

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
AT CAMP COURT, SWAT.

Service Appeal No. 12098/2020

Date of Institution ... 12.10.2020
Date of Decision ... 04.04.2022

Ali Imran Ex-Constable Department of police District Swat, son
of Wazir Zada resident of Islamabad, Rahim Abad, Tehsil &
District Swat.

... (Appellant)

VERSUS

District Police Officer Swat and one another.

... (Respondents)

Imdad Ullah,
Advocate

... For appellant.

Noor Zaman Khan Khattak,
District Attorney

... For respondents.

Salah-Ud-Din
Rozina Rehman

... Member (J)
... Member (J)

JUDGMENT

ROZINA REHMAN, MEMBER (J): The appellant has invoked the
jurisdiction of this Tribunal through above titled appeal with the prayer
as copied below:

**“On acceptance of this appeal the orders passed by
the respondents be declared as illegal,
discriminatory, against law, void ab-initio and may
graciously be set aside and the appellant may be
reinstated in service with all back benefits.”**



2. The relevant facts leading to filing of instant appeal are that appellant was appointed as Constable in District Police, Swat. During service, he was charged in a criminal case and during the pendency of trial, he was dismissed from service on 09.04.2019. He was acquitted by Judge, Special Court, Swat on 20.11.2019, where-after, he approached the respondent Department for his adjustment but to no avail and lastly his departmental appeal was dismissed, hence, the present service appeal.

3. We have heard Imdad Ullah Advocate for appellant and Noor Zaman Khan Khattak, learned District Attorney for the respondents and have gone through the record and the proceedings of the case in minute particulars.

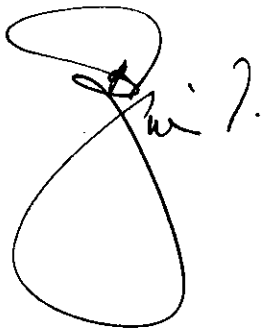
4. Imdad Ullah Advocate, learned counsel appearing on behalf of appellant, inter-alia, submitted that the impugned orders are illegal, against law and facts as the appellant was not treated according to law and rules. He contended that the appellant was discriminated as no charge sheet with statement of allegations and show cause notices were communicated to the appellant and no proper inquiry was conducted in the matter. He submitted that the appellant was not provided proper opportunity of personal hearing and he was condemned unheard. He, therefore, requested for acceptance of the instant appeal.

5. Conversely learned District Attorney submitted that the appellant performed his duty in different police posts and police stations however his performance was not satisfactory and he remained



involved in narcotics cases and was caught red handed while selling Charas. He argued that he was charged in case FIR No.70 at Police Station Rahimabad which brought a bad name for Police Department and that his act was against the disciplined force and badly influenced the attitude of other police personnel, therefore, he was dismissed from service being charged in a case registered U/S 9(b) of CNSA and lastly he submitted that he was acquitted by the court, however, was dismissed from service on departmental proceedings conducted against him as per rules.

6. After hearing the learned counsel for the parties and going through the record of the case with their assistance and after perusing the precedent cases cited before us, we are of the opinion that Ali Imran was dismissed from service vide impugned order dated 09.04.2019 on account of being involved in a narcotics case registered against appellant vide FIR No.70 dated 23.01.2019 registered at Police Station Rahim Abad U/S 9(b) of CNSA. It was on 20.11.2019 when the present appellant was discharged in the above mentioned case on the strength of statement recorded by principal accused namely Muhammad Sardar. Just after discharge by a competent court of Law on 20.11.2019, he filed departmental appeal on 08.01.2020 but his departmental appeal met the same fate at the hands of respondent vide order of Regional Police Officer dated 10.01.2020. The assertion of the learned AAG regarding the departmental appeal being barred by time does not find support from any document. As per record, impugned order of dismissal from service was passed by the DPO Swat on 09.04.2019. He filed departmental appeal on



08.01.2020 after disposal of criminal case on 20.11.2019. His departmental appeal was dismissed on merits and not on the ground of limitation and this order was passed by RPO Malakand on 10.01.2020 while the present service appeal was filed on 12.10.2020. In wake of COVID-19, the Government of Khyber Pakhtunkhwa declared Public Health Emergency for the first time in March, 2020 for three months which was extended from time to time for further term. The case of the appellant falls within the period of emergency. In view of Section-30 of the Khyber Pakhtunkhwa Epidemic Control and Emergency Relief Act, 2020, the limitation period provided under any law shall remain frozen. This appeal having been filed after promulgation of the said Act, is not affected by bar of limitation. It has been held by the superior fora that all acquittals are certainly honorable. There can be no acquittal which may be said to be dishonorable. In case of the present appellant, he alongwith one another namely Muhammad Sardar were charged vide FIR No.70 dated 23.01.2019 registered at Police Station Rahimabad U/S 9(b) of CNSA. They were tried in a competent court of law and vide order of Judge, Special Court Swat dated 20.11.2019 co-accused Muhammad Sardar was convicted and sentenced to undergo simple imprisonment for eight days while the present appellant Ali Imran was discharged on the strength of statement recorded by principal accused. Involvement of the appellant in the case of narcotics was the only ground on which he had been dismissed from service and the said ground had subsequently disappeared through his discharge, making him re-emerge as a fit and proper person entitled to continue his

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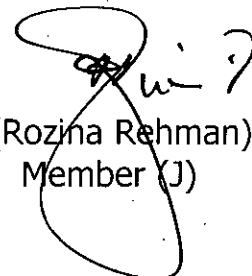
service. In this respect we have sought guidance from 1988 PLC (CS) 179, 2003 SCMR 215 and PLD 2010 Supreme Court, 695 and judgments rendered by this Tribunal in Service Appeal No.1380/2014 titled Ilam Nawaz Vs. Police Department; Service Appeal No.616/2017 titled Mumtaz Ali Vs. Police Department; Service Appeal No.863/2018 titled Fateh-ur-Rehman Vs. Police Department; Service Appeal No.1065/2019 titled Naveed Gul Vs. Police Department and Service Appeal No.767/2019 titled Waqas Ahmad Vs. Police Department.

7. It merits a mention here that neither charge sheet with statement of allegations nor show cause notice was ever served upon appellant. No inquiry was conducted and the appellant was dismissed from service just on the strength of his involvement in the narcotics case. Admittedly, he was condemned unheard as no opportunity of personal hearing was ever afforded to the appellant.

8. For what has been discussed above, this appeal is accepted and the impugned order dated 09.04.2019 is set aside alongwith other orders on the appeal of the appellant and the appellant is reinstated in service with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.
04.04.2022


(Salah-Ud-Din)
Member (J)


(Rozina Rehman)
Member (J)

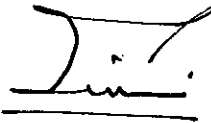
ORDER
04.04.2022

Appellant present through counsel.

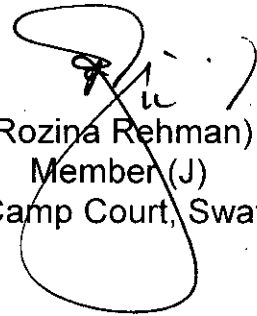
Noor Zaman Khan Khattak, learned District Attorney alongwith Ali Rehman Inspector (Legal) for respondents present.

Vide our judgment of today of this Tribunal placed on file, instant service appeal is accepted and the impugned order dated 09.04.2019 is set aside alongwith other orders on the appeal of the appellant and the appellant is reinstated in service with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.
04.04.2022



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

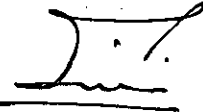


(Rozina Rehman)
Member (J)
Camp Court, Swat

04.01.2022

Appellant in person present. Mr. Hikmat Khan, Head Constable alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Para-wise reply on behalf of respondents No. 1 & 2 submitted, which is placed on file and copy of the same is handed over to the appellant. Adjourned. To come up for rejoinder, if any, as well as arguments before the D.B on 07.02.2022 at Camp Court Swat.



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

07.02.2022

Tour is hereby canceled. Therefore, the case is adjourned to 04.04.2022 for the same as before at Camp Court Swat.



Reader

12098-20

27.08.2021

Mr. Imdadullah, Advocate for appellant present and Wakalatnama submitted which is placed on file. Preliminary arguments heard.

Points raised need consideration. Subject to all just and legal objections, including that of limitation to be determined during the course of full hearing, this appeal is admitted. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office at Peshawar within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 02.11.2021 before the D.B at camp court, Swat.

Appellant Deposited
Security & Process Fee

7/9/21


Chairman
Camp court, Swat.

02.11.2021

Appellant alongwith his counsel Mr. Imdadullah Khan, Advocate, present. Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for the respondents present and sought time for submission of reply/comments. Adjourned. To come up for submission of reply/comments as well as arguments before the D.B on 04.01.2022 at Camp Court Swat.



(Atiq-Ur-Rehman Wazir)
Member (E)
Camp Court Swat



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

04.02.2021

Junior to counsel for appellant present.

He made a request for adjournment as senior counsel for appellant is not available. Adjourned. To come up for preliminary hearing on 08.04.2021 before S.B at Camp Court, Swat.



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

08.04.2021

Due to COVID-19, the case is adjourned to 10.06.2021 for the same.



Reader

26.07.2021

To come up for preliminary hearing on 27.08.2021 before S.B at Camp Court, Swat. Notices be issued to appellant/counsel for the date fixed.



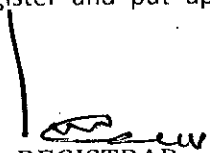
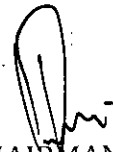

Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. - 1298 /2020


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/10/2020	<p>The appeal of Mr. Ali Imran resubmitted today by Mr. Qaisar 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>
2-	P	<p>This case is entrusted to touring S. Bench at Swat for preliminary hearing to be put up there on <u>10/12/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>10.12.2020 Due to Covid-19, case is adjourned to 04.02.2021 for the same as before</p> <p style="text-align: right;"> Reader</p>

This is an appeal submitted today i.e. 12.10.2020 by Mr. Ali Imran Ex-Constable Swat is incomplete on the following scores, which is returned to his counsel for completion and resubmission within 15 days:-

- 1- Annexures A and B of appeal are illegible which may be replaced by legible one.
- 2- Copies of Charge Sheet alongwith statement of allegations are not attached with the appeal, which may be annexed.
- 3- Departmental appeal submitted by the appellant is undated, which may be done.

No. 2914 /ST,

Dt. 12/10/2020


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

MR. QAISAR ALI ADVOCATE, SWAT.

Sir, All objections have been removed.



Qaisar Ali (Adv.)
14/10/2020

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

Appeal No _____ of 2020

Ali Imran

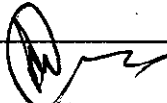
.....Appellant

VERSUS

District Police Officer Swat & 1 otherRespondents *

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5.	Copy of the appointment order	A	11
6.	Copy of FIR	B	12
7.	Copy of removal order dated 09-04-2019	C	13
9.	Copies of relevant record	D	14
10	Copies of appeal / application & order dated 01-01-2020	E	15-17
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Appellant
Ali Imran
Through Counsel


QAISAR ALI
Advocate, High Court

C/O: District Courts Swat
. Cell No: 0346-9424914

①

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

12-98
Appeal No _____ of 2020

Khyber Pakhtukhwa
Service Tribunal

Diary No. 11393

Dated 12/10/2020

Ali Imran Ex Constable Department of Police District Swat,
son of Wazir Zada resident of Isalmabad, Rahim Abad,
Tehsil & District Swat.

.....Appellant

VERSUS

- 1) District Police Officer Swat.
 - 2) Regional Police Officer Malakand Division at Saidu
sharif, Swat
-Respondents

SERVICE APPEAL UNDER SECTION 4, OF
THE KPK SERVICE TRIBUNAL ACT, 1974,
AGAINST THE ORDER DATED 10-01-2020
PASSED BY THE RESPONDENT NO. 2
WHEREBY HE DISMISSED THE APPEAL
OF THE APPELLANT AND MAINTAINED
THE ORDER DATED 09-04-2019, WHEREBY
THE APPELLANT WAS REMOVED FROM
SERVICE.

Filed to-day
Registrar
12/10/2020

Re-submitted to-day
and filed.

Registrar
15/10/2020

PRAYER IN APPEAL

On acceptance of this appeal the orders passed by the Respondents be declared as illegal, discriminatory, against law, void ab-initio and may graciously be set aside the same and the appellant may be reinstated on service with all back benefits.

Any other relief which are proper in the instant circumstances of the may also be granted though not specifically asked for.

Respectfully Sheweth,

- 1) That the appellant was appointed in District Police Swat as constable. (Copy of appointment letter is attached as annexure "A")

- 2) That the appellant performed his duties honestly vigilantly throughout his service in different Police post, police stations, different wings of police department with unblemished service record.

3

- 3) That the appellant was charged mala-fidely in the criminal case vide F.I.R No. 70 dated 23-01-2019 under sections 9B- CNSA Police Station Rahim Abad, District Swat. (copy of FIR is attached as annexure "B")
- 4) That during the pendency of the trial, the appellant was removed from service by the respondent No. 1 vide removal order dated 09-04-2019 (Copy of removal order dated 09-04-2019 is attached annexure "C")
- 5) That the appellant was acquitted by the Additional Sessions Judge-III / Judge Special Court Swat vide order / judgment dated 20-11-2019. (Copies of relevant record are attached as annexure "D")
- 6) That after discharging the appellant approached to the concerned department for his adjustment / reinstatement but the department on one pretext or other cannot respond positively, and dismissed the appeal of the appellant on 10-01-2020. (Copies of appeal / application & order dated 01-01-2020 is attached as annexure "E")

7) That extremely aggrieved from the orders, the appellant have no other remedy except to file instant appeal before this Honorable Tribunal on the following grounds.

GROUND:-

- a. That the orders of the respondents No. 1 & 2 are illegal, against the rules & regulation and exercised their power not vested to them.

- b. That in case of imposing major penalty principle of natural justice requires that a regular inquiry was to be conducted in the matter and opportunity of defense of personal hearing was to be provided to the civil servant proceeded against him otherwise the procedure against him without following the rules would be amount to condemned unheard. So, on this ground to the impugned order regarding dismissal / removal is liable to be struck down on this score alone.

- c. That issuance of show cause notice and holding of inquiry was necessary under section 3 removal from

service ordinance 2000 amended 2001 but Respondent No. 1 fails to issue show cause notice nor any inquiry was conducted and major penalty of dismissal / removal was imposed upon him without adopting mandatory procedure resulting in manifest injustice so, the impugned orders are liable to be set at naught.

- d. That the penalty of dismissal / removal from service imposed upon appellant for absence from service is illegal being violative of section 7 (a).
- e. That the appellant was illegally treated & dismissal / removal from service is too harsh so, the impugned orders are not maintainable in the eye of law.
- f. That in service law concept of penalty was to make an attempt to reform the individual wrong doer (if any) but such penalty deprived the appellant from the right of earning, which defeat the reformatory concept of punishment in administration of justice so, the orders passed by the Respondents are not sustainable on this ground too.

- g. That further grounds, with leave of this Honorable Court, would be raised at the time of arguments before this Honorable Court.

Therefore in view of the above submissions, it is most humbly prayed that on acceptance of this appeal the orders passed by Respondents be declared as illegal, discriminatory, against law, void ab-initio and may graciously be set aside the same and the appellant may be reinstated on service with all back benefits. Any other relief which are proper in the instant circumstances of the may also be granted though not specifically asked for.

Appellant

Ali Imran
Through Counsel




QAISAR ALI
Advocate, High Court

CERTIFICATE:

(As per directions of my client) No such like Appeal earlier has been filed by the appellants on the subject matter before this Honorable Court.



ADVOCATE

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

Appeal No _____ of 2020

Ali ImranAppellant

VERSUS

District Police Officer Swat & 1 otherRespondents

ADDRESSES OF THE PARTIES

APPELLANT

Ali Imran Ex Constable Department of Police District Swat,
son of Wazir Zada resident of Isalmabad, Rahim Abad,
Tehsil & District Swat.

NIC No:

Cell No: 0346-898482-8

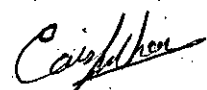
RESPONDENTS

1. District Police Officer Swat.
2. Regional Police Officer Malakand Division at Saidu sharif,
Swat

Appellant

Ali Imran
Through Counsel




QAISAR ALI
 Advocate, High Court

8

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

Appeal No _____ of 2020

Ali ImranAppellant

VERSUS

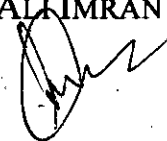
District Police Officer Swat & 1 otherRespondents

AFFIDAVIT

I, Ali Imran (appellant), do hereby solemnly affirm and declare on oath that the contents of the above titled Appeal is true and correct to the best of my knowledge and belief.

DEPONENT

ALI IMRAN



(9)

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

Appeal No _____ of 2020

Ali Imran

.....Appellant

VERSUS

District Police Officer Swat & 1 otherRespondents

Application for Condonation of delay if arises

Respectfully Sheweth!

1. That the captioned appeal has filed today.
2. That the appellant / applicant filed appeal / application before the respondent No. 2, which was disposed of but the order dated 10-01-2020 has not been provided as per law.
3. That due to covid-19 the applicant was unable to received the attested copies of the order impugned.
4. That as the order is void ab-initio, therefore no limitation runs against the order impugned.
5. That the delay (if any) occurred in filing the captioned appeal was due to the above mentioned reasons which were beyond the appellant control.

It is, therefore, humbly prayed that by the acceptance of instance Application the delay (if any) in filing the captioned appeal may kindly be condoned.

Appellant

Ali Imran

Through Counsel

QAISAR ALI

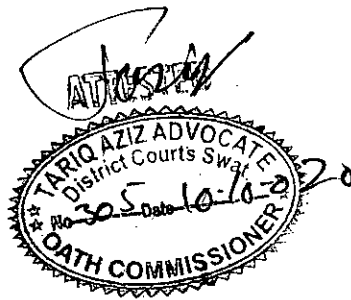
Advocate, High Court

AFFIDAVIT

I, Ali Imran (appellant), do hereby solemnly affirm and declare on oath that the contents of the above titled Appeal is true and correct to the best of my knowledge and belief.

DEPONENT

Ali Imran



Annex Aⁿ (11)

Police Department

(84)

ENLISTMENT ORDER

District Swat

Mr. Ali Jambaz

S/O Wazir Zoda

Caste Afghan

Village Islamkot

Police Station Siada Sharif

District Swat

is hereby enlisted as Constable in Swat Regular Police on three years probation Period

with effect from MRR and allotted

Constabulary No. 116 MRR

Date of Birth 02.01.1989

Domicile Swat

Height 5-6 1/2 - e

Chest 33 1/2 x 35 1/2

Education F.S.C.

District Police Officer, Swat
AMJAD

O.B No 51

Dated: 15.3.10

Copy of above to the District Accounts Officer Swat

C.T.C
J



Anna B

12

فارم نمبر ۲۳-۱۵

انسپیکٹر جنرل پولیس صوبہ سرحد فارم نمبر ۳۲

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۳ مجموعہ ضابطہ فوجداری

رحیم زماکو

عین 70

تھانہ 13

منزلت ضلع... تاریخ ۱۴ ۰۳ ۲۰۱۵

Table with 6 columns: 1. تاریخ وقت رپورٹ... 2. نام و سکونت اطلاع دہندہ... 3. مخفی کیفیت جرم... 4. بائے وقوعہ فاصلہ... 5. نام و سکونت ملزم... 6. کارروائی جو تفتیش کے متعلق...

ابتدائی اطلاع نیچے درج کرو۔... سہولت ایک محکمہ میں سے... تھانہ سے روائی کی تاریخ و وقت

قلم نمبر 24-5-1

قائل

ابتدائی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 154 مجموعہ ضابطہ فوجداری

ضلع سوات

تھانہ رحیم آباد

تاریخ و وقت وقوعہ 23/01/2019 بوقت 20:00 بجے

علت نمبر 70

1	تاریخ و وقت رپورٹ 23/01/2019 بوقت 20:30 بجے	چاکیدگی پرچہ 23/1/2019 بوقت 21:00 بجے
2	سکونت اطلاع دہندہ مستفیض	محمد ایاز خان SHO تھانہ رحیم آباد
3	مختصر کیفیت جرم (معدہ دفعہ) حال اگر کچھ لیا گیا ہو	9BCNSA
4	جائے وقوعہ فاصلہ تھانہ سے اور سمت	روڈ شاہی نزد
5	نام و سکونت ملزم	علی عمران ولد وزیر زاہد سکنہ محلہ اسلام آباد رحیم آباد
6	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہو اور توجہ بیان کرو	بہ رسیدگی مراسلہ پرچہ قائم ہوا۔
7	تھانہ سے روانگی کی تاریخ و وقت	بہ سبیل ڈاگ

ابتدائی اطلاع نیچے درج کرو۔ اس وقت ایک تحریری مراسلہ منجانب محمد ایاز خان SHO بدست کانسٹیبل نعمت اللہ 537 موصول ہو کر ذیل ہے۔

بخدمت آفیسر انچارج تھانہ رحیم آباد دوران موبائل گشت اطلاع ملی کہ ایک شخص چلتے چلتے موٹر سائیکل پر چرس فروخت کرتا ہے۔ بوقت بمقام بالا مذکورہ اطلاع عیابی کو موٹر سائیکل بلا نمبر پر آتا ہوا قابو کر کے جس نے دریافت پر اپنا نام و پتہ بالا بتلایا۔ شک کی بنیاد پر جامہ تلاشی عمل میں لائی جا کر مذکورہ کے زیب تن بلوز کو اندر سائید والے جیب سے چرس جو کالے پلاسٹک شاپر میں بند تھے برآمد ہو کر جوڈیکیشنل ترازو پر وزن کرنے پر 456 گرام نکلی۔ مچھلہ چرس میں سے 5 گرام چرس علیحدہ بند بہ پارسل نمبر 1 بغرض تجزیہ FSL جبکہ بقایا چرس 451 گرام بند بہ پارسل نمبر 2 بغرض ادخال مالخانہ سر بمہر کر کے جبکہ مزید جامہ تلاشی لینے پر زیر گاڑی و قسم ٹوٹل کل 4400 روپے برآمد ہو کر جس میں دو نوٹ 1000 روپے والا دو نوٹ، 500 روپے والا دو نوٹ، 20 نوٹ 100 روپے والا جبکہ 4 نوٹ 50 روپے والے برآمد ہو کر جس کو بند بہ پارسل نمبر 3 سر بمہر کر کے اس طرح مذکورہ بالا کا موبائل از قسم مٹر ولا برنگ بلیک بمعہ سم نمبر 03468784528 برآمد ہو کر مذکورہ اس موبائل پر چرس کے مزید فروخت کرتا ہے۔ جس کو بند بہ پارسل نمبر 4 سر بمہر کر کے جبکہ موٹر سائیکل ہائے بالترتیب 1، 2، 3، 4 بروئے فرد قبضہ پولیس ہو کر پارسل ہائے پر 3/3 عدد مواہر اسمی SB خبت کی گئی ہے۔ ملزم بالا کو مر تکب جرم بالا پا کر حسب ضابطہ گرفتار کر کے برخلاف ملزم بالا مراسلہ ضبط تحریر میں لا کر بغرض قائمی مقدمہ بدست کانسٹیبل نعمت اللہ 537 ارسال تھانہ ہے۔

علی

— — — — —

EJ
① Anwar C
13

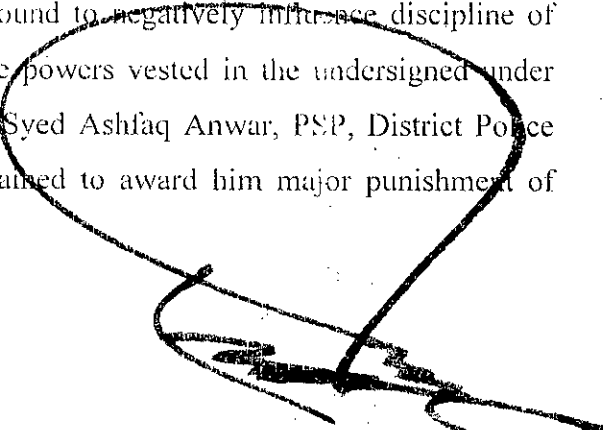
ORDER

This order will dispose of Departmental Enquiry against Constable Ali Imran No. 616 of this District Police. He while posted to Police Station Mingora remained involved in case FIR No. 70, dated 23-01-2019 u/s 9B-CNSA of Police Station Rahim Abad.

He was immediately suspended and closed to Police Lines which was followed by a regular enquiry against him. As such he was issued a charge sheet and statement of allegations vide this office No. 02/PA, dated 24-01-2019 and DSP Saidu Circle was directed to carryout regular enquiry against the accused Constable. The Enquiry Officer after carrying out the needful reported that the Police Officer under enquiry was guilty of misconduct as he was peddling drugs and subsequently charged in a case u/s 9B-CNSA. He was caught red handed while selling charas on a motorbike. The Enquiry Officer recommended major punishment for the Constable under enquiry.

The accused Police Officer has been booked in a criminal case which is against discipline and blatant violation of Code of Conduct for Police personnel. Charas weighing 456grams have been recovered from his possession and consequently charged in a case u/s 9B-CNSA. This is unbecoming of a Police Officer. He was required to make efforts to eliminate drug pushers in the area rather than selling drug himself. By doing so he has brought a bad name for Police department and thus tainted image of the Force. His conduct is detrimental to discipline and his further retention in Police is bound to negatively influence discipline of other Jawans 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 with immediate effect.

Order announced.


District Police Officer
Swat

O.B. No. 62

Dated: 9-4-19

Copy to:-

1. Establishment Clerk
2. OSI

For necessary action, please.

Better copy of page #

13

This order will dispose of Departmental Enquiry against constable Ali Imran No .616 of this District Police. He while posted to police station Mingora remained involved in case FIR No.70 dated 23/01/2019 u/s 9 B-CNSA of police station Rahim Abad. He was immediately suspended and closed to police lines which was followed by a regular enquiry against him. As such he was issued a charge sheet and statement of allegations vide this office No. 02/PA, dated 24/01/2019 and DSP Saidu Circle was directed to carryout regular enquiry against the accused constable. The Enquiry Officer after carrying out the needful reported that the police officer under enquiry was guilty of misconduct as he was peddling drugs and subsequently charged in a case u/s 9B-CNSA. He was caught red handed while selling charas on a motorbike. The enquiry officer recommended major punishment for the constable under enquiry. The accused police officer has been booked in a criminal case which is against discipline and blatant violation of code off conduct for police personnel. Charas weighing 456 grams have been recovered from his possession and consequently charged in a case u/s 9 B-CNSA. This is unbecoming of a police officer. He was required to make efforts to climinate drug pusheers in the area rather than selling drug himself. By doing so he has brought a bad name for police department and thus tainted image of the force. His conduct is detrimental to discipline and his further retention in police is bound to negatively influence discipline of other jawans of the force. Hence . in exercise of the powers vested in the undersigned under rules 2 (iii) of police disciplinary rules 1975, 1 Syed Ashfaq Answar, PSP, District police officer, Swat being competent authority, am constrained to award him major punishment of dismissal from service with immediate effect.

CTC


Order---02
20-11-2019

Present:

Mr. Atta-ur-Rehman APP for State.

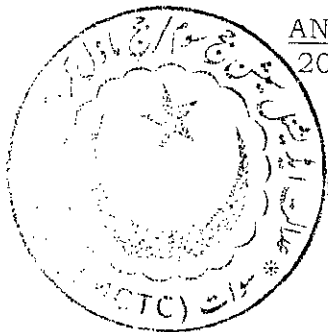
Accused facing trial are present on bail.

- 1) Accused is booked in Case FIR No.70 dated 23-01-2019 u/s 9-B CNSA, PS Rahimabad.
- 2) Accused facing trial requested for disposal of his case on the basis of guilty plea/admission. To this effect his statement was recorded to which he pleaded guilty and left him on the mercy of the Court. He further added in his statement that contraband was recovered from his possession and co-accused are innocent.
- 3) Keeping in view the admission of accused facing trial and quantity of the narcotics involved weighing 456 gram chars, accused facing trial Sardar is convicted u/s 9B CNSA, 1997 and sentenced to undergone 08 days SI. However, he has already been undergone for sufficient period, therefore, benefit of section 382-B Cr.P.C is extended to him. Moreover, co-accused Ali Imran is hereby discharged in instant case on the strength of statement recorded by principle accused.
- 4) So far as case property i.e alleged sale proceeds amount Rs.4400/- is concerned, from the contents of FIR the said amount has been mentioned as test purchase but neither any purchaser shown not record speaks about it. So it shall well presumed that it is the personal belonging of accused, which is to be returned to him, while, rest of the case property be disposed of according to law but after the expiry of period of limitation permissible for appeal/revision. File of this court be consigned to Record Room after completion and compilation.

Annmu "D"
(14)

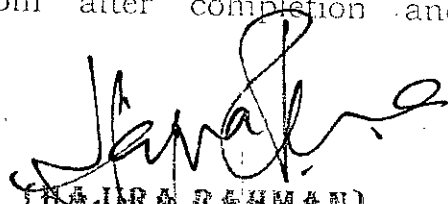


ANNOUNCED
20-11-2019



ATTESTED TO BE TRUE COPY

EXAMINER,
District & Sessions Judge
Zilla Qazi, Swat
20.11.19


(HAJIRA RAHMAN)
Additional Sessions Judge-III/
Judge Special Court, Swat.
HAJIRA RAHMAN
Additional Sessions Judge-III/
Judge Special Court, Swat.

14-A

CHARGE

Case FIR No. 70 Dated: 23.01.2019 U/S 9(b) CNSA PS Rahimabad

I, **Zafar Iqbal Khan**, Sessions Judge/ Zilla Qazi/ Judge Special Court, Swat charge you accused **Ali Imran** son of **Wazir Zada** aged about 30 years resident of **Mohalla Islamabad, Rahimabad, district Swat** and **Mohammad Sardar** son of **Mohammad Nazir** aged about 47 years r/o **Gharib Abad, Batkhela district Malakand** as under: -

Firstly:

That on **23.01.2019 at 20:00 hours**, on general road near **Shell Petrol Pump, Gujar Abad**, falling within the criminal jurisdiction of **Police Station Rahimabad**, a police party headed by **Mohammad Ayaz Khan SHO**, during mobile patrolling signaled you accused to stop, when you were riding on a motorcycle and conducted your body search whereby, he recovered **456 grams charas**, from the side pocket of your jacket along-with **Rs.4400/-** of different denomination notes, as sale proceed of narcotics and thus you have committed an offence punishable under section **9 (b) of CNSA** and within my cognizance.

Secondly:

That the co-accused **Ali Imran** during investigation disclosed to the IO that he had purchased, the charas recovered from his possession, from you accused **Mohammad Sardar** son of **Mohammad Nazir** resident of **Mohalla Gharibabad, Batkhela** and thus you have committed an offence punishable under section **9 (b) of CNSA** and within my cognizance.

I hereby direct that you be tried by this court for the above offences.

(ZAFAR IQBAL KHAN)

Sessions Judge /Zilla Qazi
Judge Special Court, Swat

The charge has been read over and explained to the accused in Pashto.

Q 1. Do you heard and understood the charge?

Ans: Yes.

Q 2. Do you plead guilty or claim trial?

Ans: No. We do not plead guilty and claimed trial.

RO&AC

08.10.2019

Date:

Ali Imran son of **Wazir Zada**
NIC No. **15602-6022316-7**

Mohammad Sardar son of **Mohammad Nazir**
NIC No. **15402-5212305-3**

Certified under section 364 (2) Cr.PC.

(ZAFAR IQBAL KHAN)

Sessions Judge /Zilla Qazi
Judge Special Court, Swat

08/10/19

Annex E

(15)

بھنور جناب ڈی آئی جی ملاکنڈ ڈویژن بمقام سید و شریف سوات

درخواست بدیں مراد کہ سائل علی عمران ولد وزیر زادہ سکنہ محلہ اسلام آباد رحیم آباد منگورہ تحصیل بابوزی ضلع سوات سابقہ پولیس کانسٹیبل بیلٹ 616 کو ملازمت پر دوبارہ بحال کرنے کا حکم صادر فرمایا جائے۔

جناب عالی! درخواست سائل ذیل عرض ہے۔

(1) یہ کہ سائل بحیثیت کانسٹیبل محکمہ پولیس میں تعینات تھا اور سائل نے باقاعدہ پولیس ٹریننگ حاصل کی ہے اور سائل نے اپنی خدمات بحیثیت کانسٹیبل دس سال تک انجام دی ہے اور سائل کو بیلٹ نمبر 616 دیا گیا ہے۔

(2) یہ کہ سائل سمیت محمد سردار کو مقدمہ علت نمبر 70 مورخہ 26/01/2019 زیر دفعہ BCNA 9 تھانہ رحیم آباد سوات ملوث کیے گئے تھے۔ سائل کو ایف آئی آر مذکور کی بنیاد پر معطل / درخواست کیا گیا ہے۔

جے

(3) یہ کہ سائل نے باقاعدہ مقدمہ مذکور میں مجاز عدالت میں پیروی کرتا رہا ہے اور اپنے آپ کو مقدمہ مذکور میں Depend کیا ہے۔

(4) یہ کہ مقدمہ بعد ازاں مجاز عدالت ماڈل کریمنل کورٹ / جج سپیشل کورٹ / ایڈیشنل سیشن جج سوم کی سپرد کیا گیا جس میں عدالت مذکور نے من سائل کو مورخہ 20/11/2019 کو باقاعدہ طور پر discharge کیا ہے۔ کیونکہ مقدمہ مذکور کے شریک جرم ملزم / مجرم نے روبروئے عدالت اپنا جرم تسلیم کرتے ہوئے مقدمہ کی نسبت تمام ذمہ داری قبول کی ہے اور من سائل کو بے گناہ ٹھہرایا ہے۔ جس کی بنیاد پر عدالت مجاز نے من سائل کو مقدمہ سے discharge کیا ہے۔ (نقل حکم لف ہے)

(5) یہ کہ من سائل نے طویل مدت یعنی دس سال کے عرصے تک محکمہ پولیس میں خدمات انجام دی ہیں اور کبھی بھی اپنی ڈیوٹی میں کوتاہی نہیں کی ہے اور نہ ہی آفسران بالا کو شکایت کا موقع دیا ہے۔

(16)

(6) یہ کہ سائل ایک غریب خاندان سے تعلق رکھتا ہے اور بال بچے بھی موجود ہیں جس کی دیکھ بھال اور پرورش کی ذمہ داری سائل پر ہے۔ سائل کا دیگر کوئی ذریعہ معاش نہ ہے اور نہ ہی کوئی دوسری ملازمت اختیار کی ہے

(7) یہ کہ اب مجاز عدالت نے من سائل کو مقدمہ مذکور سے discharge کیا ہے۔ سائل اپنی ملازمت پر دوبارہ بحال ہونے کا خواہشمند ہے اور آپ صاحبان سے نرمی کا خواستگار ہے اور ملازمت پر دوبارہ بحالی کا مستعدی ہے۔

استدعا ہے کہ بمنظوری درخواست ہذا سائل کو ملازمت پر دوبارہ بحال کرنے کا حکم صادر فرمایا جائے۔

CTC
P

عریض

علی عمران سابقہ پولیس کانسٹیبل

موبائل نمبر 03468984828

08-01-2020



OFFICE OF THE
REGIONAL POLICE OFFICER, MALAKAND

AT SAIDU SHARIF SWAT.

Ph: 0946-9240381-88 & Fax No. 0946-9240390

Email: digmalakand@yahoo.com

Swat

17

ORDER:

This order will dispose off appeal of Ex- Constable Ali Imran No. 616 of Swat District for reinstatement in service.

Brief facts of the case are that Constable Ali Imran No. 616 while posted to Police Station Mingora remained involved in case FIR No. 70 dated 23/01/2019 u/s 9B-CNSA Police Station Rahimabad. Consequently he was issued Charge Sheet coupled with statement of allegation and SDPO Saidu Circle was nominated as Enquiry Officer. The Enquiry Officer after conducting enquiry submitted his report stating therein that the delinquent Constable was peddling drugs and subsequently charged in a case u/s 9B-CNSA. He was caught red handed while selling charas on motorbike, hence recommended him for major punishment. The delinquent Constable has been booked in a criminal case which is against discipline and blatant violation of code of conduct for Police personnel. Charas weighting 456 grams have been recovered from his possession and consequently charges in case u/s 9B-CNSA. He was required to make efforts to eliminate drug pushers in the area rather than selling drugs himself. By doing so he has brought a bad name for Police Department and thus tainted image of the force. His conduct was detrimental to discipline and his further retention in Police was bound to negatively affect the discipline of other Police personnel. Being found guilty of the charges leveled against him, he was awarded major punishment of dismissal from service vide DPO Swat Office OB No. 62 dated 09/04/2019

He was called in Orderly Room on 08/01/2020 heard in person. The duty of a Police Officer is to eliminate crimes from society not to spread the crimes. He was caught red handed and recovery of Charas has been made from him. He has tainted the image of Police Force. His retention in Police Department will affect the whole discipline of Police Force. Therefore I agreed with order passed by District Police Officer, Swat and his appeal for reinstatement in service is hereby filed.

Order announced.

Regional Police Officer,
Malakand, at Saidu Sharif Swat

No. 485 /E,

Dated 10/01 /2020.

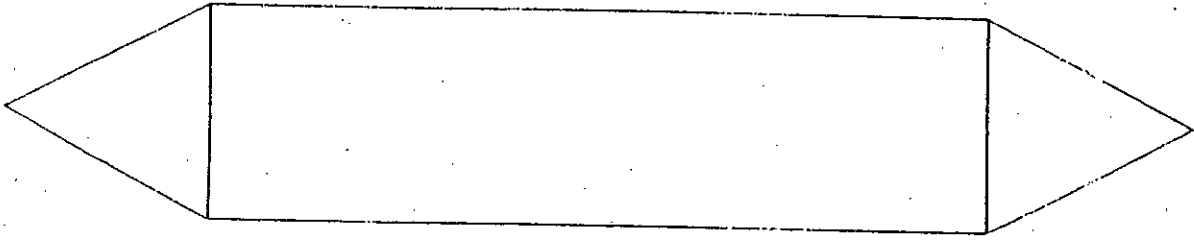
Copy to District Police Officer, Swat for information and necessary action with reference to his office Memo: No 1917/Legal, dated 26/12/2019. Service Roll and Enquiry file of the above named Ex-Constable is returned herewith for record in your office.

EE

For necessary action.

-sd
DPO Swat
13-1-20

C.A.S.



مقدمہ 10 اکتوبر 2020ء منجانب سائل

دعویٰ علی عمران بنام ڈسٹرکٹ لوکس آفیس سوان و دیگر
جرم زیر دفعہ ادفعات سروس اپیل نمبر 2020ء

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی
متعلقہ آن مقام سٹاور کیلئے قس علی اید وکیل

مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ و تقرر ثالث و فیملہ برحلاف دینے جواب دہی اور قبول دعویٰ اور خوبصورت
ڈگری کرانے اجراء اور وہ سولی بیک دروپیا اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زراں پر
دستخط کرنیکا اختیار ہوگا۔ نیز یہ صورت عدم پیروی یا ڈگری یکطرفہ اپیل کی برآمد اور منسوخی اور
دائر کرنے، اپیل نگرانی و نشانی و پیروی کرنے کا اختیار ہوگا۔ اور یہ صورت ضرورت مقدمہ مذکورہ
کے قس یا جزوی کاروائی کے واسطے اور وکیل یا مختیار قانونی کرانے ہمراہ یا اپنی بجائی تقرر
کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہونگے۔
اور اسکا ساختہ پر داختم منظور و قبول ہوگا۔ اور دوران ان مقدمہ میں جو خرچہ و ہرجانہ التوائے
مقدمہ کے سبب سے ہوگا۔ اس کے مستحق وکیل صاحب موصوف ہونگے۔ نیز بقایا و خرچہ کی وصولی
کرنے کا اختیار حاصل ہوگا۔ اگر کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند
نہ ہونگے۔ کہ پیروی مقدمہ مذکورہ کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المقوم 10 اکتوبر 2020ء

العبد گواہ شہد العبد

Attested & Accepted by

کیلئے منظور ہے۔

بمقام سٹاور

Caution

Raisat Ali Advocate
cell # 0346-9424914

سائل علی عمران وکلہ وزیر سٹاور سٹاور
Cell # 0346-8984828

BEFORE THE PESHAWAR HIGH COURT, MINGORA BENCH, DAR-UL-QAZA SWAT

In the matter of:-

Ali Imran

Petitioner

VERSUS

DPO Swat and Others

Respondents

SA No 12098/2020

KNOWN ALL to whom these present shall come that I/we, the undersigned appoint

AZIZ-UR-RAHMAN and IMDAD ULLAH
Advocates High Court

To be the advocate for the Appellant in the above mentioned case to do all the following acts, deeds and things or any one of them, that is to say:-

- ❖ To acts, appear and plead in the above mentioned case in this court or any other Court in which the same may be tried or heard in the first instance or in appeal or review or revision or execution or at any other stage of its progress until its final decision.
- ❖ To present pleadings, appeals, cross objections or petitions for execution review, revision, withdrawal, compromise or other petition or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of the said case in all its stages.
- ❖ To withdraw or compromise the said or submit to arbitration any difference or dispute that shall arise touching or in any manner relating to the said case.
- ❖ To receive money and grant receipts therefore, and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.
- ❖ To employ any other Legal Practitioner authorizing him to exercise the power and authorities hereby conferred on the Advocate wherever he may think fit to do so.
- ❖ I understand that the services of aforesaid lawyer are hired irrespective of the outcome of the case.

And I/We hereby agreed to ratify whatever the advocate or his substitute shall to do in the said premises.

And I/We hereby agree not to hold the Advocate or his substitute responsible for the result of the said case in consequences of his absence from the Court when the said case is called up for hearing.

And I/We hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the Advocate remaining unpaid, the Advocate shall be entitled to withdraw from the prosecution of the case until the same is paid.

IN THE WITNESS WHEREOF I/WE hereunto set my/our hand(s) to these present the contents of which have been explained to and understood by me/us, this 17 day of 03 2020.

(Signature or thumb impression)

(Signature or thumb impression)

(Signature or thumb impression)

Accepted subject to terms regarding fees

(AZIZ-UR-RAHMAN)

Advocate High Court

Office: Khan Plaza, Gulshone Chowk

G.T. Road Mingora, District Swat.

Cell No. 0300 907 0671

(IMDAD ULLAH)

Advocate High Court

Office: Khan Plaza, Gulshone Chowk,

G.T. Road, Mingora, District Swat

Cell No. 0333 929 7746

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 12098/2020

Ali Imran Ex-Constable department of Police District Swat son of Wazir Zada
resident of Islamabad, Rahimabad Tehsil and district Swat

..... Appellant

VERSUS

District Police Officer, Swat & others.

....Respondents

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District Police Officer, Swat

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 12098/2020

Ali Imran Ex-Constable department of Police District Swat son of Wazir Zada
resident of Islamabad, Rahimabad Tehsil and district Swat

..... Appellant

VERSUS

District Police Officer Swat & other

..... Respondents

PARAWISE REPLY BY RESPONDENTS

Respectfully Sheweth,

PRELIMINARY OBJECTIONS.

1. That the appeal is badly barred by Law & limitation.
2. That the appellant has got no Cause of action and locus standi to file the present appeal.
3. That the appeal is bad due to misjoinder and nonjoinder of necessary parties.
4. That the appellant has not come to the Tribunal with clean hands.
5. That the instant appeal is not maintainable in its present form.
6. That the appellant has concealed the material facts from this Hon'ble Tribunal.

FACTS:

1. Pertain to record, hence needs no comments.
2. That appellant performed his duty in different Police Posts, Police Stations, however his performance was not satisfactory and was remained involved in narcotics cases and was caught red handed while selling charas. The appellant has also remained absent from lawful duty on many occasion which showed his disinterest towards his duty.
3. Incorrect. The appellant was involved in narcotics case vide FIR No.70 dated 23/01/2019 u/s 9B-CNSA Police Station Rahimabad which brought a bad name for Police department. This act of the appellant was against the

discipline force and also badly influenced the attitude of other police personnel.

4. That appellant was removed from service being charged in case vide FIR No.70 dated 23/01/2019 u/s 9B-CNSA Police Station Rahimabad. The appellant was caught red handed while selling charas on his motorbike and recovery of charas had been made from his possession which brought a bad name for Police department.
5. That appellant was acquitted by the court, however the appellant was removed from service on departmental proceedings conducted against him as per law/rule.
6. Incorrect. Departmental appeal of the appellant was thoroughly examined by the respondent No.02 and was filed accordingly vide Region office order No.485/E dated 10/01/2020 (annexure "A").
7. That the appellant has wrongly challenged the legal and valid orders of the respondents before the honorable Tribunal through unsound reasons/grounds.

GROUND:

- a. Incorrect. The orders of the respondents are lawful, legal and in accordance with law/rules.
- b. Incorrect. All the opportunities of self defense and personal hearing have been provided to the appellant during the course of departmental probe. Regular enquiry has been conducted against the appellant and on the recommendation of enquiry officer, he was removed from service as per law/rules.
- c. Para explained above in detail.
- d. Incorrect. That the order of respondents are legal and in accordance with law/rules. The appellant has been removed from service after completing all codal formalities under the law.
- e. Incorrect. The appellant has been treated in accordance with law/rules.
- f. Incorrect. The appellant was involved in narcotics peddling and was caught red handed while selling charas on his motorcycle. The appellant being a part of Police department was required to eliminate crime from society, but he

failed to perform his duty, hence removed from service on the basis of his involvement in criminal case.


- g. That other grounds not specifically answered in the reply, will be agitated with the permission of honorable Tribunal at the time of arguments.

PRAYER:

Keeping in views the above facts and circumstances, it is humbly prayed that the appeal of appellant being devoid of legal force may kindly be dismissed with costs.



**District Police Officer Swat
(Respondent No. 1)**



**Regional Police Officer,
Malakand Region,
Regional Police Officer,
Malakand Region
(Respondent No. 2)**

P. 14 — ۵ کتبہ کی

P. 40 legally this

is the committee

See P. 45 P.H.C.

Similar Cases

admitted

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 12098/2020

Ali Imran Ex-Constable department of Police District Swat son of Wazir Zada
resident of Islamabad, Rahimabad Tehsil and district Swat

..... Appellant

VERSUS


District Police Officer Swat & other.

..... Respondents

AFFIDAVIT

We, the above respondents do hereby solemnly affirm on oath and declare that the contents of the appeal are correct/true to the best of our knowledge/ belief and nothing has been kept secret from the honorable Tribunal.


District Police Officer, Swat.
(Respondent No.1)


Regional Police Officer,
Malakand Region,
Regional Police Officer,
Malakand Region
(Respondent No.2)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 12098/2020

Ali Imran Ex-Constable department of Police District Swat son of Wazir Zada
resident of Islamabad, Rahimabad Tehsil and district Swat

..... **Appellant**

VERSUS


District Police Officer Swat & other.

..... **Respondents**

AUTHORITY LETTER

We, the above respondents do hereby authorize Mr. Naeem Hussain DSP/Legal Swat to appear before the Tribunal on our behalf and submit reply etc in connection with titled Service Appeal.


**District Police Officer, Swat
(Respondent No.01)**


**Regional Police Officer,
Malakand Region,
Saidu Sharif, Swat
Regional Police Officer
Malakand Region
(Respondent No.02)**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 12098/2020

Ali Imran Ex-Constable department of Police District Swat son of Wazir Zada
resident of Islamabad, Rahimabad Tehsil and district Swat

..... Appellant

VERSUS

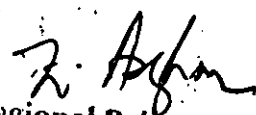
District Police Officer Swat & other.

..... Respondents

AUTHORITY LETTER

We, the above respondents do hereby authorize Mr. Naeem Hussain DSP/Legal Swat to appear before the Tribunal on our behalf and submit reply etc in connection with titled Service Appeal.


District Police Officer, Swat
(Respondent No.01)


Regional Police Officer,
Malakand Region,
Saidu Sharif, Swat
Regional Police Officer
Malakand Region
(Respondent No.02)

"A"

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

No.

APPEAL No..... of 20

12098

TB
20

Ali Imran

Appellant/Petitioner

Versus

DPO, Swat

RESPONDENT(S)

Notice to Counsel Appellant/Petitioner

Gairan Ali

*Advocate High Court
Swat*

0346-9124914

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *27-8-2021* at *9:00 AM*

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

at Camp Court Swat

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

No.

APPEAL No..... of 20

12098

TB
20

Mr. Imran

Appellant/Petitioner

Versus

DPO, Swat

RESPONDENT(S)

Notice to Appellant/Petitioner

Ali Imran S/o Wazir Zada
R/o Islamabad Rahimabad
Tehsil 2 Distt. Swat

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *27-8-2021* at *9:00 AM*

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

at Camp Court Swat

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"B"

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

No.

Appeal No. *12098* of *28th*

Recd

Ali Imran Appellant/Petitioner

Versus

D.P.O Swat Respondent

Respondent No. *1*

Notice to:

Distt. Police officer Swat.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on *2/11/2021* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of ~~appeal~~ *is attached*. Copy of ~~appeal~~ *has already been sent to you* vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this *13th*

Day of *Sep* 20 *21*

1st Camp Court Swat

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

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

D.B

No.

Appeal No. *12098* of 20 *20*

Recd

Ali Imran Appellant/Petitioner

Versus

D.P.O. Swat Respondent

Respondent No. *2*

Notice to: *Regional Police officer Malakand Division at Saidu Sharif Swat*

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on *2/11/2021* at 8.00 A.M. If you wish to urge anything against the appellent/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. dated

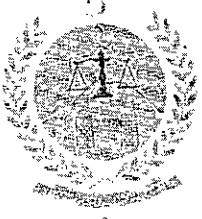
Given under my hand and the seal of this Court, at Peshawar this *13/11*

Day of *13/11* 20 *21*

(at Camp Court Swat)

M. R. ...
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No: _____/ST Dated: ____/____/2022

All communications should be
addressed to the Registrar
KPK Service Tribunal and not
any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

To,
District Police Officer,
Swat.

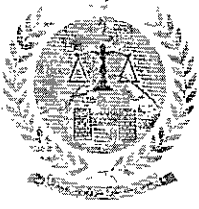
Subject: JUDGMENT IN APPEAL NO. 12098/2020 OF ALI IMRAN VS
DPO, SWAT.

I am directed to forward herewith a certified copy of Judgement
dated 04.04.2022 passed by this Tribunal on the above subject for information.

Encl: As Above.


(WASEEMAKHTAR)

REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

No: _____/ST Dated: ____/____/2022

To,

District Police Officer,

Swat.

Subject: JUDGMENT IN APPEAL NO. 12098/2020 OF ALI IMRAN VS DPO, SWAT.

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Encl: As Above.

(WASEEMAKHTAR)

REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR