BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR AT CAMP COURT SWAT

Service Appeal No. 15607/2020

Date of Institution ... 30.11.2020

Date of Decision ... 10.05.2022

Sartaj S/O Muhammad Siraj R/O Village Rashkai District Swabi presently Bunr Mingora Swat. ... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary Interior Khyber Pakhtunkhwa Peshawar and three others. ... Respondents)

MR. UMAR ALI AKHUNZADA, Advocate --- For appellant.

MR. KABIRULLAH KHATTAK, Additional Advocate General --- For respondents.

MR. SALAH-UD-DIN --- MEMBER (JUDICIAL)
MR. MIAN MUHAMMAD --- MEMBER (EXECUTIVE)

JUDGMENT:

SALAH-UD-DIN, MEMBER:- Precisely stated the facts necessary for decision of the instant appeal are that the appellant while serving as Head Constable, was posted as Incharge Police Guard, *Gari Kalay* District Swat. He was directed by his immediate officer for proper use of security gears i.e bullet proof jacket, helmet etc, however he refused to do so, therefore, disciplinary action was taken against the appellant. The appellant was dismissed from service vide order dated 30.09.2020 passed by District Police Officer Swat. The departmental appeal of the appellant was also filed vide order dated 03.11.2020 passed by Regional Police Officer Malakand Region Saidu Sharif Swat, hence the instant service appeal.

2. It is pertinent to mention herein that during the proceedings in the instant appeal on 23.08.2021, representative

of the respondents had submitted copy of order bearing No. 951/21 dated 04.03.2021 of the office of Inspector General of Police Khyber Pakhtunkhwa Peshawar, whereby the appellant has been reinstated in service with a warning to remain careful in future. In this scenario, learned counsel for the appellant had requested that as the appellant has not been granted back benefits, therefore, he wants to contest his appeal for grant of back benefits. Relevant portion of order dated 23.08.2021 is reproduced as below:-

"Today the departmental representative has furnished the copy of order bearing No. 951/21 dated 04.03.2021 of the office of the inspector General of Police, Khyber Pakhtunkhwa, whereby the appellant has been reinstated in service with warning to be careful in future. Accordingly, the main prayer for reinstatement in the present service appeal has become infructuous. When confronted with this position, learned counsel for the appellant has contended that the appellant has not been extended back benefits in light of the order dated 04.03.2021 and he stands to contest his appeal for back benefits. According to the prayer part in memorandum of appeal, the reinstatement has been sought with back benefits. So it would be in the fitness of things to maintain the appeal for further proceedings to the extent of question of back benefits. Obviously, the circumstances has changed during pendency of appeal vide order dated 04.03.2021. The department shall be required to submit written reply only to the extent of prayer for back benefits in light of the change circumstances, within 10 days in office at Peshawar, positively".

3. Respondents submitted reply/comments, wherein they denied the claim of the appellant regarding his entitlement to grant of back benefits.

4. Learned counsel for the appellant has contended that the appellant was wrongly and illegally dismissed from service in a summery manner, however the appellant has now been reinstated vide order dated 04.03.2021 issued from the office of Inspector General of Police Khyber Pakhtunkhwa Peshawar but the said order is silent regarding back benefits of the appellant. He next

contended that upon reinstatement of the appellant, he is entitled to all back benefit, therefore, the order dated 04.03.2021 issued from the office of Inspector General of Police Khyber Pakhtunkhwa Peshawar may be modified and the appellant may be granted all back benefits. Reliance was placed on 2015 SCMR 77, 2013 SCMR 752 and 2021 SCMR 962.

5. On the other hand, learned Additional Advocate General for the respondents has argued that the appellant has been reinstated in service, however in view of principle of no work no pay, the appellant is not entitled to any back benefits for the period during which he remained out of service. Reliance was placed on judgment dated 19.03.2018 passed by this Tribunal in Service Appeal 868/2017 titled "Shafique Ahmed Versus the Provincial Police Officer Khyber Pakhtunkhwa Peshawar and two others".

6. Arguments heard and record perused.

7. The appellant has already been reinstated in service vide order dated 04.03.2021 issued from the office of Inspector General of Police Khyber Pakhtunkhwa Peshawar and now the only controversy, which requires to be resolved is that as to whether the appellant is entitled to back benefits or not? The appellant has been reinstated in service, which would mean that he has to be placed in the position, which he was enjoying prior to his wrongful dismissal from service. Although it is mentioned in the order dated 04.03.2021 that the appellant is reinstated in view of his long service but the appellate board has not given any finding that the charge was proved against the appellant. Nothing is available on the record which could show that the appellant had remained gainfully employed in any service during the period of his dismissal from service. The period during which the appellant did not perform any duty, was on account of his wrongful dismissal from service. In these circumstances, the appellant cannot be deprived of back benefits.

8. Consequently, the order dated 04.03.2021 issued from the office of Inspector General of Police Khyber Pakhtunkhwa Peshawar is modified and the appellant is held entitled to all back

benefits. The appeal in hand is disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
10.05.2022

(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT SWAT

(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)
CAMP COURT SWAT

ORDER
10.05.2022

Learned counsel for the appellant present. Mr. Ali Rehman, S.I (Legal) alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the order dated 04.03.2021 issued from the office of Inspector General of Police Khyber Pakhtunkhwa Peshawar is modified and the appellant is held entitled to all back benefits. The appeal in hand is disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
10.05.2022

(Mian Muhammad)
Member (Executive)
Camp Court Swat

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

01.11.2021 Appellant in person present. Mr. Ali Rehman, S.I (Legal) alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present and sought time for submission of reply/comments. Adjourned. Last opportunity given. To come up for submission for reply/comments as well as arguments before the D.B on 03.01.2022 at Camp Court Swat.

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

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

03.01.2022 Appellant alongwith his counsel present. Mr. Ali Rehman, Inspector (Legal) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Para-wise reply on behalf of respondents No. 1 to 3 submitted, which is placed on file and copy of the same is handed over to learned counsel for the appellant. Adjourned. To come up for rejoinder, if any, as well as arguments on 08.03.2022 before the D.B at Camp Court Swat.

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

8/3/2022 Due to retirement of the Hon'ble Chairman the case is adjourned to come up for the same as before on 10/05/2022

23.08.2021

Appellant with counsel and Mr. Muhammad Riaz Khan Paindakhel, Asstt. A.G alongwith Khawas Khan, S.I (Legal) for the respondents present.

This appeal was admitted for regular hearing on 02.03.2021 and direction for filing of written reply was given, however, written reply is yet to be filed.

Today the departmental representative has furnished the copy of order bearing No. 951/21, dated 04.03.2021 of the office of the Inspector General of Police, Khyber Pakhtunkhwa, whereby the appellant has been reinstated in service with warning to be careful in future. Accordingly, the main prayer for reinstatement in the present service appeal has become infructuous. When confronted with this position, learned counsel for the appellant has contended that the appellant has not been extended with back benefits in the light of the order dated 04.03.2021 and he stands to contest his appeal for back benefits. According to the prayer part in memorandum of appeal, the reinstatement has been sought with back benefits. So it would be in the fitness of things to maintain the appeal for further proceedings to the extent of question of back benefits. Obviously, the circumstances has changed during pendency of appeal vide order dated 04.03.2021. The department shall be required to submit written reply only to the extent of prayer for back benefits in light of the change circumstances, within 10 days in office at Peshawar, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 01.11.2021 before the D.B at Camp Court, Swat.

Chairman
Camp Court, Swat

26.07.2021 To come up for written reply/comments on 23.08.2021 before S.B at Camp Court, Swat. Notices be issued to appellant/counsel as well as respondents for the date fixed.

Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 15607 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/12/2020	The appeal of Mr. Sartaj resubmitted today by Mr. Umar Ali Akhunzada Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. REGISTRAR
2-		This case is entrusted to touring S. Bench at Swat for preliminary hearing to be put up there on 02-03-2021 CHAIRMAN
	02.03.2021	Appellant present in person. Preliminary arguments heard. File perused. Points raised need consideration. Admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for written reply/comments. To come up for written reply/comments on 03.05.2021 before S.B at Camp Court, Swat. (Rozina Rehman) Member (J) Camp Court, Swat

Appellant Deposited Security & Process Fee

The appeal of Mr. Sartaj S/O Mr. Muhammad Siraj received to-day i.e. on 30.11.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. Promotion order is not attached with the appeal which may be placed on it.
2. Copy of inquiry report, show cause notice and reply thereto not attached with the appeal which may be placed on it.
3. One more copy/set may be submitted with the appeal.

No. 3941 /S.T,

Dt. 01/12/2020

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Umar Ali Akhunzada Adv.
High Court, ~~Peshawar~~ Swat.
0300-5745971

3. (1) آرڈر و نوٹیفکیشن آفیسر کی 7 دن تک کاپی
(2) انکوائری اور شوکاز نوٹس کی صاف کاپی
(3) کیس کے 6 سیٹ

07/12/2020

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 15607/2020

Sartaj S/O Muhammad Siraj R/O village Rashakai District Swabi, presently Bunr Mingora Swat

..... **Appellant**

VERSUS

Inspector General of Police Khyber Pukhtunkhwa Peshawar & others

.....**Respondents**

AUTHORITY LETTER

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

Inspector General of Officer,
Khyber Pukhtunkhwa, Peshawar
(Respondent No.02)

Regional Police Officer
Malakand Region
(Respondent No.03)

District Police Officer, Swat
(Respondent No.04)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 15607/2020

Sartaj S/O Muhammad Siraj R/O village Rashakai District Swabi, presently Bunr Mingora Swat

..... **Appellant**

VERSUS

Inspector General of Police Khyber Pukhtunkhwa Peshawar & others

.....**Respondents**

AFFIDAVIT

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

Inspector General of Officer,
Khyber Pukhtunkhwa, Peshawar
(Respondent No.02)

Regional Police Officer
Malakand Region
(Respondent No.03)

District Police Officer, Swat
(Respondent No.03)

IN THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

Khyber Pakhtukhwa Service Tribunal
Diary No. 15782
Dated 30-11-2020

Service appeal No. 15607 / 2020

Sartaj s/o Muahmmad Siraj R/O village Rashkai District Swabi presently Bunr Mingora Swat.

..... *APPELLANT*

Versus

1. Govt of Khyber pakhtunkhwa though chief secretary interior KPK peshawar
2. Insecptor general police kpk at CPO Peshawar
3. Regional police officer Malakand Saidu sharif swat
4. District police officer swat saidu sharif swat

..... *RESPONDENTS*

Filedto-day
Registrar
30/11/2020

SERVICE APPEAL U/S SERVICE TRIBUNAL ACT 1974 , AGAINST THE ORDER NO 10419/E DATED 03/11/2020 PASSED BY RESPONDENT NO 3 THROUGH WHICH APPEAL OF THE APPELLANT AGAINST THE ORDER NO OB NO 160 DATED 30/09/2020 OF RESPONDENT NO 4 HAS BEEN DISMISSED.

PRAYER:

UPON THE ACCEPTANCE OF THE INSTANT APPEAL THE IMPUGNED ARDERS MENTIONED ABOVE PASSED BY RESPONDENTS NO 3 AND 4 MAY KINDLY BE SET ASIDE AND THE APPELLANT MAY KINDLY BE RE INSTATED AS HEAD CONSTEBLE WITH BACK BENEFITS.

Re-submitted to -day and filed.
Registrar
7/12/2020

Any other remedy coupled with cost, which is efficacious and appropriate in peculiar\circumstances of the case May kindly be granted, though not specifically prayed for.

Respectfully sheweth;

The brief facts leading to the institution of the instant appeal before this Honorable Court are:

1. That the appellant was enlisted on regular basis as a constable at swat in 2009.(enlistment order as annexure A)
2. That the appellant performed his duty honestly, fairly, bravely and with due diligence according to law and showed his efficiency to the superior as the appellant was given one step promotion as head constable. (Promotion order as annexure B and good performance certificate as annexure C)
3. That the appellant was posted as traffic head constable in mingora city. While on duty in JUN 2020, a man who later disclosed himself to be the owner of INSAF DRY FRUITS SWAT parked his vehicle on non parking side of the main road. When the appellant requested to remove the vehicle, the man resisted and when this matter was referred to the concerned SHO, he showed reluctance to register case against the man rather; the appellant was called by the high ups and warned.
   (Clip of video available at the time of arguments)
4. That after about three days from the above mentioned event, appellant was transferred to police station manglawar and was targeted by the police high ups. On the night of the alleged occurrence(20/09/2020), appellant was severely ill and had shivering fever however did not refuse to wear the security gears but due to shivering fever, the appellant went to duty a bit late . On the next day the appellant went to hospital and conducted tests which showed typhoid.(copy of medical documentation as annexure D)
5. That the appellant was dismissed from service on the 30/09/2020 which is a major punishment without any sort of inquiry, show cause notice and charge sheet. (Order dated 30/09/2020 as annexure E)
6. That against the said order dated 30/09/2020, the appellant filed an appeal before the respondent no 3 who dismissed the appeal vide order no 10419/E dated 03/11/2020, and hence the instant appeal.
   (Copy of Appeal and appellate court's order is attached as annexure F &G respectively).
   The appellant is filling the instant appeal, *inter-alia*, on the following grounds.

GROUNDS:-

a. That the appellant is innocent not committed any offence or misconduct and had performed his duty honestly, with due diligence and efficiency.
b. That the allegations leveled are baseless and the appellant had not been served with show cause notice. Neither any sort of inquiry conducted nor charge sheet being rendered to the appellant. Both

orders of respondent no 3 and 4 are the result of miss reading and non reading of the material available on the record.

c. That the impugned orders of respondents no 3and 4 are illegal malafidely without lawful authority and are liable to be set aside.

d. That there is neither any verbal or documentary evidence in support of the charge nor any witness has been examined in the presence of the appellant nor any opportunity of cross examination has been given to appellant and no chance has been given to take notes of the statements of any witness.

e. That no reason has been given by the respondent no 3 while refusing the appeal of the appellant so committed illegality.

f. That the medical condition of the appellant at relevant time had not been considered by both respondents no 3 and 4.

g. That other ground may be argued at the time of arguments with the prior permission of this honorable court.

It is, therefore, humbly prayed that on acceptance of the instant appeal the impugned orders of both respondent no 3 and no 4 be set aside and the appellant may kindly be re instated as head constable with back benefits.

APPELLANT
SARTAJ S/O MUHAMMAD SERAJ

Through

UMAR ALI AKHUNZADA
ADVOCATE HIGH COURT.

KHYBER PAKHTUNKWA

SERVICE TRIBUNAL, PESHAWAR

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

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

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

To,

District Police Officer,

Swat.

Subject: **JUDGMENT IN APPEAL NO. 15607/2020 OF SARTAJ VS DPO, SWAT.**

I am directed to forward herewith a certified copy of Judgement dated 10.05.2022 passed by this Tribunal on the above subject for information.

Encl: As Above.

(WASEEMAKHTAR)
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

KHYBER PAKHTUNKWA

SERVICE TRIBUNAL, PESHAWAR

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

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Subject: **JUDGMENT IN APPEAL NO. 15607/2020 OF SARTAJ VS DPO, SWAT.**

I am directed to forward herewith a certified copy of Judgement dated 10.05.2022 passed by this Tribunal on the above subject for information.

Encl: As Above.

(WASEEMAKHTAR)
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 15607/2020

Sartaj S/O Muhammad Siraj R/O village Rashakai District Swabi, presently Bunr Mingora Swat

..... **Appellant**

VERSUS

Inspector General of Police Khyber Pukhtunkhwa Peshawar & others

.....**Respondents**

PARAWISE REPLY BY RESPONDENTS IN ORDER DATED 23/08/2021

Respectfully Sheweth:

1. That the appellant had been dismissed from service vide OB No.160 dated 30/09/2020 on the allegations that he refused to wear proper security gears i.e bullet proof jacket and helmet etc.
2. That against the order of dismissal issued by respondent, the appellant filed service appeal No.15607/2020 before the Khyber Pukhtunkhwa Service Tribunal, prayed therein for re-instatement into service with all back benefits.
3. That Later on, during the pendency of subject service appeal, the appellant was re-instated into service by worthy Inspector General of Police Khyber Pukhtunkhwa Peshawar vide Order No.951/21 dated 04/03/2021.
4. That the subject service appeal was fixed for arguments on 23/08/2021, wherein the Chairman Camp Court, Swat has directed to maintain the subject service appeal for further proceeding to the extent of question of back benefit vide Order dated 23/08/2021.
5. That the appellant was dismissed from service on 30/09/2020 and re-instated in service on vide Order No.951 dated 04/03/2021. The appellant was remained out of service for about 06 months for which is he not entitled for salary and other benefits etc.
6. The appellant is not entitled for back benefits as he had spent the said period out of service and under there are numerous judgments of apex court that no work no pay, therefore the stance of appellant is not plausible under the law may kindly be filed with cost please.

Inspector General of Police
Khyber Pukhtunkhwa Peshawar
(Respondent No.02)

Regional Police Officer,
Malakand Region
(Respondent No.03)

District Police Officer, Swat
(Respondent No.04)

IN THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

Service appeal no _____ / 2020

(1)

Sartaj ..... APPELLANT

Versus

Govt. of kpk etc ..... RESPONDENTS

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APPELLANT
THROUGH;
UMAR ALI AKHUNZADA

UMAR ALI AKHUNZADA
Advocate (High Court)
LLM (ENGLAND)
Mob:0300-5745871

(5)

IN THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

Service appeal No. _____ / 2020

Sartaj ..... APPELLANT

Versus

Govt. of kpk etc ..... RESPONDENTS

AFFIDAVIT

I Mr Sartaj s/o Muhammad seraj r/o rashki swabi presently bunr mingora swat do hereby state on oath that all the contents of this appeal are true and correct to the best of my knowledge and belief.

APPELLANT
SARTAJ S/O MUHAMMAD SERAJ

ATTESTED

Azmat Ali Advocate
Notary Public
Judicial Complex Peshawar

(SA)

IN THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Service appeal No. _____ / 2020

Sartaj ..... APPELLANT

Versus

Govt. of kpk etc ..... RESPONDENTS

APPLICATION FOR INTERIM RELIEF

The applicant submits as under;

1. That the applicant is submitting the accompanying appeal before this honorable court. This is yet to be fixed for hearing.
2. That the applicant is dismissed by the authorities concerned illegally.
3. That the applicant is a poor man having got twelve children, living in rented premises.
4. That the appeal may kindly be considered as part and parcel of the instant application *vice versa*
5. That the applicant submits for the suspension of impugned orders dated 30/09/2020 and 03/11/2020 till the disposal of appeal.

APPLICANT
SARTAJ S/O MUHAMMAD SERAJ

Through

UMAR ALI AKHUNZADA
ADVOCATE HIGH COURT

(6) "A"

DISTRICT POLICE

SWAT

ENLISTMENT ORDER

Mr. Saytaj S/O Mohammad Siraj

Caste Afghan Village Rashaki Barcham

Police Station Kalo Khan District Swabi

I hereby enlisted as Constable in Swat District Police and allotted this District Police

Constabulary No. 858 with effect from 18-2-09

Date of Birth 1-1-72

Domicile

Height 5-9

Chest 33×34

Education 10th

Certified by counsel

23/11/2020

District Police Officer, Swat

MR/10th

OB No. 27

Dated 19.2.09

Copy of above to the District Accounts Officer Swat

(7) "B"

(10)

از دستخط OASI

خدمت سلوک

خدمت جناب SHO صاحب تھانہ خورشید زمان شہید۔

جوالہ روزنامچہ نمبر 10 مورخہ 28/5 کو کنسٹیبل سراج نمبر 855 وں سیٹ پر موجود رہ کر صدر کنسٹیبل ذمہ داری سر انجام دیا ہے۔ مزید کاروائی سے مشروط فرمائیں۔

OASI Swabi
OASI/Swabi

13.6.10

DISTRICT POLICE SWAT

COMMENDATION CERTIFICATE

Class III
is Awarded to

Mr. Sartaj Khan No 858 ***S/O*** Muhammad Siraj

R/O —

In Recognition of

His good Performance of duty

O B No 209

Dated 26/12/2017.

Cash reward Rs: 500/-

District Police Officer
SWAT

"D"

(comprising 5 pages)

Medical No 2 Rs. 5/

No.

OUT-PATIENTS DEPARTMENT

NAME ....

YEARLY NO. ....

DATE ....

No. Rs. 3/-

OUT-PATIENTS DEPARTMENT

NAME Santay

YEARLY NO. 59090

DATE 21-9-20

DISEASE ....

FACE VALUE RUPEES 3/- FACE VALUE RUPEES

C/C Typiod
- 3 day fever

Tab - Leflox 250mg
1 - 1

Tab - Paracetamol
1 - 1 - 1

Syp - Gavscon advance
4 - 4 - 4

Adv
Typi dot
- Urine R/E
- CBC

Allowed complete bed rest for 07 day

Baldu Teaching Hospital

(10)

DEPARTMENT OF PATHOLOGY

S.T.H SAIDU SHARIF SWAT. (CENTRAL WING)

PATIENT NAME: Sartaj Age: 48 Sex: M

LAB ID: Date: 21/09/20

SEROLOGY

RA Factor		WIDAL TEST	
ASO Titer		TO=	
Toxoplasma		TH=	
Blood Group		BRUCELLA TEST	
Rh- Factor		BA=	
Pregnancy Test		BM=	
Anti HCV (Screening) Test			
HBs Ag (Screening) Test			
VDRL (Screening) Test			
H- Pylori (Screening) Test			
HIV (AIDS) (Screening) Test			
TB-ICT (Screening)			
Dengue Antibodies: IgM	POSITIVE		
IgG	POSITIVE		
Typhidot: IgM			
IgG	POSITIVE		

NOTE: Please correlate with clinical findings.
This report is not meant for any sort of medico-legal purposes.

YASEEN CLINICAL LABORATORY

Bhttai Chowk Tahir Abad Mingora Swat.
Cell: 0343-3970308

Patient's Name Sania Test Required For Date 23/09/20

BLOOD COMPLETE

Hb %	Gm %	12	16 Gm %
TLC	cmm	4500	11000/cmm
ESR	/ 1st hr		18 st hr
Plateles Count	cmm	150000	450000/cmm

DLC

Polymorphs	40%-70%
Lympocytes	25%-45%
Eonocytes	2%-6%
Eosinophil	1%-3%
Basophil	0-1%

BIO CHEMISTRY

Glucose (Fasting)	55-115 mg/dl
Glucose (Random)	upto 170 mg/dl
Blood Urea	10-50 mg/dl
S.(Cholestero)	upto 200 mg/dl
S.Bilirubin (Total	upto 1.0 mg/dl
S.Uric Acid	3.5-1.0mg/dl
S.GPT/ALT	Up to 50 U/L
S.Clacium	8.10mg/idl

Blood Group	
Rh Factor	
MP	
I.C.T. Tuberculosis	
H. Pylori	
RA Factor	

Thyphidot igG POSITIVE POSITIVE 1gm

SEROLOGY

	Dilution	1/20	1/40	1/80	1/160	1/320
Widal	TO					
	TH					
	TM					
	BH					

	Dilution	1/20	1/40	1/80	1/160	1/320
	A Bortus				-	
	Melitinsis					

Toxoplamosis	
Pregnancy	
Hbs Ag	
HCV	
HIV (Aids)	
ASO Titre	

Dengue Ns1

Chickungunye IG G igm

PHYSICAL	CHEMICAL			MICROSCOPIC EXAMINATION	
Quantity 15ml	Albumin (+)	Present	Nil	RBCs 02-03	/HPF
Colour Pale Yellow	Glucose	Present	Nil	Pus Cells 0-12	/HPF
PH 6.0	Ketone	Present	Nil	Epithellal Ceils	/HPF
Sp.Gravity 1.01	Bile Salt	Present	Nil	Crystals	
Reaction Acidic	Bile Pigment	Present	Nil	Bacteria	
	Urobilinogen	Normal	Increase	General	

Lab. Technician

YASEEN CLINICAL LABORATORY Bathi Chowk Tahir Abad Mingora Swat

Note: Not Valid for Medico Legal Purpose, if found any discrepancy, report within 24 hours for free review

(12)

Medical No. 2 Rs 5

No

OUT PATIENTS DEPARTMENT

NAME

YEARLY NO

DATE

FACE VALUE RUPEES 5

No Rs 5

OUT PATIENTS DEPARTMENT

NAME Sartaj

YEARLY NO 217528

DATE 21.9.2022

DISEASE

FACE VALUE RUPEES 5

Temp Thyroid 103 G.B. Ach

Ach

Thyroid

in prones 100

in-RIE

Ach

Home Rest 10 Tab Norodin 500

03 days

Saidu Teaching Hospital

CMC

J.B Kal

Reg No: 16

NOOR CLINICAL LAB®

Opp: Central Hospital,
Saidu Sharif Swat.
Ph: 0946-726655

13

رجسٹرڈ

یشن نمبر:16

نور کلینکل لیبارٹری

نابتہ النور لیبارٹری

سرے اینڈ ای سی جی

قابل سنٹرل ہسپتال سیدو شریف سوات

PATIENT NAME	SARTAJ
DAY & DATE:	Thursday, September 24, 2020
TIME:	8:46:00 AM
REF.NO	STAFF FREE
CONSULTANT	DR.SB

TEST	RESULT
TYPHIDOT	IgG = POSITIVE (+VE)
	IgM = POSITIVE (+VE)

NOTE :If our result does not correlate clinical findings than please do ask the lab on same day to repeat the test.

S.R

Clinical Laboratory® Al-Noor Opp: Central Hospital Saidu Sharif Swat Ph-0946-723371

NOOR CLINICAL LAB® Regd No: 16

(14) "B"

ORDER

Head Constable Sartaj No.707 (One Step Promotee) of this District Police while posted as Incharge Police Guard, Gari Kalay, Manglor has been directed by his immediate officer for proper use of security gears i.e. bullet-proof jackets & helmets etc, while he refused to do so, which is clear cluster violation of Police rules as well as norms of discipline on his part.

He was called in Orderly Room to defend the charges leveled against him, but he did not produce any plausible defense for charges leveled against him. Foregoing in view, the undersigned is of considered opinion that there are no chances that Head Constable Sartaj No.707 (One Step Promotee) will become an efficient Police Official. His further retention in service is bound to affect the discipline of the entire force. Therefore, in exercise of the powers vested in the undersigned under Rules 2 (iii) of Police Disciplinary Rules-1975, I, QASIM ALI KHAN, PSP, District Police Officer, Swat as a competent authority, am constrained to award him punishment of Dismissal from service with immediate effect.

Order announced.

District Police Officer
Swat

O.B. No. 160
Dated 30/9/2020.

****

(15) (E)

بحضور جناب ڈپٹی انسپکٹر جنرل آف پولیس ملاکنڈ ریجن

[illegible]

درخواست برائے بحالی ملازمت بحیثیت حوالدار
محکمہ پولیس جو کہ سائل کو بحوالہ آرڈر 160 / 30-9-2020
ملازمت مذکورہ سے برخاست کیا گیا ہے۔

جناب عالی! سائل ذیل عرض ہے۔

یہ کہ سائل محکمہ پولیس سوات میں بحیثیت حوالدار ملازم ہے۔ اور اپنی فرائض منصبی انتہائی خوش اسلوبی اور احساس ذمہ داری کیساتھ سرانجام دے رہا ہے۔

یہ کہ سائل کو بحوالہ آرڈر 160 / 30-9-2020 ملازمت مذکورہ سے برخاست کیا گیا ہے۔ جو کہ ملازمت کے تنخواہ کے علاوہ معاش اور ان کا کوئی ذرائع نہیں ہے۔

یہ کہ سائل بے گناہ ہے۔ اور انتہائی شریف قابل رحم گھرانے سے تعلق رکھتا ہے سائل کا گھرانہ 15/16 افراد پر مشتمل ہیں۔ اور کرایہ کے مکان میں رہائش پزیر ہے۔ [illegible]

یہ کہ سائل بحالی ملازمت کا خواہاں ہے۔ لہذا سائل اس سلسلے میں آپ صاحبان کے عملی ہمدردی اور تعاون کا محتاج ہے۔

لہذا استدعا ہے۔ کہ بامنظوری درخواست ھذا سائل کو بحیثیت حوالدار بحال کرنے کا حکم صادر فرمایا جاوے۔ دستخط

مورخہ 3-10-2020

العارض [illegible]

نمبر 707

موبائل 03449496051

OFFICE OF THE
REGIONAL POLICE OFFICER, MALAKAND
SAIDU SHARIF SWAT.
Ph: 0946-9240381-88 & Fax No. 0946-9240390
Email: digmalakand@yahoo.com

D.P.O Swat at Saidu Sharif. Diary No. 7009 Dated 3.11.20

ORDER:

This order will dispose off appeal of Ex-Head Constable Sartaj No. 707 of Swat District for reinstatement in service.

Brief facts of the case are that Head Constable Sartaj No. 707 while posted to Incharge Police Guard Garhi Kalay, Mangiawar was alleged of gross misconduct as he was directed by his immediate officer for proper use of security gears i.e bullet proof jacket and helmet etc, but he refused to do so, which was clear violation of Police rules as well as norms of discipline on his part. He was called in orderly room by District Police Officer, Swat and heard him in person but he failed to produce any cogent reason in his defense. Being found guilty of the charges levelled against him, the District Police Officer, Swat awarded him major punishment of dismissed from service vide OB No. 160, dated 30/09/2020.

He was called in Orderly Room on 28/10/2020 and heard him in person. The appellant could not produce any cogent reason. He had been dismissed twice in the past but reinstated by CPO but he failed to mend his way. Record shows that he has earned 11 bad entries in his service period. Therefore, His appeal is hereby filed.

Order announced.

Regional Police Officer,
Malakand Region, Saidu Sharif Swat
Nagi

No. 10419 **/E,**

Dated 03/11 **/2020.**

Copy of above for information and necessary action to District Police Officer, Swat with reference to his office Memo: No. 17992/E dated 14/10/2020. Service Roll, Fauji Missal containing enquiry file of the above named Official are returned herewith for record in your office.

****

EC

For necessary action.

DPO Swat
3.11.2020

Rs: 10/-

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

سیریل نمبر: 71813

بار کونسل نمبر: bc/11/[illegible]

بار ایسوسی ایشن نمبر: 3[illegible]

رابطہ نمبر: 0300[illegible]971

ڈسٹرکٹ بار ایسوسی ایشن سوات

DBA SWAT

بعدالت جناب: In the court of Services Tribunal Peshawar

منجانب: Sartaj (appellant)

دعویٰ / درخواست: Service appeal

علت نمبر:

مورخہ:

جرم:

تھانہ:

Sartaj

بنام

Govt of KPK etc

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے برائے پیروی مقدمہ

آن مقام [illegible] کیلئے [illegible] علی اخوندزادہ کو مقرر کر کے

اقرار کیا جاتا ہے، کہ صاحب موصوف کو مقدمہ کی کل کاروائی کو کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث کرنے دعویٰ، جواب دعویٰ، اقبال دعویٰ، اور درخواست برائے سرسبزگی مقدمہ، منسوخی ڈگری یکطرفہ، اجراء و پیروی کرنے کا مختار ہوگا۔ نیز دائر کرنے اپیل نگرانی، نظر ثانی و پیروی کرنے کا مختار ہوگا۔ اور مقدمہ مذکورہ کیلئے کل وقتی یا جزوی کاروائی کیلئے کسی دیگر وکیل یا مختار قانون کو اپنے ہمراہ یا اپنے بجائے تقرریکا اختیار ہوگا اور صاحب مقرر شدہ کو بھی جملہ مذکورہ اختیارات حاصل ہوں گے، اور اس کا ساختہ و پرداختہ منظور قبول ہوگا، بدوران مقدمہ جو خرچہ و ہرجانہ کسی بھی سبب سے حاصل ہوگا، وہ وکیل موصوف وصول کرنے کا حقدار ہوگا، کوئی تاریخ پیشی مقام مذکورہ بالا سے باہر ہو تو وکیل صاحب پیروی مقدمہ کرنے کے پابند نہ ہوں گے، مقدمہ کسی عدالت میں بعدم پیروی خارج ہونے یا ڈگری یکطرفہ ہونے کے صورت میں وکیل صاحب ذمہ دار نہیں ہوں گے،

لہذا وکالت نامہ لکھ دیا کہ سند رہے

مقام [illegible] کے لئے منظور ہے۔

Sartaj S/o Muhammad Seraj R/o Rashidic DOIT Saidu Sharif Swat

ایڈووکیٹ / دستخط: [signature]

المرقوم: 24/11/2020

No wall
No pay

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. 868/2017

Date of institution ... 02.08.2017
Date of judgment ... 19.03.2018

Shafique Ahmad, Constable No. 131,
District Police, Tank.

... (Appellant)

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The D.J.G. D.I.Khan (Region), D.I.Khan.
3. The District Police Officer, Tank.

... (Respondents)

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 26.04.2017 AND REJECTION ORDER DATED 29.06.2017 COMMUNICATED TO THE APPELLANT ON 03.07.2017 WHEREBY THE PERIOD W.E FROM 09.12.2013 TO 18.12.2016 IS TREATED AS LEAVE WITHOUT PAY.

19.3.2018

Mr. M. Asif Yousafzai, Advocate. .. For appellant.
Mr. Kabirullah Khattak, Additional Advocate General .. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI .. MEMBER (JUDICIAL)
MR. MUHAMMAD HAMID MUGHAL .. MEMBER (JUDICIAL)

ATTESTED

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Our this judgment shall dispose of instant service appeal as well as Service Appeal No. 971/2017 titled "Alamgir Khan" Versus the Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and two others, Service Appeal No. 972/2017 titled "Fazal Rehman" Versus the Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and two others and Service Appeal No. 1064/2017 titled "Amjad

Yasir Versus the Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and two others as common question of law and facts are involved in all the aforesaid appeals.

2. Learned counsel for the appellants present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents also present. Arguments heard and record perused.

3. Brief facts of the cases as per appeals are that the appellants were serving in Police Department and they were dismissed from service by the competent authority. That they filed departmental appeals but the same were rejected therefore, they filed service appeals which were partially accepted. The appellants were reinstated in service and the department was directed to conduct de-novo inquiry against the appellants on the allegation leveled against them by providing them full opportunity of defence and hearing. That after conducting de-novo inquiry the competent authority vide order dated 26.04.2017 issued last warning to the appellants to improve their conduct and the period during which the appellants remained out of service was counted as leave without pay. Feeling dissatisfied from the impugned order the appellants filed departmental appeals on 21.05.2017 which was disposed of with the observations that the intervening period from the decision of the court and reinstatement order of DPO Tank i.e from 19.12.2016 to 07.02.2017 was treated as leave of the kind due whereas the remaining period out of service period i.e 09.12.2013 to 18.12.2016 was treated as leave without pay. Feeling aggrieved from the said order the appellants filed the present service appeal.

4. Learned counsel for the appellants contended that the appellants were dismissed from service on the charge of corruption, ill reputation and inefficiency. It was further contended that the appellants filed departmental appeals and the service appeals. It was further contended that the service

conducting de-novo inquiry the competent authority vide order dated 26.04.2017 given last warning to them to improve their conduct. However, the period during which the alleged officials were out of service i.e 09.12.2013 to 08.12.2017 was treated as leave without pay. However, on departmental appeal the departmental authority partially accepted their appeals and treated the intervening period with effect from the date of decision of the court till reinstatement order of DPO Tank i.e from 19.12.2016 to 07.02.2017 as leave of the kind due whereas the remaining period out of service period i.e 09.12.2013 to 18.12.2016 was treated as leave without pay. Admittedly the appellants have not performed the duties during the period from 09.12.2013 to 18.12.2016 therefore, the appellants are not entitled for back benefits of the said period. As such the appeals have no force which are hereby dismissed with no order as to costs. File be consigned to the record room.

ANNOUNCED
19.03.2018

SD/-
(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

SD/-
(MUHAMMAD HAMID MUGHAL)
MEMBER

Certified to be true copy

E.V.
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation: 13-9-18
Number: 1600
Copying: 20-00
Urgent: 4-00
Total: 24-00
Name:
Date:
Date of Delivery: 13-9-18