

14th July, 2022

1. Counsel for the appellant present and heard.

2. The appellant was dismissed from service vide order dated 19.06.2014 against which he filed departmental appeal, which bears no date but the order dismissing the appeal dated 07.09.2015 shows that the departmental appeal was badly barred by time. Again the appellant submitted an application to the Inspector General of Police Khyber Pakhtunkhwa which was also dismissed vide order dated 06.09.2017 holding the same to be barred by time for two years. The appellant has filed this appeal on 29.11.2018 i.e. after more than year of the dismissal of his second appeal by the Inspector General of Police Khyber Pakhtunkhwa. The application for condonation of delay in filing this appeal has been considered wherein the grounds taken were that the appellant belonged to a poor family, was sole supporter of his family and was unable to challenge the impugned order before the Tribunal within time. It was also averred in the application that mother of the appellant was very sick and due to her bad health condition, he remained absent for few days from his duty owing to which harsh punishment was awarded to him. Both these grounds are not well-founded nor plausible to be considered for condoning the delay caused in filing this appeal. Moreover, the departmental appeal filed before the departmental authority was also barred by time. It was only the concerned authority to condone the delay in filing the departmental appeal and not the Tribunal, rather in such situation, the appeal before the Tribunal becomes not maintainable. Therefore, it is dismissed in limine. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 14th day of July, 2022.*



(Kalim Arshad Khan)
Chairman

16th June, 2022

Counsel for the appellant present.

Learned counsel for the appellant sought adjournment. Last chance is given. To come up for preliminary hearing on 24.06.2022 before S.B.



(Kalim Arshad Khan)
Chairman

24th June, 2022

Learned counsel for the appellant present.

Let per-admission notice be issued to the respondents for reply/comments. To come up for preliminary hearing on 14.07.2022 before S.B.



(Kalim Arshad Khan)
Chairman



11.11.2021

Clerk of counsel for the appellant present. Seeks adjournment due to non-availability of learned counsel for the appellant. Request is accorded. To come up for preliminary hearing on 19.01.2022 before S.B.


Chairman

19.01.2022

Clerk of learned counsel for the appellant present.

Clerk of learned counsel for the appellant submitted an application for adjournment wherein he stated that learned counsel for the appellant is not available today due to death of his relative. Request is acceded to. To come up for preliminary hearing on 16.03.2022 before S.B.


(Mian Muhammad)
Member(E)

16.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 16.06.2022 for the same as before.


Reader.

11.03.2021 Junior to counsel for the appellant present and requested for adjournment as senior counsel for the appellant is busy before the Hon'ble Peshawar High Court.

Adjourned to 17.06.2021 for preliminary hearing before S.B.



(Rozina Rehman)
Member (J)

17.06.2021 Junior to counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG for the respondents present. Senior counsel for the appellant is not in attendance due to general strike of the bar.

Adjourned to 21.09.2021 for preliminary hearing before S.B.



Chairman

21.09.2021 Clerk of counsel for the appellant present.

Clerk of Learned counsel for the appellant requested for adjournment on the ground that the learned counsel for the appellant is not available today. Adjourned. To come up for preliminary hearing before the S.B on 11.11.2021.



(MIAN MUHAMMAD)
MEMBER (E)

09.12.2020

Counsel for the petitioner and Addl. AG present.

The application in hand is with the prayer for restoration of Service Appeal No. 1440/2018, dismissed for non-prosecution on 24.07.2019.

Learned AAG, at the outset, pointed out that the application was submitted on 25.11.2019 against the order dated 24.07.2019, therefore, was barred by a long period of time.

Learned counsel for the petitioner urged that valuable service rights of petitioner were involved and he was dismissed from service through the order impugned in the appeal. The appeal, therefore, warranted decision on merits. It was also stated that the absence of petitioner was not willful but was due to mis-noting/mis-understanding the date of hearing.

The application is supported by a duly sworn affidavit of learned counsel and at present there is nothing on record to disregard its contents. It is also a fact that the appeal is against order(s), whereby, the appellant was dislodged from service. In the circumstances, it shall be appropriate that the petitioner is provided with opportunity to present his case on merits. The application is, therefore, allowed and the appeal is restored to its original number. It shall come up for preliminary hearing before S.B on 11.03.2021.


Chairman

Restoration app. No. 437/19

16.09.2020

Counsel for the petitioner present.

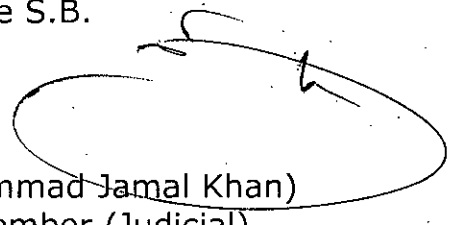
Notice of the restoration application be sent to the respondents for 22.10.2020 before S.B.


Chairman

22.10.2020

Applicant is present in person.

Since the Members of the High Court as well as of the District Bar Association Peshawar are observing strike today, therefore, the case is adjourned to 09.12.2020 on which date to come up for further proceedings before S.B.


(Muhammad Jamal Khan)
Member (Judicial)

03.02.2020

Clerk to counsel for the petitioner present and requested for adjournment on the ground that learned counsel for the petitioner is not available today. Adjourned to 18.03.2020 for further proceedings before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

18.03.2020

Nemo for the petitioner. Adjourn. To come up for further proceedings on 23.04.2020 before S.B. Notice be issued to the petitioner for the date fixed.


Member

23.04.2020

Due to public holiday on account of COVID-19, the case to come up for the same on 30.07.2020 before S.B.


Reader

30.07.2020

Nemo for the petitioner.




On previous occasion the matter was posted for hearing today through Reader note, therefore, notices be issued to petitioner/learned counsel for further proceedings on 16.09.2020 before S.B.


Chairman

Form-A
FORM OF ORDER SHEET

Court of _____

Appeal's Restoration Application No. 437/2019

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	25.11.2019	<p>The application for restoration of appeal No.1440/2018 submitted by Mr. Jehan Afsar Paindakhel Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	26/11/19	<p>This restoration application is entrusted to S. Bench to be put up there on <u>27/12/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	26.12.2019	<p>Counsel for the petitioner present and seeks adjournment. Adjourned. To come up for further proceedings on 03.02.2020 before S.B.</p> <p style="text-align: center;">Member  Member</p>

17.06.2019

None present on behalf of the petitioner. Notice be issued to petitioner and his counsel for preliminary hearing for 24.07.2019 before S.B.



(Muhammad Amin Khan Kundi)
Member

24.7.2019

Nemo for appellant.

On the last date the appellant remained unrepresented and he was put on notice for hearing today. The record shows that notice to the appellant was sent through registered post, however, no one is present on his behalf despite repeated calls.

Dismissed for non-prosecution. File be consigned to the record room.



Chairman

Announced:
24.07.2019

27.03.2019

Clerk to counsel for the appellant present and seeks adjournment as learned counsel for the appellant is not in attendance. Adjourn. To come up for preliminary hearing on on 26.04.2019 before S.B.


Member

26.04.2019

Nemo for appellant.

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, instant matter is adjourned to 29.04.2019 before S.B.


Chairman

29.04.2019

Counsel for the appellant present.

Learned counsel for the appellant requests for adjournment as he could not prepare brief of instant matter due to over work.




Adjourned to 17.06.2019 for preliminary hearing before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1440/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/11/2018	<p>The appeal of Mr. Irshad Ali presented today by Mr. Jehan Afsar-Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 29/11/18</p>
2-	07/12/2018	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>07/01/2019</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	07.1.2019	<p>Clerk of counsel for the appellant has submitted an application for adjournment due to engagement of learned counsel for the appellant before out-station courts -</p> <p style="text-align: center;">Adjourned to 15.02.2019 for preliminary hearing before S.B.</p> <p style="text-align: right;"> Chairman</p>
	15.02.2019	<p>Junior to counsel for the appellant adjournment as senior counsel for the attendance. Adjourn. To come up for 27.03.2019 before S.B</p>

**BEFORE KHYBER PAKHTUN KHWA, SERVICE TRIBUNAL,
PESHAWAR**

Service Appeal No. 1440 /2018

Irshad Ali Appellant

Versus

Govt. of Khyber Pakhtun Khwa through Secretary Home and others
Respondents

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Through Appellant

Irshad Ali

Dated: 18/10/2018.

JEHAN AFSAR KHAN
JEHAN AFSAR KHAN
PAINDA KHEL
Advocate High Court, Peshawar.

①

**BEFORE KHYBER PAKHTUN KHWA, SERVICE TRIBUNAL,
PESHAWAR**

Service Appeal No. 1440 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1691

Dated 29-11-2018

IRSHAD ALI S/O Jamshed Ali,
R/O Karnal Sher Kalay, Tehsil & District Swabi.

Appellant

Versus

1. **GOVT. OF KHYBER PAKHTUNKHWA,**
Through Secretary to Govt. of Khyber Pakhtun Khwa,
Home and Tribal Affairs,
Civil Secretariat, Peshawar
2. **Inspector General of Police,**

Khyber Pakhtunkhwa Peshawar,
Central Police Office, Peshawar.
3. **Deputy Inspector General of Police,**

Mardan Region-1, Mardan.
4. **District Police Officer, Swabi.**

Respondents

Filed to-day

Registrar

29/11/18

**SERVICE APPEAL UNDER SECTION-4 OF THE
SERVICE TRIBUNAL ACT, 1974 AGAINST THE
ACT OF THE RESPONDENT NO. 2 WHO ISSUED
IMPUGNED ORDER DATED: 06-09-2017 AND
UPHELD THE IMPUGNED ORDERS DATED: 07-
09-2015 OF RESPONDENT No. 3 & DATED; 19-06-
2014 OF RESPONDENT No. 4.**

PRAYER IN APPEAL:

ON ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED: 06-09-2017, DATED: 07-09-2015 & DATED: 19-06-2014 MAY KINDLY BE SET ASIDE AND RESULTANTLY THE APPELLANT MAY GRACIOUSLY BE REINSTATED IN SERVICE WITH ALL BACK BENEFITS.

Respectfully Sheweth!

The appellant most humbly submits as under:-

1. That the present appellant was appointed as Cook-constable in the police department.
2. That the appellant was falsely implicated in criminal case and was later on arrested by the local police of District Swabi.

{True copy of FIR report is attached as Annex-A}

3. That the respondent No. 4 on the basis of said FIR, started departmental proceedings against the appellant but the same has never been served or intimated to the appellant.

4. That the appellant was later on released/acquitted from the said case vide order/judgment dated: 09-03-2013.

{True copy of order dated:; 09-03-2013 is attached as Annex-B}

5. That after release of the appellant, he duly joined his duties but due to detrimental health conditions of his mother, he submitted various applications to the high ups for leave but none of them was responded or acceded, so the appellant in order to look after his

mother was forced and compel for absenting from his duty and the respondent No. 4 without adhering to the legal formalities as enshrined in the service laws, proceeded against the appellant and through impugned order dated: 19-06-2014 was gracious enough to dismiss the appellant from service.

{True copy of impugned order is attached as **Annex-C**}

6. That after issuance of impugned order dated: 19-06-2014, the appellant preferred departmental appeal to the respondent No. 3, who vide impugned order dated; 07-09-2015 dismissed the departmental appeal of the appellant.

{True copy of departmental appeal and impugned order dated: 07-09-2015 are attached as **Annex-D & E**}

7. That the appellant after dismissal of departmental appeal, approached to the respondent No. 2 through mercy petition under Police Rules, but the respondent No. 2 also dismissed his mercy petition vide impugned order dated: 06-09-2017.

{True copy of mercy petition and impugned order dated: 06-09-2017 are attached as **Annex-F & G**}

8. That the appellant being aggrieved and having no other efficacies remedy except to file the instant appeal for the redressal of his grievances before this Hon'ble Tribunal on the following amongst other grounds.

GROUND:

- A. Because the impugned orders of respondents Dated: 06-09-2017, Dated: 07-09-2015 & Dated; 19-06-2014 are against law, facts, hence liable to be set-aside.

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- B. Because it has been clear from the record of the case and also highlighted by the respondents while corresponding over departmental appeal of the appellant that E & D rules have blatantly been violated while dealing with the case of appellant.
- C. Because the dismissal of the appellant from his service without adopting proper criteria and codal requirements by the respondents is against the worthy ruling of the Hon'ble Superior Courts of Pakistan and therefore, the same are illegal practice and such practice adversely effects efficiency of incumbents and also reduces their confidence and faith in public, hence the impugned orders referred above are liable to be un-held on this score also.
- D. Because the appellant has honorably acquitted by the worthy Courts in FIR on the strength of which the appellant is penalized, as the respondents have proceeded against the appellant on the plea of absence while at the relevant time, the appellant was in jail.
- E. Because mere filing of FIR would not ipso-facto made a person guilty of commission of offence rather he would be presumed to be innocent unless convicted by court of competent jurisdiction, however, in the case of the appellant he has been dismissed from service, which is not permissible under the law.
- F. Because no chance of personal hearing was given by the respondents while dealing with the rights of the appellant in service and the whole episode was done in a cursory manner, which is alien to the norms of justice.
- G. Because the charges leveled against the appellant were never proved during the inquiry proceedings, rather the inquiry has not been made in the present case.
- H. Because the appellant was condemned unheard while imposing major penalty upon him, hence the impugned orders are against the service laws and rules.
- I. Because it is an admitted position that no limitation is run against void/ illegal order and the said illegality has further been admitted by the respondents.

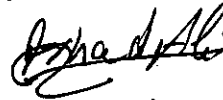
- J. Because the appellant had been made victim of discrimination, demerits, partiality and favoritism without any just and reasonable cause thereby offending the fundamental rights of the appellant as provided by the constitution of 1973, hence the impugned orders detailed above are liable to be set at naught.
- K. Because the respondents in utter disregard to the principles of the fairness, merit and transparency, passed the impugned orders which are against the law, illegal, unlawful and void ab initio and liable to be turned down.
- L. Because the appellant was condemned unheard, his departmental appeal was not properly adjudicated in the manner as provided by the law. Further no chance of personal hearing was given to the present appellant in order to redress his grievances which shows the malafide of the Respondents, hence needs interference of this Hon'ble Tribunal.
- M. Because the present impugned orders are illegal, illogical, against facts, without jurisdiction and suffering from material irregularity, hence they are untenable and liable to be struck down.
- N. Because the Respondents erroneously exercised their powers against judicial principle, and have passed the impugned orders and opened a new pandora box in clear violation of Service law, hence, the said impugned orders are liable to be set aside, and the appellant may kindly be re-instated in service with all back benefits.
- O. The appellant crave for leave of the Hon'ble Tribunal to raise additional grounds at the time of arguments.

IT IS, THEREFORE, MOST RESPECTFULLY PRAYED THAT ON ACCEPTANCE OF THIS APPEAL:

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- i. An order of setting aside of impugned orders DATED: 06-09-2017, DATED: 07-09-2015 & DATED; 19-06-2014 may kindly be passed.
- ii. The appellant may kindly be reinstated in service with all back benefits.
- iii. Any other relief, though not specifically asked for, deems appropriate to the Hon'ble Tribunal may also be granted.

Through: Appellant



JEHAN AFSAR KHAN
PAINDA KHEL
Advocate High Court, Peshawar.

Dated: 18/10/2018

VERIFICATION:

It is verified that all the contents of the instant appeal are true and correct and nothing has been concealed intentionally from this Hon'ble Tribunal.

Deponent



Note: That no such like petition / Appeal on this subject matter has earlier been filed before this Hon'ble Tribunal.

7

**BEFORE KHYBER PAKHTUN KHWA, SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. _____/2018

Irshad Ali _____ **Appellant**

Versus

Govt. of Khyber Pakhtun Khwa through Secretary Home and others
_____ **Respondents**

APPLICATION FOR CONDONATION OF DELAY

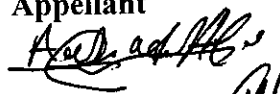
Respectfully Sheweth:

1. That the accompanied appeal is filed, in which no date of hearing is fixed.
2. That the impugned orders were passed on DATED: 06-09-2017, DATED: 07-09-2015 & DATED: 19-06-2014.
3. That the appellant who belongs to a poor family, is the sole supporter of entire family and due to poverty, he was unable to challenge the impugned orders before the Tribunal well within time.
4. That as stated in the memo of appeal, the mother of the appellant was very sick and due to her bad health condition, the appellant remained absent for few days from his duty and on the basis of such absentee, very harsh order has been passed, which is untenable.
5. That the delay in preferring present service appeal is not deliberate and intentional but due to the reason mentioned above.
6. That the law, equity and fair play demands that the subject appeal may kindly be heard at merits rather on technicalities.

It is, therefore, most respectfully prayed that the delay may kindly be condoned and the decision may kindly be made on merits.

Through:

Appellant



Dated: 18/10/2018

JEHAN AFSAR KHAN
PAINDA KHEL

Advocate High Court, Peshawar.

8

**BEFORE KHYBER PAKHTUN KHWA, SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. _____/2018


Irshad Ali _____ **Appellant**


Versus

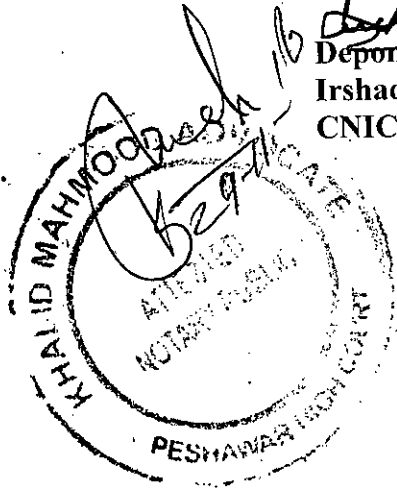
Govt. of Khyber Pakhtun Khwa through Secretary Home and others
_____ **Respondents**

AFFIDAVIT

I, **IRSHAD ALI** S/O. Jamshed Ali, R/O Karnal Sher Kalay, Tehsil & District Swabi do hereby solemnly affirm and declare upon oath that the contents of the application are true and correct to the best of my knowledge & belief and nothing has been concealed or withheld from this Honourable Tribunal.

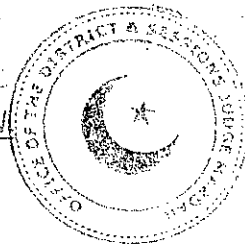

Identified By:
JEHAN AFSAR KHAN
PAINDA KHEL,
Advocate, High Court, Peshawar.


Deponent
Irshad Ali
CNIC:



(9) B

11th 9th 17th 287/12
IN THE COURT OF SENIOR CIVIL JUDGE, MARDAN



Case No. 287/2 of 2012.

Order—06.
09.03.2013

Accused Isra. Janis and Mursaleen are absconding
Accused Jamshid in custody while accused Arnjid on bail
and exempted accused also present through counsel.

At the very outset of the hearing of the case the
complainant submitted an affidavit Ex PA in support of which
his statement was recorded wherein it has been mentioned
by him that he has effected a private compromise and has
got no objection on the acquittal of the accused facing trial.

Admittedly, the offence is not compoundable but as
the complainant himself is not interested in the prosecution
of the accused therefore, in such a situation there is no
probability of the accused facing trial being convicted,
therefore I acquitted the accused facing trial on the basis of
compromise r/w section 249-A Cr.P.C.

So, far as the absconding accused are concerned at
this stage of the case a prima facie case exists against
the absconding accused therefore he is declared as
proclaimed offenders and perpetual warrant of
arrest be issued in their names. The district Police
Officer be informed to enrol their names in the
register of Pos.

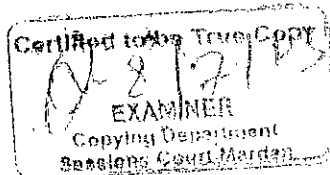
File be consigned to the record room after its
necessary completion and compilation.

Announced:
Dated: 09.03.2013

(Hidayat Ullah Khan)
Senior Civil Judge/City Magistrate, Mardan

attested by

Name of Applicant _____
Date of Presentation of Application _____
Date on which copy prepared _____
Date on which copy Examined _____
No. of words _____
Court Fee stamps _____



(10) C

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI.

ORDER.

Certified to be True Copy.

Cook Constable Irshad No.1006, while posted to Police Station Yar Hussain involved himself in case FIR No.870 dated 29.7.2012 U/S 381-A PPC Police Station City, District Mardan. He also absented himself from duty with effect from 28.7.2012 to 25.8.2012, without any leave/prior permission of competent authority. Therefore, he was served with Charge & Summary of Allegations and DSP, Topi was appointed as Enquiry Officer. The Officer conducted proper departmental enquiry, collected evidence and recorded statements of all concerned. He submitted his findings wherein he found Cook Constable Irshad No.1006, guilty for the mis-conduct and recommended him for Major punishment. The undersigned perused the enquiry papers, findings and by agreeing with the Enquiry Officer issued him Final Show Cause Notice. The Final Show Cause Notice was served upon him through local Police on 16.5.2014. He was clearly directed to submit his reply to the Final Show Cause Notice within the stipulated period of seven days, but he failed, which means that he has nothing to offer in his defence.

Similarly, cook constable Irshad No.1006, while posted to Police Station Tordher absented himself from duty with effect from 6.3.2014 till date, without any leave/prior permission of competent authority, therefore, he was served with Charge Sheet & Summary of Allegations and DSP, H.Qrs, Swabi was appointed as Enquiry Officer. The Officer conducted proper departmental enquiry, collected evidence and recorded statements of all concerned. He submitted his findings wherein he found Cook Constable Irshad No.1006, guilty for the mis-conduct and recommended him for Major punishment. The undersigned perused the enquiry papers, findings and by agreeing with the Enquiry Officer issued him Final Show Cause Notice. The Final Show Cause Notice was served upon him through local Police on 07.6.2014. His relatives stated that he has gone abroad for earning his livelihood and will inform him on telephone. He was clearly directed to submit his reply to the Final Show Cause Notice within the stipulated period of seven days, but he failed, which means that he has nothing to offer in his defence.

Therefore, I, **Sajjad Khan, PSP**, District Police Officer, Swabi, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules 1975. hereby award Cook Constable Irshad No.1006, Major Punishment of dismissal from service from the date of his absence i.e 6.3.2014.

Dated 19.6.2014.



(SAJJAD KHAN) PSP
District Police Officer, Swabi.

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI.

No. 484-87/PA, dated Swabi, the 19.06 /2014.

Copies to the: -

1. Pay Officer.
2. Establishment Clerk.
3. Fauji Missal Clerk.
4. Official concerned

ATTESTED

District Police Officer, Swabi.

Date of Presentation of Application: 1-3-018

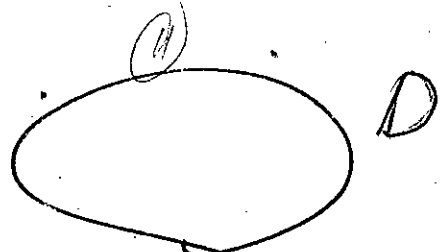
Copy Fee: Nil

Total No. of: 1

Name of Copying: Mr. Rashid Ali

Date of Completion of Copy: 1-3-018

Date of Delivery of Copy: 1-3-018



کتاب

مدرسہ ڈوبن ہندو

المذہب و الفیاض
مدرسہ ثوری و عالی ہندو

صیغہ عالیہ گزشتہ کتب و المذہب و الفیاض

کتاب مذکور تاریخ 18/9/1010
مدرسہ ثوری و عالی ہندو
مدرسہ ثوری و عالی ہندو
مدرسہ ثوری و عالی ہندو

کتاب مذکور تاریخ 18/9/1010
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کتاب مذکور تاریخ 18/9/1010
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3-3566382-16202

1006

(12) E

ORDER.

This order will dispose-off the appeal preferred by Ex- Cook Constable Irshad No. 06 of Swabi District Police against the order of District Police Officer, Swabi, wherein he was dismissed from service vide OB: No. 793 dated 19.06.2014.

Brief facts of the case are that, he while posted at Police Station Yar Hussain involved himself in case vide FIR No. 870 dated 29.07.2012 u/s 381-A PPC Police Station City District Mardan. He also absented himself from duty with effect from 28.07.2012 to 25.08.2012 without any leave/prior permission of competent authority, therefore he was served with charge sheet and summary of allegations and Deputy Superintendent of Police, Topi District Swabi was appointed as enquiry Officer. The Officer conducted proper departmental enquiry, collected evidence and recorded statements of all concerned. He submitted his findings wherein he found cook Constable guilty for the misconduct and recommended him for Major punishment, District Police Officer, Swabi perused the enquiry papers findings and by agreeing with the enquiry Officer issued Final Show Cause Notice, the Final Show Cause Notice was served upon him through local Police on 16.05.2014. He was clearly directed to submit his reply to the Final Show Cause Notice within the stipulated period of seven days, but he failed which means that he nothing to offer in his defence.

Similarly the appellant while posted to Police Station, Tordher absented himself from duty with effect from 06.03.2014 till the date of dismissal without any leave/prior permission of the competent authority therefore he was served with charge sheet and summary of allegations and Deputy Superintendent of Police, Hqrs, Swabi was appointed as enquiry Officer. The Officer conducted proper departmental enquiry collected evidence and recorded statements of all concerned. He submitted his findings wherein he found the appellant guilty of mis-conduct and recommended him for major punishment. The District Police Officer, Swabi perused the enquiry papers findings and by agreeing with the enquiry Officer issued him Final Show Cause Notice through local Police on 07.06.2014. His relatives stated that he has gone abroad for earning his livelihood and will inform him on telephone. He was clearly directed to submit his reply to the Final Show Cause Notice within the stipulated period, but he failed which means that he has nothing to offer in his defence, therefore he was dismissed from service.

I have perused the record and also heard the appellant in Orderly Room held in this office on 02.09.2015. He failed to justify his innocence/absence and could not advance any cogent reasons in his defence. Therefore, I, **MUHAMMAD SAEED**, Deputy Inspector General of Police, Mardan Region-I, Mardan in exercise of the powers conferred upon me reject the appeal, not interfere in the order passed by the competent authority, thus the appeal is filed being badly time barred.

ORDER ANNOUNCED.

(MUHAMMAD SAEED)PSP
Deputy Inspector General of Police,
Mardan Region-I, Mardan.

No. 5373 /ES, Dated Mardan the 7-19 /2015.

Copy to District Police Officer, Swabi for information and necessary action w/r to his office Memo: No. 92/Insp: Legal dated 26.08.2015. His service record is returned herewith for record in your office.

(*****)

F

جناب عالی! درخواست برادر بحال کرنے ملازمت / ریم کرنے
من سائل اربن ساد علی نمبر 1006 محکمہ پولیس ہوائی کنسٹیبل
سائن کرنے نمبر مکے تحصیل رزٹر ضلع ہوائی ۔

(1) یہ کہ من سائل بطور ٹگر کنسٹیبل محکمہ پولیس ہوائی من
نمبری 1006 تعینات تھا۔

(2) یہ کہ من سائل کو مقدم نمبر 793 مورخ $28 \frac{7}{2012}$ کو ایک
بے بنیاد مقدمے میں ملوث کیا گیا جس کی رو سے مورخ $9 \frac{3}{2013}$
کو من سائل کو عدالت سینٹر سول جج سردان نے باعزت طور پر
بری کیا۔

(3) یہ کہ من سائل کی والدہ صاحبہ بیمار تھی اور من سائل عریب
گوانے سے تعلق رکھتا ہے اور گھر کا واحد تقبل ہے اور بوجہ
والدہ بیماری من سائل نے چھٹی کے کھلے بے شمار درخواست
افسران بالا کو دیے مگر من سائل کو چھٹی نہیں ملی اور
مورخ $6 \frac{03}{014}$ سے من سائل مجبوراً غیر حاضر رہا۔

5
23/06

(4) اور اسی غیر حاضری جو بوجہ مجبوری تھی ہونے کی بنیاد پر من سائل
کو مورخ $19 \frac{06}{2014}$ کو نوٹری سے ڈسمنس کیا۔ (نقل نفا ہے)

(5) یہ کہ غیر حاضری من سائل قہراً عمداً نہ تھی بلکہ بوجہ انتہائی
مجبوری تھی۔

(6) یہ کہ بعد از واپس آنے اسپتال من سائل نے مقامی افسران کو

کے دستخط

درخواست یا ہے براے عالی دعا کرتا حال من سائل کو کسی
قسم کی دادرسی نہیں ہوئی اور اللہ تعالیٰ کے بعد صرف آپ ہما صبان
سیرا سہارا ہو۔

(7) یہ کہ من سائل انتہائی غریب ہے اور بوجہ ڈسمس ہوئے
طرح طرح کی ٹھوکریں مارتا ہے اور دادرسی نہیں سے
بھی نہیں ملتی۔

(8) یہ کہ من سائل پر رقم فرما کر دوبارہ نوکری پر بحال
کرنے کے احکامات ہمارے فرما کر عمر بھی دعا گو رہونگا۔

ارشاد علی غبر 2006 مگر کنسٹیبل محکمہ پولیس ہوالی

0311-9508480

Arshad Ali

attested

F



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE,
PESHAWAR.

No. S/ 5426 /17, dated Peshawar the 06/09/2017.

To : The Regional Police Officer,
Mardan Region, Mardan.

Subject: APPEAL (EX-COOK CONSTABLE IRSHAD ALI NO. 1006)

Memo :

Please refer to your office memo: No. 6197 / ES, dated 10.08.2017.

The appeal of Ex-Cook Constable Irshad Ali No. 1006 of District Police Swabi for reinstatement into service has been processed / examined at Central Police Office, Peshawar and filed by the competent authority being time barred for about **02 years**.





The applicant may please be informed accordingly.

His service record is also returned herewith for your office record please.

Encl: Service Roll
Fauji Missal

(ARIF SHAHBAZ KHAN),
AIG / Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

attested J

قیمت 50 روپے	  
ایڈوکیٹ: 	پشاور بار ایسوسی ایشن، خیبر پختونخواہ
بار کونسل ایسوسی ایشن نمبر: bc-1646/09	
رابطہ نمبر: 0333-9433554	

بعدالت جناب: سروس سٹریٹونل کے جی کے (19) اور

منجانب: ایپلانٹ ارشاد علی ولد جمشید علی بنام حکومت کراچی	دعویٰ: علت نمبر: مورخہ: جرم: تھانہ:
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باعث تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ سروس سٹریٹونل کے جی کے (19) اور کے لیے افسر ایپلانٹ کے پاس ایڈوکیٹ جمشید علی کو کین مقرر کر کے اپنی طرف سے پیروی کے لیے افسر ایپلانٹ کے پاس ایڈوکیٹ جمشید علی کو کین مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقررات و فیصلے پر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق و زبانی پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرف سے یا اپیل کی برآمدگی اور منسوخی، نیز وارڈ کرنے اپیل نگرانی و نظرتانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخستہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جائے التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے


المرقوم:-

PESHAWAR BAR ASSOCIATION
KHYBER

ارشاد علی (ایپلانٹ)

Accepted

مقام _____ واہ شد _____

Attested by 

نوٹ: اس وکالت نامہ کی فونو کاپی ناقابل ثبوت ہوگی

Before the KPK Services Tribunal Peshawar

Grishad Ali --- V/s --- Govt of KPete.

Subject: Application for Adjournment on behalf of the
Council for Appellant.

Respectfully Shewith:

- 1) That the above titled case is pending before this Honble Tribunal and is fix for P.H, for today.
- 2) That Council for the appellant is busy in out of station Courts due to his professioned engeneer.
- 3) That for the reason mentioned above, Council for the appellant is unable to attend the Court/Tribunal for today.

It is therefore most Humbly prayed that on acceptance of this application the case may kindly be Adjourned to some other date.

Dated: 07-01-2019

Council for the
Appellant through
Clerk Anjad Khan