

19th Sept 2022

Counsel for the appellant present and submits that against the impugned order dated 01.03.2022, the appellant has filed departmental appeal on 05.04.2022 which is beyond thirty days period provided under the law for filing representation. Learned counsel for the appellant submits that the appellant received the order late and has explained such delay in the application of condonation of delay. Awaiting ninety days waiting period after filing the departmental appeal, the appellant has filed this appeal on 18.07.2022. The appeal before the Tribunal is within time. The question whether it would be maintainable or not because the departmental appeal was barred, would be decided at the time of final hearing. This appeal is admitted to full hearing subject to all just and legal objections by the other side. Appellant is directed to deposit security fee. Out district respondents be summoned through TCS, the expenses of which be deposited by the appellant within three days, while the local respondents be summoned through process serving agency of the learned Senior Civil Judge, Peshawar. To come up for written reply/comments on 14.11.2022 before the S.B at camp court Abbottabad.

Rs 100/-
Appellant Deposited
Security & Process Fee
29/9




(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1117 /2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/07/2022	<p>The appeal of Mst. Sanam Naz presented by Mr. Muhammad Aslam Khan Tanoli Advocate. It is fixed for preliminary hearing before the touring Single Bench at A.Abad on <u>19-09-2022</u>. Notices be issued to appellant and her counsel for the date fixed.</p> <p>By the order of Chairman  REGISTRAR</p> <p>SCANNED KPST Peshawar</p>

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST**

Case Title: _____ vs _____

S.#	Contents	Yes	No
1.	This appeal has been presented by: <i>Sanam Naz Appellant</i>	✓	
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	✓	
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?	✓	
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D.A.G?	✓	✓
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?	✓	
16.	Whether appeal contains cuttings/overwriting?		✓
17.	Whether list of books has been provided at the end of the appeal?	✓	
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether Security and Process Fee deposited? on		✓
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on		
26.	Whether copies of comments/reply/rejoinder submitted? on		✓
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: *Sanam Naz*

Signature: *Sanam Naz*

Dated: *18/07/2022*

*وکیل صاحب کا ای میل ایڈریس
نہیں ہے*

BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No.....*117/2022*

Sanam Naz Ex-Lady Constable No. 725 District Police Haripur
R/O Opposite Faiza Rasheed CNG Tehsil & District Haripur.
.....(Appellant)

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Haripur. (Respondents)

SERVICE APPEAL

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2.	Dismissal Order dated 01-03-2022	"A"	09
3.	Departmental Appeal dated 05-04-2022	"B"	10-13
4.	Wakalatnama		

Sanam Naz
Appellant

Through

M. Aslam Tanoli
(Mohammad Aslam Tanoli)
Advocate High Court
at Haripur

Dated: *18*-07-2022

333-5958997

-1-

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No.....

Sanam Naz Ex-Lady Constable No. 725 District Police Haripur
R/O Opposite Faiza Rasheed CNG Tehsil & District Haripur.
.....(**Appellant**)

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Haripur. **(Respondents)**

**SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL
ACT 1974 AGAINST ORDER DATED 01-03-2022 OF THE DISTRICT
POLICE OFFICER HARIPUR WHEREBY APPELLANT HAS BEEN
"DISMISSED FROM SERVICE" ILLEGALLY AND AGAINST THE
DEPARTMENTAL RULES AND REGULATIONS GOVERNING THE
TERMS AND CONDITIONS OF APPELLANT SERVICE.**

**PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL THE
IMPUGNED ORDER DATED 01-03-2022 OF THE RESPONDENT MAY
KINDLY BE SET ASIDE AND APPELLANT BE REINSTATED IN SERVICE
FROM THE DATE OF DISMISSAL WITH ALL CONSEQUENTIAL
SERVICE BACK BENEFITS.**

Respected Sir,

1. That appellant was inducted in District Police Haripur in the year 2014 and since then appellant has been performing her duties with devotion, dedication and honesty. Appellant has exemplary service record.
2. That on 01-01-2022, while appellant posted at Police Lines, Haripur was telephonically informed from abroad Dubai by her cousin (daughter of his Aunt) that she was seriously ill and admitted to Hospital and there was no one to look after her. The appellant in emergency

informed In-charge Police Lines Haripur of the situation and started preparation for abroad.

3. That due to serious illness of her cousin abroad, appellant informed her In-charge to get her leave sanctioned from her officers and left for abroad. Appellant when reached abroad she found her cousin in a very serious condition and admitted to hospital. In such a situation the appellant had to stay with her as an attendant in the Hospital as her cousin was helpless and was without any attendant to be cared.
4. That no sooner the appellant's cousin felt some better, the appellant get her discharged from the hospital and managed returned air tickets to bring her home. Appellant alongwith her cousin reached home in Pakistan on 28-03-2022. Just after reaching appellant reported for her duties at police lines Haripur and appeared before the District Police Haripur on 29-03-2022 and explained the entire situation and problems and requested for grant of covering sanction of leave for already availed 60 days.
5. That the honorable District Police Officer Haripur did not pay any heed to the appellant's request of compulsions and problems and told that she had been dismissed from service vide order dated 01-03-2022 which was then delivered on 05-04-2022. **(Copy of dismissal order dated 01-03-2022 is attached as "A")**.
6. That appellant has 08 years service in the police department and during the entire service she has never

obtained even a single day **EARNED LEAVE** and sufficient leave balance is available in her credit and she can be granted 60 days leave from her balance.

7. That absence of appellant was not a deliberate and willful act rather due to acute compulsion for serious illness of her cousin (daughter of aunt) but these facts were never taken into consideration by DPO Haripur and dismissed her within a short time of her absence.
8. That no proper departmental inquiry was conducted against the appellant. Neither she was issued with a Charge Sheet nor Show Cause Notice before awarding major penalty of dismissal from service. Even the appellant was not given copy of inquiry report. The appellant was condemned unheard and principle of natural justice was seriously violated in her case.
9. That appellant aggrieved of the dismissal order preferred a departmental appeal before the Regional Police Officer, Hazara Region, Abbottabad on 05-04-2022 which was never responded within statutory period by the respondent appellate authority. **(Copy of appeal dated 05-04-2022 is attached as Annex-"B")**.
10. Hence this service appeal inter alia on the following grounds:-

GROUND:

- A) That orders dated 01-03-2022 of the respondents is illegal, unlawful, against the facts, departmental rules & regulations, Police E&D Rules 1975, passed in a whimsical,

arbitrary & cursory manner; hence liable to be set aside.

- B) That no proper departmental inquiry was conducted. No Charge Sheet and Show Cause Notice was issued to her. Copy of enquiry report, if any, was also not given to appellant. Even opportunity of personal hearing was not afforded to him and he was condemned unheard.
- C) That the appellate authority has also failed to abide by the law, neither had he taken into consideration the grounds of appeal presented by appellant in his departmental appeal nor was it replied within statutory period. Thus act of the appellate authority is contrary to the Police E&D Rules 1975 read with section 24-A of General Clause Act 1897 and Article 10A of the Constitution of Islamic Republic of Pakistan 1973.
- D) That appellant was wrongly dismissed from service and departmental inquiry also could not bring any thing adverse on record against the appellant and she has been penalized without any reason and justification.
- E) That instant service appeal is well within time and this honorable Service Tribunal has got every jurisdiction to entertain & adjudicate upon the lis.

PRAYER:

It is, therefore, humbly prayed that on acceptance of instant Service appeal order 01-03-2022 of the respondent may graciously be set aside and appellant be re-instated in service from the date of dismissal with grant of all consequential

5
Back benefit Any other relief which this honorable court deems fit may also be granted

Sarwan J 2
Appellant

Through:

M. Aslam
Muhammad Aslam Taholi
Advocate High Court
At Haripur

Dated: 18-07-2022

Verification:

It is verified that the contents of the instant appeal are true and correct to the best of my knowledge & belief & nothing has been suppressed.

Dated: 18-07-2022

Sarwan J 2
Appellant

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BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Sanam Naz Ex-Lady Constable No. 725 District Police Haripur
R/O Opposite Faiza Rasheed CNG Tehsil & District Haripur.

.....(**Appellant**)

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Haripur. **(Respondents)**

SERVICE APPEAL

CERTIFICATE

It is certified that no such Appeal on the subject has ever been filed in this Honourable Service Tribunal or any other court prior to the instant one.


APPELLANT

Dated: *18*-07-2022

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BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Sanam Naz Ex-Lady Constable No.1024 725 District Police
Haripur R/O Opposite Faiza Rasheed CNG Tehsil & District
Haripur.

.....(Appellant)

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer; Haripur.

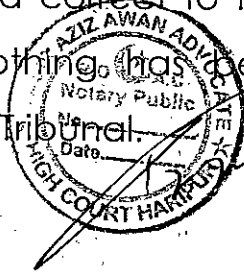
(Respondents)

SERVICE APPEAL

AFFIDAVIT:

I, Sanam Naz appellant do hereby solemnly declare and affirm on oath that the contents of the instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honourable Service Tribunal.

Dated: 18-07-2022



Sanam Naz
Deponent/Appellant

Identified By:

M. Aslam
Mohammad Aslam Tanoli
Advocate High Court
At Haripur

Dated: 18-07-2022

Sanam Naz
Appellant

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BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Sanam Naz Ex-Lady Constable No.725 District Police Haripur R/O
Opposite Faiza Rasheed CNG Tehsil & District Haripur.

.....(**Appellant**)

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Haripur. (**Respondents**)

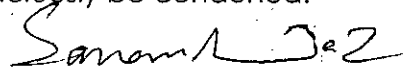

APPLICATION FOR CONDONATION OF DELAY IN FILING SERVICE APPEAL BEFORE THIS HONOURABLE SERVICE TRIBUNAL.

Respectfully Sheweth:

1. That applicant/appellant has filed today Service Appeal, which may be considered as part and parcel of this application, against order dated 01-03-2022 passed by departmental authority whereby appellant's represent has been dismissed from service.
2. That as the impugned order has been passed in violation and derogation of the statutory provisions of law, rules and regulations governing the terms and conditions of her service, therefore causing a recurring cause of action to applicant/appellant can be challenged and questioned irrespective of a time frame.
3. That impugned order passed by the respondent on 01-03-2022 and communicated on 05-04-2022 is illegal, without lawful authority and whimsical in manner. The applicant/appellant filed departmental appeal well in time and has rigorously been pursuing his case. The delay, if any, in filing departmental as well as service appeal needs to be condoned.
4. That instant application is being filed as an abundant caution for the condonation of delay, if any. The impugned order is liable to be set aside in the interest of justice.

It is, therefore, respectfully prayed that on acceptance of the instant application the delay, if any, in filing of above titled appeal may graciously be condoned.

Through:

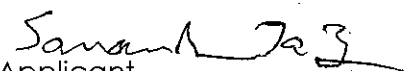

Applicant/Appellant

(Mohammad Aslam Tanoli)
Advocate High Court
At Haripur

Dated 18-07-2022

VERIFICATION:

It is verified that the contents of the instant application/appeal are true and correct to the best of my knowledge & belief & nothing has been suppressed.

Dated 18-07-2022


Applicant

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Annex A

ORDER.

LFC Sanam Naz No. 725, while she posted at Police Lines, Haripur absented herself from her legitimate duties without any leave or information from the competent authority w.e.f 25.09.2021 to 26.09.2021 (01) day, vide DD No.06 dated 25.09.2021 Police Lines, 23.10.2021 to 25.10.2021 (02) days, vide DD No.28 dated 23.10.2021 Police Lines, 18.11.2021 to 21.11.2021 (03) days, vide DD No.19 dated 18.11.2021 Police Lines, and 01.01.2022 to till date vide DD No.22 dated 01.01.2022 Police Lines. She was also not taking interest towards her legitimate duties. Her acts were severe violation of discipline, inefficiency and a gross misconduct in terms of Khyber Pakhtunkhwa Police Efficiency & Discipline Rules 1975 (amended-2014). Therefore, she was served with charge sheet and statement of allegations vides this office Endst No. 08-09/PA, dated 28.01.2022.

To probe the allegations Deputy Superintendent of Police, HQrs, Haripur, was appointed as Enquiry Officer, who conducted proper departmental enquiry and submitted his findings, vide his office Memo No. 144 dated 10.02.2022 and held that the LFC Sanam Naz No. 725 willfully absented herself from duties and proceeded abroad without any leave or permission/NOC. The enquiry officer held the charges of misconduct against the defaulter official proved and recommended her for major punishment of dismissed from service under section-4 of Khyber Pakhtunkhwa Police Efficiency & Discipline Rules 1975 (amended-2014). Hence, she was issued with Final Show Cause Notice, vide this office Endst No. 19/PA dated 15.02.2022, but she did not submit her written reply within the stipulated period.

On receiving the recommendation of enquiry officer and relevant record, I, am fully satisfied that the charges of misconduct are proved against the defaulter police official LFC Sanam Naz No. 725 who absented herself from lawful duties without any leave or permission from the competent authority. She also went abroad without any NOC. So, the charges of misconduct stands proved beyond any doubt. Therefore, I, Lt. Cdr @ Kashif Aftab Ahmad Abbasi (PSP), District Police Officer, Haripur being competent authority under the Khyber Pakhtunkhwa, Police Efficiency and Discipline Rules 1975 (amended-2014), awarded her major punishment of "Dismissed from Service", with immediate effect.

OB No. 144

Dated. 01-3-2022

Lt. Cdr @ Kashif Aftab Ahmad Abbasi, PSP
District Police Officer,
Haripur / 2022

Alleged
Sanam Naz

*approved in S.O
as punishment*

10

Amree B

BEFORE HONOURABLE REGIONAL POLICE OFFICER,
HAZARA REGION, ABBOTTABAD.

(4 sheets)

Departmental Appeal
By Lady Constable Sanam Naz No. 725
District Police Haripur

DEPARTMENTAL APPEAL AGAINST ORDER OB NO. 149 DATED 01-03-2022 PASSED BY THE DISTRICT POLICE OFFICER HARIPUR WHEREBY THE APPELLANT HAS BEEN AWARDED WITH THE PENALTY OF "DISMISSAL FROM SERVICE".

PRAYER: ON ACCEPTANCE OF INSTANT DEPARTMENTAL APPEAL THE IMPUGNED ORDER DATED 01-03-2022 OF DPO HARIPUR MAY KINDLY BE SET ASIDE AND APPELLANT BE GRANTED EARNED LEAVE OUT OF HIS ACCOUNT AND RE-INSTATED IN SERVICE FROM THE DATE OF DISMISSAL WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.

Respected Sir,

Respectfully the following few lines are submitted for kind consideration and favorable order please:-

1. That on 01-01-2022, while appellant posted at Police Lines, Haripur was informed telephonically from abroad Dubai by her cousin (daughter of his Aunt) that she was seriously ill and admitted to Hospital and there was no one to look after her. The appellant in emergency informed In-charge Police Lines Haripur of the situation and started preparation for abroad.
2. That due to serious illness of her cousin abroad, the appellant could not spare time for approaching her officers with regard to sanction of her leave and she verbally informed her In-charge to get her leave sanction from her officers and left for abroad. Appellant when reached abroad she found her cousin in a very serious condition and admitted to

Received
6/4/2022

Attest
Sanam Naz

hospital. In such a situation the appellant had to stay with her as an attendant in the Hospital as her cousin was helpless and was without any attendant to care her.

- 3. That no sooner the appellant's cousin felt some better, the appellant get her discharged from the hospital and managed returned air tickets to bring her home. Appellant alongwith her cousin reached home in Pakistan on 28-03-2022. Just after reaching appellant reported for her duties at police lines Haripur and appeared before the District Police Haripur on 29-03-2022 and explained the entire situation and problems to his highness and requested for grant of covering sanction of leave for 60 days.
- 4. That the honorable District Police Officer Haripur did not pay any heed to the appellant's request of compulsions and problems and straight way dismissed her from service vide order dated 01-03-2022 without any reason. **(Copy of dismissal order dated 01-03-2022 is attached as "A")**.
- 5. That no proper departmental inquiry was conducted against the appellant. Neither she was issued with a Charge Sheet nor Show Cause Notice before awarding major penalty of dismissal from service. Even the appellant was never provided with the opportunity of personal hearing. The appellant was condemned unheard and principle of natural justice was seriously violated in her case.

Attested
Saman Jai 2

6. That the appellant was appointed as Constable in the Police Department in the year 2014 and thus has rendered more than 08 years service. She always performed her assigned official duties with devotion, dedication and honesty and to the entire satisfaction of her officers and never provided them a chance of reprimand. Appellant had meritorious service at her credit.
7. That appellant is the only bread earner of her family consisting upon her aged ailing parents and minor school going brothers and sisters. The appellant is already under financial distress. She had to spend handsome amount on her medical treatment of her parents and now has been dismissed from service as well.
8. That as the appellant has more than 08 years service, therefore, has sufficient leave balance at her credit. The appellant deserve to be granted Earned Leave out of her own Leave balance.
9. That if the appellant is provided with a chance of personal hearing she will really prove her innocence before your Highness about her constrains which she had to face during illness of her cousin.

It is, therefore, earnestly requested that keeping in view the aforementioned facts & circumstances the impugned order dated 01-03-2022 of the District Police Officer Haripur may kindly be set aside and the appellant be granted earned

Accepted
Suman Naz

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leave, for the period she has been treated as absent, out of his leave account and re-instated her in service from the date of dismissal with all consequential service back benefits. Appellant shall always pray for your good health and long life. Thanking you sir in anticipation.

Sanam Naz

(Mst. Sanam Naz)

EX-LFC No. 725

District Police Haripur

ADDRESS:

Opposite Faiza Rasheed CNG

Tehsil & Distt: Haripur.

Cell No.0314-5080642

Dated: 05-04-2022

Attested

Sanam Naz

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

Rogd
No.

TB A/Abad

APPEAL No. *1117* of 20 *22*

Sarim Naz

Appellant/Petitioner

Versus

PPO Peshawar

RESPONDENT(S)

Resp No 3

Notice to Appellant/Petitioner

*DIST Police officer
Haxipur*

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *14-11-22* 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

A/Abad

For Reply

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

Rgd
No.

TB A/Abad.

APPEAL No.....117..... of 20 22

Sanam Naz

Appellant/Petitioner

Versus

P/o Peshawar

RESPONDENT(S)

Resp No 2 Regional Police officer
Notice to Appellant/Petitioner Hazara Region
A/Abad.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 14-11-22 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
A/Abad.
For Reply

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

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

No.

TB A/Abad

APPEAL No. 1117 of 2022.

Sanam Naz

Appellant/Petitioner

Versus

P.P.O Peshawar

RESPONDENT(S)

Resp No. I

Notice to Appellant/Petitioner

Provincial Police officers
Peshawar

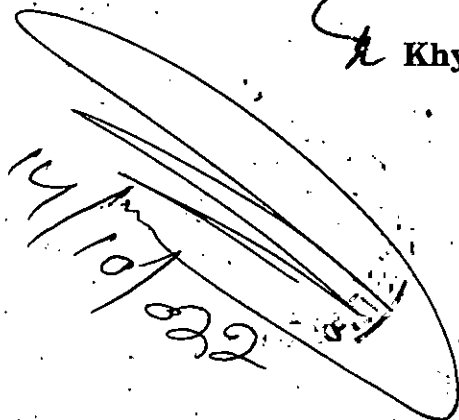
Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 14-11-22 at 9:00 AM

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.

ct. camp court
A/Abad



Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.



14/11/22