


26.03.2018

Junior to counsel for the appellant and Mr. Kabir Ullah Khattak, learned Additional Advocate General for the respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not available. Adjourn. To come up for arguments on 11.04.2018 before D.B



(Muhammad Amin Kundi)
MEMBER


(Muhammad Hamid Mughal)
MEMBER

11.04.2018


Learned counsel for the appellant and Mr. Usman Ghani, learned District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 15.05.2018 before d.B



(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

15.05.2018

Appellant absent. Counsel for the appellant is also absent. However, clerk of the counsel for appellant present and seeks adjournment. Mr. Kabirullah Khattak, Additional AG for the respondents also present. Adjourned. To come up for arguments on 11.06.2018 before D.B.


(Muhammad Amin Khan Kundi)
Member


(Muhammad Hamid Mughal)
Member

Service Appeal No. 1959/2009

Date of Institution: 23.12.20019

Date of Decision: 11.06.2018

Sikandar Shah

Vs

**The Provincial Police Officer, Khyber Pakhtunkhwa
Peshawar and 2 others.**

Judgment/Order:

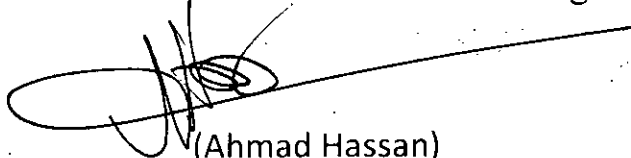
11.06.2018

MUHAMMAD HAMID MUGHAL, MEMBER (J) Learned counsel

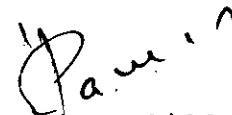
for the appellant present. Learned District Attorney on behalf of respondents present. *Arguments Heard. File Perused.*

Learned counsel for the appellant stated that the appellant submitted appeal/application dated 04.07.2009 to the respondent No.2/CCPO Peshawar, for the conversion of penalty of forfeiture of two (02) years service into minor punishment, which appeal/application was simply filed vide the final impugned order dated 27.09.2009. Learned counsel for the appellant argued that the final impugned/rejection order dated 27.09.2009 is not a speaking order and the appellant would feel contended if the respondent department/respondent No.2 is directed to decide his departmental appeal/application dated 04.07.2009 with speaking order.

Perusal of the final impugned order dated 27.09.2009 of respondent No.2 would show that vide the said order, the appellate authority/CCPO Peshawar has simply filed the application of the appellant without assigning any reason for the same. Hence this Tribunal is constrained to accede to the request of the learned counsel for the appellant. Consequently respondent No.2/CCPO Peshawar is directed to decide the application dated 04.07.2009 of the appellant afresh with speaking order. Copy of application dated 04.07.2009 be also sent to the respondent department for ready reference. The present service appeal is decided in the above terms. No order as to costs. File be consigned to the record room.



(Ahmad Hassan)
Member




(Muhammad Hamid Mughal)
Member

ANNOUNCED

11.06.2018

13.11.2017


Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for final hearing on 12.12.2017 before D.B.



(AHMAD HASSAN)
Member


(Muhammad Hamid Mughal)
Member

12.12.2017

Clerk of the counsel for appellant present. Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Due to general strike of the bar arguments could not be heard. To come up for arguments on 24.01.2018 before D.B.



(Gul Zeb Khan)
Member (E)


(Muhammad Hamid Mughal)
Member (J)

24.01.2018


Clerk of the counsel for appellant present and Addl: AG for the respondents present. Clerk of the counsel for appellant seeks adjournment as his senior counsel is not in attendance today. Adjourned. To come up for arguments on 20.02.2018 before D.B.


Member


Chairman

20.02.2018

Due to non availability of D.B. Adjourned. To come up on 26-3-18 before D.B.


(Gul Zeb Khan)
Member

08.12.2016

Junior to counsel for the appellant and Mr. Ziaullah, GP for respondents present. Junior to counsel for the appellant requested for adjournment. Request accepted. To come up for arguments on

12.4.17


(ASHFAQUE TAJ)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

12.04.2017

Junior counsel for the appellant present. Mr. Muhammad Jan, Government Pleader for the respondents also present. Junior counsel for the appellant requested for adjournment on the ground that senior counsel for the appellant is not available. Adjourned. To come up for rejoinder and arguments on 13.07.2017 before D.B.

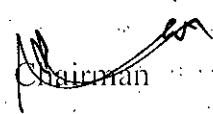

(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

13.07.2017

Junior to counsel for the appellant and Asstt. AG for the respondents present. Seeks adjournment as learned senior counsel for the appellant is busy in the Peshawar High Court. Adjourned. To come up for arguments on 13.11.2017 before the D.B.


Member


Chairman

08.12.2016

Brother of the appellant and Mr. Ziaullah, GP for official respondents and counsel for private respondent No. 4 also present. Wakalat Nama submitted on behalf of private respondent No. 4 which is placed on file. Brother of the appellant submitted that his

13.11.2015

Appellant with counsel and Mr. Aziz Shah, HC alongwith Mr. Ziaullah, GP for respondents present. Arguments could not be heard due to shortage of time. To come up for arguments on

11-4-2016.



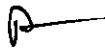
Member



Member

11.04.2016

Clerk to counsel for the appellant and Mr. Muhammad Jan, GP for respondents present. Clerk to counsel for the appellant requested for adjournment. To come up for arguments on 02.08.2016.



Member



Member

02.08.2016

Taimur Khan junior to counsel for the appellant and Mr. Ziaullah, GP for respondent present. Junior to counsel for the appellant requested for adjournment. Request accepted. To come up for arguments on

8-12-16



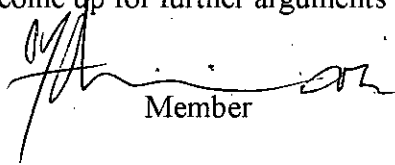
Member



Member

11.12.2013

Clerk of counsel for the appellant and Mr. Wisal Ahmad, SI (Legal) with AAG for the respondents present. Arguments could not be heard due to non-availability of learned counsel for the appellant. To come up for further arguments on 2.5.2014.

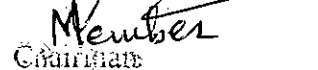

Member


Chairman

2.5.2014

Counsel for the appellant and AAG for the respondents present. The learned counsel for the appellant requested for adjournment. To come up for arguments on 30.9.2014.


Member


Chairman

30.09.2014

Clerk of counsel for the appellant and Mr. Muhammad Adeel Butt, AAG for the respondents present. Arguments could not be heard due to strike of the Bar. To come up for arguments on 10.04.2015.



Member

10.04.2015

Counsel for the appellant and Addl. A.G for respondents present. Since the Court time is over, therefore, arguments could not be heard. Therefore, case is adjourned to 13.11.2015 for arguments.


MEMBER


MEMBER

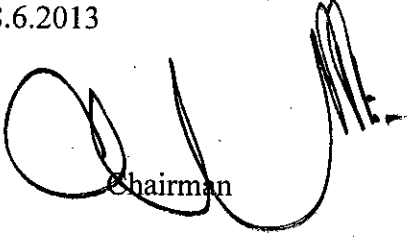
30.10.2012

Clerk of counsel for the appellant and Mr. Nawab Khan, H.C with Mr. Arshad Alam, Govt. Pleader for respondents present. Arguments could not be heard due to pre-occupation of learned counsel for the appellant in the High Court as well as incomplete Bench. To come up for arguments on 15.2.2013.


MEMBER

15.2.2013

Counsel for the appellant and AAG for the respondents present. The learned counsel for the appellant requested for adjournment on the ground that he could not prepare the case for arguments. To come up for arguments on 28.6.2013


Chairman

28.6.2013

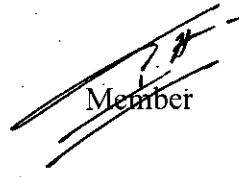
Counsel for the appellant and Malik Habib, SI (Legal) for respondents with Mr. Usman Ghani, Sr. GP present. Arguments could not be heard due to incomplete bench owing to the promulgation of Khyber Pakhtunkhwa Ordinance No. II of 2013. To come up for arguments on 11.12.2013.

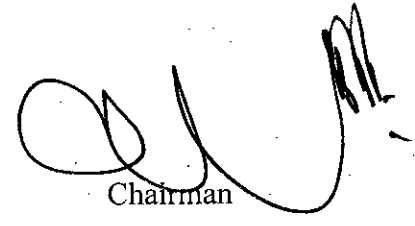


Chairman

20 16.01.2012

Counsel for the appellant and Malik Habib, S.I (legal) on behalf of the respondents with AAG present. The learned counsel for the appellant requested for adjournment. To come up for arguments on 9.4.2012.

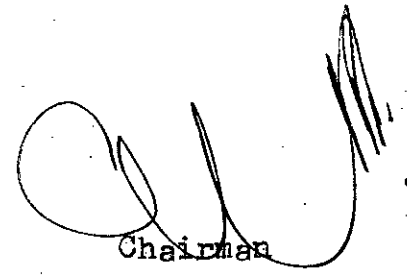

Member


Chairman

21 9.4.2012

Clerk of counsel for the appellant and AAG for the respondents present. Request for adjournment made on behalf of the appellant due to strike of the Bar. To come up for arguments on 10.7.2012.

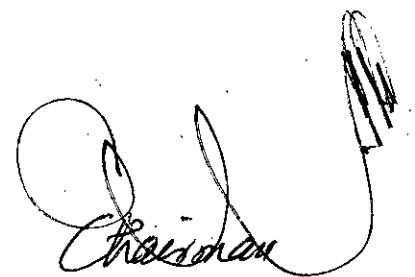

Member

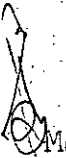
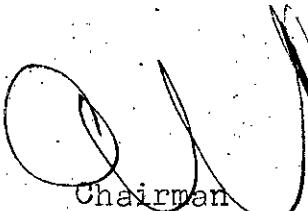

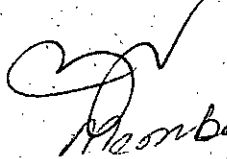

Chairman

22. 10.7.2012


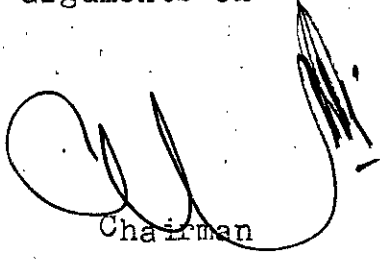


Counsel for the appellant and AAG for the respondents present. The learned counsel for the appellant requested for adjournment. To come up for arguments on 30.10.2012.


Member


Chairman

Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
18	15.9.2011	<p>Clerk of counsel for the appellant present and requested for adjournment due to pre-occupation of learned counsel for the appellant in the High Court. Mr. Tahir Iqbal, AGP for respondents present. Rejoinder on behalf of the appellant received, copy whereof is handed over to the learned AGP for arguments on 28.11.2011.</p> <p style="text-align: center;">  Member  Chairman <i>for the appellant</i> </p>
19	28.11.2011	<p>Clerk of counsel and Malik Habib, Sr. (Legal) with Mr. Arshad Alam, AGP for respondents present. Arguments could not be heard due to strike of the Bar. To come up for arguments on 16.01.2012.</p> <p style="text-align: center;">  Member  Member </p>

Serial No. of Order or Proceedings 1	Date of Order or Proceedings 2	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary 3

Serial No. of Order or Proceeding 1	Date of Order or Proceedings 2	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary 3
13	15.11.2010	<p>Counsel for the appellant present, but requested for adjournment due to strike of the Bar. Mr. Sher Afgan Khattak, AAG along with Wisal Ahmad, S.I (legal) for respondents, also present. To come up for arguments on 20.01.2011.</p> <p style="text-align: center;">  Member  Chairman </p>
14.	20.1.2011	<p>Clerk to counsel for the appellant present. Due to strike of lawyers, counsel for the appellant is not available. AAG on behalf of the respondents present. To come up for arguments on 24.3.2011.</p> <p style="text-align: center;">  MEMBER  MEMBER </p>
15.	24.3.2011	<p>Appellant with counsel and AAG for the respondents present. Arguments partly heard. For arrival at a just and proper decision the learned counsel for the appellant would provide assistance (i) with regard to period of limitation in view of appeal filed after almost 12 years, on 23.12.2009, against the impugned order of the authority dated 21.4.97; and (ii) with regard to the plea of the respondents that the impugned action of forfeiture of two years service was taken under Police Rules, 1934, particularly in view of the fact that the said provision has not been mentioned in the impugned order, and also in view of the fact that special disciplinary law i.e. NWFP</p>

ORDER.

A

4

LHC Sikandar Khan No. 3011 while posted to PP-Naguman (Police station Daudrai) as Moharrir recovered blue print cassettes from the shop situate in the limits of PP-Naguman, being a Moharrir he should have deputed some one else or at-least could have brought into the notice of incharge/ASI, but he inst went himself and then after recovery harassed the persons and did not register a case. He is also in practice of sifarish to his superior officers, for which he was served with a Show Cause Notice to which he replied, therefore his reply to the Show Cause Notice was found un-satisfactory, as the case property in question (X-rated movies) were brought out in the open and no case was registered when the undersigned intervened. The defaulter LHC is not only not enjoying a good reputation besides being rude and a nuisance to the public and then bringing sifarish to the undersigned. For this and then lying in his response to the show cause notice his two (2) years approved service is forfeited and also awarded the punishment of warned to be careful in future.

OB NO. 1247

Dt: 21-4-1997

(MOHAMMAD FAROOQ AZAM)
Superintendent of Police, Rural
Divn. Peshawar.

16/4/97

No. 140 /Steno dt: 21-4-1997.

Copy to:-

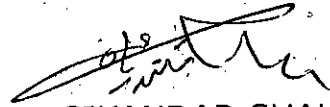
1. The Superintendent of Police, Rural ~~KIRAN~~ Peshawar for information.
2. The A.S.I. Rural sub divn: Peshawar for information.
3. Pay officer.
4. O/C.
5. O/ASI
6. LHC with papers for record.

Self
O/S/ASI

G- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

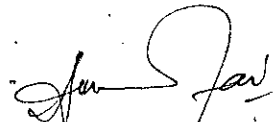
It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

APPELLANT



SIKANDAR SHAH

THROUGH:



M.ASIF YOUSAFZAI

&



PIR IMAMUDDIN
ADVOCATES.

centre who was running blue print shows in his shop. The said owner then lodged a false complaint against the appellant.

- 3- That on the basis of that complaint, the appellant's two years service was forfeited without following proper procedure vide order dated. 21.4.97. Copy of the order is attached as Annexure - A.
- 4- That at that time the appellant filed an appeal but the same was never responded to the appellant. Therefore the appellant filed another appeal for restoration of his service on 4.7.09. The CCPO requisitioned performance report of the appellant and comments from the SSP (Investigation), who furnished the same with clear comments and performance report. Copies of appeal, comments and performance report are attached as Annexure - B, C & D.
- 5- That on 27.9.09 the appeal of the appellant was rejected the copy of which was received by the appellant on 25.11.09. hence, the present appeal on the following grounds amongst the others. Copy of the order is attached as Annexure - E.

GROUND:

- A- That the impugned orders are against law, facts and norms of justice, therefore not tenable.
- B- That a fact finding inquiry was conducted at that time in which the appellant was exonerated but despite of that the appellant was penalized.
- C- That no proper procedure was adopted while imposing the penalty upon the appellant. More over no chance of defence was provided to the appellant.
- D- That the appellant is a civil servant who is to be dealt according to the Civil Servant Act and other laws made there under. Therefore the penalty order was imposed in violation of the basic law.
- E- That the first appeal was rejected by the SSP who was the authority at that time therefore the rejection of appeal and non conveyance of the said by the same person/official is totally against the norms of justice because power of authority and appellate authority were used by one and the same person.
- F- That the final rejection order is not a speaking order which is the violation of the Supreme Court's judgment.

BEFORE THE NWFP SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. 1959 /09.

N.W.F. Service
Tribunal
Diary No. 2053
Dated 23/12/09

Mr. Sikandar Shah, ASI,
(Investigation), P.S Gul Bahar, Peshawar.....Appellant.

VERSUS

- 1- The provincial Police Officer, NWFP, Peshawar.
- 2- The Capital City Police Officer, Peshawar.
- 3- The S.P Rural Peshawar.....Respondents.

**APPEAL UNDER SECTION 4 OF THE NWFP
SERVICE TRIBUNALS ACT 1974 AGAINST THE
ORDER DATED. 21.4.97 WHEREBY TWO YEARS
APPROVED SERVICE WAS FORFEITED AND
AGAINST THE FINAL REJECTION ORDER DATED.
27.9.09 RECEIVED BY APPELLANT ON 25.11.09.**

Filed to ~~Reg~~
Registrar
23/12/09

PRAYER:

That on acceptance of this appeal the impugned orders ay be set aside and the two years forfeited service may be restored. Any other reedy which this august Tribunal deems fit that may also be awarded in favour of appellatnt.

R.SHEWETH.

- 1- That the appellant joined the Police Force in the year 1988 and has good service record and experience.
- 2- That in the year 1997, while the appellant was posted in P.S Daud Zai , exchanged some harsh words with a owner of music

BEFORE THE NWFP SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. _____/09.

Mr. Sikandar Shah,

VS

Police Deptt:

INDEX

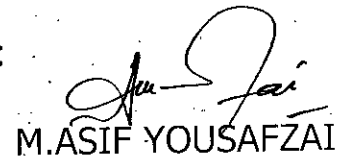
S.NO	DOCUMENTS	ANNEXURE	PAGE
1-	Memo of appeal.	---	1 - 3
2-	Order dt. 21.4.97	A	4
3-	Comments of SSP.	B	5
4-	Performance report.	C	6
5-	Appeal.	D	7
6-	Rejection order.	E	8
7-	Vakalat nama	---	9.

APPELLANT



SIKANDAR SHAH

THROUGH:



M.ASIF YOUSAFZAI

&







PIR IMAMUDDIN
ADVOCATES.

FORM "A"

FORM OF ORDER SHEET

Court of.....

Case No.....of.....

Serial No. of Order or Proceedings 1	Date of Order or Proceedings 2	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary 3
1-	23/12/2009	<p>The appeal of Mr. Sikandar Shah presented to-day by M.Asif Yousafzai Adv; may be entered in the Institution Register and put up to the Werthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	2-1-2010	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>12-01-2010</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
3.	12.1.2010	<p>Counsel for the appellant present. He needs time to prepare arguments. To come up for preliminary hearing on 27.1.2010.</p> <p style="text-align: right;"> MEMBER</p>
4.	27.1.2010	<p>Junior to counsel for the* appellant present. He requested for time as senior counsel is busy before the Hon'ble High Court Case is adjourned to 10.2.2010 for preliminary hearing.</p> <p style="text-align: right;"> MEMBER</p>

*Appellant deposited
Process fee & Security
RS. 180/- Bank Receipt
attached with file*

No. of Order or Proceedings 1	Date of Order or Proceedings 2	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary 3
5.	10.2.2010	<p>Counsel for the appellant again needs time. Case is adjourned to 8.3.2010 by way of last chance.</p> <p style="text-align: right;"><i>[Signature]</i> MEMBER</p>
6.	8.3.2010	<p>Counsel for the appellant present. He contended that vide impugned order dated 21.4.1997, two years approved service of the appellant had been forfeited, which does not a penalty as prescribed under the NWEP (E&D) Rules, 1973. He further contended that the appellant has not been treated in accordance with law. Points raised need consideration. The appeal is admitted to full hearing, subject to 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 on 12.4.2010.</p> <p style="text-align: right;"><i>[Signature]</i> MEMBER</p>
7.	12.03.2010	<p>This case be put up before the Final Bench <i>[Signature]</i> for further proceedings.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>

VAKALAT NAMA.

9

IN THE COURT OF Service Tribunal Peshawar
OF 200 9

Sikandar Shah

(Appellant)
(Plaintiff)
(Petitioner)

VERSUS

Police Dept.

(Respondent)
(Defendant)

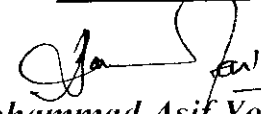
I/we Sikandar Shah ASI (P.S. Gul Bahar) Appellant

Do hereby appoint and constitute **M.Asif Yousafzai, Advocate, Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/counsel on my/our cost.
I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ___ / ___ /200


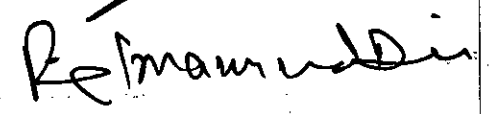

CLIENT

ACCEPTED


Mohammad Asif Yousafzai
Advocate

M.ASIF YOUSAFZAI
Advocate High Court,
Peshawar.

OFFICE:
Room NO.1, Upper Floor,
Islamia Club Building,
Khyber Bazar, Peshawar.
Ph: 091-2211391:

216 - S G. Bahar

25/11/09

E
8

From: The Capital City Police Officer,
Peshawar.

To: The Sr: Superintendent of Police,
Investigations Peshawar.

NO. 6980 /EC.II dated 27/9/2009

SUBJECT: APPLICATION.

MEMO:

3535
28/9/09

Please refer to your office memo:
No.3108/PA, dated 28.8.2009.

ASI Sikandar Shah of Inv: Wing
CCP/Peshawar has submitted application for restoration
of punishment forfeiture of two years approved
service awarded to him by SP/Rural in 1997 has
been examined and filed.

He may please be informed accordingly.

~~ISMAIL~~
CAPITAL CITY POLICE OFFICER
PESHAWAR. 19/9/09

Office of the DSP/Investigations
No. 871 Ist
City Division Peshawar

DSP/CI) city
To inform the ASI
accordingly.

C/O/As-Gulshan

To inform ASI Sikandar Shah
accordingly

SSP/CI)
26/09/2009

For
9-9-09

ASI of
C/O/As. G.B
25.11.09

D
⑦

To
The C.C.P.O.
P.S. Gulbahar.

SUBJECT: RESTORATION OF TWO YEARS FORFEITED SERVICE

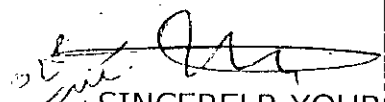
Sir,
Most profoundly it is submitted that I was enrolled in the Police Force in the year 1988 and have brilliant service record.

In the year 1997 I was posted in P.S Daud Zai and during that period I exchanged some harsh words with a owner of music centre, who was running blue print show in his shop.

On the basis of that occurrence , the said person, lodged a baseless complaint against me. On that complaint a proper inquiry was conducted. The inquiry Officer clearly declared me innocent and exonerated me from the charges, but despite of that my two years approved service was forfeited vide order dated. 21.4.97, which was unjust and against the norms of justice as the inquiry officer had already exonerated me.

It is therefore, humbly requested that the said punishment may be set-aside by restoring my two years forfeited service and even if the punishment is to be maintained , then that may very kindly be converted into a minor punishment to save the service career from undue hardships.

Dated. 4-7-09


SINCERELY YOURS,
SIKANDAR SHAH, ASI,
INVESTIGATION,
P.S, GULBAHAR.

Forwarded for Consideration

Mudas
SST. 3
9/7
9/30

DSP/L
EC..

Report
↓

Sir,

Forwarded please
S
DSP - Jm: cig
09-7-09

For
Autup 23/3
Jm
23/3
20/7

Be
C.R.
Jm
for record
Jm
20/7

Sir
Forwarded
Jm
4/17/09

6

Office of the Capital City Officer Police Station Gul Bahar Peshawar Date: 29/8/09	5188 29/8/09	(14)
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From: The Senior Superintendent of Police,
Investigation, Peshawar.

To: The Capital City Police Officer,
Peshawar.

No. 3108 /PA, dated Peshawar, the 28 /8 /2009.

Subject: RESTORATION OF TWO YEARS FORFEITED SERVICE.

Memo.

Kindly refer to your office memo: No.6052/EC-II, dated 17/08/2009 on the subject noted above.

It is submitted that ASI Sikandar Shah while posted as IO at Police Station Gul Bahar was worked out the following cases :-

1/ The ASI worked out case FIR No.559 dated 28/09/2008 u/s 382/411 PPC Police Station Gul Bahar wherein two accused were arrested and recovered Rs.30,000/- from their possession.

2/ The ASI arrested three accused and one PO namely Abdullah @ Body Builder in case FIR No.531 dated 10/09/2008 u/s 381-A PPC PS: Gul Bahar.

3/ In case FIR No.681 dated 21/11/2008 u/s 379/411 PPC Police Station Gul Bahar Six accused were arrested and recovered snatched Rs.5500/- as well as I.D. card of the complainant Mr. Syed Anees Badshah Bukhari ASI, Peshawar was also recovered.

4/ A Proclaimed Offender namely Tahir s/o Ghulam Dastagir r/o Dalazak Road, Peshawar was arrested in case FIR No.685 dated 24/11/2008 u/s 496-A/419/420/380 PPC/14 Islamic Law Police Station Gul Bahar.

5/ In case FIR No.32 dated 17/01/2009 u/s 382/411 PPC PS: Gul Bahar 4 accused were arrested and recovered snatched amount of Rs.30,000/-

6/ Accused Qari Roohullah was arrested and recovered snatched amount of Rs.16,000 from his possession vide in case FIR No.54 dated 27/01/2009 u/s 382/411 PPC Police Station Gul Bahar.

7/ A stolen Suzuki Motor Car No.PRE/3593 was recovered in case FIR No.122 dated 03/03/2009 u/s 381-A PPC Police Station Gul Bahar.

8/ In case FIR No.131 dated 07/03/2009 u/s 382/354/109/452 PPC PS: Gul Bahar two Dacoits were arrested while the remaining 9 accused have been declared as POs.

9/ The ASI worked out case FIR No.220 dated 16/04/2009 u/s 9 CNSA Police Station Gul Bahar wherein Proclaimed Offender namely Sardar Alam was arrested.

- ✓ C.C.P.O. *Jawan*
- SSP/O _____
- SSP/I _____
- SP/Cantt. _____
- SP/City _____
- SP/Rural _____
- SP/Sec _____
- SP/HQ _____
- SP/T.O _____
- SP/T. HQ _____
- DSP/L/O _____
- P.O./C.C. _____
- SP/EC-II _____
- 15/8/09

Submitted for f/o your kind perusal please.

[Signature]

SENIOR SUPERINTENDENT OF POLICE,
INVESTIGATION, PESHAWAR.

Rev. C. J. Khan

B (5)

Sir,

Kindly refer to para No 9 of anti note.

SSP/Investigation, Peshawar has forwarded a detailed progress report of ASI Sikandar Shah of PS Gulbahar Inv: Wing placed on opposite file.

Submitted for your kind perusal & further orders please.

EC-II 29/8/09

of Sir, It is submitted that

Noted by
ASi Sikandar Shah
on 31/8/09
13-9-09

- i) The appeal is time barred. Moreover it is not legally possible as he come up with this appeal after 12 yrs.
- ii) Report on his working has been detained from SSP/Inv. which may kindly be perused at P.P.U.C. Submitted herein

16/08

W/SSP/Coordination

16/08

As regards the maintainability of appeal, it is interesting to note that while the punishment was awarded by SP Rural, the appeal was decided by SSP Peshawar. The SSP should have forwarded the said appeal to DIG Range but instead of doing that he proceeded to dispose it off himself.

As regards the professional department, the report of SSP (Inv) is submitted for consideration

CCM/Res

file 16/08

16/08

Note 1 : In the case of payments at the Treasury Receipts for sums less than Rs. 500 do not require the signature of the Treasury Officer but only of the Accountant and the Treasury Receiver for cash and cheques paid for service stamps should always be signed by Treasury Officer of C.A. Code Vol: I

Note 2 : Particulars of money tendered should be given on the reverse.

Note 3 : In case where direct credit at Bank are permissible the columns. "Head of account" will be filled in by the Treasury Officers, or the Accounts Officers as the case may be on receipts of the Bank Daily Sheet.

In case of "Duty on Impressing Documents" the amount creditable to each of the following detailed heads be noted :

- (a) Duty on embossing on anna receipt and cheque stamps.
- (b) Duty "On documents voluntarily brought" for adjudication (Section 31, Act II of 1899).
- (c) Duty on unstamped or insufficiently stamped documents levied under Chapter IV of Act II of 1899.
- (d) Other Items.

1059/10

Treasury / Sub-Treasury

Chalan of Cash paid into the.....

State Bank of Pakistan

NGMISC
CHALAN NO.

ORIGINAL

To be filled in by the remitter

To be filled in by the Departmental officer or the Treasury

By whom tendered	Name or Designation and address of the person on whose behalf money is paid	Full particulars of the remittances and of authority (if any)	Amount	Head of Account	Order to the Bank *
				611215 350000/	

Name

Security Refundable
RS. 100/- deposited
Sikandar Shah A No 1959/09

Date

Correct
Received and grant receipts.
Signature and full designation of the officer ordering the money to be paid in

Signature

Total (A) 100/-

(a) (in words) Rupees

(One Hundred)

To be used only in the case of remittances to Bank through an officer of the Government.

Received

Rs 100/- only

Date

Head of A/C Verified

Treasurer

State Bank of Pakistan
SBP BSC (Bank) Peshawar
RECEIVED IN CASH
01 APR 2010
ATO

Assistant Treasury Officer
Peshawar
Accountant

Treasury Officer
BSC (Bank)
PA Manager
Peshawar

Particulars

Amount
Rs. Paisa.

BSC (Bank)
PAD (R)
Peshawar

(with details)
(with details)
Total :

Chairman
N.W.F.P. Service Tribunal
Peshawar

NGMISC

In case of "Duty on Impressing Documents" the amounts creditable to each of the following detailed heads should be noted:

- (a) Duty on embossing one anna receipt and cheques stamps.
- (b) Duty on Documents voluntarily brought for adjudication (Section 31, Act II of 1899)
- (c) Duty on unstamped or insufficiently stamped documents levied under Chapter IV of Act II of 1899.
- (d) Other items.

Draw

STATE BANK OF PAKISTAN
Dated the 30th of Mar 2000

NG MIS C

1032/18

Received from the bearer

the sum of Rs. 80 only only only only
to be credited to Government account under the head 1032/18

State Bank of Pakistan
RECEIVED IN CASH
2 APR 2010

ORIGINAL
less fee 3844

NG MIS C
3844
No. 1959/109
Head of Branch
MANAGER

Note: The Bank Agent is instructed not to receive money unless both portions of the invoice are carefully and clearly filed in.
S.B.S.
BSC (Bank)
Peshawar

(See reverse)

PROVINCIAL

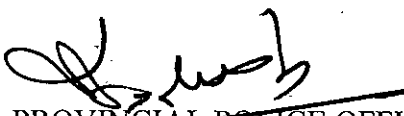
NWFP A&T 200.


GROUNDS.


- A. Incorrect, the order is legal and justified.
- B. Incorrect, the allegations are false and baseless.
- C. Incorrect, the appellant was given full opportunity to defend himself.
- D. Incorrect, the allegations are false and baseless; moreover the order was passed after completing all codal formalities.
- E. Incorrect, the appellant was informed accordingly regarding rejection of his Departmental appeal.
- F. Incorrect, the allegations are false and baseless.
- G. The para is legal hence no comments.
- H.

PRAYERS.

Keeping in view the above it is therefore, prayed that the appeal may kindly be dismissed with cost.


PROVINCIAL POLICE OFFICER
K.P.K PESHAWAR.
Respondent No-1


CAPITAL CITY POLICE OFFICER
PESHAWAR
Respondent No.2


SUPERINTENDENT OF POLICE
RURAL PESHAWAR.
Respondent No.3

8
10/6/10

BEFORE THE NWFP SERVICE TRIBUNAL NWFP, PESHAWAR.

Service Appeal No.1959/2009.

Sikandar Shah -ASIAppellant.

Versus.

1. Provincial Police Officer NWFP, Peshawar
2. Capital City Police Officer Peshawar.
3. The SP Rural Peshawar.....Respondents.

PRELIMINARY OBJECTIONS.

1. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
2. That the appellant has no cause of action.
3. That the appellant has not come to this court with clean hands.
4. That the appeal is badly barred by time.

PARAWISE COMMENTS.

Respectfully Sheweth;

1. Para No.1, is correct to the extent that the appellant was appointed as constable in Police department and now serving as ASI.
2. Para No.2 is incorrect. The appellant while posted to Police Post Naguman as Moharrir recovered blue print cassettes from the shop situated in the limits of PP-Nagumanm, being a Moharrir, he harassed a person and failed to register a case against him due to his misconduct he earned bad name for the Police department. An enquiry into the matter was conducted and he was awarded punishment of forfeiture of two years approved service under Police Rules 1934 by the competent authority after completing all codal formalities required per law.
3. The para has already been explained in the above para.
4. Para No.4 is incorrect. The appellant was awarded punishment on 21.04.1997 while departmental appeal against the said order was submitted on a very belated stage after expiry of 12 years in the year 2009.
5. Para No.5 is correct to the extent that representation of the appellant was examined and rejected on sound grounds.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No 1226 /ST

Dated 14 /06/2018


To


The Capital City Police Officer,
Govt: of Khyber Pakhtunkhwa,
Peshawar.

Subject: **ORDER/JUDGEMENT IN APPEAL NO. 1959/2009, MR. SIKANDAR SHAH.**

I am directed to forward herewith a certified copy of Judgment/Order dated 11/06/2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.



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

Service Appeal No. 1959 /2009

Mr. Sikandar Shah V/S Police Department.

.....

REJOINDER ON BEHALF OF APPELLANT

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RESPECTFULLY SHEWETH:

All objections raised by the respondents are incorrect. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

1. Admitted correct by the respondents so no comment
2. Incorrect, while the contents of Para-2 of Appeal is correct.
3. Incorrect. No regular inquiry was conducted and the appellant was not awarded a chance to provide cross examine and evidence against him. Moreover, the appellant was civil servant; therefore, he was required to be treated under E&D Rules 1973 and not under the Police Rules 1934.
4. Incorrect, it is proved from the record that the said appeal of the appellant was never forwarded to the appellate authority and was kept by the SP with himself which is the violation of law. Moreover, as the impugned order is a void order, therefore, no limitation runs against that.
5. Incorrect, while Para-5 of Appeal is correct.

GROUND:

- (A-G) All paras of the grounds of appeal are correct and have not been replied properly and according to the contents of paras which means the respondents have nothing to put forward to deny the grounds.

It is, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

APPELLANT

SIKANDAR SHAH

Through:



(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of reply are true and correct to the best of my knowledge and belief.



DEPONENT