

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

Service Appeal No. 1417/2018

Date of Institution ... 20.11.2018

Date of Decision ... 27.06.2022

Abdul Wahab S/O Ghulam Hakim. R/O Warsak P.O Bisham Gram,
Tehsil Lal Qilla District Lower Dir. ... (Appellant)

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and two
others. ... (Respondents)

MISS. NAILA JAN.

Advocate

--- For appellant.

MR. KABIRULLAH KHATTAK,
Additional Advocate General

--- For respondents.

MR. SALAH-UD-DIN

MEMBER (JUDICIAL)

MS. ROZINA REHMAN

MEMBER (JUDICIAL)

JUDGMENT:

SALAH-UD-DIN, MEMBER:- Shortly stated the facts necessary for disposal of the instant service appeal are that disciplinary action was taken against the appellant on the ground of absence from duty and he was dismissed from service vide order dated 25.06.2012 passed by District Police Officer Dir Lower at Timergara. The appellant filed departmental appeal before the Inspector General of Police Khyber Pakhtunkhwa Peshawar, which was not responded. The appellant then filed Writ Petition before the august Peshawar High Court, Mingora Bench (Dar-ul-Qaza) Swat, however the same was dismissed on the ground of lack of jurisdiction, hence the instant service appeal.

2. Respondents contested the appeal by way of submitting para-wise reply, wherein they controverted the stance taken by the appellant in his appeal.

3. Learned counsel for the appellant has contended that no regular inquiry was conducted in the matter and the impugned

penalty was imposed upon the appellant without affording him any opportunity of personal hearing or self defense; that no charge sheet or statement of allegations was served upon the appellant and whole of the proceedings were conducted his back; that the appellant was not at all proceeded against on the ground that he was under Matric but the said ground was also mentioned in the order of dismissal issued by the competent Authority; that the impugned order was passed with retrospective effect, therefore, the same is void ab-initio and no limitation would run against the same.

4. On the other hand, learned Additional Advocate General for the respondents has contended that the appellant remained absent for about 71 days without any sanctioned leave or permission from the competent Authority; that the appellant was a member of disciplined force and his absence from duty without any sanctioned leave amounts to gross misconduct on his part; that charge sheet as well as statement of allegations were duly served upon the appellant and he was fully associated in the inquiry proceedings but no justified reason was put forward by the appellant for his willful absence for considerable long period; that the impugned order was passed on 25.06.2012, which was not challenged by the appellant through filing of departmental appeal before the appellate Authority; that the appellant has filed the instant service appeal on 20.11.2018, which is badly time barred and is liable to be dismissed on the ground of limitation alone; that the appellant had not passed Secondary School Certificate examination and was not at all qualified to be appointed as Constable. Reliance was placed on 2013 SCMR 911, 2016 SCMR 872, 2011 SCMR 676 and 2005 SCMR 1206.

5. Arguments heard and record perused.


6. The appellant was dismissed from service vide the impugned order dated 25.06.2012 passed by District Police Officer Dir Lower at Timergara. According to the available record, the appellant challenged the order dated 25.06.2012 through filing of appeal before worthy Inspector General of Police Khyber Pakhtunkhwa Peshawar, which remained un-responded. Instead of filing service appeal, the appellant then preferred Writ Petition before the august Peshawar High Court, Mingora Bench (Dar-ul-Qaza) Swat in the year

2015, which was dismissed vide order dated 07.05.2015 due to lack of jurisdiction. The appellant then remained in deep slumber and filed the instant service appeal after considerable delay on 20.11.2018, which is badly time barred. It is by now well settled that the time spent/consumed in pursuing remedy before the wrong forum cannot be condoned. Reliance in this respect is placed on PLD 2016 Supreme Court page 872.

7. Although an employee could not be awarded penalty with retrospective effect, however where an employee has been proceeded against departmentally on the ground of his absence from duty, then penalty could be awarded to him retrospectively from the date of his absence from duty and the same is an exception to the general rule that penalty could not be imposed with retrospective effect. The impugned order dated 25.06.2012 thus could not be considered as void merely on the ground that the same was passed with retrospective effect. August Supreme Court of Pakistan in its judgment reported as 1987 SCMR 92 has held that when an appeal is required to be dismissed on limitation, its merits need not to be discussed.

8. In view of the above discussion, the appeal in hand stands dismissed being time barred. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
27.06.2022


(ROZINA REHMAN)
MEMBER (JUDICIAL)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

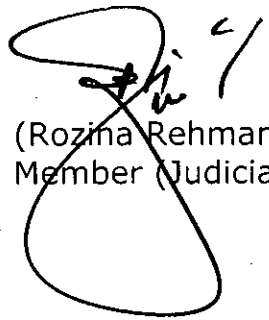
Service Appeal No. 1417/2018

ORDER
27.06.2022

Appellant alongwith his counsel present. Mr. Muqaddar Khan, Inspector (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 appeal in hand stands dismissed being time barred. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
27.06.2022



(Rozina Rehman)
Member (Judicial)



(Salah-Ud-Din)
Member (Judicial)

16.07.2021

Appellant alongwith Miss. Naila Jan, Advocate, present. Mr. Fazal Ghafoor, S.I alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present and produced record consisting of 08 sheets showing that the salary of the appellant with effect from 30.12.2011 to 25.06.2012 has been deposited in Government Treasury. Copies of complete record of inquiry are not available on the record, therefore, respondents are directed to submit the same on or before the next date and to come up for arguments on 06.10.2021.

(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

(SALAH-UD-DIN)
MEMBER (JUDICIAL)

05.10.2021

Counsel for the appellant and Mr. Muhammad Kabirullah Khattak, Addl. AG alongwith Fazal Ghafoor, S.I (Legal) for the respondents present.

Former seeks adjournment as she could not prepare the case. Request is accorded. Case to come up for record as per previous order sheet and arguments on 30.11.2021 before the D.B.

(Mian Muhammad)
Member(Executive)

Chairman

30.11.2021

Due to non-availability of DB, the case is adjourned to 09-03-2022.

9-3-22

Due to Retirement of the Hon.ble Chairman the case is adjourned to 27-6-22

Reader

Reader

08.06.2021

Appellant present through counsel.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

There is specific ground in memorandum of appeal pressed through ground "I", which is reproduced below:-

"That the appellant was marked absent despite the fact that he was performing duties. The monthly salaries of the appellant was regularly received by the dealing hands however the same was not paid to the appellant" which is copied for ready reference.

In reply to the above ground, the respondents evasively asserted its incorrectness with some explanation that appellant remained absent from duty station without leave or prior permission from his seniors and therefore, he was then accordingly about his conduct. This reply of the respondents is not compatible to the allegations of the appellant in the ground copied above. The respondents were required to come up with express affirmation or denial whether the salary of appellant during his absence period including the months mentioned by the appellant was drawn or not. If drawn, whether it was paid to the appellant; and if not, how was it dealt for refund to the Government Treasury. The respondents are directed to state their position on affidavit in respect of the ground noted above. Thereafter, the question about this ground whether to be determined on pro & contra evidence or not, will be decided. To come up on 16.07.2021 before D.B.

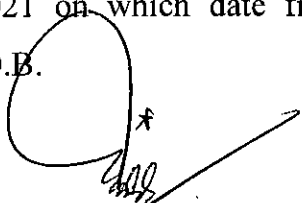
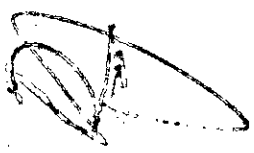
(Rozina Rehman)
Member (J)

Chairman

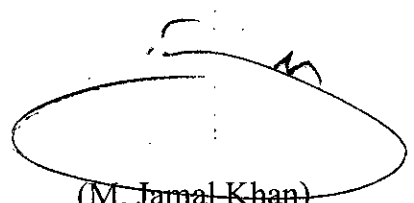
07.12.2020

Appellant in person present. Addl: AG alongwith Mr. Zewar Khan, Inspector for respondents present.

Since the Members of the Peshawar High Court, Peshawar as well as of the District Bar Associations, Peshawar, are observing strike today, therefore, learned counsel for the appellant s not available today. Adjourned to 03.03.2021 on which date file to come up for arguments before D.B.



(Mian Muhammad)
Member (E)



(M. Jamal Khan)
Member(J)

03.03.2021

Appellant in person and Asif Masood Ali Shah, DDA for the respondents present.

Former requests for adjournment as his learned counsel is engaged today before the Honourable Peshawar High Court in various cases. Adjourned to 08.06.2021 for hearing before the D.B.



(Atiq-ur-Rehman Wazir)
Member(E)



Chairman

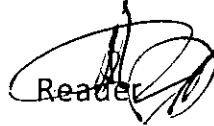


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_____ .2020

Due to COVID19, the case is adjourned to

11/8/2020 for the same as before.


Reader

11.08.2020


Due to summer vacations case to come up for the same on
13.10.2020 before D.B.

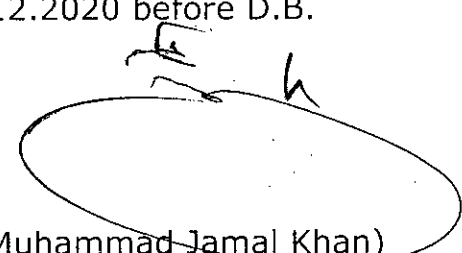

Reader

13.10.2020

Appellant is present in person alongwith Miss. Naila Jan, Advocate. Mr. Kabirullah Khattak, Additional Advocate General alongwith representative of the department Mr. Zahir Shah, ASI are also present.

Learned Additional Advocate General while making reference to impugned order dated 25.06.2012 submitted that retrospective effect was given to the referred to order, the issue with retrospectivity is pending before the Larger Bench of this august Tribunal constituted for the purpose therefore, unless and until judgment is made by the worthy Larger Bench of this Tribunal, this appeal is kept pending. File to come up for further proceedings on 07.12.2020 before D.B.


(Atiq-ur-Rehman Wazir)
Member (Executive)


(Muhammad Jamal Khan)
Member (Judicial)

25.10.2019

Due to tour of the Hon'ble Members to Camp Court
Abbottabad, To come up for the same on 10.12.2019 before
D.B.


Reader.

10.12.2019

Appellant in person and Mr. Ziaullah, Deputy District
Attorney for the respondents present.

Due to general strike of Khyber Pakhtunkhwa Bar
Council learned counsel for the appellant is not available today.
Adjourned to 10.02.2020 for arguments before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

10.02.2020

Counsel for the appellant and Mr. Muhammad Jan, Deputy
District Attorney alongwith Mr. Zewar Khan, S.I (Legal) for the
respondents present. Learned counsel for the appellant
requested for adjournment. Adjourned to 20.03.2020 for
arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

20.03.2020

Due to general strike of Khyber Pakhtunkhwa Bar
Council, learned counsel for the appellant is not available
today. Mr. Kabirullah Khattak, Additional AG alongwith Mr.
Zahir Shah, Sub-Inspector for the respondents present.
Adjourned to 22.05.2020 for arguments before D.B.

(Mian Muhammad)
Member


(M. Amin Khan Kundi)
Member

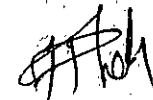
12.04.2019

Counsel for the appellant and Addl. AG alongwith Zewar Khan, S.I (Legal) for the respondents present.

Representative of respondents has submitted parawise reply which is placed on record. To come up for arguments before the D.BN on 17.06.2019. The appellant may furnish rejoinder within a fortnight, if so advised.

17.06.2019

Learned counsel for the appellant and ^{Chairman} Mr. Muhammad Jan learned Deputy District Attorney alongwith Mr. Zewar Khan S.I for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 06.08.2019 before D.B.



Member

Member

06.08.2019

Miss. Huma Khan, Advocate on behalf of counsel for the appellant and Mr. Muhammad Jan, DDA for respondents present.

Former requests for adjournment due to non-availability of his learned senior counsel.

Adjourned to 25.10.2019 before D.B.

Member

Chairman

04.01.2019

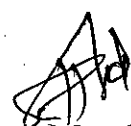
Counsel for the appellant Abdul Wahab present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Police Department as Constable, he was imposed major penalty of dismissal from service vide impugned order dated 25.06.2012 on the allegation of absence from duty. It was further contended that the appellant filed departmental appeal but the same was not responded hence, the present service appeal on 09.11.2018. Learned counsel for the appellant further contended that since the appellant was ill and it was beyond the control of the appellant to attend the duty. It was further contended that neither proper inquiry was conducted nor charge sheet, statement of allegation was served upon him therefore, the impugned order is illegal and liable to be set-aside. It was further contended that though there is some delay in filing of service appeal but the appellant has filed application for condonation of delay.

The contentions raised by the learned counsel for the appellant need consideration. The appeal is admitted for 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 the respondents for written reply/comments for 19.03.2019 before S.B.


(Muhammad Amin Khan Kundi)
Member

19.03.2019

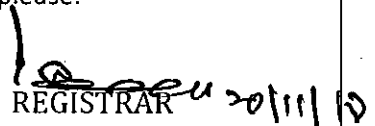

Counsel for the appellant and Mr. Kabirulalh Khatak learned Addl; AG alongwith Zewar Khan SI legal for the respondents present. Written reply not submitted. Representatives of the respondents department seeks time to file written reply/comments. Granted. To come up for written reply/comments on 12.04.2019 before S.B.


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1417/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/11/2018	<p>The appeal of Mr. Abdul Wahab presented today by Naila Jan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	22-11-2018	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>4-1-2019</u>.</p> <p> CHAIRMAN</p>

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

S.A. 1417 /2018

Abdul Wahab

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa,
Peshawar and Others

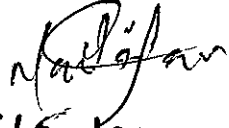
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Dated: 19/11/2018


Appellant

Through


Naila San
Advocate, High Court
Peshawar.

D

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

S.A. 1417 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1659

Dated. 20/11/2018

Abdul Wahab S/O Ghulam Hakim R/O Warsak
P.O Bisham Gram, Tehsil Lal Qilla District
Lower DIR.

Appellant

VERSUS

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General/Regional Police Officer Malakand Range Swat
3. District Police Officer, DIR Lower Temargarah

Respondents

**APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT
1974, AGAINST THE IMPUGNED ORDER
DATED 25/06/2012 WHEREBY THE
APPELLANT HAS BEEN AWARDED MAJOR
PENALTY OF DISMISSAL FROM SERVICE.**

PRAYERS:-

Filed to-day

20/11/18

ON ACCEPTANCE OF THIS SERVICE
APPEAL THE IMPUGNED ORDER DATED
25/06/2012 MAY KINDLY BE SET ASIDE AND
THE APPELLANT MAY KINDLY BE

2

**REINSTATED INTO SERVICE WITH ALL
BACK BENEFITS.**

Respectfully Sheweth,

The appellant submits as under:-

1. That the appellant was appointed as constable in police department in the year 2010, and since his appointment the appellant performed his duty with great zeal, zeast and to the entire satisfaction of highups.
2. That father of the appellant was seriously ill and due to that reasons the appellant was unable to perform his duty and or the verbal permission of the incharge the appellant being the sole male member of his family remained busy in the treatment of his father and after that the appellant resumed his duty.
3. That while performing his duties the appellant was issued a charge sheet along with statement of allegation however the same was not served upon the appellant.
(Copy of the Charge Sheet is annexed as annexure "A")

[Handwritten Signature]

4. That in the meanwhile the appellant met with an accident and thereafter the appellant remained under treatment in various hospitals. **(Copy of medical documents are annexed as annexure "B")**

5. That an inquiry was conducted against the appellant and the appellant stated his contention but the inquiry officer went beyond the charges contained in the charge sheet. However the inquiry officer recommended the absence period to be treated as leave without pay however neither the inquiry report nor charge sheet was provided to the appellant and the appellant applied for the same through an application. **(Copy of the inquiry report and application annexed as annexure "C" and "D")**

6. That thereafter the competent authority contrary to the recommendation of the inquiry officer, without issuing a final show cause notice dismissed the appellant vide impugned order dated 25/06/2012 with retrospective effect. **(Copy of the order is annexed as annexure "E")**

(9)

7. That the appellant feeling aggrieved from the impugned order filed a departmental appeal however the same has never been decided by the Respondents. (Copy of the Departmental appeal is annexed as annexure "F")

8. That thereafter the appellant filed a writ petition No.148-M/2015 which was returned to the appellant vide judgment dated 07/05/2015. (Copy of the writ/judgment is annexed as annexure "G")

9. That feeling aggrieved from the impugned order the appellant filling this appeal.

· GROUNDS:-

A. That the impugned order is against the law facts and principle of natural justice hence liable to be set aside.

B. That the impugned order has been issued in utter violation of police rules 1975.

C. That the Respondent did not issued find show cause notice which is mandatory under the law.

D

D. That the appellant has been dismissed on the charge of appointment being under Matric which was even not mentioned in the charge Sheet hence the impugned order is void abinitio.

E. That the impugned order has been issued with retrospective effect which is void abinitio and is liable to be set aside on this score along.

F. That the appellant has not been associated with the inquiry proceeding nor did any pro and contra evidence has been recorded against the appellant.

G. That the appellant has not been provided opportunity of personal hearing hence condemned unheard.

H. That due to detorating situation at Dir Lower Specially at Tehsil Maidan Which was strong hold of Molana Sufi Muhammad and Taliban so no one was ready to join police department at that situation the appellant provided his academic certificates and did not conceal anything from the Respondents therefore he was appointed legally and then the appellant passed matric hence did not commit any

6

fraud or concealment of facts. **(Copy of the DMC is annexed as annexure "H")**

I. That the appellant was marked absent despite the fact that he was performing duties. The monthly salaries of the appellant was regularly received by the dealing hands however the same was not paid to the appellant. **(Copy of the receiving report is annexed as annexure "I")**

J. That the appellant has not been provided opportunity of fair trial as guaranteed by Article 10-A of the court of Islamic Republic of Pakistan 1973.

K. That even the absence of the appellant was not willful hence does not amount to misconduct.

L. That the competent authority did not honored recommendation of the inquiry officer and without issuing a show cause notice dismissed the appellant.

M. That appellant seeks permission of this Hon'ble Tribunal to adduce other grounds during course of arguments.

2

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

Dated: 19/11/2018

Abdul
Appellant

Through

Naila Jan
Naila Jan
Advocate, High Court
Peshawar.

NOTE:-

No such like appeal for the same appellant,
upon the same subject matter has earlier been
filed by me, prior to the instant one, before this
Hon'ble Tribunal.

Naila Jan
Advocate

8

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

S.A _____/2018

Abdul Wahab

VERSUS

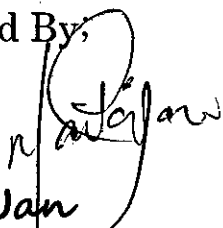
Inspector General of Police, Khyber Pakhtunkhwa,
Peshawar and Others

AFFIDAVIT

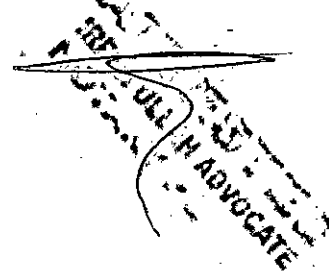
I, Abdul Wahab S/O Ghulam Hakim R/O Warsak P.O Bisham Gram, Tehsil Lal Qilla District Lower DIR, do hereby solemnly affirm and declare that all the contents of the **accompanied appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.


DEPONENT

Identified By,


Naila Jan
Advocate High Court
Peshawar.




ADVOCATE

9

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

S.A _____/2018

Abdul Wahab

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa,
Peshawar and Others

ADDRESSES OF PARTIES

APPELLANT.

Abdul Wahab S/O Ghulam Hakim R/O Warsak
P.O Bisham Gram, Tehsil Lal Qilla District
Lower DIR

RESPONDENTS

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General/Regional Police Officer, ~~DIEMALAKANDI TRANCE SWAT~~
3. District Police Officer, DIR Lower Temargarah.

Dated: 19/11/2018

Abdul Wahab
Appellant

Through

Naila Jahan
Advocate, High Court
Peshawar.

CHARGE SHEET.

12


Amir A

WHEREAS on perusal of the record of Mr Muhammad Salim, District Police Officer, Dir Lower at Timergara is satisfied that a formal enquiry as contemplated by clause 6 (b) of Police Rules, 1975 is necessary and expedient.

AND WHEREAS, I am of the view that the allegations if established would call for major punishment as defined in Rules-4 of the said Rules.

NOW, THEREFORE, as required by Police Rules, 1975 I, **Muhammad Saleem**, District Police Officer, Dir Lower at Timergara charge you Constable Abdul Wahab No.814 with in-efficiency / misconduct on the basis of statement of allegations attached. I hereby direct you further under Sub-Rules-6 (b) of Police Rules, 1975 to put in a written defense within 07 days of the receipt of this charge, as to why the proposed action should not be taken against you and also state whether you desired to be heard in person.

In case your reply is not received within the stipulated period it would be presumed that you no defense to offer.


District Police Officer,
Dir Lower at Timergara.

No. 8675 /E.B. dated Timergara the 24/04 /2012. 22/14

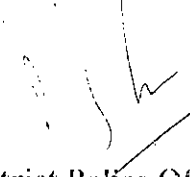
Enclosed find herewith Charge Sheet and Summary of Allegations each in duplicate for necessary delivery upon Constable Abdul Wahab No.814 of PS Lal Qilla.

One copy each of the same may be delivered upon him and his signature taken as a token of receipt on the duplicate be returned to this office.

SDPO MAIDAN.

SUMMARY OF ALLEGATIONS.

It is alleged that you Constable Abdul Wahab No.814 while posted to Police Station Lal Qilla absented your-self from your lawful with effect from 30/12/2011 to 18/01/2012 and from 14/03/2012 to-date without leave or permission from your superior. This act on your part amounts to gross mis-conduct and liable for major punishment, hence this summary of allegations.


District Police Officer,
Dir Lower at Timergara.

22/14



B

Amul B

B

گھر کیلئے علاج

Rec

1

2

3

4

5

6

Refer to P. Shahwan
RTH/HMG

نوٹ: ٹائٹل _____ دن بعد قریبی ہسپتال یا ڈسپنسری میں نکلوائیں۔
آیام اوپی ڈی: پیر، بدھ، جمعہ
آیام آپریشن: منگل، ہفتہ

Cap Omega 20mg

Tab Proflox 500mg

ORTHOPAEDICS UNIT

D.H.Q. HOSPITAL TIMERGARA DISTT: DIR

Discharge Slip

Incharge
Orthopaedics Surgeon

DOW

Medical Officer

Dr. Waqar Alam

Dr. Shahid Hussain

M.S (Orthopaedics)
(Gold Medalist)

Name coludus Age 24 Sex M.

Adm.No: 4 Ward Orthopaedic Bed No _____

Phone No: _____

Address: Umo

D/A 2/7/12 D/Opt 3/7/12 D/D 7/7/12

Diagnosis: (RTA) Trauma to R. arm

Elbow

Operation: B/S. SIC

Signature of Doctor

Cap Omega 20mg

Tab Proflox 500mg

Handwritten signature

TREATMENT AT HOSPITAL

1. inj Oxidol 1g a BID
- 2.
3. inj vover 75-g
- 4.
5. 1as vover
- 6.
- 7.

OPERATIVE FINDINGS

Gamma 3/c ⊕

PROCEDURE

B/S

Important Investigation

Hb TLC DLC

HBS HCV

X-Ray

Progress & Condition at Discharge

(Follow up units)

Assistant Professor
Dr. Malik Javed Iqbal
M.B.B.S. (Peshawar)
F.R.C.S. (Ireland)
F.R.C.S. (orthopaedic) England
F.R.C.S. (Trauma) England



SPECIALIST IN ARTHOSCOPY ARTHOPLASTY
AND TRAUMA SURGERY

اسٹنٹ پروفیسر
ڈاکٹر ملک جاوید اقبال

ایم۔ بی۔ بی۔ ایس (پشاور) ایف۔ آر۔ سی۔ ایس (آئرلینڈ)
ایف۔ آر۔ سی۔ ایس (آرتھو پیڈک) انگلینڈ
ایف۔ آر۔ سی۔ ایس (ٹراوما) انگلینڈ

آرتھو پیڈک سرجن
حیات آباد میڈیکل کیمپس پشاور
ماہر امراض ہڈی درد، جوڑے، ہٹھ، کمر درد، عرق النساء، پولیو

ORTHOPAEDIC SURGEON
Hayatabad Medical Complex
Peshawar.

Patient's Name خسرو اللہ Age 29 Sex M Date 4.9.12

Wound - discharge

smi held

⊙ Test. E. coli 600
⊙ 100
⊙ 100

کلینک اتوار کو بند رہے گا۔

نمبر حاصل کرنے کیلئے اس نمبر پر رابطہ کریں 0300-5951319

دوبارہ معائنہ تاریخ

کلینک: ابا سین ہسپتال پہلی منزل روم نمبر A-7 ڈبگری گارڈن پشاور فون: 091-2217817-2216817



Assistant Professor
Dr. Malik Javed IQbal
 M.B.B.S. (Peshawar)
 F.R.C.S., (Ireland)
 F.R.C.S (Orthopaedic) England
 F.R.C.S (Trauma) England
ORTHOPAEDIC SURGEON
 Hayatabad Medical Complex
 Peshawar.



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 AND TRAUMA SURGERY

اسٹنٹ پروفیسر
ڈاکٹر ملک جاوید اقبال
 ایم۔ بی۔ بی۔ ایس (پشاور) ایف۔ آر۔ سی۔ ایس (آئرلینڈ)
 ایف۔ آر۔ سی۔ پی (آرتھو پیڈک) انگلینڈ
 ایف۔ آر۔ سی۔ پی (ٹراوما) انگلینڈ
 آرتھو پیڈک سرجن
 حیات آباد میڈیکل کمپلیکس پشاور
 ماہر امراض ہڈی درد، جوڑے، ٹھنڈے، کمر درد، عرق النساء، پولیو

Patient's Name عمر الہوی Age 34y Sex M Date 7.7.12

R.T.A - 6 days -

injury to Rt forearm.

ORIF wound on the Rt elbow.

has been debrided.

Some loss of the elbow.

olecranon. alignment
 needs ORIF & K wire

Admit Akbar medical centre

WBS
 12/7

کلینک اتوار کو بند رہے گا۔

دوبارہ معائنہ بتاریخ

091-2217817-2216817 فون: سنٹر ڈگری کارڈن پشاور
 0300-5951319

98

16



**POSTGRADUATE MEDICAL INSTITUTE
HAYATABAD MEDICAL COMPLEX
PESHAWAR**

Out-Patients Department

Abdul Wahab 23 Years Male
Name Orthopedic Peshawar Sex Male
Department 15052 15052-2012
Serial Yearly No. _____ Dated _____

XRAY / RADIOGRAPH (10:15:01 AM Rate: 10

History

Duplicate

TBSw - 2 months

9/6

Clinical Examination

Stiff elbow

Pus discharge
from wound

Provisional Diagnosis

0/3

elbow stiff at 90

Investigations Required

Fresh
+ ray shows
looseness around
the K-wire.

Single active
sinus.

with slight
discharge.

Handwritten signature

Ad 9/5 of Pus
(Wab)

Amme... ~~Amme...~~

15

Amme...
17

حنا علی

حوالہ آمیزہ انوائٹری برقی 1344/E بر خلاف کنٹریل نمبر 814/12
ہوں کہ کنٹریل نمبر 26 12/10 کا برقی نمبر ہے۔ علاقہ درستی میں
رہائشی ہے۔ بورج 11/9 سے پیل کمر میں تعمیرات کیا گیا ہے۔ کارڈ نمبر
تبدیل کیا گیا جو نمبر 11/9 سے 12/10 ہے۔ پیل کمر میں 13 1/2
عامری کی ہے۔ پیل کمر 19 یوم غیر جانہ ہوئے۔ اسی طرح بورج 14 1/12 تا 15 1/12
کل 52 یوم غیر جانہ ہو کر جسکا حوالہ 08-556 بورج 3/12 سے پیل کمر میں
نہ کنٹریل ہے۔ جن کے خلاف آفسران والا نے انوائٹری میں SPO کو مارک
کی ہے۔

کنٹریل نمبر 814 کی طلبی/پیشی کرائے پر انہ جات لوساٹ 8110 مہاب لول تلخ جاری
کر کے کنٹریل نمبر 26 میں ہو کر جس نے ایک قسمی درخواست میں کی جس میں
مذکورہ نے ذکر کیا ہے کہ اس کا والد مہاب پشلی بیمار ہو کر کنٹریل ہسپتال بنا کر لائے
سراج حوالہ لے گیا تھا۔ انٹارہ یوم ہسپتال میں گزارنے کے بعد اسے لول تلخ میں جانہ
کی ہے۔ اسی دوران جناب SPO مہاب کے حضور میں پیشی کے لئے لول تلخ کے
طلب کیا۔ OHC مہاب کے ساتھ ملاقات ہو کر مجھے بتایا گیا کہ OHC میں ایک
پرچہ پیل ہے یہ چھوٹے ہے کہ ہسپتال کے وقت میرا ایک پرچہ تھا۔ لیکن پیل پر
باس کیا گیا ہے۔ لول تلخ میں OHC مہاب کے حضور میں پیشی کے لئے لول تلخ
میں پیشی میں کیا گیا OHC مہاب نے جس پر کہا کہ سال 2010 کا لورڈ سے حاصل
پیشی کرے۔ اس سلسلہ میں 12 مہاب نے لورڈ حکم دیا کہ سال
2010 کا DMCA مہاب سے انکار کیا اور کہا کہ آپ نے پرچہ سال
بالا دھوپ کی بنا پر غیر جانہ ہوا ہے۔ اسی طرح سبزی 3/12 کا بیان ہی
میں مذکورہ کہ ایک آڈیٹور ہے۔

کنٹریل مذکورہ کہ بیان کیطابق من SPO اس پرچہ میں پشلی
پیل کیلی ایسٹ پر ہسپتال ہوا ہے۔ ایسٹ اپٹرنٹ کے پیل کے
یونے کے متعلق علی یہ انوائٹری کرنے اور بورج 30 1/12
اور بورج 14 1/12 تا 15 1/12 کل 52 یوم غیر جانہ ہونے پر یعنی کل
میں شمار کرے اور نہ ہسپتال حوالہ دوبارہ شروع کرنے کی
یا جسے آفسران الا مناسب سمجھے۔

Attested
A. J. J.

SPO Maclan
12-06-12

Maclan

OR
18/6

Better Copy of Annexure ۱۰

فائنڈنگ رپورٹ

جناب عالی!

بحوالہ امدہ انکوائری نمبری 12-5-15 / E / 1314 بر خلاف کانٹریبل عبدالوہاب نمبر 814 معروض ہوں کہ کانٹریبل مذکورہ 26/12/2010 کا بھرتی شدہ ہے۔ علاقہ ورکے میدان کارہائشی ہے مورخہ 17/09/2011 سے پل کسب میں تعینات تھا جہاں سے گارت بیش گرام تبدیل کیا گیا تھا مورخہ 30/12/2011 پر گارت بیش گرام سے غیر حاضر ہو کر مورخہ 18/12/2011 پر حاضری کی ہے یعنی کل 19 یوم غیر حاضر ہوا ہے۔ اسی طرح مورخہ 14/03/2012 تا 15/05/2012 یعنی کل 52 یوم غیر حاضر ہو کر جس کی تنخواہ بحوالہ ob-0556 مورخہ 22/03/2012 پر تاریخ غیر حاضری سے بند کی گئی ہے جن کے خلاف آفسران بالانے انکوائری من SDPO کو مارک کی ہے۔ کانٹریبل عبدالوہاب 814 ایف سی کی طلبی / پیشگی کے لیے پروانہ جات بوساطت ایس ایچ او صاحب لعل قلعہ جاری کر کے کانٹریبل مذکورہ پیش ہو کر جس نے ایک تحریری درخواست پیش کی جس میں کانٹریبل مذکورہ نے تحریر کیا ہے کہ اس کا والد صاحب مینٹلی بیمار ہو کر مینٹل ہسپتال پشاور برائے علاج معالجہ لے گیا تھا۔ اٹھارہ یوم ہسپتال میں گزارنے کے بعد تھانہ لعل قلعہ میں حاضری کی ہے اسی دوران جناب ڈی پی او صاحب کے حضور میں پیش ہونے کے لیے او ایچ سی نے تیسر گرہ طلب کیا۔ او ایچ سی صاحب کے ساتھ ملاقات ہو کر مجھے بتایا گیا کہ میرے ڈی ایم سی میں ایک پرچہ فیل ہے یہ حقیقت ہے کہ بھرتی کے وقت میرا ایک پرچہ فیل تھا لیکن بعد میں پاس کیا گیا ہے کئی بار جناب ڈی پی او صاحب کے حضور میں پیش ہونے کے لیے آیا لیکن مجھے پیش نہیں کیا گیا او ایچ سی صاحب نے پھر کہا کہ سال 2010 کی ڈی ایم سی بورڈ سے حاصل کر کے پیش کرے اس سلسلے میں 10/12 مرتبہ بورڈ چکدرہ جا کر بورڈ والوں نے سال 2010 کی ڈی ایم سی دینے سے انکار کیا اور کہا کہ آپ نے پرچہ سال 2011 میں پاس کیا ہے۔

درجہ بالا وجوہات کے بناء پر غیر حاضر ہوا ہوا اسی طرح منیر علی محرر اے ایس آئی کا بیان بھی قلمبند کر کے لف انکوائری ہذا ہے۔

کانٹریبل مذکورہ کے بیان کے مطابق من ایس ڈی او اس نتیجے پر پہنچا کہ کانٹریبل مذکورہ میٹرک فیل اسناد پر بھرتی ہوا ہے لہذا میٹرک کے فیل اسناد پر بھرتی ہونے کے متعلق علیحدہ انکوائری کرنے اور مورخہ 12/2011/1830/11/2011 کل نو یوم اور مورخہ 14/03/2012 تا 05/05/2012 کل 52 یوم غیر حاضر ہونے پر یعنی کل 61 یوم غیر حاضری بلا تنخواہ میں شمار کرے اور بند شدہ تنخواہ دوبارہ شروع کرنے کی سفارش کی جاتی ہے۔ یا جسے آفسران بالا مناسب سمجھے۔

ایس ڈی پی او

12/06/2012

adajew
ave

محدث جہاں ایس بی صاحبہ پولیس ڈیپارٹمنٹ، ضلع دریائیں گنہ گم غم پورہ لاہور

D

عبدالوہاب دکن عزام حکیم ساکن ورثہ تحصیل کتل قلمہ میدان ضلع دریائیں

بیٹ 814 - سائل درخواست گزار

درخواست لبرار عظامیٹی مقدمہ نقولت جارج ٹیٹ، ٹمن، و انلواری رپورٹس

جہاں عالی اسٹائل درخواست گزار حسب ذیل لفظ رساں ہے

(I) یہ کہ فن سائل 26/12/2010 پولیس ڈیپارٹمنٹ میں بطور کسٹین

ہوئی ہو تھا

(II) یہ کہ فن سائل کو کعدہ پولیس ڈیپارٹمنٹ، لطف کیا

(III) یہ کہ فن سائل کو کوئی ٹمن یا ٹولس موصول نہ ہو ہے

(IV) یہ کہ نقولت بالا کی عظامیٹی میں کوئی قانونی امر عالم نہ ہے

بلد صبی برالفا ہے

محالات بالا استہا کی جاتی ہے کہ فن سائل کو جارج ٹیٹ، ٹمن آر کوئی جو و انلواری رپورٹ کی مقدمہ نقولت فراہم کرنے کے احکامات صادر فرمائے جاوے

Handwritten signature

عبدالوہاب سائل / درخواست گزار

عبدالوہاب

فرقہ: 28/8/2014

20 - B

ORDER.


This is a proper departmental order against Constable Abdul Wahab No. 814 on charge that while he posted to PS Lal Qilla absented himself from duty with effect from 30.12.2011 to 18.01.2012, 14.03.2012 to 30.05.2012 and 03.06.2012 to date with out any leave or prior permission. He was issued Charge Sheet with couple of statement of Allegation and SDPO Maidan was appointed as Enquiry Officer to conduct proper departmental enquiry against him and submit his finding. The Enquiry Officer conducted proper departmental enquiry, recorded the statement of all concerned including defaulter constable Abdul Wahab No. 814. The Enquiry Officer in his finding mentioned that the defaulter constable was actually failed in one subject in Secondary School Certificate Examination (Matric) and for production of fair D.M.C from BISE Malakand, the defaulter constable remained absent. The Enquiry Officer in his finding established the charge level against him and recommended that appropriate action with regard to Secondary School Certificate Examination (Matric) an enquiry be conducted and the period of his absence be treated as leave with out pay or the authority take any appropriate against him as deem necessary.

The opinion of DSP-Legal was sought with regard to failed in Math. in Secondary School Certificate Examination (Matric) who opined that he is not entitled for the post of constable and proper disciplinary action be initiated against

The defaulter constable was summoned for OR, but he deliberately failed to appear in person. I have gone through enquiry file, finding of Enquiry Officer and came to the conclusion that the constable has well fully absented himself from duty. Being under Matriculation he is not up to the required standard, therefore, he is here-by dismissed from service with effect from 30.12.2011 i.e date of his absence.

Order announced.

OB No. 1066
Dated 25/6 /2012.


District Police Officer,
Dir Lower at Timergara.

25/6



Sir,
Entry made in S. Roll
D.M.C.
please file.

ST
ARC him.
25/6/2012

Amets

(21) (17) F

To

The Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Subject - REQUEST FOR RE-INSTATEMENT IN SERVICE.

Dear Sir,

Respectfully it is stated that I had been in Police Department since 2010 and performed my duties to the best satisfaction of my seniors but unfortunately I met an accident and had serious injuries and admitted to hospital. To my bad luck I informed my seniors about my health condition verbally and did not inform in writing. The reason was the worst law & order situation specially in Malakand Division.

2. I was expelled from service on 29-06-2012 and requested Deputy Inspector General of Police, Malakand Division for re-instatement but till date I have not been re-instated.

3. Being a poor person I have no other sources of income to earn my livelihood. I have an illing & aging parents who solely depends upon me.

4. In view of the above I request your kind honor to kindly look into my case sympathetically and issue orders of my re-instatement in Police Service to which I shall ever pray for your long life. We are still on the hit list of terrorists and if not re-instated we shall be forced to leave our native village and seek shelter in other parts of the country.

5. It is also worth mentioning that I had not been paid my salary from January, 2012 to June, 2012 which may also be released to me.

Attested

(Signature)

Yours Obediently

عبد الوهاب

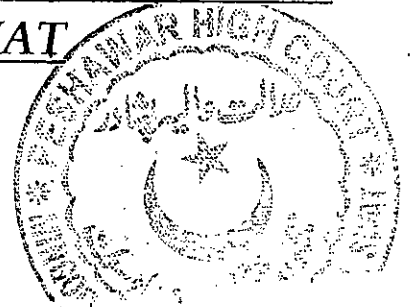
Abdul Wahab S/o
Ghulam Hakeem
Belt No. 314,
Village:- Warsaki,
Teh: Lal Qila,
Distt: Lower Dir.

(Signature)

22 B^a Gⁿ

BEFORE THE PESHAWAR HIGH COURT, BENCH AT
MINGORA, DISTRICT SWAT

Writ Petition No. 148-M of 2015



(1) Abdul Wahab S/O Ghulam Hakim R/o Warsaky P/O Bisham Gram, Tehsil
Lal Qilla District Lower Dir. ...Petitioner

VERSUS

1. ✓ Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. ✓ Deputy Inspector General /Regional Police Officer, Dir Range, Dir Lower
Temargara.
3. Deputy Inspector General Legal, Dir Lower Temargara.
4. ✓ District Police Officer, Dir Lower Termargara. ...Respondents

Writ petition under Article 199 of the
Constitution of Islamic Republic of
Pakistan, 1973.

Respectfully Sheweth:

1. That the petitioner was appointed as constable No 814 in Police Department at District Dir Lower on 29/12/2010 and since then served the respondents department till June 2012.
2. That in the year 2012 the petitioner met with a serious accident, which caused the petitioner right arm fracture and thus the petitioner remain under treatment for about 71 days in different hospitals of Peshawar. (Copy of medical prescriptions are attached as A)
3. That on 24/04/2012 the petitioner was charge sheeted by respondent No.4 on the ground of his alleged absentee from the duty vide order No 86/5/EB(Ann B), whereupon the S.D.P.O Maidan was appointed as inquiry officer.

TODAY

10

1

23

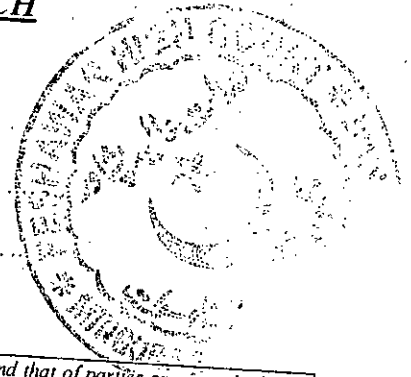
35

IPESHAWAR HIGH COURT, MINGORA BENCH
(DAR-UL-QAZA), SWAT

FORM OF ORDER SHEET

Court of

Case No..... of



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
	07.5.2015	<p style="text-align: right;"><i>Syed Afsar Shah</i></p> <p><u>W.P. No.148-M/2015.</u></p> <p>Present: Mr. Ashfaq Ahmad, advocate for the petitioner.</p> <p style="text-align: center;">***</p> <p><u>SYED AFSAR SHAH, J.-</u> Through the instant writ petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, Abdul Wahab, the petitioner, has made a prayer for issuance of an appropriate writ directing the respondents to reinstate him in the service as police constable with all back benefits.</p> <p>2. We have heard arguments of the learned counsel for the petitioner, gone through the record appended with the petition and perused the relevant law on the subject as well.</p> <p>3. It appears from the record available on file that the petitioner was a police constable in the police department and later on after a proper inquiry conducted against him, his services were terminated vide order dated 25.6.2012. Admittedly, the issue in hand relates to the</p>

A

24

6/5



terms and condition of service which, under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, is the exclusively domain of the Services Tribunal.

In view of the constitutional bar, the petition being not maintainable, stands dismissed in *limine*.

Announced.
Dt: 07.5.2015.

Sd-Syed Afsar Shah-1
Sd. Haider Ali Khan-J

No. 2263
Name of Applicant: F. S. Khan
Date of Presentation of Applicant: 21.5.15
Date of Completion of Copy: 25.5.15
No of Copies: 3. P
Urgent Fee:
Fee Charged: 6/-
Date of Copy: 27/5/15

Deemed to be true copy

[Signature]
Peshawar High Court, Mingora Bar-at Gaza Swat
Established Under Article 67 of Constitution of Pakistan 1973
27/5/15

Office
08/05/2015



18 A H 25

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION

MALAKAND (CHAKDARA) KHYBER PAKHTUNKHWA PAKISTAN

SECONDARY SCHOOL CERTIFICATE EXAMINATION

DETAILED MARKS & PROVISIONAL CERTIFICATE



S.No.MB 070432

SESSION ANNUAL 2011

Roll No: 65741

Group: Humanities

Abdul Wahab Son/Daughter of Ghulam Hakeem

appeared as Private Candidate of District Dir (Lower)

has secured the marks shown against each subject, in the Secondary School Certificate Examination held in the months of March. The Examination was taken in parts.

Subject	Marks	MARKS OBTAINED					
		9Th		10Th		Total	In Words
		Theory	Pract.	Theory	Pract.		
1. English	150	(A)		(A)	--	--	
2. Urdu	150	(A)		(A)	--	--	
3. Islamiat (Comp)	75	(A)			--	--	
4. Pakistan Studies	75	--		(A)	--	--	
5. General Science	150	(A)		(A)	--	--	
6. Mathematics	150	39		(A)	--	--	
7. Islamic Studies	150	(A)		(A)	--	--	
8. Pashto	150	(A)		(A)	--	--	

Total = 1050

Marks

Remarks

Absent

D.O.B: (15-MAR-89), Fifteenth, March, Nineteen Hundred Eighty-Nine

Checked By:

Note: Errors / Omissions excepted. Any mistake in the above particulars, must be intimated within 30 days after receiving the above certificate.
Computer Cell BISE, Malakand

Print Date: Tuesday June 7, 2011 Result Date: Saturday June 11, 2011

Assistant Distt Officer
(IE & SE) Timergara
Distt Dir (L)

Controller of Examinations
B.I.S.E, Malakand

30 30 19 26

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

GOVT: HIGH SCHOOL

GUMBAT BANDA DIR (LOWER)

DISTT: DIR (LOWER)

CHARACTER CERTIFICATE

Certified that Mr/Miss. Abdul waab

S/O, D/O Mr Ghulam Hakeem of village wasbaki

Tehsil Isl Gilla District Dir (lower) has remained a

regular student of this school w.e.f 1.3.2005 To 15.3.2006

His conduct during his stay at school was Good.

Dated: 15.11.2006

Prepared by A. Iqbal

Checked by Muhsista Rahman

[Signature]
Principal/ Head Master
GHS
Head Master
Distt: GHS Gumbat Banda
Distt: Dir (L)

Attested

[Signature]

[Signature]

27 کانٹینل عبدالوہاب - نمبر 814

- 1 ماہ جنوری سال 2012ء مبلغ 19565 روپے
- 2 ماہ فروری سال 2012ء مبلغ 19565 روپے
- 3 ماہ مارچ سال 2012ء مبلغ 19565 روپے
- 4 ماہ اپریل سال 2012ء مبلغ 19565 روپے
- 5 مئی تا ستمبر سال 12/11ء مبلغ 91565 روپے
- 6 ماہ اکتوبر تا دسمبر سال 2012ء مبلغ 4175 روپے
- 7 جولائی تا دسمبر سال 2012ء مبلغ 19565 روپے

مجموعاً 86 روپے 86/20 سے 10 روپے 10/013 کے افسر کے

سے قضاة الاموال کی ہے۔

جولائی تا مارچ 107
2012

MHA. PS Zainab
08/5/013

7 ماہ جون سال 2012ء مبلغ 19565 روپے جولائی تا دسمبر سال 110

MHA. PS Zainab

08-5-013

6 مارچ 2012ء

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(28)

صداغدا!

314
سوراجا حزنت حور بر کنسٹر نبر الوع

کا ماہ حوری سال 2012 سے ماہ 1012 م سہ 2012 دتہ تھوا

کوالہ RC مہ 74 / 21
مردم 06/06/012
کا ماہ حوری سال

2012 کا تھوا کوالہ RC مہ 86 / 21
دوسرے

سوراجا حزنت حور بر کنسٹر نبر الوع جمع کر دیا

[Signature]

MHC-PS-2-dava
20-05-014

Police Station
Zaimdara

[Signature]

قیمت
50 روپے



ایڈوکیٹ: 56358
/aila Jan
بار کونسل ایسوسی ایشن نمبر:
رابطہ نمبر: 0312 92 45471

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: /P Service Tribunal Peshawar

منجانب: Appellant	دعوی: Service Appeal
عبد الوہاب	علت نمبر: اپیل نمبر 1417/18
بنام	مورخہ:
پولیس	جرم:
	تھانہ:

باعت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام ~~Peshawar~~ کیلئے /aila Jan & Hina Gul کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی 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 داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانبہ 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: 19/11/2018

المقام: Peshawar

نوٹ: اس وکالت نامہ کی فونو کالی یا قابل قبول ہوگی۔

Hina Gul

Miss Ed
& accepted
by

/aila Jan
H.C.

عبد الوہاب وکیل مقرر

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No 1417/2018

Ex Constable Abdul Wahab s/o Ghulam Hakim r/o Warsak p/o Bisham Gram
Teshil Lal Qilla Lower Dir Appellant.

VERSUS.

- 1) Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
- 2) Regional Police Officer Malakand at Saidu Sharif, Swat.
- 3) District Police Officer Dir Lower.....Respondents...

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1.	Para wise comments.	-	1-4
2.	Affidavit.	-	5
3.	Power of Attorney	-	6
4.	Copy of charge sheet with service status.	Annexure "A"	7
5.	Legal opinion.	Annexure "B"	8
6..	Report of controller examination.	Annexure "C"	9-10


(ZEWAR KHAN)
SI LEGAL
DIR LOWER

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No 1417/2018

Ex Constable Abdul Wahab s/o Ghulam Hakim r/o Warsak p/o Bisham Gram
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- 2) Regional Police Officer Malakand at Saidu Sharif, Swat.
- 3) District Police Officer Dir Lower.....Respondents.

PARA WISE REPLY ON BEHALF OF RESPONDENTS.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS.

- 1) That the present service appeal is not maintainable in its form.
- 2) That the appellant has not come to this August Tribunal with clean hands.
- 3) That the present appeal is badly time barred.
- 4) That this Honorable Service Tribunal has no jurisdiction to entertain the present service Appeal.
- 5) That the appellant has got no cause of action.
- 6) That the appellant has suppressed the material facts from this Honorable Tribunal.
- 7) That the appellant deliberately concealed the real facts from this August Tribunal.
- 8) That the real intention of the appellant was to defraud the Government Department through fake DMC.

ON FACTS:

1. Pertains to record, hence needs no comments.
2. Incorrect, being member of disciplined force, the appellant was required to seek leave or proper permission and to inform his seniors about the issue faced to him, but he did not do so. The appellant ignored the channel and gone on his own, violating the spirit of discipline.
3. Incorrect, the charge sheet cum statement of allegations issued by the competent authority has been served through DFC and the appellant collected the copy personally, also pasted his signature on one copy. (Copy attached as annexure "A")

4. Incorrect, the appellant is required to contact the concerned PS or to send another person in order to inform his superiors about the shock, but he remained silent and kept his seniors in dormant about the issue.
5. Incorrect, the inquiry officer conducted proper departmental inquiry into the matter by examining all the relevant record as well as examine the appellant. During inquiry, it surfaced that the appellant during enlistment produce secondary school Certificate, and upon verification, the controller of exams verified that the appellant is failed in Mathematics subject. In light of legal opinion, the appellant was not entitled for the post of constable being failed/under matriculation. The appellant absented himself from duty for 71 days willfully vis-à-vis he faced the allegation of under matriculation which stand against him proved; thereafter the competent authority rightly dismissed him from service.
6. Incorrect, the allegations leveled against appellant is proved beyond any shadow of doubt; therefore the competent authority rightly issued the dismissal order keeping in view the conduct of appellant.
7. Needs no comments.
8. Correct.
9. The appellant has got no cause of action to file the instant appeal.

GROUNDS

- (A) Incorrect, the order is in accordance with law, facts and based on natural justice.
- (B) Incorrect, no violation of police rules 1975 has been committed by respondents.
- (C) Incorrect, the competent authority called the appellant for the propose to be heard in person or to advance solid reasons behind the fact, but he deliberately absented himself. Moreover all the mandatory process has been competed in accordance with law.
- (D) Incorrect, initially the departmental process initiated upon the deliberate absence of appellant from duty and during inquiry, the controller of examination returned the DMC of appellant with the comments that the appellant is failed in one subject i.e. mathematics. In light of facts and legal

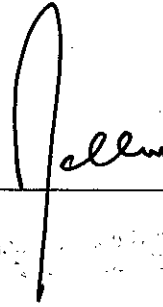
opinion, the appellant was found disentitled for the post of constable being under matriculation. In light of circumstances, proper order was passed covering all aspects. (Opinion plus report of Controller of Examination attached as annexure "B" and "C")

- (E) Incorrect, the appellant remained absent for about 71 days without any sanctioned leave or prior permission from his superiors which is sheer violation of discipline followed by score of under matriculation. Therefore the respondents have no other option except to pass dismissal order.
- (F) Incorrect, the appellant was properly associated with enquiry process and after proper scrutiny of record, collecting evidence; the order was passed in right aspect.
- (G) Incorrect, during departmental enquiry proper opportunity of personal hearing was given to the appellant and he was heard in person, but he failed to produce cogent reasons regarding allegations.
- (H) Incorrect, the standard for recruitment of constable is matriculation and upon verification from concerned quarter, it was found that the appellant is failed in one subject i.e. mathematics. Being under metric, the respondents have no option except to pass dismissal order.
- (I) Incorrect, the appellant remained absent from duty station without leave or prior permission from his seniors and therefore he was dealt accordingly about his conduct.
- (J) Incorrect, the appellant has been provided proper opportunity in accordance with the constitution of Pakistan and no such violation has been committed by respondents.
- (K) Incorrect, the absence of the appellant is clearly willful; as he left the station on his own sweet will, which a gross misconduct being member of police force.
- (L) Incorrect, the inquiry officer carried out departmental inquiry in line with allegations of absence and during inquiry, the case relating to failed metric DMC of appellant surfaced. In light of finding, the competent authority issued dismissed order.
- (M) The respondents also seek leave of this honorable Tribunal to rely on additional grounds at the time of arguments/ hearing.

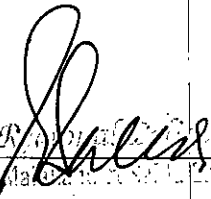
PRAYER:

It is therefore humbly prayed that on acceptance of this Para-wise reply, the appeal may graciously be dismissed with cost.

**Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar.**

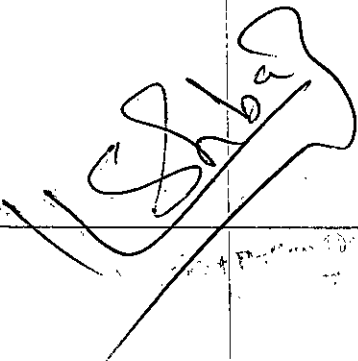


**Regional Police Officer,
Malakand at Saidu Sharif Swat.**



Regional Police Officer,
Malakand at Saidu Sharif Swat

**District Police Officer,
Dir Lower.**



District Police Officer,
Dir Lower

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No 1417/2018

Ex Constable Abdul Wahab s/o Ghulam Hakim r/o Warsak p/o Bisham Gram
Teshil Lal Qilla Lower Dir Appellant.

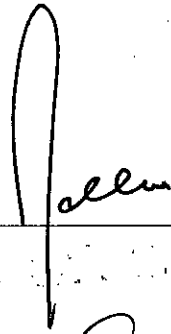
VERSUS.

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- 1) Regional Police Officer Malakand at Saidu Sharif, Swat.
- 2) District Police Officer Dir Lower.....Respondents.

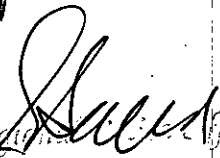
AFFIDAVIT.

We the following respondents do hereby solemnly affirm and declare on Oath that the contents of Para-wise reply are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honorable Tribunal.

Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar.

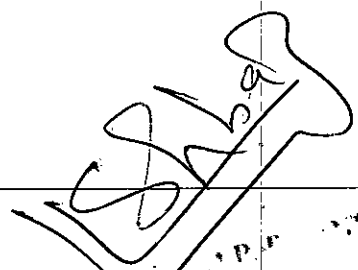


Regional Police Officer,
Malakand at Saidu Sharif, Swat.



Regional Police Officer,
Malakand at Saidu Sharif, Swat

District Police Officer,
Dir Lower.



District Police Officer,
Dir Lower

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No **1417/2018**

Ex Constable Abdul Wahab s/o Ghulam Hakim r/o Warsak p.o Bisham Gram
Teshil Lal Qilla Lower Dir Appellant.

VERSUS.


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- 2) Regional Police Officer Malakand at Saidu Sharif, Swat.
- 3) District Police Officer Dir Lower.....Respondents.

POWER OF ATTORNEY

We the following respondents do hereby authorize Mr. Zewar Khan SI Legal Dir Lower to appear on our behalf before the Honourable Service Tribunal in the above Service appeal and pursue the case on each and every date.

He is also authorized to submit all the relevant documents in connection with the above case.

Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar.

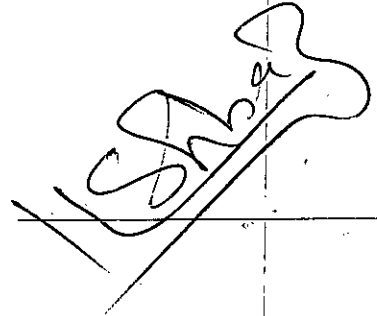


Regional Police Officer,
Malakand at Saidu Sharif, Swat.



Regional Police Officer,
Malakand at Saidu Sharif, Swat.

District Police Officer,
Dir Lower.



Annexure "A"

Enquiry No. 1344/E,
Dated 15/05/2012


CHARGE SHEET.

WHEREAS on perusal of the record, I Mr. Muhammad Salim, District Police Officer, Dir Lower at Timergara is satisfied that a formal enquiry as contemplated by clause 6 (b) of Police Rules, 1975 is necessary and expedient.

AND WHEREAS, I am of the view that the allegations if established would call for major punishment as defined in Rules-4 of the said Rules.

NOW, THEREFORE, as required by Police Rules, 1975 I, Muhammad Saleem, District Police Officer, Dir Lower at Timergara charge you Constable Abdul Wahab No.814 with in-efficiency / misconduct on the basis of statement of allegations attached. I hereby direct you further under Sub-Rules-6 (b) of Police Rules, 1975 to put in a written defense within 07 days of the receipt of this charge, as to why the proposed action should not be taken against you and also state whether you desired to be heard in person.

In case your reply is not received within the stipulated period it would be presumed that you no defense to offer.


District Police Officer,
Dir Lower at Timergara.

No. 8675 /EB, dated Timergara the 24/04 /2012.

Enclosed find herewith Charge Sheet and Summary of Allegations each in duplicate for necessary delivery upon Constable Abdul Wahab No.814 of PS Lal Qilla.

One copy each of the same may be delivered upon him and his signature taken as a token of receipt on the duplicate be returned to this office.

SDPO MAIDAN.

SUMMARY OF ALLEGATIONS.

It is alleged that you Constable Abdul Wahab No.814 while posted to Police Station Lal Qilla absented your-self from your lawful with effect from 30/12/2011 to 18/01/2012 and from 14/03/2012 to-date without leave or permission from your superior. This act on your part amounts to gross mis-conduct and liable for major punishment, hence this summary of allegations.


District Police Officer,
Dir Lower at Timergara.

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43 عمان فر

کانشل جنرل سے جسٹس عالیہ
تعمیل ترقی

Sho PS Laila
DL: 29-4-012

یہاں سے ایڈووکیٹ کی طرف کوشش
سے متعلق ہے۔

الذیل

کیشل عبدالوہاب 814 تھانہ کھل قلعہ
15305-6646609-7
Mob. 03075730477

جناب عالی
کانشل عبدالوہاب 814
گورنمنٹ و دیپارٹمنٹ آف ایڈووکیٹری
کراچی۔
عرض ہے۔
Jamir
Sho/PS/Laila
5/5/12

جناب عالی
رپورٹ کے ذریعہ
تعمیل ترقی سے متعلق
رپورٹ ہے۔

Sho/PS/Laila
5/5/12

Six forwarded

SDPO Laila,
07 -05-12

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REFERENCE ATTACHED

It is submitted that Constable Abdul Wahab No. 814 was enlisted on 26.12.2010. During his enlistment he produced Secondary School Certificate bearing Roll No. 11658 issued by Controller of Examination B.I.S.E, Malakand at Chakdara as per practice the Detail Marks Certificate / Secondary School Certificate of all the individuals (Newly Recruited Constables) were sent to the Controller Examination B.I.S.E, Malakand at Chakdara for verification as to whether the same are genuine or other wise.

The Assistant Controller of Examination B.I.S.E, Malakand vide his office letter No. 57/Secracy/BISE/MKD, dated 07.09.2011 at F/A intimated. Those Nos of D.M.C are verified and found correct while one of them bearing Roll No. 11658 at F/B in the name of Abdul Wahab found Failed in Maths Subject.

If approved, DSP Legal will be asked to offer his opinion in the matter for further departmental proceeding.

Report submitted, please.

HC/W/DPO

Establishment Clerk
21-6-12

PDS
For legal
comments.

1/1/12
29/06/12

SIR!

The Constable Abdul Wahab has been failed in paper of maths and thus has not qualified matriculation. He is not entitled for the post of Constable. Therefore proper disciplinary proceeding be initiated against him if agreed. 29/6/12 M/ DSP/K

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION MALAKAND

No. 57 /Secy/BISE/Mkd:

Dated: 21/12/11

To

The District Police Officer
Dir Lower at
Timergang

5265
13/9/11

Subject:

VERIFICATION OF DETAILED MARKS CERTIFICATE

Reference your letter No. 17039
dated 23/08/2011 on the subject as noted above.

The following D.M.C (s) being verified are enclosed for further necessary action.

S.No.	Name of Candidate	Section	Roll No.	Marks/Grade
1.	<u>(35) No. of D.M.C.s are verified</u>			
2.				
3.				
4.				
5.				
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18.				

my mail

Ah

Assistant Controller (Secy)
Board of Intermediate & Secondary
Education, Malakand.

Responsible Officer
D.P.2010 Timergang

Note:- It is to inform you that for speedy disposal of verification only Detailed Marks Certificate be sent to Secy Section of this Board in the name of Assistant Controller (Secy) and Provisional / Original Certificates with Photos for the same purpose be forwarded to Secretary BISE, Malakand.

814

814

BOARD OF INTERMEDIATE & SECONDARY EDUCATION MALAKAND

AT CHAKDARA NWFP PAKISTAN

SECONDARY SCHOOL CERTIFICATE EXAMINATION

DETAILED MARKS & PROVISIONAL CERTIFICATE

Session 2006 (Supply)

Abdul Wahab Son of Glulam Hakeem
 of _____ DIR (LOWER)

Roll No. 11658
 Group Humanities

has secured the marks shown against each subject in the Secondary School Certificate Examination held in the month of September as Private Candidate.

Subject	Marks		MARKS OBTAINED				Total	In Words	
	Theory	Pract	9th		10th				
			Theory	Pract	Theory	Pract			
1. English	75	-	39	-	17	-	56	Fifty-Six	
2. Urdu	75	-	36	-	35	-	71	Seventy-One	
3. Islamic Education	75	-	25	-	-	-	25	Twenty-Five	
4. Pakistan Studies	75	-	-	-	42	-	42	Forty-Two	
5. General Science	75	-	28	-	49	-	77	Seventy-Seven	
6. Maths	75	-	11	-	31	-	42	Forty-Two	
7. Islamic Studies	75	-	30	-	42	-	72	Seventy-Two	
8. Pashto	75	-	32	-	35	-	67	Sixty-Seven	
Total:		1050	Marks						
D.O.B (In Figures)		15 March 1989	Remarks				M-I		
(In Words)		Fifteenth, March	One Thousand Nine Hundred Eighty-Nine						

Result Verified

Countersigned

[Signature]
 Assistant Controller
 Secrecy
 Board of Inter & Secondary Education Malakand At Chakdara

Checked by: *[Signature]*
 Note: Error/Omission excepted. Any mistake in D.O.B & Name etc must be intimated within 30 days after receiving the above certificate.
 Computer Cell BISE, Malakand
 November 6, 2006

Controller of Examinations
 B.I.S.E, Malakand

[Signature]
 Maths
FAZAL RAUF
 SET Science M. d
 G.H.S. Bigh Maidan

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 1009-11/ST

Dated 16 / 06 / 2021

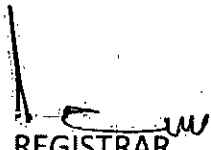
To

1. The Inspector General of Police,
Government of Khyber Pakhtunkhwa,
Peshawar.
2. Deputy Inspector General/Regional Police Officer,
Government of Khyber Pakhtunkhwa,
Malakand Range Swat.
3. District Police Officer,
Government of Khyber Pakhtunkhwa,
Dir Lower Timaragarah.

SUBJECT: - **ORDER IN APPEAL NO. 1417/2018, MR. ABDUL WAHAB.**

I am directed to forward herewith a certified copy of order dated 08.06.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

①

Respected Sir,

The appellant was absented himself from his lawful duty with effect from 30-12-2011 and later on dismissed him from service with effect from 30-12-2011 vide OB No.1016 dated 25-06-2012.

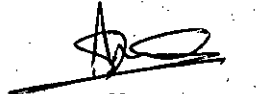
Pay of the appellant has been drawn by this office in the above period and later on Paid to Government treasury account under Head C-02640-Police vide challan No. 12 dated 19-03-2013 of Rs.519213/- and Challan No. 107 dated 07-03-2013 of Rs.225869/- duly verified from District Account Officer, respectively (Copies of Challan with relevant documents attached).

P.O-F.
J. S.
16/07/21

Attested



Deputy Superintendent of Police,
Head Quarter Dir Lower


Pay Officer
13/7/21

R/B 83

فلاح بازار

$\frac{86}{21}$

مطالبہ

کہ جس کے اندر دماغ پولیس اسٹیشن ہے۔

- 1. (2) (3) (4) (5) (6) (7)
- 19565 عدم قسم رقم سال 2012
- 37213/3 عدم قسم رقم سال 2012
- 39130 " " " " " " " " " "
- 29565 " " " " " " " " " "
- 4175 " " " " " " " " " "
- 19565/1 عدم قسم رقم سال 2012

151243 عدم قسم رقم سال

297 MHC

10-7-012

Attested Demand

(3)

Receipt from P.S

P. Station Zaidpur

Total Amt. Rs. 1,51,243/-

Detail of Amount

1.	Constable	Abdul Wahab No. 814 ✓	fr 1/2012	B. 19565/-
2.	"	do - ✓	2/2012	B. 19565/-
3.	SPO	Asim Rehman 881	2/2012	B. 10,000/-
4.	SPO	Shameel Akh 885	2/2012	B. 9678/-
5.	Const.	Abdul Wahab 814 ✓	3/2012	B. 19565/-
6.	do	Hazrat Umar 2482	3/2012	B. 19565/-
7.	do	Abdul Wahab 814 ✓	4/2012	B. 19565/-
8.	SPO	Munir Shah 1037	4/2012	B. 10,000/-
9.	Const.	Abdul Wahab 814	(Have fire over)	B. 4175/-
10.	do	Abdul Wahab No. 814 ✓	fr 5/2012	B. 19565/-

Total -

B. 1,51,243/-

attested

Demand
DSP (HOTS)
 [SDir Lower]

(2)

PROFITABLE
DAB (Hdia)

Registered

PROFITABLE
DAB (Hdia)

Disruption Register

(4)

Distribution Register

35																					
36		RIB 81	RIB 82	RIB 83	RIB 84	RIB 89	RIB 80														
37		10000	10000	10000	10000	10000	10000														
38	C-0264-Relm on legs	6 93873/	7234/	110623/	131253/	62247/	10000/	10000/													
39																					
40																					
41																					
42																					
43																					
44																					
45																					
	Total																				

attested

Pay Office

Hammond
DSP (Hqrs)
SPIC Lower

Superintendent of Police.
District Police Officer
Dir Lower

Dated _____
The _____ 200

(This portion to be transmitted by the Bank Agent to the Treasury Officer in support of the credit in his daily account.)

THE MANAGER, STATE BANK OF PAKISTAN

Dated the 9th of 10th 2003

Received from the bearer the sum of Rs. 519213/-

on account of Government account under the head

Police on request of

Signature and full official designation of the officer ordering the money to be paid in.

Accepted

Demand
DSP (Hqs)
DIT Lower

1030001

DSP (Hqs)
DIT Lower

1030001

DSP (Hqs)
DIT Lower

Distribution Register

entire amount creditable to
the receipt and cheque stamps
ought for adjudication (Section
documents levied under

⑤

⑥

②. *Handwritten text*

DSP (Hds)
DIKOR

19565-2

Disasporimur Kerk...

Handwritten signature

DSP (Hds)
DIKOR

BB no-98
139111572

مستند رقم 115
21

تاریخ

ذمت کے افسر باب مشترکہ

- 1) تسفیہ الودول کیلئے 10 مارچ 2012ء کو 1000 روپے کی رقم ادا کی گئی۔
- 2) تسفیہ الودول کیلئے 10 مارچ 2012ء کو 1000 روپے کی رقم ادا کی گئی۔
- 3) تسفیہ الودول کیلئے 10 مارچ 2012ء کو 1000 روپے کی رقم ادا کی گئی۔
- 4) تسفیہ الودول کیلئے 10 مارچ 2012ء کو 1000 روپے کی رقم ادا کی گئی۔

مستند رقم 115
21

Attested
Rana
20/9/2012

APD
20/9/2012

(This portion to be transferred by the Bank Agent to the Treasury Officer in support of the credit in his daily account.)

To NBP
THE MANAGER, STATE BANK OF PAKISTAN
Timergara

1225869

Dated the 7 of 3 2003

Received from the bearer the sum of Rs. 225869/-
to be credited to Government account under the head 22460 - Police
on account of the camp now formed

Accounts Officer
Timergara.

Ah
Signature and full name of the District Police Officer of the
officer ordering the money to be paid in.

Attested.
Hamid
DSP (Hqrs)
Timergara


DSP (Hqrs)
Timergara

①

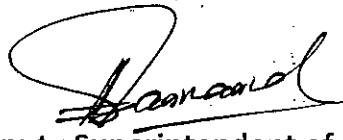
Respected Sir,

The appellant was absented himself from his lawful duty with effect from 30-12-2011 and later on dismissed him from service with effect from 30-12-2011 vide OB No.1016 dated 25-06-2012.

Pay of the appellant has been drawn by this office in the above period and later on Paid to Government treasury account under Head C-02640-Police vide challan No. 12 dated 19-03-2013 of Rs.519213/- and Challan No. 107 dated 07-03-2013 of Rs.225869/- duly verified from District Account Officer, respectively (Copies of Challan with relevant documents attached).


Pay Officer
13/7/21

Attested



Deputy Superintendent of Police,
Head Quarter Dir Lower

DSP (Hqrs)
Dir Lower

سلاج دربار

R/1883

بسمہ درباری نمبر 86
21

مقامی زمیندار

خدمت کے لئے آئندہ مابعد پولیس اسٹیشن کے لئے

- 1. زمیندارانہ راجد ستمبر سال 2012
- 2. (2) ماہ جنوری سال 2012 عدم تقسیم رقم سلاج 19565
- 3. (3) ماہ فروری سال 2012 عدم تقسیم رقم سلاج 37213
- 4. (4) ماہ مارچ 7 " " " " 39130
- 5. (5) ماہ اپریل " " " " 29565
- 6. (6) 4175 HOME FIRE WOOD ALLOWANCE
- 7. (7) زمیندارانہ ماہ سے سال 2012 عدم تقسیم رقم سلاج 19565

151243 ایک لاکھ ایک سو بیس ہزار دو سو تریسٹھالیس روپے عدم تقسیم رقم

297 ارسال فرم کیے گئے ہیں۔ زمیندارانہ

AS
MHC. ps. Daudpota
10-7-012

Attested
Demand
DSP (Hqrs)
Dir. Lower

Receipt for PS

P. S. at Zaidpur

Total Amt. Rs. 1,51,243/-

Detail of Amount

1	✓	Conj. Able	Abdul Wahab No. 814	✓	1/2012	B.	19565/-	
2	✓	"	do	✓	2/2012	B.	19565/-	
3		300	Amir Rehman	881	2/2011	B.	10,000/-	
4		500	Shameel Ahmad	885	2/2011	B.	9678/-	
5	✓	Conj.	Abdul Wahab	814	✓	3/2012	B.	19565/-
6		do	Hazrat Umar	2482	3/2012	B.	19565/-	
7	✓	do	Abdul Wahab	814	✓	4/2012	B.	19565/-
8		300	Munir Akhbar	1037	4/2012	B.	10,000/-	
9		Conj.	Abdul Wahab	814	(How received)	B.	4125/-	
10	✓	do	Abdul Wahab No. 814	✓	5/2011	B.	19565/-	

Total - Rs. 1,51,243/-

attested

Damaad
DSP (Hqs)
Dir Lower

Distribution Register

35																		
36																		
37		R/B No 80 unaided P ₁	R/B No 81 unaided P ₂	R/B No 82 unaided P ₃	R/B No 83 unaided P ₄	R/B No 84 unaided P ₅	R/B No 89 unaided P ₁	R/B No 85 unaided P ₂										
38	C-0764 - Police number	6.938731	72341	1106331	1512451	677457	10,000	188761										
39																		
40																		
41																		
42																		
43																		
44																		
45	Total																	

Dated _____
The _____ 200 }

[Signature]
Pay Office

[Signature]
DSP (Hqrs)
Dir Lower

Superintendent of Police.
Director of Police
Dir Lower

(12)

(This portion to be filled up by the Bank Manager or the Treasury Officer in support of the credit in his daily account)

THE MANAGER STATE BANK OF PAKISTAN

Dated the 19 of 03 2003

Received from the bearer the sum of Rs. 59213/-

To be credited to Government account under the head: Police

of account of: Police Officer

Signature and full official designation of the officer ordering the money to be paid in

Accepted
DSP (Hqrs)
Dit Lower

amounts creditable to
treasury stamps
adjudication (Section
documents levied under

B.B. No 98

13/11/67

116

مادہ

دفعہ 116 کے تحت

- ① زمین کے حوالے سے...
- ② زمین کے حوالے سے...
- ③ زمین کے حوالے سے...
- ④ زمین کے حوالے سے...

Handwritten signatures and notes at the bottom of the page.

DSP (HQrs)
Dit Lower

(This portion to be transferred by the Bank Agent to the Treasury Officer in support of the credit in his daily account)

To NBP
THE MANAGER, STATE BANK OF PAKISTAN
Tarapur

Dated the 12/25/86 2003

Received from the Bank the sum of Rs. 225869/-
to be credited to Government account under the head 22640 - Public
on account of ...

Accounts Officer
Tarapur

RECEIVED BY

Signature and full name of the District Police Officer, Tarapur
officer ordering the money to be paid in

Attested
...
DSP (Hqs)
District Lower

Distribution Register.

25																			
26																			
27																			
28	70	ke Timergara	21600																
29		C = 22444 - overpayed	30000	39036	48579	8329	9996	225869		Deposited with T.R. No. 107 dt 2-3-83									
30		total	21600	30000	39036	48579	8329	9996	225869										
31																			
32																			
33																			

(8)

Handwritten signature: *Hestered*
 DSP (MOT)
 Dir Lower Timergara

Pay Officer,
 D.P.O. Office Dir Lower

District Police Officer,
 Dir Lower Timergara

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 325/2011

Date of Institution ... 27.01.2011

Date of decision ... 23.10.2017

Akhtar Wahid S/O Gul Wahid
R/O Village Mohammad Khawaja, Tehsil & District Hangu.

... (Appellant)

Versus

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and 2 others.
..... (Respondents)

MR. ABDULLAH QAZI,
Advocate

... For appellant.

MR. ZIAULLAH
Deputy District Attorney

... For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. GUL ZEB KHAN,

... CHAIRMAN
... MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the learned
counsel for the parties heard and record perused.

FACTS

2. The appellant was discharged from service under police rules on 13.10.2008,
against which he filed departmental appeal on 01.12.2010 which was rejected on
27.12.2010 and thereafter the present service appeal on 27.01.2011.

ARGUMENTS

3. The learned counsel for the appellant argued that at the relevant time the Khyber
Pakhtunkhwa Removal from Service (Special Powers) Ordinance, 2000 was in vogue and
the original order was passed under the Police Rules which is illegal. That no show-cause

*Time barred,
when the
appeal
made is time barred
the matter could not
be discussed. AM*

[Signature]

notice was issued to the appellant. That in para-4 of the comments of the respondents it has been admitted that the service was made on the father of the appellant and not on the appellant.

4. On the other hand, the learned Deputy District Attorney argued that the appeal is hopelessly time barred because the departmental appeal was time barred. In this respect he relied upon judgments reported in 2006 SCMR 453 and 2007 SCMR 513. He further argued that the appellant himself admitted in para-4 of the appeal that he could not perform his duty due to family reasons. That the whole proceedings were initiated under the RSO 2000 and only final order was made under the police rules because the RSO did not provide for any penalty in case of willful absence.

CONCLUSION.

5. This Tribunal can enter into the merits of the case only when the appeal is within time. It has been time and against held by the superior courts that if a case is time barred then merit could not be discussed. The present departmental appeal is clearly time barred after having been preferred some 26 months. There is no application for condonation of delay. In accordance with the ruling reported as 2006 SCMR 453 time barred departmental appeal if decided on merits the same cannot be presumed to bring the departmental appeal and for that matter the service appeal within time.

6. As a result of the above discussion, this appeal is hopelessly time barred which is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

(Niaz Muhammad Khan)
Chairman

(Gul Zeb Khan)
Member

ANNOUNCED
23.10.2017