR PENALTY
OF DISMISSAL FROM SERVICE AGAINST
WHICH THE DEPARTMENTAL APPEAL WAS
FILED ON 15.07.2020, WHICH HAS NOT YET
BEEN DECIDED WITHIN THE STATUTORY
PERIOD.

Prayer in Appeal:

On acceptance of this Appeal, the impugned Order dated 08.06.2020, whereby the Respondent No 2 has illegally imposed major penalty to the Appellant of dismissal from Service may kindly be set aside and the Appellant may please be reinstated into his service with all back benefits.

Respectfully Sheweth:-

The Appellant humbly submits as under:-

1. That the Appellant is the Law abiding citizen of Pakistan and is entitled for all the rights guaranteed by the Constitution of Islamic Republic of Pakistan, 1973.
2. That the Appellant has been appointed as constable since long time with respondent Department and after appointment the Appellant performed his duty with full devotion and hard work and no complaint whatsoever has been made against the Appellant.
3. That in the year 2018 the Appellant was illegally and falsely implicated in case FIR No. 110/18 dated 02.12.2018 under section AO14/20/65, AO 13(2)B 20/65 Termimi Ordinance 215, AO2(A)13/20/65 Termimi Ordinance 2015 and AO 13(2)C 20/65 P.S Rangu District Attock, due to which the Appellant has been suspended and inquiry was initiated by the Department against the Appellant in that respect and according to the findings of the inquiry officer mentioned in the

impugned order dated 08.06.2020 that the said inquiry was kept pending till the decision of the court in criminal case.

4. That thereafter the Appellant was released on bail in the above mentioned alleged criminal case on 21.12.2018 and during the inquiry the Appellant started his services and performed his duty again with full devotion, zeal and zest.
5. That during the pendency of the above mentioned inquiry the respondents/department dismissed the Appellant vide Order dated 08.06.2020 on the ground of involvement in alleged criminal case FIR No 246 dated 22.06.2020 under section 15-17-AA PS Risal Pur District Nowshera. **(Copy of the Impugned Order dated 08.06.2020 is attached as annexure A)**
6. That thereafter the Appellant filed Departmental Appeal on 15.07.2020 against the impugned dismissal Order dated 08.06.2020 before the Respondents No 3, which has not been decided within the statutory period. **(Copy of departmental Appeal is attached as annexure B)**
7. That the Appellant submitted Application on 2021 and lastly submitted an Application for response of departmental Appeal on 15.10.2022 but no response has been given regarding the Departmental Appeal. **(Copies of the Applications are attached as annexure C & D)**

(41)

8. That feeling aggrieved from the act of Respondents, having no other adequate and efficacious remedy, approaches this Honourable Tribunal on the following grounds inter-alia:-

GROUNDS:-

- A) That the Appellant is peaceful and law abiding citizen of Islamic Republic of Pakistan and is fully entitled to all the basic and fundamental rights as enshrined in the fundamental law of the state, interpreted and guaranteed by the law of the land.
- B) That the impugned Order dated 08.06.2020 is come under the definition of void and illegal order because it has been passed without fulfilling the codal formality.
- C) That no charge sheet, no statement of allegation, no show cause notice has been issued or served to the Appellant which is the clear cut violation of Rule 6 of 1975 Rules.
- D) That no proper and departmental inquiry has been initiated before imposing the major penalty to the Appellant.
- E) That the respondent department should be waited for the finalization of the criminal case against the Appellant and without leveling any allegation

5)

against the Appellant the Respondents had illegally and unlawfully imposing the major penalty of being dismissed from service, which act of the respondents are illegal, unlawful, without lawful authority and is liable to be declared so.

- F) That no opportunity of defence and personal hearing has been provided to the Appellant, which is the legal and fundamental right of the Appellant.
- G) That any other ground not raised here specifically may graciously be allowed to be raised at the time of arguments.

PRAYER:-

It is, therefore, most humbly prayed that, On acceptance of this Appeal, the impugned Order dated 08.06.2020, whereby the Respondent No 2 has illegally imposed major penalty to the Appellant of dismissal from Service may kindly be set aside and the Appellant may please be reinstated into his service with all back benefits.

b1
Any other relief, not specifically asked
for may also graciously be extended in favour of the
Appellant in the circumstances of the case.

M. Asad &

Appellant

Through:



ROEDA KHAN


&



AFSHA MANZOOR

&

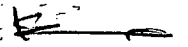
ABIDA NOREEN

Advocates, 
High Court, Peshawar

Dated:- 08.11.2022

CERTIFICATE:

It is certified that no such like Service Appeal has
earlier been filed before this Hon'ble Tribunal.

M. Asad & 

DEPONENT

7)

BEFORE THE HONORABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No _____/2022

Muhammad Asad Khan (Ex-Constable)Appellant

V E R S U S

IG KPK & others.....Respondents

AFFIDAVIT

I, Muhammad Asad Khan (Ex-Constable) S/o Hameed Khan R/o Togh Bala Payan, Tehsil & District Kohat, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

M. Asad Khan

DEPONENT

(8)

BEFORE THE HONORABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No _____/2022

Muhammad Asad Khan (Ex-Constable)Appellant

V E R S U S

IG KPK & others.....Respondents

APPLICATION FOR CONDONATION OF DELAY OF FILING OF
APPEAL IF ANY

Respectfully Sheweth:

1. That the above noted Appeal is being filed before this Hon'ble Tribunal in which no date of hearing has yet been fixed.
2. That the Appellant submitted Application on 2021 and lastly submitted an Application for response of departmental Appeal on 15.10.2022 but no response has been given regarding the Departmental Appeal.
3. That the impugned Order dated 08.06.2020 is come under the definition of void and illegal order because it has been passed without fulfilling the codal formality.
4. That there are many judgments of the Superior Court that the cases should be decided on merits rather than on technicalities.
5. That there is no legal bar on acceptance of the instant Application.

91
It is, therefore, most humbly prayed that on acceptance of this application, the delay, if any, may kindly be condoned in the interest of justice.

M. Asad
Appellant

Through:

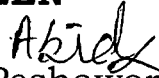

ROEDA KHAN

&


AFSHA MANZOOR

&

ABIDA NOREEN

Advocates, 
High Court, Peshawar

Dated:- 08.11.2022

(10)

BEFORE THE HONORABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No _____/2022

Muhammad Asad Khan (Ex-Constable)Appellant

V E R S U S

IG KPK & others.....Respondents

ADDRESSES OF PARTIES

APPELLANT

Muhammad Asad Khan (Ex-Constable) S/o Hameed Khan
R/o Togh Bala Payan, Tehsil & District Kohat

RESPONDENTS

1. Inspector General of Police Khyber Pakhtunkhwa Peshawar
2. Superintendent of Police, FRP Kohat Range Kohat.
3. Commandant FRP Khyber Pakhtunkhwa, Peshawar

M. Asad K
Appellant

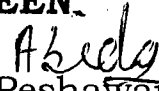
Through:


ROEDA KHAN

&

AFSHA MANZOOR

&

ABIDA NOREEN
Advocates, 
High Court, Peshawar

Dated:- 08.11.2022

ORDER

My this order will disposes off departmental inquiry conducted against Constable Asad Ullah No. 5418 FRP Platoon No. 119 Khyber Pakhtunkhwa Police Disciplinary Rules-1975 (Amended in 2014).

Brief facts are that, as reported vide DD No. 03 dated 02.12.2018 he had absented himself on duty w.e.f 02.12.2018, without any leave or prior permission of the competent authority. To this effect he was proceeded against Departmentally through the then DSP FRP Kohat, during his absence period, he was reported by DPO Kohat vide his office letter No. 26687/GC dated 06.12.2018 to be involved/arrested in case FIR No. 110/18 dated 02.12.2018 U/S AO14/20/65, AO 13 (2) Termimi Ordinance 2015, AO2 (A) 13/20/65 Termim Ordinance 2015 and AO 13 (2) C 20/65 P.S Rangu District Attack.

In this regard, he was placed under suspension vide this office OB No. 996 dated 10.12.2018 and a separate departmental inquiry was initiated against him through same inquiry officer who, on being transferred from this Range to CCP Peshawar made a written request to further marked the enquires to another enquiry officer thereafter the same were marked to the then LO FRP Kohat who, in hjs finding submitted that the various inquiries against the alleged official are relevant inter se and consolidated them into one inquiry and submitted that the alleged official has already been released on bail vide Senior Civil Judge (CRL Division) Attock order dated 17.12.2018 and reported back for duty on 21.12.2018.

In the light of finding of E.O, he was called in OR and heard in person. As he was released on bail by the above learned court, the said inquiry was kept pending till the decision of court.

However he has been again charged/arrested in the same nature case vide FIR No. 246 dated 22.05.2020 U/S 15-17AA P.S Risslpur District Nowshera as reported vide DD No. 05 dated 23.05.2020 which shows that the said constable is habitual/professional smuggler of Arms and Ammunitions and does not to mend his trend.

Service record perused which revealed that he was appointed as constable on 26.12.2016 in FRP Kohat Range. There are 07 bad entries against him with good entry in his credit.

Hence, keeping in view his previous enquiry and fresh involvement in the smuggling of Arns and Ammunitions I, Sana Ullah, Superintendent of Police, FRP Kohat Range, in exercise of powers vested in me under Rule-5 (5) Khyber Pakhtunkhwa Police Rules 1975 (amended in 2014) awarded him major punishment of dismissal from service with immediate effect.

SUPERINTENDENT OF POLICE FRP
KOHAT REGION KOHAT
OB No. 471
Dated 08/06/2020

OFFICE OF THE SUPERINTENDENT OF POLITICAL FRP, KOHAT RANGE, KOHAT.

Copy of the above is forwarded to the.

1. The commandant FRP Khyber Pakhtunkhwa Peshawar for favour of information please
2. Pay Officer.
3. Reader.
4. OHC
5. SRC

For necessary action

SUPERINTENDENT OF POLITICAL FRP
KOHAT RANG KOHAT

ORDER

PA order-2019

My this order will dispose off departmental inquiry conducted against Constable Asad Ullah No. 5418 FRP Platoon No. 119 under Khyber Pakhtunkhwa Police Disciplinary Rules - 1975 (Amended in 2014)

Brief facts are that, as reported vide DD No. 03 dated 02.12.2018, he had absented himself from duty w.e.f. 02.12.2018 without any leave or prior permission of the competent authority. To this effect, he was proceeded against departmentally through the then DSP FRP Kohat. During his absence period, he was reported by DPO Kohat vide his office letter No. 26687/GC dated 06.12.2018 to be involved /arrested in case FIR No. 110718 dated 02.12.2018 U/Ss AO14/20/65, AO 13(2)B 20/65 Termimi Ordinance 2015, AO2(A)13/20/65 Termimi Ordinance 2015 and AO 13 (2)C 20/65 P.S Rangu District Attack.


In this regard, he was placed under suspension vide this office OB No. 996 dated 10.12.2018 and a separate departmental enquiry was initiated against him through same enquiry officer who, on being transferred from this Range to CCP Peshawar made a written request to further marked the enquiries to another enquiry officer thereafter the same enquiry were marked to the then LO FRP Kohat who, in his finding, submitted that the various enquiries against the alleged official are relevant inter se and consolidated them into one enquiry and submitted that the alleged official has already been released on bail vide Senior Civil Judge (CRL Division) Attock order dated 17.12.2018 and reported back for duty on 21.12.2018.

In the light of finding of E.O, he was called in OR and heard in person. As he was released on bail by the above learned court, the said enquiry was kept pending till the decision of court.

However he has been again charged/arrested in the same nature case vide FIR No. 246 dated 22.05.2020 U/Ss 15-17AA P.S Risalpur District Nowshera as reported vide DD No. 05 dated 23.05.2020. Which shows that the said constable is habitual/professional smuggler of Arms & Ammunitions and does not want to mend his trend.

Service Record perused which revealed that he was appointed as constable on 26.12.2016 in FRP Kohat Range. There are 07 bad entries against him with no good entry in his credit.

Hence, keeping in view his previous enquiry and fresh involvement in the smuggling of Arms & Ammunitions I, Sana Ullah, Superintendent of Police, FRP Kohat Range, in exercise of Power vested in me under Rule - 5 (5) of Khyber Pakhtunkhwa Police Rules - 1975 (amended in 2014), award him major punishment of Dismissal from service with immediate effect.


SUPERINTENDENT OF POLICE, FRP
KOHAT RANGE, KOHAT

OB No. 471

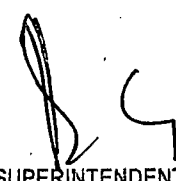
Dated: 08/06/2020

OFFICE OF THE SUPERINTENDENT OF POLICE, FRP, KOHAT RANGE, KOHAT

No. 109-110 IPA dated Kohat the 08/06/2020

Copy of the above is forwarded to the:-

- 1 The Commandant FRP Khyber Pakhtunkhwa, Peshawar for favour of information please.
 - 2 Pay Officer
 - 3 Reader
 - 1 OHC
 - 5 SRC
- } for necessary action


SUPERINTENDENT OF POLICE, FRP
KOHAT RANGE, KOHAT

خدمت ضاب گمانڈٹ (2) KPR FRP ٹیور (B)

ڈیپٹی ٹینڈرل ایبل برائے بحالی نرظلاف

آڈر مورخہ 8.6.2020

صبا بحالی

ایبلاٹ حسب ذیل عرض رساں ع

(i) یہ کہ ایبلاٹ سال 2016 میں FRP کوٹھاں Range میں بطور constable مقرر ہووا۔

(ii) یہ کہ ایبلاٹ اپنے فرائض اور ڈیوٹی پوری ایمانداری کے ساتھ انجام دے رہا تھا۔

(iii) یہ کہ سال 2018 میں ایبلاٹ کے خلاف ایک منگرت اور مبینہ FIR نمبر 110/18 مورخہ 2/12/2018 U/S A014/2018

65 P.S. پنلو/Rangpur - درج راجد ہوئی جس میں ایبلاٹ کو گرفتار کیا گیا اور بعد میں ڈیپارٹمنٹ نے ایبلاٹ

suspended کیا جو مورخہ 21/12/2018 کو ضمانت پر رہا ہوا۔

(13)

(۱۷) یہ کہ دوران انکوائری اپیلانٹ کو ایک اور سینیٹر اور

منگرت FIR غیر 246 date 22/5/2020

۱۵-۱۷ AA ۰/۵ P.S. پشاور، ضلع نوشہرہ میں

جا رہا کیا گیا۔ جس کے ساتھ اپیلانٹ کو صورتوں 8.6/2020

3 dismissed کیا گیا۔

(۷) یہ کہ اپیلانٹ کو نہ کوئی Notice show cause اور نہ ہی

اور نہ ہی اپیلانٹ کے خلاف کوئی charge sheet جاری کیا گیا

جس کے وجہ سے dismissible rule غیر قانونی اور غیر آئینی ہے

لہذا استدعا کی جاتی ہے کہ مندرجہ Department Appeal

اپیلانٹ کو نوکری پر بحال کرنے کا حکم صادر

فرمایا جائے۔

اپیلانٹ
M. Asad

اسد اسحاق

سورہ 15.07.2020

ERP کے تحت جناب کے مانیٹنگ
KPK پشاور (۱۶) ۷۷۷

درخواست بھرا دے معلومات

فریڈیم آف انفارمیشن ایکٹ

جناب عالی

(۱) یہ کہ سائل نے مورخہ 22-7-2020

کو برخلاف برخاستگی آرٹی

مورخہ 20/8/2020 کو بھیجے

لہذا استہدایہ کہ سائل کو

ڈیپارٹمنٹل اپیل کی معلومات

فریڈیم کیا جائے

2020

سائل

M. Asad ک
اسد اللہ خان



۱۵۱ (D) خدمت جناب کمانڈنٹ FRP

KPK پشاور

درخواست بہتر معلومات فراہم

کرنے ڈیپارٹمنٹل اپیل

جناب عالی

۱۱۱ یہ کہ سائل نے سال 2020 میں

درخواست برائے معلومات فراہم

کرنے ڈیپارٹمنٹل اپیل دائر کی تھی۔

(2) یہ کہ سائل کو بر فاسٹی آرڈر

مورفہ 86/2020 نے خلاف جمع شدہ

ڈیپارٹمنٹل اپیل کی معلومات فراہم

کرننا لازمی ہے۔

لینڈ اسٹیڈی ہے کہ سائل و

ڈیپارٹمنٹل اپیل کی معلومات

فراہم کی جائیں۔

مورفہ

۲ سولہ کان


15.10.2022

M. Asad K

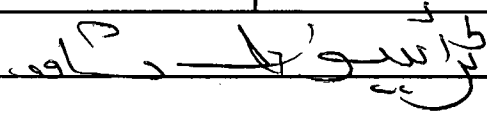
قیمت
50 روپے

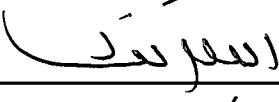
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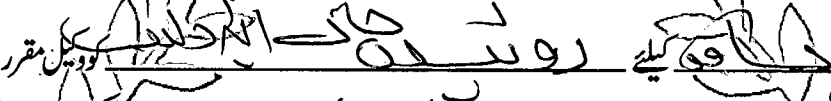
ایڈریس: 
بار کونسل / ایسوسی ایشن نمبر: 2514-2509-BC
رابطہ نمبر: 0333026590

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

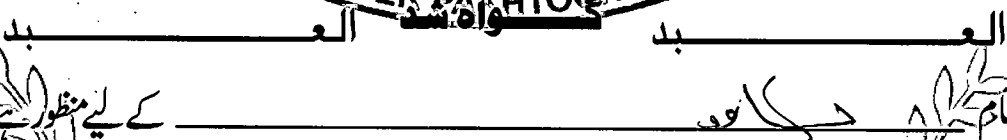
بعدالت جناب: 

منجانب: 	دعویٰ:
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دی کارروائی متعلقہ
آن مقام  کے لیے روٹنگ کے ذریعے روٹنگ مقرر
کر کے قرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز نوکیل صاحب کو
راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلاف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرفہ یا اپیل کی برآمدگی اور سبھی، نیز
دائرہ کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا اجزوی
کارروائی کے واسطے اور نوکیل یا مختار قانونی کواپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
مقرر شدہ کو وہی جملہ مذکورہ با اختیار حاصل ہوں گے اور اس کا سناختہ پر اختیار منظور و قبول ہوگا
دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے
باہر ہو تو نوکیل صاحب یا ہندہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المقوم: 
PESHAWAR BAR ASSOCIATION
KHYBER PAKHTUNKHWA

الع بد  الع بد

نوٹ: اس وکالت نامہ کی نوکوانی ناقابل قبول ہوگی۔

Accepted
13/7/2024

