Learned counsel for the appellant present. Mr. Muhammad Jan, learned District Attorney for the respondents present.

Learned counsel for the appellant requested for adjournment in order to make preparation of the brief.

Adjourned. To come up for arguments on 07.11.2022 before

D.B at Camp Court, Swat.

(Rozina Rehman) Member (J) Camp Court Swat (Salah Ud Din) Member (J) Camp Court Swat 8th June, 2022

None for the appellant present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Ali Rehman, SI for respondents present.

Counsel are on strike. To come up for arguments on 07.07.2022 before the D.B at camp court Swat.

(Mian Muhammad) Member(E) (Kalim Arshad Khan) Chairman Camp Court Şwat

07.07.2022

Appellant present through counsel.

Noor Zaman Khan Khattak, learned District Attorney for respondents present.

Former made a request for of ournment in order to prepare the brief. Adjourned. To come up for arguments on 05.08.2022 before D.B at Camp Court, Swat.

(Fareeha Paul)

Member(E)

Camp Court Swat

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

is adjourned to 3.10, organ The bases.

2

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

Counsel for the appellant present. Mr. Ali Rehman, Inspector (Legal) alongwith Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for the respondents present.

Para-wise comments on behalf of respondents submitted, which are placed on file and copy of the same is handed over to learned counsel for the appellant. Adjourned. To come up for submission of written reply/comments on 06.06.2022 before the S.B at Camp Court Swat.

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

06.06.2022

Clerk of learned counsel for the appulant present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Muhammad Moosa, HC for respondents present.

On the call of Khyber Pakhtunkhwa Bar Council, District Bar Association is observing strike today. Adjourned. To come up for arguments on 08.06.2022 before the BB at camp court Swat.



(Kalim Arshad Khan) Chairman Camp Court Swat 03.11.2021

Nemo for the appellant. Security and process fee have not been deposited by the appellant, therefore, notice be issued to appellant as well as his counsel for 05.01.2022 before the S.B at Camp Court Swat.

(Atiq-Ur-Rehman Wazir) Member (Executive) Camp Court, Swat

07.12.2021

Appellant in person present.

Appellant submitted application for extension of time to deposit security and process fee. Application is allowed and appellant is directed to deposit security and process fee within 03 days. Thereafter notice be issued to the respondents for submission of reply/comments. Adjourned. To come up for reply/comments on 08.02.2022 before S.B at Camp Court Swat.

Appearant Deposited
Security Process Fee

(Atiq Ur Rehman Wazir) Member (E)

Camp Court, Swat

05 /04/2021

Due to COVID-19, the case is adjourned to $\frac{100}{2021}$ for the same.

READER

26.07.2021

To come up for preliminary hearing on 25.08.2021 before S.B at Camp Court, Swat. Notices be issued to appellant/counsel for the date fixed.

Chaitman

25.08.2021

Nemo for appellant.

This service appeal was filed in the year, 2020 and has not yet passed the course of preliminary hearing. Posting the same again for preliminary, will cause abuse of process by the Tribunal itself. Let this appeal be heard on its merits by the D.B, is admitted for full hearing, subject to all just and legal objections, including that of limitation. 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 on 03.11.2021 before the S.B at camp court, Swat.

Chairman Camp court, Swat. Nemo for appellant.

Preceding date was adjourned on account of Covid-19, therefore, appellant/counsel be put on notice for 05.04.2021 for preliminary hearing, before S.B at Camp Court Swat.

(Rozina Řehman) Member(J) Camp Court Swat

Form- A

FORM OF ORDER SHEET

Court of		•
•	////(
Case No	(() /2020	

	Case No	/2020
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
	*	
1-	23/09/2020	The appeal of Mr. Mumtaz Ali resubmitted today by Mr. Jehangir
		Advocate may be entered in the Institution Register and put up to the
		Worthy Chairman for proper order please.
	-	
		REGISTRAR '
2-		This case is entrusted to touring S. Bench at Swat for preliminary
		hearing to be put up there on $02-1/-2020$
		(1)
		· WW
	,	CHAIRMAN
-		
'		
0.7	2 11 2020	Name for appellant
02	2.11.2020	Nemo for appellant.
		Lawyers are on general strike, therefore, case is
		adjourned to 07.12.2020 for preliminary hearing, before S.B
	·	at Camp Court, Swat.
•		(Rozina Rehman)
		Member (J)
*		Camp Court, Swat
^	07.12.252	Due to covid-19, case is
-		adjourned to 01.02.2021 for
		the same ss had
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		Wedder.
	<u> </u>	,

The appeal of Mr. Mumtaz Ali Belt No. 33/RR Police Department received today i.e. on 17.08.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- 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.
- 2- Annexures-A and B of the appeal are illegible which may be replaced by legible/better one.

No. 2586 /S.T,

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Jehangir Adv. PHC Swat.

My Filed received late on post.

Objection No I:

The respondents are not providing.

The relevant record. The appellant filed

a separate application tofore the honorable court to direct the respondent for submission of relevant record. copy allached on page 5.6.

Before The Service Tribunal K.P at Peshawar

	Mui	mtaz Ali	••• ••• ••• ••• ••• •••	Appellant
			Versus	
· ·	Provi	ncial Police	e Officer at K.P,	Peshawar and
7				
oth	ers	** *** *** *** *		Respondents.

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Appellant/Petitioner,

JEHANGIR

Advocate, High Court

Before The Service Tribunal K.P at Peshawar

11145/20

Diary No. 8765

Dated 17 8 . 262

Mumtaz Ali Belt No.33/RR, S/o Fazal Hussain R/o Kukrai,

Saidu Sharif Tehsil Babozai District Swat.....Appellant

Versus

- 1) Provincial Police Officer K.P at Peshawar.
- 2) Regional Police Officer at Saidu Sharif Swat.
- 3) District Police Officer Swat......Respondents

APPEAL UNDER SECTION 4 OF K.P SERVICE
TRIBUNAL ACT 1974 AGAINST THE ORDER
DATED 25-04-2019 OF RESPONDENT NO.3
ORDER DATED 28-10-2019 OF THE
RESPONDENT NO.2, & Order Dated 17-02-2020 of
Respondent No.1

PRAYER OF APPEAL:

Registrar
17 | 8 >0>0

Re-submitted to **-day**

23 9 2020

On acceptance of this appeal the order dated 25-04-2019 OF RESPONDENT NO.3 ORDER DATED 28-10-2019 OF THE RESPONDENT NO.2. & Order Dated 17-02-2020 of Respondent No.1 may kindly be declare incorrect, void ab initio against service rules and justice, the impugned orders of respondents may kindly be set a side and the appellant may kindly be reinstated in service with all back benefits. Any other remedy couple with cast which has not been asked by

the appellant in the instant appeal and the appellant is entitled may kindly be graciously granted.

Respectfully Sheweth;

It is very humbly stated

- 1) That the appellant was appointed on 15-01-2010 in the department of District Police Swat.
- 2) That the appellant was awarded major punishment of dismissal from service by respondent no.3 on 25-04-2019 (Copy of Impugned order dated 25-04-2019 is attached as annexure A).
- 3) That the appellant filled departmental appeal before respondent No.2 which was dismissed by respondent No.2 on dated 28-10-2019 (Copy of order dated 28-10-2019 is attached as annexure B).
- 4) That the appellant filed review petition before respondent No.1 which was also dismissed by respondent No.1 on dated 17-02-2020.
- 5) That the appellant requested the officials of the respondents to give the appellant the copy of service book, and other relevant record, but the respondent No.3 has orally order the sub ordinate officials not to give any record pertaining to the service of the appellant along with the so called inquiry or any other proceedings.

6) That the impugned orders of respondents No.2 &3 are liable to be set aside on the following grounds amongst others.

Grounds:-

- i) That the orders dated 25-04-2019 OF RESPONDENT NO.3 ORDER DATED 28-10-2019 OF THE RESPONDENT NO.2. & Order Dated 17-02-2020 of Respondent No.1 of respondents are illegal, void ab initio, incorrect and against the natural justice hence liable to be set aside.
- *That no proper & legal procedure has been adopted by the respondents.*
- iii) That impugned orders are against the service rules, procedure, policy & non speaking one, hence liable to be set aside.
- iv) That the appellant has unblemished services record& no adverse remarks are there against the appellant.
- v) That the appellant has been condemned unheard & no opportunity of defense & personal hearing was provided to the appellant.
- vi) That no show cause was given to the appellant, nor any inquiry was conducted against the appellant, even no intimation about any inquiry against the appellant has been given by the respondents to the

4

appellant hence the impugned order are liable to be set aside.

- vii) That the respondents announced the impugned orders in a cursory manner.
- viii) That some other grounds may be taken at the time of argument with due permission of this august court.

Therefore it is very humbly prayed that On acceptance of this appeal the orders dated 25-04-2019 OF RESPONDENT NO.3 ORDER DATED 28-10-2019 OF THE RESPONDENT NO.2. & Order Dated 17-02-2020 of respondents may kindly be declare incorrect, void ab initio against service rules and justice, the impugned orders of respondents may kindly be set a side and the appellant may kindly be reinstated in service with all back benefits. Any other remedy couple with cast which has not been asked by the appellant in the instant appeal and the appellant is entitled may kindly be graciously granted.

Appellant nuntagali

Mumtaz Ali Belt No.33/RR

Through Counsel

JEHANGIR ADVOCATE, High Court.

Office: Room No.38, 3rd Floor,

Sultan Tower, Makan Bagh, Mingora Swat.

Cell #. 0343-2187908 Dated: 13-08-2020



Before The Service Tribunal K.P at Peshawar

	•	•	
Mumtaz Ali			Appellant

Versus

Provincial Police	e Officer at K	K.P, Peshawar and	
•			
$others\dots$		Respondents	•

APPLICATION TO ORDER/DIRECT THE RESPONDENTS TO SUBMIT THE SERVICE BOOK/OTHER RECORDS ALONG WITH THE WRITTEN REPLY.

Respect fully Sheweth;

- 1) That the above titled case is filed today where no date is fixed for hearing.
- 2) That the respondents are not providing the service book of the appellant along with the other records to the appellant, due to which the appellant is unable to submit the above record with his appeal.
- 3) That for just & proper decision on merit the above record is essential, which is in possession of the respondents.

Therefore it is very humbly prayed that on acceptance of the instant application the respondents may kindly be order /directed to submit the above record before this honourable court.

Appellant/Petitioner

Mumtaz Ali

Through Counsel

Jehangir Advocate, High Court

Affidavit:

That the contents of this application are true and correct to the best of my Knowledge.

mentajal. Deponent:





Before The Service Tribunal K.P at Peshawar

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Versus

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APPLICATION FOR CONDONATION OF DELAY

Respected sir,

It is submitted

- 1) That the instant appeal is filed today in which no date is fixed by this honorable court.
- 2) That the appellant received the final order two days ago from officials of respondent No.3.
- 3) That the appellant has not wasted any time on his own, but due to late reception of the final order the appellant was unable to submit the appeal within time.
- 4) That the appellant has strong prima facie case, the appellant has valuable rights involved in the instant appeal and the above appeal many to be decided on merit without touching technicalities.



5) That technicalities need to be avoided in the way of justice and the appellant appeal may kindly be decided on merit.

It is therefore very humbly prayed that on acceptance of the instant Application, the delay may kindly be condoned and the appeal of the appellant may kindly be decided on merit.

Appellant,

Through

JEHÁNGIR Advocate, High Court

P

Before The Service Tribunal K.P at Peshawar

Babar Hussain		Annellani
Dubui IIwooutit	*** *** *** *** *** ***	\dots n $ppeuum$

Versus

Pro	vincial P	olice O	fficer at K.P, Peshawar and
others			Respondents

<u>Affidavit</u>

I, Mr. Mumtaz Ali Belt No.33/RR of District Police Swat, do hereby solemnly affirm and declare on oath that the contents of this appeal are true and correct to best of my knowledge and belief, and no such like appeal is pending, decided by any competent court between the parties.

Deponent: munto3 ali

Mumtaz Ali

Before The Service Tribunal K.P at Peshawar

Mumtaz Ali · Appellant

Versus

Provincial Police Officer at K.P, Peshawar and others......Respondents.

ADRESSES OF THE PARTIES

Address of Appellant:

Mumtaz Ali Belt No.33/RR, S/o Fazal Hussain R/o Kukrai,
Saidu Sharif Tehsil Babozai District Swat......Appellant
CNIC No.15602-7624387-1
Cell # 0340-9013771

Addresses of Respondents:

- 1) Provincial Police Officer K.P at Peshawar.
- 2) Regional Police Officer at Saidu Sharif Swat.
- 3) District Police Officer Swat......Respondents

Appellant,

Through

Advocate, High Court

A- (14)

ORDER

This order pertains to show cause notice is sued to Constable Muntaz No. 72 of this district Police. He while posted to Police Lines Kabal remained absent from duty w.e.f. 19-12-2018 to date without any leave/permission of his officers.

He was issued a show cause notice vide this office No. 12/PA, dated 21-01-2019 to explain his position. He was several times called to Weekly Orderly Room but he neither submitted reply to the show cause notice nor did he appear before the undersigned to explain the reason for his continued willful absence.

The definquent Constable has absented himself from duty for quite a long time. His continuous willful absence shows his disinterest in Police service. He is refuctant to resume his duties and there seems no chance for him to become an efficient Police Officer. He has continuously been absent from duty w.e.f 19-12-2018 which is blatant violation of discipline and Code of Conduct for a Police officer. His conduct is determined to discipline and his further retention in Police is bound to negatively influence discir line 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 Ashling Arwar, PSP. District Police Officer, Swat being competent authority, that constrained to aware from major punishment of dismessal from service w.e.f 19-12-2018.

Order announced.

District Police Officer Swat

0.8 No 72 Duted: 25.4.19.

Copy to:-

17 - Vstablishment Clerk

2.1 OST

For necessary action, please.

ATTESTED

Bulus Copy



ORDER

This order pertains to show cause notice issued to Constable Mumtaz No.72 of this district Police. He while posted to Police Lines Kabal remained absent from duty w.e.f 19—12-2018 to date without any leave/permission of his officers.

He was issued a show cause notice vide this office No.12/PA, dated 21-01-2019 to explain his position. He was several times called to Weekly Orderly Room but he neither submitted reply to the show cause notice nor did he appear before the undersigned to explain the reason for his continued willful absence.

The delinquent Constable has absented himself from duty for quite a long time. His continuous willful absence shows his disinterest in Police service. He is reluctant to resume his duties and there seems no chance for him to become an efficient Police Officer. He has continuously been absent from duty w.e.f 19-12-2018 which is blatant violation of discipline and Code of Conduct for Police Officer. His conduct is detrimental to discipline and his further retention in Police is bound to negatively influence discipline of other personnel of the force. However in exercise of the powers vested in the undersigned under Rules-2 (iii) of Police Discipline Rules 1975. I Syed Ashfaq Anwar PSP District Police Officer Swat being competent authority and constrained to award him major punishment of dismissal of service w.e.f 19-12-2018.

Order announced.

OB No.	72	<u> </u>
Dated: _	25-04-019	
-	Conv to:-	

District Police Officer
Swat.

- 1. Establishment Clerk.
- 2. OST.
- 3. For necessary action, please.

Ecoephil Child Com Recipiosland alling عوان ر تواست مارد دلی ملازمت. كزايس هدم بادل في الراجلس على الواني س ال مامع مرق فور فانت نوش اسلولي مع دول و المعالمة و المعالمة ال المال مالي المالي حرواست وا ع الى وابن كسيسى كى كرار هاه ارر من در والعدمات سروواعen interception l'entralaire حلات نارير ع واكر رومار و علانوت ير في لي ك احادات صارفریا فی کرسمای کا مشالات می muntagali 200 72.6(Jetse) idles jul 6629 C.F.C 031109013771 Miss

رے کے سام میں ہوات بحضور جناب ریجنل پولیس آفیسرصاحب ملاکنڈ، سیدو شریف سوات

درخواست بمراد بحالي ملازمت

عنوان:_

جناب عالى!

گذارش ہے کہ سائیل محکمہ پولیس ضلع سوات میں سال <u>201</u>0 ء کو بھرتی ہو کر نہایت خوش اسلوبی سے ڈیوٹی دے رہاتھا۔ دوران ملازمت بیار ہو کر جسکی وجہ سے عید حاضر ہوا تھا۔ بوجہ غیر حاضری جناب DPO صاحب نے بحوالہ OB نمبر 72 مورخہ 25/02/01 کو ملازمت سے برخاست کیا ہے۔ سائیل نہایت سمبری (زندگی) کی گزار رہا ہے اور شدید مشکلات سے دوچار ہے۔

لہٰذابذربعہدرخواست استدعاہے کہ سائیل کے حالات زار پررخم فرما کردوبارہ ملازمت پر بھالی کی احکامات صادر فرمائے۔ تاکہ سائیل کے مشکلات ختم ہوسکے۔ سائیل تاحیات دُعا گوہ رہیگا۔

فقطه

آپکا تابعدارسابقه نشیبل متازعلی نمبر 72 سکنه کوکژی ضلع سوات فون نمبر 9013771-0340



PRICE OF THE

EEGON S. POLICE OFFICER MALAGAND

Phy 1/345-9240 181-88 & Fax 1/2, 1925-9240390 Email: dignisiakani@yelize.com.

ORDER:

This order will dispose off appeal of Ex-Constable Mumtaz Ali No. 33/RR of Swat District for reinstatement in service.

Brief facts of the case are that Ex-Constable Mumber Ali No.33/RR while posted to Police Line Kabal absented from lawful duty w.e.f 19/12.2018 till the date of dismissal without prior permission or approved leave. Consequently he was issued Show Cause Notice to explain his position. The delinquent Constable was several times called in orderly room but he has neither submit reply to the Show Cause Notice nor appeared before the District Police Officer (wat to explain his position. His attitude was detrimental to discipline and his further retention in the force was bound to negatively influence discipline of other members of the force. Being found guilty of the charge leveled against him, the delinquent Constable was awarded major publishment of dismissal from survice vide OB No.72 dated 25/0-/2019.

He was called in Orderly Room on 23/10/2019 and heard him in person. His service record shows that prior to this he was removed / distributed twice from service vide DPO TB. No. 190 dated 25/09/2014 and CB No. 64 dated 16/04/2018 and there are 20 had entries in incomplete record while he had not tried to get a single good entry. The appellant also failed to produce any substantial material in his defence. Therefore his appeal for reinstatement in service is hereby filled.

Order announced.

1551

Dated 28 /10 /2019.

Copy of above for information and necessary action to District Police Officer, Swat with reference to his office Memo: No. 14529/E, dated 25/09/2019. Service Roll and Fauji Missal of the above named Constable is returned herewith for record in your office.

The machinge

Regional F

Malakand Region, a Maskarif Swet

Ticer,

District Proposition

4-11-18

P. Applied

· D- (14)

BEFORE THE WORTHY INSPECTOR GENERAL OF POLICE, KHYBER PAKHTUNKHYIA, PESHAWAR

Subject <u>REVIEW PETITION / REPRESENTATEMENT INTO SERVICE</u>
Respected Sir,

It is submitted that: -

- 1. The applicant was enrolled as a Constable in Swat district Police since 2010 and qualified basic recruit training course.
- 2. The applicant while posted at Police Lines Kabel was suffering from Jaundice +Fever and admitted at Saidu Teaching Hospital, Saidu Sharif, Swat on 18/12/2018
- 3. The applicant was rejoined from the said covernment hespital on 31/12/2018 and was advised by the Medical Officer for 45 days at nome.
- 4. Due to admission and remaining under treatment at government hospital the applicant was marked absent and proceeded against departmentally and lastly dismissed by the worthy District Police Officer, Swat vide OB No.72, dated 25/04/2019.
- 5. To this effect for re-instatement into service the applicant submitted application for re-instatement into service to the worthy Regional Police Officer, wialakand at Saidu Sharif, Swat, but the appellate applicantly without going into the ment and facts, filed the application of the applicant for re-instatement into service vide Endst: No.11551/E, dated 28/30/2019.

Sir,

The applicant is a young man, married one, jobless and has no source of income except this service.

Keeping in view of above, it is humbly requested that the applicant may very kindly be re-instated into service with all back benefits for which the applicant alongwith aged parents and kids shall pray for your long the and prosperity for this act of kindness. Photocopy of prescription chits are enclosed to along perusal please.

Yours obediently,

ATTESTED

Ex-Constable Tip. 33/FR Swat Police
Social Pazal Hussain
Resident of village Kidral,
Social Sharil, Swat
C# 0340-5013771

OFFICE OF THE INSPECTOR GENERAL OF POLIC KHYEER PAKHTUNKHWA

PESHAWAR.

/20, dated Peshawar the 1/7/

ORDER.

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Mumtaz Ali No. 33/RR. The petitioner was dismissed from service by District Police Officer, Swat vide OB No. 72, dated 25.04 2019 on the allegations of absence from duty w.e.f 19.12.2018 till date of dismissal from service i.e. 25.04.2019 for total period of 04 months & 05 days. His appeal was filed by Regional Police Officer, Malakand vide order Endst: No. 11551/E, dated 28.10.2019.

Meeting of Appellate Board was held on 13.02.2020 wherein petitioner was heard in person. $i \lambda v r^{\epsilon}$ ring positioner contended that he was suffering from Jaundice.

Ferusal of the record reveals that he was earlier twice removed/dismissed from service on 1.09.2014 and 16.04.2018 on the allegations of absence from duty which establishes that he is habitual absentee and there is no prospects of mending his ways. He has earned 22 bad entries during his service. Therefore, the Board decided that his petition is hereby rejected.

This order is issued with the approval by the Competent Authority

Sd/-DR. ISHTIAQ AHMED, PSP/PPM Additional Inspector General of Police, HQrs: Khyber Pakhtunkhwa, Peshawar.

No. 31 178-45/20

Copy of the above is forwarded to the:

Regional Police Officer, Malakand at Swat. One Service Roll and one Fauji Missal containing departmental enquiry file of the above named Ex-FC received vide your office Memo: No. 13531-32/E, dated 16 12.2019 is returned herewith for your office record.

- 2. District Police Officer, Swat.
- 3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
- 4. PA to Addl: IGP/HOrs Khyber Pakhtunkhwa, Peshawar.
- 5. PA to DIG/HQrs. Khyber Pakhtunkhwa, Peshawar,
- 6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar

7. Office Supdt: E-IV CPO Peshawa

Eil De Swal

Par Maclia ples

End! Service Roll + Paul Missal

and Enquiry fell

Lynakov. 06 20

(DR. ZAHID OLLAH) PSP

AIG/Establishment,

For Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.

Office Supdt: Malakand, of Saide Sharif Swater

4-16/19-20

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Associate Professor & Head Medicine	
Dr. Bacha Amin Khan	•
MBBS, FCPS	
Assistant Professor	Senior Registrar
Dr. Fazal Akbar	Dr. Nasib Ur Rehman
MBBS, FCPS	MBBS, FCPS
Assistant Professor	Junior Registrar
Dr. Amin Ullah MBBS. FCPS	Dr. Ziaullah MBBS, FCPS
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Assistant Professor	District Palmonologist
Dr. Momin Khan	Dr. Abdul Muneem . MBBS. MCPS
MBBS, FCPS	WDBS, MCPS
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OUT-PATIENTS DEPARTMENT No.

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Khyber Pakhtunkhwa Service Tribunal, Peshawar

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

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

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WHEREAS an appeal/petition under the	provision of the Khyber Pekhtunkhuu
Province Service Tribunal Act, 1974, has been p	resented/registered for consideration, in
the above case by the petitioner in this Court and hereby informed that the said appeal/petition	is fixed for hearing before the Tribunal
*onat <u>8.00 A.M.</u> I	f you wish to urge anything against the
appellant/petitioner you are at liberty to do so of the case may be postponed either in person or	the date fixed, or any other day to which by authorised representative or by any
Advocate, duly supported by your power of Attor	ney. You are, therefore, required to file in
this Court at least seven days before the date alongwith any other documents upon which y	of hearing 4 copies of written statement ou 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
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Always quote Case No. While making any correspondence.

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

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Y	Mumtaz Ali Appellant/Petitioner
	PO In Ph Presh, Respondent
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	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
	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.
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2. Always quote Case No. While making any correspondence.

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

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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.

Note:

BEFORE THE PRESIDENG OFFICER SERVICE CAMP **COURT AT GULKADA SWAT**

MUMTAZ ALI

VERSUS

IG KPK ETC.

SERVICE APPEAL

APPLICATION FOR THE DEPOSIT OF SECURITY FEE AND EXTENSION IN TIME.

Respectully Sheweth.

The petitioner submits as under:

- 1) That the instant appeal is pending adjudication. before the honorable court which is fixed for today.
- 2) That the appellant seeks permission of the honorable le court to deposit security fee along with extension of time running again the appellant./
- 3) That there are no express the employee bars against the appellant for filing the said application.

therefore humbly prayed thath- on Ιt is acceptance of the instant application the appellant may be allowed the above said request

APPELLANT

MUMTAZALI PILA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 11145/2020.

Mumtaz Ali, Belt No.33/RR S/O Fazal Hussain R/O Kukrai Saidu Sharif Tehsil Babozai District Swat.

..... Appellant

VERSUS

- 1. The Provincial Police officer, Khyber Pakhtunkhwa, Peshawar.
- 2. The Regional Police Officer, Malakand Region at Saidu Sharif Swat.
- 3. The District Police Officer, Swat.

....Respondents

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2	Affidavit	-	. 4
3	Authority Letter	· -	5
	Copy of Show Cause Notice	"A"	
	List of punishment	"B"	

District Police Officer, Swat



<u>BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.</u>

Service Appeal No. 11145/2020.

Mumtaz Ali, Belt No.33/RR S/O Fazal Hussain R/O Kukrai Saidu Sharif Tehsil Babozai District Swat.

..... Appellant

VERSUS

- 1. The Provincial Police officer, Khyber Pakhtunkhwa, Peshawar.
- 2. The Regional Police Officer, Malakand Region at Saidu Sharif Swat.
- 3. The District Police Officer, Swat.

.....Respondents

PARAWISE COMMENTS BY THE OF RESPONDENTS.

Respectfully Shewith,

Preliminary Objections.

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

FACTS:

- 1) Correct to the extent that the Appellant was appointed as Constable in Police Department.
- 2) That the appellant while posted at Police lines Kabal, Swat absented from his lawful duty w.e.f 19/12/2018 till the order of his dismissal without any prior permission or approved/leave. The appellant was issued show cause notice but he neither submitted reply to the show cause notice nor did appear before the competent authority to defend the charges leveled against him, hence he was awarded punishment of dismissal from service as per law/rules. (Copy of show cause notice is enclosed as annexure "A")
- 3) That departmental appeal of the appellant was thoroughly examined by the respondent No.02 and was filed accordingly vide Region office order Endst No.11551/E dated 28/10/2019 as the

appellant has 20 bad entries in his service including dismissal from service, absentee, stoppage of pay etc. (List of punishment is enclosed as annexure "B")

- 4) That the revision petition of the appellant was examined by the respondent No.01 and found the appellant was habitual absentee and did not take interest in his job, hence the same was filed vide CPO Peshawar Memo: No.S/1435/20 dated 17/2020 accordingly.
- 5) Incorrect. There is no such request/application is available on record, wherein the appellant requested for provision of record etc.
- 6) The appellant has wrongly challenged the legal and valid orders of the respondents before the honorable tribunal through unsound reasons/grounds.

GROUNDS:

- i. Incorrect. The order of the respondent is legal, lawful and in accordance with law/rules.
- ii. Incorrect. The respondent adopted proper procedure as per law/rules and the appellant was dismissed from serve after completing of all codal formalities under the rules.
- iii. Incorrect. The orders of the respondent are legal and in accordance with law/rules.
- iv. Incorrect. The appellant was a habitual absentee and there are 20 bad entries in his service book including absence from duty, stoppage pay etc.
- v. Incorrect. That all opportunities of personal hearing and self defense were provided to the appellant during departmental probe, however he did not bother to appear before the competent authority and defend the charges leveled against him.
- vi. Incorrect. As stated above, the appellant was served with proper show cause notice and opportunity of self defense was also provided to the appellant, but the appellant did not bother to submit reply to the show cause notice nor defend the charges leveled against him.
- vii. Incorrect. Para already explained above in detail.
- viii. That other grounds not specifically answered in the reply, will be agitated with the permission of honorable Tribunal at the time of arguments.

PRAYER:

It is therefore requested that the appeal of appellant may kindly be dismissed with cost being devoid of merits and without any legal substance.

Provincial Police officer Khyber Pakhtunkhwa, Peshawar (Respondent No. 1)

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

District Police Officer Swat.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 11145/2020.

Mumtaz Ali, Belt No.33/RR S/O Fazal Hussain R/O Kukrai Saidu Sharif Tehsil Babozai District Swat.

..... Appellant

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- 1. The Provincial Police officer, Khyber Pakhtunkhwa, Peshawar.
- 2. The Regional Police Officer, Malakand Region at Saidu Sharif Swat.
- 3. The District Police Officer, Swat.

....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.

Provincial Police Officer Khyber Pukhtunkhwa, Peshawar (Respondent No. 1)

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

District Police Office (Respondent No. 1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 11145/2020.

Mumtaz Ali, Belt No.33/RR S/O Fazal Hussain R/O Kukrai Saidu Sharif Tehsil Babozai District Swat.

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VERSUS

- 1. The Provincial Police officer, Khyber Pakhtunkhwa, Peshawar.
- 2. The Regional Police Officer, Malakand Region at Saidu Sharif Swat.
- 3. The District Police Officer, Swat.

.....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.

Provincial Police Officer Khyber Pukhtunkhwa, Peshawar (Respondent No. 1)

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

District Police Officer (wa (Respondent No. 3)