

10th Nov, 2022

Junior to counsel for the appellant present.

Junior to counsel for the appellant seeks adjournment on the ground that learned senior counsel is busy before the Hon'ble Peshawar High Court, Mingora Bench (Dar Ul Qaza) Swat. Last opportunity granted to argue the case on the next date positively. To come up for preliminary hearing on 05.12.2022 before S.B at camp court Swat.




(Kalim Arshad Khan)
Chairman
Camp Court Swat

RECEIVED
10/11/2022
CAMP COURT SWAT

05.07.2022

Appellant in person present.

He made a request for adjournment as his counsel is busy before Peshawar High Court Mingora Bench (Darul Qaza) Swat. Adjourned. To come up for preliminary hearing on 04.08.2022 before S.B at Camp Court, Swat.


(Rozina Rehman)
Member (J)
Camp Court, Swat

4-8-22


due to summer vacations the case is adjourned to 4-10-22 for the same.

04.10.2022


Nemo for the appellant.

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel through registered post and to come up for preliminary hearing on 10.11.2022 before the S.B at Camp Court Swat.

**SCANNED
KPST
Peshawar**


(Salah-Ud-Din)
Member (J)
Camp Court Swat

جناب عالی
تحت الحکم و تسلیم صاحب
کو فون پر اطلاع دی ہے


9/11/22
1/11/22

08.02.2022 Tour is hereby canceled. Therefore, the case is adjourned to 05.04.2022 for the same as before at Camp Court Swat.


Reader

05.04.2022 Nemo for appellant.

Preceding date was adjourned on a Reader's note, therefore, notice be issued to appellant/counsel for 12.05.2022 for preliminary hearing before S.B at Camp Court, Swat.



(Rozina Rehman)
Member (J)
Camp Court, Swat

12.05.2022 Appellant in person present and requested for adjournment on the ground that his counsel is busy in the august Peshawar High Court, Mingora Bench (Dar-ul-Qaza), Swat. Adjourned. To come up for preliminary hearing on 05.07.2022 before the S.B at Camp Court Swat.






(Salah-Ud-Din)
Member (J)
Camp Court Swat

Form- A

FORM OF ORDER SHEET

Court of _____


Case No.- _____ 7742 /2021 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge		
1	2	3		
1-	11/11/2021	<p>The appeal of Mr. Asif resubmitted today by Mr. Qaiser Ali Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p>	05.01.2022	<p>This case is entrusted to S. Bench at Swat for preliminary hearing to be put up there on <u>05/01/22</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Appellant alongwith his counsel present. Learned counsel for the appellant sought adjournment on the ground that he has not made preparation for preliminary arguments. Adjourned. To come up for preliminary arguments on 08.02.2022 before the S.B at Camp Court Swat.</p> <p style="text-align: right;"> (Salah-Ud-Din) Member (J) Camp Court Swat</p>

The appeal of Mr. Asif S/O Rahman, Ex-Constable No.376, Resident of Shen Nawa Kalay P/O Fatehpur Tehsil Khwaza Khela District Swat received today i.e. on 26.10.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. Check list is not attached with the appeal.
- ② Reply in respect of appellant in response to show cause mentioned in para-3 of the memo of the appeal is not attached with the appeal.
3. Memorandum of appeal may be got signed by the appellant.
4. Annexures of the appeal may be attested.
5. Certificate be given to the effect that appellant has not been filed any service appeal earlier on the subject matter before this Tribunal.
6. Wakalat Nama is not attached with the appeal.

No. 2132 /S.T,
Dt. 26/10 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Qaiser Ali Adv. Swat.

Sir,

I have removed all


the objection

IN THE COURT SERVICE TRIBUNAL PESHAWAR.

CHECK LIST

1.	Case Title	Ex constable Asif	VERSUS	Regional police office etc
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.			No
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.			No
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)			Yes

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


Name: **QAISAR ALI**
Advocate, High Court
Date: 03/11/2021

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
PAKHTUNKHWA AT PESHAWAR.

Service Appeal No. 7742.....of 2021

SCANNED
KPST
Peshawar


Ex Constable Asif VERSUS Regional Police Officer etc

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Appellant

Through


QAISAR ALI
Advocate High Court
Continental plaza Makanbagh
Mingora District Swat
Cell # 03469424914

(1)

**BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR.**

Service Appeal No.of 2021

Ex Constable Asif (No.376) son of Rahman resident of
Shen Nawa Kalay post office Fatehpur Tehsil Khwaza
Khela District Swat.

.....Appellant

VERSUS

- (1) Regional Police Officer Malakand R- III at Saidu Sharif
Swat
- (2) District Police Officer Swatrespondents

Appeal Under Section IV of the KPK Service Tribunal Act
1974 against the office order dated 20/03/2020 of
respondent No.1 vide which the *higher authority*
while maintaining the order OB No 17 dated 24/01/2020
of the learned respondent No.2 dismissed appeal of the
appellant.

PRAYER IN APPEAL:

On acceptance of the instant appeal, the office order dated
20/03/2020 of respondent No.1 & order OB No 17 dated
24/01/2020 of the learned respondent No.2 may graciously
be set aside and appellant may graciously be reinstated in
his post.

Respectfully Sheweth:

1. That, initially the appellant was inducted in police
department as constable in the year of 2013. (copy of
appointment letter is annexure A)

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2. That the appellant had faithfully and punctually perform his duties.
3. That the respondent no2 issued show cause notice to the appellant but respondent No.2 without giving opportunity of hearing illegal and unlawfully dismissed the appellant from service vide OB No 17 dated 24/01/2020. (copy of the impugned order OB No.17 dated 24/01/2020 passed by respondent No.2 is annexure B)
4. That feeling aggrieved from the order of dismissal of the respondent No2. The appellant preferred an appeal before the learned respondent No.1, who also dismissed appeal of the appellant vide office order dated 20/03/2020. (copy of appeal is annexure C while officer order dated 20/03/2020 of respondent No.1 is annexure D)
- 1) That the appellant being aggrieved from the order dated 20/03/2020 having no alternate efficacious remedy but to approach this Honorable Court on the following grounds.

Grounds

- a That the impugned orders of dismissal passed by learned respondents are unlawful and contrary to the established norms of law, natural justice & Sharia.

- b That father of appellant was severe ill and there was no person in his family except appellant to look after him.

- c That the said impugned orders of dismissal from service of the appellant is quite illegal, unlawful, without lawful authority, without jurisdiction. Hence liable to be set aside.

- d That the appellant has been condemned unheard and has never been given any chance to check the documentary evidence or to cross examine the oral witnesses against the appellant.

- e That the appellant is innocent, no proper procedure has been adopted by the concerned authorities before passing the impugned dismissal orders, thus, the same are illegal and void abnatio. Hence the said orders are unjustified in the eyes of law and is liable to be set aside.

- f That the law on the subject is very much clear & dismissal of the appellant is baseless and on proof-less grounds, thus is against his legal and fundamental rights enshrined in the service laws, rules, judgments of the superior courts

and Constitution of Islamic Republic of Pakistan, 1973.

g That the respondents have not adopted the prescribed procedure as laid down by the law & procedure given in the said rules.

h That the major penalty of dismissal from service has been imposed against the appellant without providing an opportunity to the appellant to clarify the real situation.

i That the appellant has been condemned unheard and the order of dismissal has been passed without providing opportunity of hearing to the appellant, thus the appellant remained unheard & the golden principle of justice "audi alteram partem" has been violated & ignored in the very case of the appellant, so the impugned order is liable to be set aside.

j That the impugned orders have been passed without any jurisdiction and lawful authority; that as the appellant was recruited through the course of law and therefore, could not be terminated without adopting due course of law and terminating him without providing the opportunity of being heard is unlawful and comes in the bound of injustice.

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k That with the permission of this Honorable Court other grounds which are not mentioned in this appeal shall be argued at the time of arguments.

It is therefore, most humbly prayed that on acceptance of the instant appeal, the impugned orders of respondent may kindly be set aside & appellant may graciously be reinstated on his post/ service.

Through Appellant



QAISAR ALI

Advocate High Court

Continental plaza Makanbagh

Mingora District Swat

Cell # 03469424914

6

**BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR.**

Service Appeal No.of 2021

Ex Constable Asif VERSUS Regional Police Officer etc

AFFIDAVIT

I, Ex Constable Asif (No.376) son of Rahman resident of Shen Nawa Kalay post office Fatehpur Tehsil Khwaz Khela District Swat, do hereby state on oath that the contents of this appeal are true and correct to the best of my knowledge and belief and nothing has been kept from this august court/tribunal.



Deponent :

Asif (Ex Constable)

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**BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR.**

Service Appeal No.of 2021

Ex Constable Asif VERSUS Regional Police Officer etc

MEMO OF ADDRESSES

Addresses of the Appellant:

Ex Constable Asif (No.376) son of Rahman resident of Shen
Nawa Kalay post office Fatehpur Tehsil Khwaza Khela District
Swat

Addresses of the Respondents:

- (1) Regional Police Officer Malakand R- III at Saidu Sharif
Swat
- (2) District Police Officer Swat

Appellant

Through


QAISAR ALI

Advocate High Court
Continental plaza Makanbagh
Mingora District Swat
Cell # 03469424914

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**BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR.**

C.M No. _____ 2021

In

Service Appeal No.of 2021

Ex Constable Asif VERSUS Regional Police Officer etc

Application for condonation of delay


Respectfully Sheweth:

The applicant submits as under.

- 1) That the above-mentioned case is being filed before this Honorable Court which has not yet been fixed.
- 2) That father of the applicant was severe ill, due to which the applicant did not perform his duties, resulting the applicant has been terminated from his job.
- 3) That the applicant moved an application to Provincial Police Officer K.P for deciding the revision petition which is still pending.
- 4) That due to covid-19 and some domestic problems the applicant could not file appeal within time before this Honorable Court.

PRAYER

In the above stated circumstances it is therefore humbly prayed that this Honorable court may graciously be pleased to submit the mentioned case and application for condonation be granted.


Applicant through counsel

QAISAR ALI
Advocate High Court
Continental plaza Makanbagh
Mingora District Swat
Cell # 03469424914

Annex 'A' (9)

(202)

ENLISTMENTS ORDER

District Swat

LEIF ALI

S/O SHAH RAHMAN

AFGHAN

Village NAWY KALAY PATHAN

Station 16 KHAN SHAHEED District

SWAT

enlisted as constable in Swat Regular Police on three years probation period

from 24-5-2013 and started

Serial No. 376

Birth 01-5-1994

SWAT

5-8

33x35

10th


District Police Officer, S
**Chief

2013

Copy of above District Accounts Officer Swat

OFFICE OF THE DISTRICT POLICE OFFICER, SWAT

No. 549 /PA, Dated Gulkada the 14-10-2019

SHOW CAUSE NOTICE.

(Under Rule 5(3) K.P.K Police Rules, 1975)

You Constable Asif No. 376 while posted to Police Station Matta have rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 for following misconduct/s;

Whereas, you Constable while posted to Police Station Matta have absented yourself from duty w.e.f 04-09-2019 to date vide Police Station Matta DD report No. 50, dated 04-09-2019 which warrants departmental action. You are therefore issued this show cause notice.

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 proceeding 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 in efficient 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 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 with 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.
9. Grounds of action are also enclosed with this notice.

District Police Officer
Swat

Received by _____

Dated _____/2019.

Amir B²

376

11

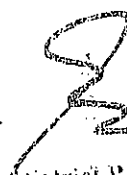
ORDER

This order pertains to show cause notices issued to Constable Asif No. 376 Swat Police. He while posted to Police Station Matta remained absent from duty for 25 days w.e.f 04-09-2019 without any leave/permission of his officers.

He was issued a show cause notice vide this office No. 549/PA. dated 10-09-2019 to explain his position. He was several times called to Orderly Room so that he could be heard with regard to his willful absence but he neither submitted reply to the show cause notice nor did he appear before the undersigned to explain the reason for his willful absence. In the meanwhile it was reported by SHO Police Station Matta vide DD No. 11 dated 22-01-2020 of Police Station Matta that the Constable had again absented himself from a duty w.e.f 05-10-2019 and not yet reported for duty.

The delinquent Constable has willfully absented himself from duty for 25 days w.e.f 04-09-2019 and then w.e.f 05-10-2019 to date without any leave/permission of his officers, which is a blatant violation of discipline and Code of Conduct for a Police Officer. Perusal of the record reveals that the Constable is a habitual absentee and do not take interest in his job. His continuous willful absence makes it evident that he is unwilling to resume his duties and become an efficient Police Officer. It is quite clear that the Constable is addicted to chronic absenteeism. In addition to his 25 days absence and the current absence w.e.f 05-10-2019, he has also earlier absented himself from duty for 49 days w.e.f 07-05-2019, 24 days w.e.f 28-06-2019 and 27 days w.e.f 06-08-2019. It has been made sure that the delinquent Constable is left with no chance to become an efficient Police Officer. His conduct is detrimental to discipline and his further retention in Police is bound to negatively influence attitude of other personnel of the Force. Hence, in exercise of the powers vested in the undersigned under Rules 2 (iii) of Police Disciplinary Rules - 1975, I Syed Ashfaq Anwar, FSP, District Police Officer, Swat being competent authority, am constrained to award him major punishment of dismissal from service while the absence period quoted above will be treated as leave without pay.

Order announced.


District Police Officer
Swat

O.B. No. 17

Dated: 24/01/2020

Copy to:-
Establishment Clerk

OSI

For necessary action, please.

ORDER

This order pertains to show cause notices issued to Constable Asif No. 376 Swat Police. He while posted to Police Station Matta remained absent from duty for 25 days w.e.f 04.09.2019 without any leave/permission of his officers.

He was issued a show cause notice vide this office No. 549/PA dated 14-10-2019 to explain his position. He was several times called to Orderly Room so that he could be heard with regard to his willful absence but he neither submitted reply to the show cause notice nor did he appear before the undersigned to explain the reason for his willful absence. In the meanwhile it was reported by SHO Police Station Matta vide DD No. 11 dated 22-01-2020 of Police Station Matta that the Constable had again absented himself from a duty w.e.f 05-10-2019 and not yet reported for duty.

The delinquent Constable has willfully absented himself from duty for 25 days w.e.f 04-09-2019 and then w.e.f 05-10-2019 to date without any leave/permission of his officers which is a blatant violation of discipline and code of conduct for a Police Officer, Perusal of the the record reveals that the Constable is a habitual absentee and do not take interest in his job. His continuous willful absence makes it evident that he is unwilling to resume his duties and become an efficient Police officer. It is quite clear that the Constable is addicted to chronic absenteeism. In addition to his 25 days absence and the current absence w.e.f 05-10-2019, he has also earlier absented himself from duty for 49 days w.e.f 07-05-2019, 24 days w.e.f 28-06-2019 and 27 days w.e.f 06-08-2019. It has been made sure that the delinquent Constable is left with the chance to become an efficient Police Officer. His conduct is detrimental to discipline and his further retention in Police is bound to negatively influence attitude of other personnel of the Force. Hence, in exercise of the powers vested in the undersigned under Rules 2 (iii) of Police Disciplinary Rules – 1975, I Syed Ashfaq Anwar, PSP, District Police Officer, Swat being competent authority, am constrained to award him major punishment of dismissal from service while the absence period quoted above will be treated as leave without pay.

ORDER ANNOUNCED.

SD
DISTRICT POLICE OFFICER
SWAT

Ann + C

(12)

محرمت جناب ڈی پی انسٹیٹیوٹ جنرل آف پولیس مالکنڈ ڈویژن ضلع سوات

جناب عالی؟

موربانہ ٹرانزیشن سے سائل کا والد محترم رماغی سرکس سے اور اس کا قرض و بدل بڑھتا جا رہا ہے۔ جس کی وجہ سے سائل مختلف اوقات میں اپنی ڈیوٹی سے غیر حاضر رہا۔ کیونکہ سائل کے علاوہ کوئی اور شخص والد صاحب کی دیکھ بھال کے لیے موجود نہیں ہے۔ اس لیے عام ذمہ داری سائل کے سر پر آئی ہے۔

اس لیے سائل چونکہ ایسا غریب گھرنے سے تعلق رکھتا ہے اور سائل کی زندگی سائل کے زیر کفالت ہے۔ سائل یہ آرزو ہے کہ وہ سر پر اپنے والد صاحب کا علاج کروا سکاں اور اس کے سائل کا اپنے والد صاحب کے ساتھ رہنا بھی بہت لازمی تھا۔ اس لیے سائل کو کوئی غیر حاضر ہوا آرزو ہے کہ 17 مارچ 2020ء کو کوئی سے درخواست کیا گیا ہے۔

لہذا توجہ درخواست بڑا استدعا ہے کہ سائل کے غریب اور چھوٹی کو مد نظر رکھتے ہوئے سائل کو کوئی سر بحال کرنے کا حکم دیا اور فرمائے اور اس کے محتاط رہنے کا عہد کیا جائے تو عین وزارت ہوگی

العارض

تالپدار آصف علی نمبر 376 سابقہ کسٹبل

3.2.2020

العارض

Annex 'D'

13



**OFFICE OF THE
REGIONAL POLICE OFFICER, MALAKAND**

SAIDU SHARIF SWAT.

Ph: 0946-9240381-88 & Fax No. 0946-9240399

Email: dlymalakand@yahoo.com

ORDER:

This order will dispose of appeal Ex-Constable Asif No. 376 of Swat District for reinstatement in service.

Brief facts of the case are that Ex-Constable/appellant Asif No. 376, while posted to Police Station Matta absented him-self from lawful duty w.e.f 04/09/2019 without prior permission or approved leave. He was issued Show Cause Notice No. 549/PA, dated 14/10/2019 to explain his position regarding his absence. The delinquent Ex-Constable was called several times in orderly room, but he has neither submitted reply to the Show Cause Notice nor appeared before the then DPO Swat in orderly room to explain the reasons for his wilful absence. In the meanwhile it was reported by SHO PS Matta vide DD No. 11 dated 22/01/2020 that delinquent Ex-Constable again absented himself w.e.f 05/10/2019 and not reported to his duty. The delinquent Ex-Constable/appellant had first remained absent for 25 days and then wilfully absented himself from duty w.e.f 05/10/2019 to 24/01/2020, which was blatant violation of discipline and code of conduct for Police Officer. The record perused by the then DPO Swat and intimated that the delinquent Constable is habitual absentee and do not take interest in his job. His continuous wilful absence has made it evident that he has unwilling to resume his duties and also to become an efficient Police Officer. It was quite clear that the delinquent Constable is addicted to chronic absenteeism. In addition to his present absence, the appellant has also earlier absented himself from duty for 49 days w.e.f 07/05/2019, 24 days w.e.f 28/06/2019 and 27 days w.e.f 06/08/2019. It had made sure that the delinquent Constable has left no chance to become an efficient Police Officer. His conduct was detrimental to discipline and his further retention in Police is bound to negatively influence attitude of other personnel of the Force. Being found guilty of the charges leveled against him, he was awarded major punishment of dismissal from service by the then DPO Swat O vide his office GB No. 17 dated 24/01/2020.

He was called in Orderly Room on 12/03/2020 and heard him in person. Record of the appellant shows that he is a habitual absentee and is not interested in Police job. Therefore, his appeal for reinstatement in service is hereby filed.

Order announced.

Regional Police Officer,
Malakand Region, Saidu Sharif Swat
"Naqi"

No. 3210 /E,

Dated 20/03 /2020.

Copy of above for information and necessary action to District Police Officer, Swat with reference to his office Memo: No. 4709/E, dated 26/02/2020. Service Roll and Fauji Missal of the above named Constable is returned herewith for record in your office.

[4]

BEFORE PROVINCIAL POLICE OFFICER KHYBER
PAKHTUNKHWA AT CPO PESHAWAR

14

*Ex Constable Asif (No. 376) S/o Shah Rahman R/o Shen Nawa Kalay P/o
P/o Fatehpur Tehsil Khwaza Khela District Swat.....Petitioner*

VERSUS

- 1) Regional Police Officer Malakand R-III at Saidu Sharif Swat
- 2) District Police Officer Swat.....Respondent

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Appellant

Petitioner

Ex Constable

*Asif (No. 376) S/o Shah Rahman R/o Shen
Nawa Kalay P/o Fatehpur Tehsil Khwaza
Khela District Swat*

Cell No. 0346-9881315

Dated 07-05-2020

(1)

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BEFORE PROVINCIAL POLICE OFFICER KHYBER
PAKHTUNKHWA AT CPO PESHAWAR

*Ex Constable Asif (No. 376) S/o Shah Rahman R/o Shen Nawa Kalay P/o
P/o Fatehpur Tehsil Khwaza Khela District Swat.....Petitioner*

VERSUS

- 1) Regional Police Officer Malakand R-III at Saidu Sharif Swat
- 2) District Police Officer Swat.....Respondent

.....
Revision Petition against impugned order
of respondent No.2 dated 24-01-2020 vide OB
No. 17 whereby the petitioner was dismissed
by the respondent No.2 from service. Then the
petitioner preferred departmental appeal to
respondent no.1 but the same is also bee filed
by respondent No.1 vide order No.3210/E
Dated 30-03-2020.
.....

Respectfully Sheweth:

1. That initially the appellant was inducted in police department as constable in the year of 2013.
2. That the appellant performed his duty with Zeal enthusiasm till dismissal.
3. That the respondent No.2 issued show cause notice to the petitioner to which the Petitioner submitted his written reply but without giving opportunity of hearing illegal and unlawfully dismissed the Petitioner from service vide order No.17. (Copy of impugned order of respondent No.2 is attached as annexure A).

4. That aggrieved from the order of respondent No.2 the Petitioner filed departmental appeal before respondent No.1 but respondent No.1 also without giving proper opportunity of hearing in person and filed the departmental appeal of Petitioner. (Copy of departmental appeal and order of respondent No.1 are attached as annexure B & C)

Hence the instant revision petition on the following grounds.

GROUND:

- 1) That the order passed by the respondent is illegal and defective.
- 2) That the impugned order is neither maintainable nor sustainable in the eyes of law and service rule.
- 3) That the appellant was not intentionally absented himself from service but the father of the petitioner was seriously ill and due to his illness the petitioner approached to the SHO concerned for leave but in vain that's why the petitioner remained absent from duty it is pertinent to mentioned here that absence from service was not intentionally and willfully but due to the illness of Petitioner's father
- 4) That the petitioner belongs to a very poor family so, the poorness and illness of petitioner's father may kindly be considered and the petitioner may be re-instated into service.
- 5) That if the Petitioner is re-instated so, the Petitioner will perform his official duty with sincerity, according to the rules and regulation and will prove himself an efficient Police Officer.
- 6) That most of the documents were in the possession of respondents and not ready to handing over to the petitioner so, they may kindly be directed to produce the documents (i-e Copy of show cause Notice copy of written reply of petitioner).

(2)

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7) That the revision is filing after the delay of some days but the delay is not intentionally but due to the pandemic (Covid-19) offices were closed hence, the instant revision may kindly be considered as within time.

PRAYER:-

Under the circumstances it is therefore humbly prayed that the order of respondents may kindly set aside and the Petitioner may very kindly be reinstated into service with all back benefits from the date of dismissal.

Petitioner

Ex Constable

Asif (No. 376) S/o Shah Rahman R/o Shen
Nawa Kalay P/o Fatehpur Tehsil Khwaza
Khela District Swat

Cell No. 0346-9831315

Dated 07-05-2020

C.T.C
J

بھضور جناب پروین نیشنل پولیس آفیسر خیبر پختون خواہ بمقام پشاور

درخواست بدیں مراد کہ سائل نے نگرانی مورخہ 07/05/2020 کو آپ حضور کے روبرو گزاری ہے جس کو
تاحال تصفیہ نہیں کیا گیا ہے۔ سائل کو حسب ضابطہ میرٹ کی بنیاد پر تصفیہ کرنے کا حکم صادر فرمایا جائے۔

جناب عالی! درخواست ذیل عرض ہے۔

(1) یہ کہ سائل نے اپنی نوکری کی بحالی کی نسبت آپ حضور کو نگرانی مورخہ 07/05/2020 کو دائر کی ہے (نقل لف ہے)

(2) یہ کہ سائل کی نگرانی کو تاحال تصفیہ نہیں کیا گیا ہے جس کو تصفیہ کرنا از روئے قانون و انصاف ضروری ہے۔

استدعا ہے کہ بمنظوری درخواست ہذا سائل کی نگرانی کو تصفیہ

کرنے کا حکم صادر فرمایا جائے۔ المرقوم 28/09/2021

عریض

آصف علی نمبر 376 سابقہ کانشیل / سائل

CTC
J

بعد الت صحت سرور سرور سرور سرور سرور سرور



موردہ
مقدمہ
دعویٰ
جرم
۲۰۲۱ء منجانب سید علی
اصنافی نام
Regional Officer

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب وہی وکل کاروائی متعلقہ آن مقام ضلعی انٹر کسٹس سرور مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زرا اور اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ مذکور کے نسل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقررہ شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ اتوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا اوکالت نامہ لکھ دیا کہ سند ہے

۲۰۲۱ء ماہ ۱۱

السید محمد علی اصنافی
واہ شہادہ اللہ علیہ

بمقام سرور کے لئے منظور ہے

Qasir al
Qasir

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

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No.

APPEAL No. 7742 of 20

Asif

Appellant/Petitioner

Versus

RPO Swat

RESPONDENT(S)

Counsel
Notice to Appellant/Petitioner Qaisar Ali (Advocate)
High Court

Continental Plaza Makan ~~Bagh~~
Mingora Swat

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 12-5-22 at 8:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at camp court

Swat



Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

Recd
No.

APPEAL No. 7742 of 20 .

Asif

Appellant/Petitioner

Versus

RPO Swat

RESPONDENT(S)

Notice to Appellant/Petitioner *Counsel Qaisar Ali (Advocate)*
High Court

Continental Plaza Makaan Bagh
Mingora Swat

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 12-5-22 at 8:00 AM

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at camp court

Swat

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

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TB Swat

No.

APPEAL No. *7742* of 20 *21*

Asif

Appellant/Petitioner

Versus

RPO Malakand R-111 Saidu Sharif
Swat

RESPONDENT(S)


Notice to Appellant/Petitioner *Asif Ex Constable No 376*
S/O Rahman R/O Shen Nawa Kalay
P/O Fateh Pur teh: Khwaza Khela Swat

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *12-5-2022* at *8:00 AM*

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at camp court

Swat



Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR. *FB Swat*

209d

No. *7742* *21*

APPEAL No..... of 20

Asif

Appellant/Petitioner

Versus

RPO Malakand R-III Saidu Sharif Swat

RESPONDENT(S)

Asif Ex Constable No 376

Notice to Appellant/Petitioner

S/O Rahman R/O Shen Nana Kalay

P/O Fateh Pur Teh: Khwaza Ichela Swat

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *12-5-2012* at *Died M.A.*

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.

OT Camp Court

Swat

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.