

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No. 1183/2014

BEFORE: SALAH-UD-DIN --- MEMBER(J)
MIAN MUHAMMAD --- MEMBER(E)

Zafeerullah Khan son of Badeh uz Zaman R/o Nord Khas,
Bannu..... (Appellant)

VERSUS

1. The Provincial Police Officer Khyber Pakhtunkhwa Peshawar
2. Regional Police Officer Bannu Region Bannu.
3. District Police Officer Bannu.
4. Dy. Superintendent of Police Headquarter, Bannu..... (Respondents)

Present:

MR. NOOR MUHAMMAD KHATTAK,
Advocate, --- For Appellant.

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

Date of Institution ... 12.09.2014
Date of hearing ... 04.07.2022
Date of Decision ... 06.07.2022

JUDGEMENT

MIAN MUHAMMAD, MEMBER(E):- The instant service appeal has been instituted against the impugned order of respondent No. 3 dated 30.08.2013 and appellate order of respondent No. 1 dated 12.09.2014. Both the orders have been challenged and are under scrutiny before us for adjudication.

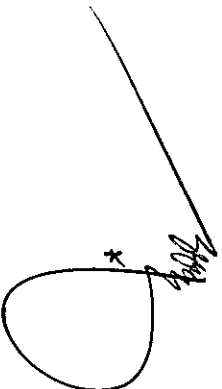
02. Brief facts of the case leading to the instant service appeal are that the appellant joined the respondent department as Constable on 01.12.2007. He was proceeded against for unauthorized absence from duty between two broken periods i.e. 11.10.2012 to 13.01.2013 and 14.02.2013 to 30.08.2013 under the Khyber Pakhtunkhwa Police Rules, 1975. On completion of the

departmental proceedings against him, the appellant was dismissed from service vide impugned order dated 30.08.2013. His departmental appeal was not decided within statutory period whereafter he submitted mercy petition which was also rejected on 12.09.2014. The appellant ultimately instituted the instant service appeal in the Service Tribunal on 12.09.2014.

03. On admission of the appeal, the respondents were issued notices to submit reply/Parawise comments. They submitted reply/Parawise comments denying and rebutting assertions made in the service appeal. We have heard arguments of the learned counsel for the appellant as well as learned Additional Advocate General for the respondents and gone through the record with their assistance.

04. Learned counsel for the appellant argued that the appellant joined the respondent department on 01.01.2007 as Constable and he had completed his probation period under Rule 12.21 of the Police Rules 1934. The appellant was proceeded against on account of absence for two broken periods i.e. 11.10.2012 to 13.01.2013 and 14.02.2013 to 30.08.2013. The appellant was condemned unheard as ex-parte action had been taken without associating him in the enquiry proceedings. The appellant had not been issued Show Cause Notice under the Khyber Pakhtunkhwa Police Rules, 1975. The impugned order dated 30.08.2013 is suffering from legal infirmity on the ground that no law had been mentioned by the competent authority to have empowered him to impose the penalty on the appellant. The impugned order was also void order because the penalty had been imposed with retrospective effect i.e. 14.02.2013. He submitted departmental appeal wherein he categorically claimed that after having resolved his domestic problem, he had joined duty vide DD No. 7 dated 26.04.2013 and he was

performing his duty when dismissed from service vide impugned order dated 30.08.2013. The plea of appellant taken in the departmental appeal had neither been taken in to account nor his departmental appeal decided within time. It was further contended that the appellant had not been subjected to a regular enquiry as required under Rule 5 of the Rules *ibid*. He was given no chance of personal hearing for self defence, therefore, the impugned orders are not sustainable in the eye of law. The impugned orders dated 30.08.2013 and 12.09.2014 were against the law, facts, material on record, void and against the norms of natural justice, are not tenable and are liable to be set aside by accepting the instant service appeal. To strengthen his arguments, he relied on 1985 SCMR 1178 and larger Bench judgement of this Tribunal delivered in service appeal No. 562/2016 titled "Rahim-ud-Din S/o Syed Rehman District Dir Lower versus Inspector General of Police Khyber Pakhtunkhwa and others".



05. Learned Additional Advocate General on the other hand, argued that the impugned order was passed on 30.08.2013 by the competent authority and the appellant submitted his departmental appeal after 7 months on 05.03.2014 which was badly time barred and his subsequent service appeal in the Service Tribunal shall also be considered as time barred. There was no appellate order passed on his departmental appeal then he could not file Revision Petition under Rule 11-A of the Khyber Pakhtunkhwa Police Rules, 1975. Moreover, no application for condonation of delay and no reason for absence had been mentioned in the appeal. The guilt of absence from duty is, therefore, an admitted fact on part of the appellant. The question of limitation could not be taken lightly but plausible reasons with justification are required on part of the appellant. He relied on 2010 SCMR

1982, 2020 SCMR 1154, the august Supreme Court of Pakistan judgement in Civil Petition No. 1706 of 2018 dated 16.01.2020, 2010 SCMR 1982. The instant service appeal being badly time barred, hit by limitation, is therefore not maintainable and may graciously be dismissed with cost, he concluded.

06. Perusal of the record reveals that the appellant while posted at PS Mandan, Bannu was proceeded against for two separate periods of absence from duty as per charge sheet/summary of allegations dated 23.04.2013 i.e. 11.10.2012 to 13.01.2013 and 14.02.2013 to 30.08.2013 meaning thereby that the appellant was performing duty between 14.01.2013 to 13.02.2013. DSP Head Quarter Bannu was appointed as enquiry officer. The enquiry officer vide his report dated 14.08.2013 recommended ex-parte action against the appellant on the ground that he did neither appear before the enquiry officer nor submitted reply to the charge sheet. However, the enquiry officer did not substantiate it with documentary evidence. Based on the enquiry report, the appellant was awarded major penalty of dismissal from service. In Para 3 of his departmental appeal, the appellant clearly mentioned that he had rejoined his duty vide DD No. 7 dated 26.04.2013 and was performing duty when he was dismissed from service vide impugned order dated 30.08.2013. The respondents did not respond on this point raised in the service appeal as well as in Para 3 of his departmental appeal. Had his departmental appeal been decided by the appellate authority, factual position must have been unearthed. It is a matter beyond comprehension that when the appellant rejoined his duty on 26.04.2013 and he was very well on duty how could the impugned order be issued on 30.08.2013. This lacuna was required to have properly been probed. Moreover, the proceedings conducted at his back without providing him an

opportunity of self defence, are not tenable under the canons of natural justice. In such circumstances conducting of de-novo enquiry in the matter is necessary for reaching a just and right conclusion.

07. As a sequel to the above, we are constrained to allow the appeal. The appellant is reinstated in service for the purpose of denovo enquiry to be conducted strictly in accordance with the mode and manner prescribed by the governing law and rules, within 30 days of the receipt of copy of this judgement. The issue of back benefits shall be subject to the outcome of the denovo enquiry. Parties are left to bear their own costs. File be consigned to the record room.

08. Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal this 06th of July, 2022.



(SALAH-UD-DIN)
MEMBER (J)



(MIAN MUHAMMAD)
MEMBER (E)

ORDER

06.07.2022

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

02. Vide our detailed judgment of today, separately placed on file containing of (05) pages, we are constrained to allow the appeal. The appellant is reinstated in service for the purpose of denovo enquiry to be conducted strictly in accordance with the mode and manner prescribed by the governing law and rules, within 30 days of the receipt of copy of this judgement. The issue of back benefits shall be subject to the outcome of the denovo enquiry. Parties are left to bear their own costs. File be consigned to the record room.

03. Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal this 06th of July, 2022.



(SALAH-UD-DIN)
MEMBER (J)



(MIAN MUHAMMAD)
MEMBER (E)

NM

REGISTRATION AND SERVICE ROLL OF

ABULARY NO. () in
 DITTO () in
 DITTO () in

DISTRICT.
 DISTRICT.
 DISTRICT.

Name	Father's Name	Tribe or caste	Village or Town	Post and Telegraph Office	Police Station	District	Province	Date of Birth	Height	Chest Measurement	Date of Enrolment	Age on Enrolment	Distinctive Marks
Zafir Ullah Khan	Badi uz Zaman	Pashtoon	Muray	Do	Miryan	Bannu	N.W.F.P	28-10-1989	6 Feet - 0	33 x 34 1/2	01-01-2008	18-11-03	

Verification Roll No. _____ dated _____ received back and attached to the Fauji Misal.

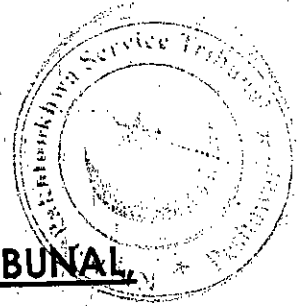
Government Service prior to present employment which is approved for pension service

Service or Department	Rank of Grade	Pay of last Appointment	From	To	Period		
					Years	Month	Days
	Attended						
	<i>[Signature]</i>						
Reason of and character on charge from above service.	District Police Officer BANNU		Reference to orders approving above service for pension service in the Police Department				

I understand that I have been appointed under section 7 of the Police Act (V of 1861) and the purport of that section and the provisions of the Rules issued under it and now in force by which my discipline and conduct are governed have been explained to me. I agree to serve faithfully under the said Police Act and to obey all lawful orders issued have received a certificate of appointment issued under section 3 of the Police Act (V of 1861)

Impression of fingers and thumb of left hand.

Left little	Left ring	Left middle	Left index	Left thumb



BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL,

PESHAWAR

A. W. J. Pradhan
Service Tribunal
Diary No. 489
Date 16-5-2016

Service Appeal No. 562 /2016

Rahim-ud-Din S/o Syed Rehman,
R/o Ajoon Talash, Tehsil Timergara,
District Dir Lower.....

Appellant

Versus

1. Inspector General of Police,
Khyber Pakhtunkhwa,
 2. D.I.G, Malakand Region
Saidu Sharif Swat.
 3. D.P.O, Lower Dir.
 4. D.S.P Headquarter,
Timergara Lower Dir.....
- Respondents**

**SERVICE APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT
AGAINST THE ORDER DATED 13.04.2016
OF THE AIG ESTABLISHMENT FOR IGP
KHYBER PAKHTUNKHWA, PESHAWAR VIDE
WHICH HE REJECTED APPEAL/REVIEW OF
THE APPELLANT AGAINST Dismissed
ORDER FROM his SERVICE DATED
09.09.2009.**

~~Not to be~~
16/5/16

as submitted to ~~my~~
and filed;

26/5/16

20-P-2009 = vide order dated 4/7/18

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 562/2016

Date of Institution. ... 16.05.2016

Date of Decision. ... 02.03.2018

Rahim-ud-Din son of Syed Rehman, R/O Ajoon Talash, Tehsil Timergara,
District Dir Lower. ... (Appellant)

VERSUS

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

Mr. Sajjad Ahmad Khan, Advocate
Mr. Muhammad Asif Yousafzai, Advocate.
Arbab Saiful Kamal, Advocate

... For appellants.

Mr. Usman Ghani, District Attorney and
Mr. Muhammad Jan, Deputy District Attorney

... For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. MUHAMMAD HAMID MUGHAL,
MR. MUHAMMAD AMIN KHAN KUNDI,
MR. AHMAD HASSAN,
MR. GUL ZEB KHAN,

... Chairman.
... Member.
... Member.
... Member.
... Member.

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN-

The following appeals are also clubbed with this appeal for decision of
common issue explained below:-

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1. Appeal No. 1259/2011 Fazal Malik
2. Appeal No. 1994/2011, Mst. Zaitoon Bibi,
3. Appeal No. 1183/2014, Zafeerullah Khan,
4. Appeal No. 1186/2014, Muhammad Bashir,
5. Appeal No. 103/2015, Muhammad Raza.

FACTS.

1. In a number of appeals this tribunal (DB) delivered judgment as to void status of retrospective order of major punishment of removal/dismissal/compulsory retirement (for brevity "termination").

The mother ruling relied upon was *Noor Muhammad v. The member Election Commission and others* (1985 SCMR 1178). One of such

judgment of this tribunal is entitled "*Muhammad Ismail v Deputy Inspector General and another*" bearing Service Appeal # 463 OF 2012

decided on 22-11-2017. Another Judgment of this Tribunal is entitled

"*Arif Khan v Inspector General of Police and three others*" bearing #

1213/2015 decided on 18-12-2017. In almost all these judgments of

this tribunal it was decided that retrospective order being void could

not be modified to give the same prospective effect under section 7 of

the Khyber Pakhtunkhwa Service Tribunal Act, 1974. It was also

decided that retrospective order being void order would not attract

any limitation. All the present members of this Tribunal had delivered

the same judgments. But during hearing of this appeal it was brought

to the notice of the DB comprising of the Chairman and one Learned

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for Public Works
Service Tribunal
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member that another bench (DB) of this tribunal had delivered a contrary opinion qua the modification of retrospective part of void order in service appeal No. 984/2013 entitled "*Muhammad Ayaz Vs. Government of Khyber Pakhtunkhwa through Secretary, E&SE, Peshawar and others*" decided on 14-11-2017. Going through this judgment it appeared that both the learned members of the bench had already delivered the former opinion in first two mentioned appeals above and now they have delivered contrary opinion while sitting not in larger bench and without discussing their earlier judgments. Perhaps the Learned members were not apprised of the earlier judgments neither the same judgments were pressed into service nor discussed. The bench (DB) hearing the present appeal could not decide the issue due to two contrary views of this tribunal. It was therefore, considered necessary to constitute a larger bench to decide the issue.

ARGUMENTS.

2. All the lawyers for different appellants defended the first opinion while the DDA supported the second opinion. In favor of first opinion the judgments referred to in conclusion part were relied upon. In favour of second opinion the DDA relied upon judgments discussed also in conclusion part.

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CONCLUSION.

3. This Tribunal is now to decide three questions. The first one is whether the retrospective order of termination in any form is a void order? And if so can void order be modified to make it operative prospectively? The third and final question would be that if prospective part of the order is held to be legal one after modification then whether limitation would be attracted to the legal portion of the order?
4. In the first opinion of this Tribunal as to void status of retrospective order and non modification of such order the reliance was placed only on the judgment reported as 1985 SCMR 1178 entitled "*Noor Muhammad v The member Election Commission and others*". This judgment declares retrospective order as void order. The other judgments relied upon by the lawyers for appellants also are based mainly on this mother judgment therefore, there is no need to discuss those judgments. But nothing is there in *Noor Muhammad* judgment as to modification of such void order and whether the order could be modified to make it prospective and legal. This tribunal is first to discuss *Noor Muhammad* case. In this case the issue before the august Supreme Court was not of a service matter but of disqualification of a candidate for elections who was in service and was terminated retrospectively. This Tribunal while delivering first opinion was not assisted anymore and it was opined that void order



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could not be rectified. The second opinion of this tribunal as to rectification of void order is also not based on any supportive rulings or law. The august Supreme Court in the same judgment had referred to a judgment of Lahore High Court (PLD 1953 L 295). This judgment was delivered in a service matter declaring such retrospective order as void. Another judgment delivered in service matter by august Supreme court also held the same view [2002 PLC(C.S) 1027] relying mainly on mother judgment of 1985. A judgment of FST [2007 PLC (C.S) 5] has declared such retrospective order as void *ab initio* and the whole proceedings were declared to be nullity for being retrospective. But in all these judgments the question of separation of prospective part of the order is not discussed. A judgment referred to by the august Supreme Court in mother judgment is PLD 1964 Dacca 647 entitled "*Dr Muhammad Abdul Latif v The Province of East Pakistan and others*" which has touched this aspect of the issue though not decided conclusively. In this judgment the worthy High Court referred to some judgments from Indian Jurisdiction and held that such retrospective order could be legal to the extent of prospectivity and needed not be bad in toto. But their lordships did not reach a definite conclusion and in para 9 of the judgment while discussing different judgments from Indian jurisdiction left the discussion unconcluded by holding that the counsel for the appellant requested that his client would be satisfied if declaration was given to the effect that the order



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of dismissal covering the period prior to the order was bad. Their lordships wrote that they did not enter into detailed discussion of the aforesaid question and held for the purpose of the appeal that an order of dismissal of the nature might be supported to the extent it was found valid and need not be declared bad in toto. But in this judgment reliance was placed on judgments from Indian Jurisdiction. Now we are to see whether position in India qua the present law in this part of our country (Khyber Pakhtunkhwa particularly) is the same and whether after the judgment of *Dr Muhammad Abdul Latif* above any change in legal scenario emerged in Pakistan and for that matter this Province.

5. In order to appreciate this judgment and its relevance and applicability we would have to discuss position in India on the subject.

This issue was raised and discussed in India in many cases including *Sudhir Ranjan Halder v State of West Bengal* referred to in *Dr Muhammad Abdul Latif* case above. The Kerala High Court has now finally decided this issue in a case entitled "*State of Kerala v A.P Janardhanan*" in WA # 2773 of 2007 decided on 29-03-2008 (<https://indiankanoon/doc>). This judgment has traced the history of rulings on the subject and has finally decided that in India such retrospective order is not a void order for the reason that no legal precedent or law was available in India where under such order could be declared void. That in some Indian service laws express authority

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was given to executive to pass such retrospective orders (Para 12 to 14 of the judgment). It was then finally held that in those cases where no express authority was given to executive to pass retrospective order of removal then that order would be illegal and not void and that prospective part can be separated from retrospective part and can be effective prospectively. The opinion in *Dr Muhammad Abdul Latif* case based on Indian jurisdiction had no relevance in Pakistan because at the time when this judgment was delivered we had a judgment of worthy Lahore High Court (PLD 1953 L 295) which had declared such retrospective order as void order. It was perhaps in this context that their lordships in *Dr Muhammad Abdul Latif* case did not deliver binding and conclusive judgment to be followed as ratio and left the matter undecided by giving just passing remarks which would be treated merely as *obiter*. And now in Pakistan two judgments of august Supreme Court referred to above have declared such order as void order. The first question is decided in positive.

6. Now this tribunal is to see whether a retrospective void order in this area can be modified and prospective portion be separated as effective and legal. This would need discussion and application of mind as we have failed to lay hand on any judgment which prohibited such severance. The first conclusion as drawn by this tribunal and the FST in case reported in [2007 PLC (C.S) 5] was based only on the status of void order. It was understood that since void order was a

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nullity hence could not be rectified. One other judgment on the same point is 1993 PLC (C.S) 308 of FST entitled *Abbas Ali v The Executive Engineer and others*. We have also failed to lay hand on any judgment of superior courts which allows such rectification of void orders (Indian judgments and *Dr Muhammad Abdul Latif judgment* allow such severance but as discussed above in India such order is only illegal and not void. In *Dr Muhammad Abdul Latif* case the order was held illegal and not void on Indian pattern). We are now to come out of this imbroglio by applying juristic sense and prevalent rules of interpretation on the subject.

7. The assistance and help can be sought from jurisprudence of *vires* of laws. We know that Courts while declaring any law as *ultra vires* have a tool and technique to save valid portion of *ultra vires* laws. This is called rule of reading down and severance. This leads us to conclusion that if any law is declared *ultra vires* then legal portion if separable can be saved and need not be held to be *ultra vires* in toto due to its being solely in conjunction with bad law. Though this tool is available in saving statutes but on the same analogy it can be used in executive orders. Similarly if any legal portion of an executive order is separable then there seems no hurdle in not saving the same. Secondly the retrospective order is not held to void *ab initio* by august Supreme Court but only void. Only FST [2007 PLC(C.S)5] has declared it as such but without any reference to any form of jurisprudence. The

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WITNESSES
 (Signature)
 Tribunal
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difference is that the former is invalid right from the foundation and cannot be corrected. But the latter is not invalid from the start but has been made invalid subsequently. In retrospective order the foundation is valid and whole proceedings are valid and only in the final order the termination is made retrospective. This tribunal is therefore, of the view that question no 2 as framed is decided in positively holding that such order can be modified.


8. Coming to the third question this tribunal is of the view that since the retrospective order is held to be a void order no limitation would be attracted to challenge the same. If limitation is applied then how the tribunal would rectify the same as rectification would be made only after declaring the appeals to be within time. The tribunal cannot rectify any such order without assuming jurisdiction and no jurisdiction can be assumed without bringing the appeal within time.
9. In the last this tribunal deems it appropriate to discuss one judgment of Punjab Service Tribunal on subject. This is in case entitled "*Ihsanul Haq Chaudhery v The Deputy Commissioner*". (1988 PLC (C.S) 511). According to this judgment the error of retrospectivity can be modified. This opinion is based not on any ruling but on wordings used in *Noor Muhammad's* case. In *Noor Muhammad* case the Court observed that order would not operate retrospectively but prospectively. From this observation the Punjab Service Tribunal held that such retrospective order was not void and could be rectified. But

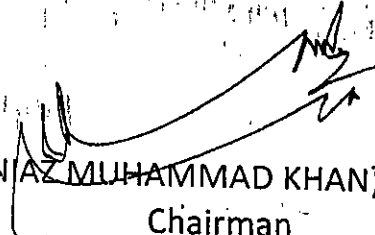
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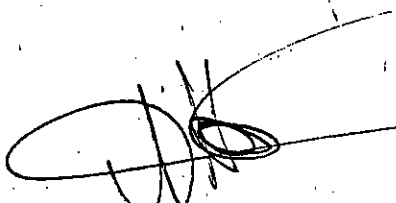
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
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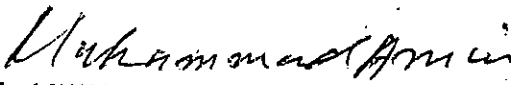
this tribunal with due deference is not inclined to accept the conclusion of the Punjab Service Tribunal about void status of the retrospective order as the august Supreme Court in Noor Muhammad's case has categorically held such order as void order. The Supreme Court did not discuss the rectification in this judgment. However the effect from prospective date as observed by august Supreme Court would strengthen our above conclusion that the prospective part can be severed and protected despite the nature of the order as void.

ANNOUNCED
02.03.2018


(M. HAMID MUGHAL)
Member

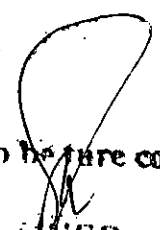

(NIAZ MUHAMMAD KHAN).
Chairman


(AHMAD HASSAN)
Member


(M. AMIN KHAN KUNDI)
Member


(GUL ZEB KHAN)
Member

Date of Presentation of Application 28-5-21
 Number of Words 4800
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 Urgent 4
 Total 54
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 Date of Completion of Copy 28-5-21
 Date of Delivery of Copy 28-5-21

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

(Approved for reporting)

04.07.2022

Appellant alongwith his counsel present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Arguments heard. To come up for order on 06.07.2022 before the D.B.

(Mian Muhammad)
Member (E)


(Salah-ud-Din)
Member (J)

23.09.2021

Counsel for the appellant and Mr. Asif Masood Ali Shah, DDA for the respondents present.


Learned counsel for the appellant requested for adjournment in order to prepare the brief. Case to come up for arguments on 24.12.21 before the D.B.


(Rozina Rehman)
Member(Judicial)


Chairman

24.12.2021

Due to winter vacations, case is adjourned to 28.02.2022 for the same as before.


Reader

28-2-22

Due to retirement of the Honble Chairman the case is adjourned on 15-6-22

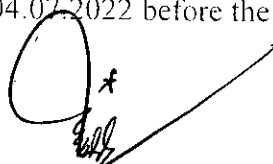
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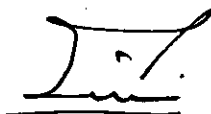


15.06.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 04.07.2022 before the D.B.


(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

02.06.2021

Mr. Said Khan, junior of learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned Additional Advocate General pointed out that as the issue of retrospectivity is involved in the instant appeal and a larger Bench regarding the said issue has already been constituted, therefore, the appeal in hand may be adjourned till the decision rendered by Larger Bench. Adjourned. To come up for further proceedings before the D.B on 03.08.2021.



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



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

03.08.2021

Counsel for the appellant present.

Mr. Kabirullah Khattak, Additional Advocate General for respondents present.

Learned counsel for the appellant requested for adjournment to further prepare the brief. Adjourned. To come up for arguments on 23.09.2021 before D.B.



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




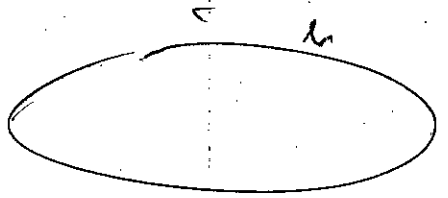
(Rozina Rehman)
Member (J)

15.10.2020

Miss. Uzma Syed, Advocate for appellant is present and submitted Vakalatnama in favour of appellant. The same is placed on record. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present.

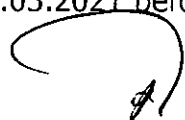
Learned Additional Advocate General while making reference to impugned order dated 30.08.2013 submitted that retrospective effect was given to the referred to order, the issue with retrospectivity is pending before the Larger Bench of this august Tribunal constituted for the purpose therefore, unless 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 09.12.2020 before D.B.


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


(Muhammad Jamal Khan)
Member (Judicial)

09.12.2020 Counsel for the appellant and Addl. AG for the respondents present.

The issue of retrospective application of orders has not yet been decided by the Larger Bench of this Tribunal. The hearing is, therefore, adjourned to 03.03.2021 before the D.B.

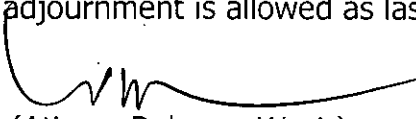

(Rozina Rehman)
Member(J)


Chairman

03.03.2021

Junior to counsel for the appellant and Addl. AG on behalf of the respondents present.

Learned senior counsel for the appellant is reported to be busy before Darul Qaza Bench of Peshawar High Court today. ~~Adjourned~~ ^{now} is, therefore, sought. Adjourned to 02.06.2021 for hearing before the D.B. As the appeal in hand is old one, the adjournment is allowed as last chance.


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


Chairman

27.4.2020

Due to COVID19, the case is adjourned to

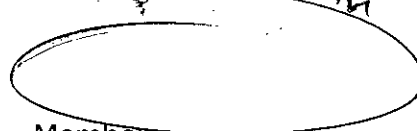
9/7/2020 for the same as before.


Reader

09.07.2020

Mr. Afrasiyab Wazir, Advocate for learned counsel for the appellant and Addl. AG for the respondents present.

Former requests for adjournment on account of indisposition of learned counsel for the appellant. Adjourned to 02.09.2020 for arguments.


Member

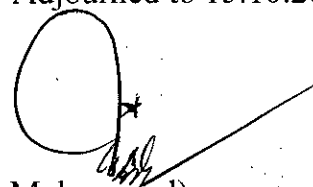

Chairman

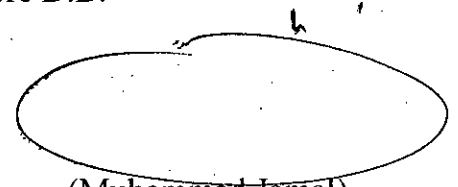
02.09.2020

Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General for respondents present.

Appellant seeks adjournment as his counsel is not available today.


Adjourned to 15.10.2020 before D.B.


(Mian Muhammad)
Member (E)


(Muhammad Jamal)
Member(J)

02.03.2020

Appellant with counsel present. Mr. Ziaullah, DDA for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 27.04.2020 before D.B.


Member


Member

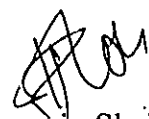
03.01.2020


Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Farooq Inspector for the respondents present. Arguments on restoration application heard.

Learned counsel for the appellant contended that the main service appeal was dismissed in default on 24.01.2019. It was further contended that on that day learned counsel for the appellant was busy before the Hon'ble High Court. It was further contended that none appearance of the learned counsel for the appellant was neither deliberate nor intentional. It was further contended that when the appellant had ^{come} to know he submitted application for attested copy on 31.01.2019 which was delivered to the appellant on 12.02.2019 as reveal from the certified copy of the impugned order. It was further contended that the appellant submitted restoration application on 18.02.2019. ^{It was further contended that after exclusion the period consumed for certified copy the appeal is well within time therefore, prayed for acceptance of the application.}

On the other hand learned Addl. AG opposed the contention of the learned counsel for the appellant and contended that the main service appeal was dismissed in default on 24.01.2019. It was further contended that on that day neither appellant nor his counsel was present. it was further contended that no cogent reason has been mentioned in the application regarding the absence of the appellant and his counsel. It was further contended the restoration application is also badly time barred, therefore prayed that the same may be dismissed.

Perusal of the record reveals that the main service appeal was dismissed on 24.01.2019. The appellant submitted application for certified copy of impugned order on 31.01.2019 which was delivered to the appellant on 12.02.2019 by the copying branch and the instant restoration application was filed on 18.02.2019 meaning thereby the that after exclusion the period consumed for certified copy the restoration application is well within time. Moreover as per the last order sheet the respondent department was directed to submit reply and last chance was also given to them for reply otherwise the restoration application was ordered to be decided on the available record but no reply has been submitted on behalf of the respondent department. Moreover the appellant has also claimed in the application that counsel for the appellant was busy in that very day in the Hon'ble High Court and it is also well settled law that the main appeal/case is to decided on merit rather than on technicality, therefore in view of the above we accept the present restoration application and the appeal is restored on its original number. The appellant is also directed to be careful in future. Adjourned: To come up for arguments on 02.03.2020 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

08.11.2019

Learned counsel for the petitioner present. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Rashid Ali ASI present. Representative of the respondent department seeks time to furnish reply. Granted. To come up for reply and arguments on 22.11.2019 before D.B.



Member



Member

22.11.2019

Counsel for the applicant and Mr. Ziaullah, Deputy District Attorney for the respondents present. The restoration application is pending since 30.04.2019 and the restoration application is being adjourned for reply and arguments of the respondent-department but so far they have not filed reply therefore, last chance is given to the respondent-department to submit reply otherwise the restoration application will be decided on available record. Case to come up for reply and arguments on restoration application on 03.01.2020 before D.B.



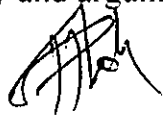
(Hussain Shah)
Member



(M. Amin Khan Kundi)
Member

21.06.2019

Mir Zaman Advocate on behalf of learned counsel for the petitioner present. Mr. Zia Ullah learned Deputy District Attorney present and stated that the respondents be granted opportunity to file reply of the present application. Adjourn. Notices be issued to the respondents for reply. To come up for reply and arguments on 21.08.2019 before D.B.



Member



Member

21.08.2019

Learned counsel for the applicant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Asad-u-Din, Superintendent for the respondents present. Original record of present restoration application is not available before the Bench, therefore, office is directed to ^{submit} ~~annex~~ the original record of present restoration application for 07.10.2019 before D.B.



(Hussain Shah)
Member

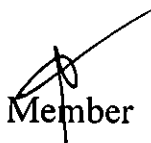


(M. Amin Khan Kundi)
Member

07.10.2019

Petitioner absent. Learned counsel for the petitioner absent. Mr. Kabir Ullah Khattak learned Additional Advocate General present. Notice be issued to the respondents for reply for 08.11.2019. Adjourn. To come up for reply and arguments on the date fixed before D.B. Petitioner be also put to notice for the date fixed. Original record be also requisitioned.

Noted for petitioner
DB
Mir Zaman



Member

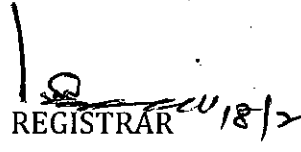

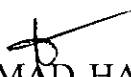



Member

Form-A
FORM OF ORDER SHEET

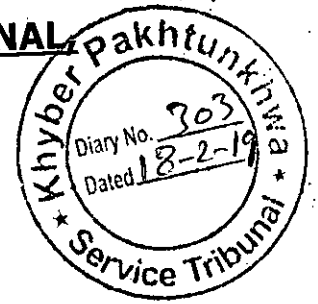
Court of _____

Appeal's Restoration Application No. 118/2019

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	18.02.2019	<p>The application for restoration of appeal No.1183/2014 submitted by Mr. Noor Muhammad Khattak Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	30.04.2019	<p>This restoration application is entrusted to D. Bench to be put up there on <u>30-4-2019</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Counsel for the petitioner present and seeks adjournment. Adjoined to 21.06.2019 for arguments on restoration application before D.B.</p> <p style="text-align: center;">  (AHMAD HASSAN) MEMBER  (M. AMIN KHAN KUNDI) MEMBER </p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Restoration **PESHAWAR**
C.M NO. 118/2019 /2019



IN
APPEAL NO. 1183/2014

ZAFEER ULLAH

VS

POLICE DEPTT:

APPLICATION FOR RETORATION OF THE ABOVE MENTIONED
APPEAL

R/SHEWETH:

- 1- That the above mentioned service appeal was pending adjudication before this august Tribunal in which 24.01.2019 dated was fixed for hearing.
- 2- That appellant filed the above mentioned appeal against the impugned Notification dated 30.06.2011.
- 3- That due to non appearance of the Counsel for the appellant on the date mentioned above the appeal of the appellant has been dismissed by this august Tribunal vide order dated 24.01.2019. Copy of the order sheet is attached.
- 4- That on the same date Counsel for the appellant was busy before the Honorable Peshawar High Court Peshawar and due to that reason Counsel for the appellant could not appear before this august Service Tribunal.
- 5- That non appearance of the Counsel for the appellant was neither deliberate nor intentionally but caused due to the above mentioned reason.

It is therefore, most humbly prayed that on acceptance of this application the above mentioned service appeal may very kindly be restored.

Dated: 15.02.2019.

APPELLANT

ZAFEER ULLAH

THROUGH:

NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M NO. _____/2019

IN

APPEAL NO. 1183/2014


ZAFEER ULLAH

VS

POLICE DEPTT:

AFFIDAVIT

I Noor Mohammad Khattak Advocate, on the instruction and on behalf of my client do hereby solemnly affirm that the contents of this **application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.


NOOR MOHAMMAD KHATTAK
ADVOCATE, HIGH COURT,
PESHAWAR

27.11.2018

Junior to counsel for the appellant and Addl. AG for the respondents present.

The former requests for adjournment on account of engagement of learned senior counsel for appellant in Hon'ble High Court. Adjourned to 24.01.2019 for arguments before the D.B.



Member



Chairman

24.01.2019

Appellant absent. Learned counsel for the appellant absent. Mr. Zia Ullah learned Deputy District Attorney for the respondents present. The present case is lingering on since the year 2014. Case called but none appeared on behalf of the appellant. Consequently the present service appeal is dismissed in default. No order as to costs. File be consigned to the record room.



Member



Member


09.05.2018


Due to retirement of the worthy Chairman, the Tribunal is incomplete, therefore the case is adjourned. To come up for same on 17.07.2018.


Reader

17.07.2018

Junior to counsel for the appellant and Mr. Muhammad Jan, Learned Deputy District Attorney present. Junior to counsel for the appellant seeks adjournment on as senior counsel is not in attendance. Adjourned. To come up for arguments on 05.09.2018 before D.B



(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

05.09.2018

Appellant with counsel and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Asghar Ali, Head Constable for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 12.10.2018 before D.B.


(M. Amin Khan Kundi)
Member


(M. Hamid Mughal)
Member

12.10.2018

Learned counsel for the appellant and Mr. Usman Ghani learned District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 27.11.2018 before D.B


Member


Member

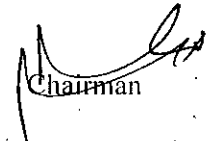
1183/14

26.02.2018

Counsel for the appellant and Mr. Usman Ghani, District Attorney and Mr. Muhammad Jan, Deputy District Attorney alongwith Attaur Rahman, S.I (Legal) for the respondents present. Arguments heard. To come up for order on 2.3.2018 before the Larger Bench.



(M. Hamid Mughal)
Member



Chairman

(M. Amin Khan Kundi)
Member



(Ahmad Hassan)
Member

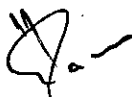


(Gul Zeb Khan)
Member

2.03.2018

Counsel for the appellant and Mr. Muhammad Jan, DDA for the respondents present. Arguments already heard. Record perused.

Vide our detailed judgment of today in connected appeal No. 562/2016 entitled "Rahim-ud-Din Vs. Inspector General of Police and others", this appeal be placed before the D.B for arguments on 09.05.2018.



(M. Hamid Mughal)
Member



Chairman



(M. Amin Khan Kundi)
Member



(Ahmad Hassan)
Member




(Gul Zeb Khan)
Member

04.12.2017


Appellant in person and Mr. Ziaullah, DDA and Mr. Atta ur Rehman, SI (Legal) for respondents present. Appellant seeks adjournment. Adjourned. To come up for arguments on 29.01.2018 before D.B.

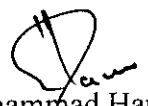

Member
(Executive)


Member
(Judicial)

29.01.2018

Learned counsel for the appellant and Mr. Usman Ghani, Learned District Attorney alongwith Muhammad Farooq Inspector for the respondents present. Learned counsel for the appellant contended that the impugned order has been passed with retrospective effect hence the same is void and no limitation runs against the same. On the other hand learned District Attorney stated that learned Chairman of Service Tribunal has already constituted the larger bench vis a vis appeals wherein orders with retrospective effect have been made impugned. Learned D.A requested that the present appeal be also clubbed with other appeals fixed for hearing before larger bench. As such the present service appeal/case file be sent to learned Chairman for appropriate orders.


(Muhammad Amin Kundi)
MEMBER


(Muhammad Hamid Mughal)
MEMBER


06.02.2018

Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Attaur Rahman, S.I (Legal) for the respondents present. Arguments could not be heard due to shortage of time. To come up for arguments on 26.02.2018 before the Larger Bench.


(M. Hamid Mughal)
Member


Chairman


(M. Amin Khan Kundi)
Member


(Ahmad Hassan)
Member


(Gul Zeb Khan)
Member


21.12.2016


Appellant in person and Mr. Asghar Ali, H.C alongwith assistant AG for the respondents present. Rejoinder not submitted. Appellant seeks adjournment due to non-availability of his counsel. Adjourned. To come up for rejoinder and arguments on 04.05.2017 before D.B.

(MUHAMMAD AMIR NAZIR)
MEMBER

04.05.2017

Counsel for the appellant and Mr. Asghar Ali Khan, HC alongwith Mr. Ziaullah, Government Pleader for the respondents present. Learned counsel for the appellant submitted rejoinder which is placed on file. To come up for arguments on 25.08.2017 before D.B.



(Gul Zeb Khan)
Member


(Ahmad Hassan)
Member

25.08.2017

counsel for the appellant(Mr. Noor Muhammad Khattak, Advocate) and Mr. Muhammad Jan, DDA for the respondents present. counsel for the appellant submitted fresh Wakalat Nama and seeks adjournment. Adjourned. To come up for arguments on 04.12.2017 before D.B.


(Gul Zeb Khan)
Member


(Ahmad Hassan)
Member

01.12.2015

Appellant in person and Mr. Mir Faraz, Inspector (legal) alongwith Addl. A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 30.3.2016 before S.B.


Chairman

30.03.2016

Counsel for the appellant and Mr. Yaqoob Khan, Naib Court alongwith Assistant AG for respondents present. Para-wise comments by respondents submitted. The appeal is assigned to D.B for rejoinder and final hearing for 19.7.2016.


Chairman

19.07.2016

Appellant in person and Mr. Asghar Ali, H.C alongwith Mr. Ziaullah, GP for the respondents present. Rejoinder not submitted and requested for further time to file rejoinder. Request accepted. To come up for rejoinder and arguments on 16-9-16.


MEMBER


MEMBER

16.09.2016

Clerk to counsel for the appellant and Mr. Asghar Ali, HC alongwith Addl. AG for respondents present. Rejoinder not submitted. Requested for time to file rejoinder. Request accepted. To come up for rejoinder and arguments on 21.12.2016.


Member


Member

12.06.2015

Counsel for the appellant present. Requested for adjournment. Last opportunity granted. Adjourned to 3.7.2015 for preliminary hearing before S.B.


Chairman

03.07.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Constable when vide impugned order dated 30.8.2013 dismissed from service on the allegations of wilful absence for 71 days regarding which appellant preferred departmental appeal which was rejected on 27.8.2014 followed by mercy petition which was also rejected on 12.9.2014 and hence the instant service appeal on the same date i.e 12.9.2014.

That the absence of the appellant was not wilful as he was ill and, moreover, the punishment is not commensurate with the charge of absence.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 1.10.2015 before S.B.


Chairman

01.10.2015

Appellant in person present. Security and process fee not deposited. Directed to deposit the same within a week, where-after notices be issued to the respondents for written reply/comments for 1.12.2015 before S.B.


Chairman

Appellant Deposited
Security & Process Fee



3.
Reader Note:

10.12.2014 Counsel for the appellant present. Since the Tribunal is incomplete, therefore, case is adjourned to 24.02.2015 for the same.



Reader

4.
24.02.2015 Counsel for the appellant present, and requested for adjournment. Request accepted. To come up for preliminary hearing on 07.04.2015.



Member

07.04.2015 Appellant in person present and requested for adjournment. Request accepted. To come up for preliminary hearing on 28.04.2015.



Member

28.04.2015 Appellant in person present, and requested for adjournment. To come up for preliminary hearing on 12.06.2015 before S.B.





Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1183 /2014


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	24/09/2014	<p>The appeal of Mr. Zafeerullah resubmitted today by Mr. Muhammad Fakh-e-Alam Jhagra Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	29-9-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>10-12-2014</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Zafeerullah Khan son of Badeh-Uz-Zaman r/o Nord Khas Bannu received today i.e. on 12.09.2014 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Copy of rejection order of departmental appeal mentioned in para-6 of the memo of appeal is not attached with the appeal which may be placed on it. The letter dated 27.8.2014 (Annexure-E) is not a rejection order of the departmental appeal.
- 2- Annexures of the appeal may be attested.

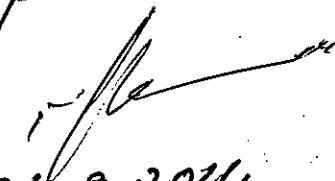
No. 1358 /S.T,

Dt. 12/9 /2014.

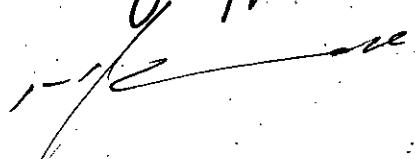

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr.M.Fakhr-e-Alam Jhagra Adv. Pesh.

- Re-submitted after removing the deficiencies as per directions, please.


24.9.2014.

- In response of objection - I it is humbly submitted that appellatant received the copies of Annex - FE, H from the office of respondent, hence it came in the knowledge of the appellatant about his rejections of appeal and mercy petition, thus both annexures may be treated rejections of appeal and mercy petition.



BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL

PESHAWAR

In Re: SERVICE APPEAL NO: 1183/2014

Zafeerullah Khanv/s... Provincial Police Officer K.P.K
Peshawar and others

I N D E X

<u>S.No</u>	<u>Particulars</u>	<u>Annexures</u>	<u>Pages</u>
1.	Service appeal	-	1-4
2.	Affidavit	-	5
3.	Addresses of parties	-	6
4.	Charge sheet and summary of Allegations	A, B	7-8
5.	Departmental appeal <i>Enquiry</i> along with Dismissal from services order.	C	9
6.	Appeal and rejection order	D, E, F and G H.	10-14
7.	Wakalat Nama	-	15

Appellant,

Through:

Dated: 11.9.2014

(N. FAKHAR-E-ALAM JHAGRA)

Advocate High court, Peshawar.

Office No 142 Jalil Plaza G.T.
Road Near Sakhad Chambers
of Commerce, Peshawar.

Cell# 0315-9959548.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR.

In Re: SERVICE APPEAL NO: 1183 /2014

Zafeerullah Khan son of Badeh uz Zaman R/O

Nord Khas, Bannu.

....APPELLANT.

Versus

1. The Provincial Police Officer K.P.K, Peshawar.
2. Regional Police Officer Bannu Region Bannu.
3. District Police Officer Bannu.
4. Dy: Superintendent of Police
Headquarters, Bannu.

....RESPONDENTS.

APPEAL U/S 4 OF THE K.P.K SERVICE TRIBUNAL

ACT 1974 AGAINST THE ORDER DATED 30.8.2013

WHEREBY THE APPELLANT WAS DISMISSED FROM

SERVICE ~~AND~~ AGAINST THE ORDER DATED 27.8.2014

WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT

WAS REJECTED FOR NO GOOD GROUNDS/REASONS, AND DATED
12.9.2014 WHEREBY HIS MERCY PETITION WAS DISMISSED.

PRAYER:-

On acceptance of this appeal the order dated
27.8.2014 and 30.8.2013 may be set aside and the
appellant may very graciously be re-instated with
all back benefits. Any other remedy which this
Hon'able Tribunal deems fit and appropriate that
may also be awarded in favour of the appellant.

re-submitted to
and filed.

12/9/14
24/9/14

RESPECTFULLY SHEWETH:

1. That the appellant joined the police force on 1.12.2007 and was having about 6 years service at his credit.
2. That in the month of October 2013, being an only male member of his family appellant faces some severe and serious domestic problems contemplated absences from his service after which appellant again join his duty.
3. That as the appellant was all alone and there was no some one else to inform the department. Thus the appellant remained absence for 71 days from his duty.
4. That on the basis of above mentioned absence a charge sheet was issued against the appellant alongwith summary of allegation by respondent No.3 (Copies of charge sheet and summary of allegation are attached as annexure A and B).
5. That an enquiry was conducted by respondent No.4 at the back of appellant . (Copy of departmental Enquiry is annexure C).

6. That on 30.8.2013, the appellant was dismissed from service, (copy from dismissal from service is attached as annexure D), The appellant filed departmental appeal which was rejected on 27.8.2014, the appellant filed Mercy petition which was also filed. Copies of the departmental appeal, rejection of appeal and Mercy petition are attached as annexures E, F and G respectively.
7. That now the appellant comes to this Hon'able ~~xxxxx~~ Tribunal on the following grounds amongst other inter-alia :-

GROUND:

- A. That the impugned order dated 30.8.2013, and 27.8.2014, are against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.
- B. That the absence was not intentional but due to severe domestic problems for which proper explanation has been given.
- C. That the enquiry was conducted at the back of appellant and finding itself explains malafide of enquiry officer itself.

- D. That the appellant has not been treated under the proper law despite he was a civil servant of the province therefore the impugned order is liable to be set aside.
- E. That as the appellant has not treated according to law and rules and condemned un-heard.
- F. That additional grounds will be raised at the time of arguments with permission of this Hon'able Tribunal.

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

Yusuf
Appellant,

Through:

Dated: 11.9.2014

M/ ali
(M. FAKHR-E-ALAM CHAGRA)

Advocate, Peshawar.

S M Kamran Khan
Advocate Peshawar.

BEFORE THE K.P.K SERVICE TRIBUNAL, PESHAWAR.

Zafeerullah Khanv/s.... The Provincial Police Officer
and others.

AFFIDAVIT

I, Zafeerullah Khan son of Badeh-uz-Zaman

R/O Nerd, Bannu, do hereby solemnly affirm and declare on


Oath that the contents of the instant appeal are true and

correct to the best of my knowledge and belief and that

nothing has been concealed from this Hon'able Tribunal.

Identified By:

DEPONENT.


(M. FAKHR-E-ALAM JHAGRA)
Advocate, Peshawar



BEFORE THE K.P.K SERVICE TRIBUNAL, PESHAWAR.

Zafeerullah Khan ...v/s...P.P.O KPK, Peshawar etc.

ADDRESSES OF PARTIES

APPELLANT

Zafeerullah Khan son of Badeh uz Zamaa R/O Nord Khas, Bannu.

V/S

RESPONDENTS

1. The Provincial Police Officer K.P.K, Peshawar.
2. Regional Police Officer Bannu Region, Bannu.
3. District Police Officer Bannu.
4. Dy: Superintendent of Police Hqrs, Bannu.

Appellant,

Through:


(M. FAKHR-E-ALAM JHAGRA)

Advocate, Peshawar.

CHARGE SHEET:

Annex A (7)

WHEREAS I am satisfied that a formal enquiry as contemplated in the NWFP, Police Rules, 1975 is necessary and expedient.

AND WHEREAS, I am of the view that the allegations if established would call for a major penalty as defined in Rules 4(b) of the aforesaid Rule.

NOW, THEREFORE, as required in 6-1 (a) of the aforesaid Rule I, **ABDUL GHAFOOR KHAN AFRIDE** District Police Officer, Bannu, as competent authority, hereby charge you **Constable Zafir Ullah No.1011** for the allegations, attached with this charge sheet.

AND I direct you further under rules 6-1 (b) of the aforesaid Rules to put in written defense within 7 days of the Receipt of this Charge sheet as to whether major OR Minor punishment as defined in Rules 4-1(a)-(b) should not be awarded to you. Also state at the same time whether you desire to be heard in person.

In case, your reply is not received within the prescribed period without sufficient reason, it would be presumed that you have nothing to say in your defence and the undersigned would be at liberty to take ex-parte action straight away against you.

ATTACHED
Charge sheet


District Police Officer,

Bannu.

23/04/2013

431
SFC

Sr. 210

Ann B

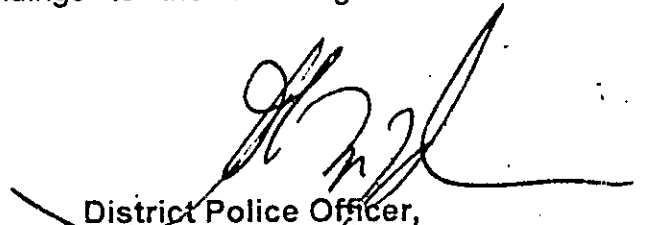
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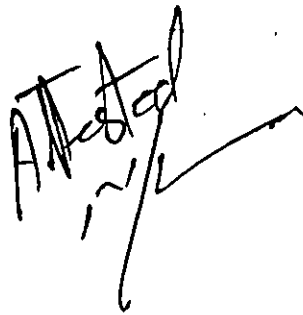
SUMMARY OF ALLEGATIONS.

You Constable Zafir Ullah No.1011 were found to indulge in misconduct under the following allegations:

- That you while posted to PS Mandan absented yourself from govt duty w.e.f 11-10-2012 to 13-01-2013 and 14-02-2013 to date without any leave or permission from the competent authority.
- That you are habitual absentee, incorrigible police official and unwilling worker. Hence you have ceased to become a good police officer by committing the above commission/omissions.

DSP/ Talvi of Bannu District is appointed to hold departmental proceedings and submit his findings to the undersigned after observing legal formalities.


District Police Officer,
Bannu.
23/04/2013

Attested


431
SAC

Ann C

Wab' FC

No 242-HQ

Dated: 14/8/2013

(9)

(2)

Subject: DEPARTMENTAL ENQUIRY AGAINST CONSTABLE ZAFEER ULLAH NO.1011 POLICE STATION MANDAN.

Memo:

Constable Zafeerullah No. 1011 was charge sheeted on the following grounds.

- He while posted to PS Mandan absented himself from the Govt: duty w.e.f 11-10-012 to 13-01-013 and 14-02-013 to date without any leave or permission from the competent authority.
- He is a habitual of absented, incorrigible Police Official and unwilling worker.

The enquiry was marked to the undersigned to probe into the allegations. The copy of the charge sheet was served upon him accordingly. But the reply has not been received to the Enquiry Officer uptill now. Statement of MHC Mandan Shafiullah was recorded he stated that Constable Zafeerullah No.1011 was absented vide DD No.21 dated 19-05-013 to date.

The said constable was summoned time and again for recording his statement. He did not appear before the Enquiry Officer and not deposit the reply of the charge sheet meaning thereby that he has no respect of his senior officers. No defence / proof was produced by the said constable before the Enquiry officer during the Enquiry proceedings. It is therefore requested that Ex-party action may be taken against the said constable and also recommended for Major punishment i.e. dismissal from the service under Police Rules 12-21.If approved please.

Handwritten notes in Urdu: "سر، مای کال میں سر، اور اتھارٹیٹی. سر" and other illegible scribbles.

Dy: Superintendent of Police,
HQrs: Bannu

Attested

yes. 14/8

ORDER

Annexure-D
①

1. My this order will dispose of the departmental enquiry conducted against Constable Zafir Ullah No. 1011. The allegations were that the constable while posted in PS Mandan remained absent from duty from 11.10.2012 to 13.01.2013 and again he is absent from duty with effect from 14.02.2013 till this day.
2. The enquiry officer, Sana Ullah DSP Hqrs Bannu in his findings has reported that the constable did not appear before the EO and did not bother to justify his absence. From the available record, it is established that the accused constable is not interested in official duty. Retention of such a person in police department would be a burden on public exchequer.
3. I, Mohammad Iqbal, DPO Bannu, as competent authority, have come to the conclusion that the accused police officer is not interested in police service and he is therefore, dismissed from service with effect from his date of absence i.e. 14.02.2013.

(Mohammad Iqbal)
District Police Officer,
Bannu

①

SB No. 994 dated 30/08/2013.

Copies to all concerned.

Attested
Mishra

Annex C

- C ✓
- V ✓
- P ✓
- PS ✓
- J ✓
- L ✓

اپیل

1000

11/3

محضور جناب والا شان ریجنل پولیس آفیسر صاحب ریجن بنوں

11

استدعا :- بحال فرما نے ملازمت سائل بعہدہ کانسٹیبل جو جناب DPO صاحب بنوں نے بندہ کو یکطرفہ کارروائی کے ذریعے بحوالہ 08، 994 مورخہ 30/08/13 ملازمت سے معمولی غیر حاضری کی بنیاد پر مورخہ 14/02/13 سے ڈسٹنس کیا ہے۔ حالانکہ سائل نے مورخہ 26/04/13 اپنی حاضری کی رپورٹ کر کے 30/08/13 تک اپنی ڈیوٹی انجام دیتا رہا جو سائل کیساتھ ظلم ہوا ہے۔ اور دفاع کا کوئی موقع نہیں دیا ہے۔ جو سائل کا قانونی حق تھا۔

جناب عالی! کمترین اجتناب کے حضور مؤدبانہ عاجزانہ اپیل کرتا ہے کہ سائل محکمہ پولیس میں مورخہ 07/12/01 بطور ویکروٹ کانسٹیبل بھرتی ہوا۔ ٹریننگ حاصل کر کے خوش اسلوبی سے اپنی ڈیوٹی انجام دیتا رہا۔

تفادہ منڈان میں تعیناتی کے دوران گھریلو مسائل کی وجہ سے سخت ذہنی طور پر پریشان ہوا۔ مسائل نے پیچیدہ صورت اختیار کر کے بندہ کی دماغ پر بُرا اثر ہوا۔ اور بروقت رخصت نہ ملنے پر سائل غیر حاضر ہوا۔ گھریلو حالات سدھرنے پر بحوالہ مدد 07 روز ناچر 26/04/13 اپنی حاضری کی۔ اور مورخہ 30/08/13 تک اپنی ڈیوٹی انجام دیتا رہا۔ لیکن DSP/HQ صاحب نے سائل کی خلاف ڈیوٹی میں دلچسپی نہ لینے کی رپورٹ جناب DPO صاحب کو ارسال فرمائی۔ جناب DPO صاحب بنوں نے مجھے دفاع کا کوئی موقع نہ دیکر یکطرفہ کارروائی کے تحت کمترین کو مورخہ 14/02/13 سے ڈسٹنس کیا ہے۔ اور 26/04/13 تا 30/08/13 کی سرکاری ڈیوٹی پر حاضری کو نظر انداز کیا۔ میرے ساتھ ظلم ہوا ہے۔

BC
Pr. n/ach
05
5/3
14

Attested
11/3

عالیجاہ! میں قوم و ملک کا وفادار اور سرکاری ڈیوٹی کا پابند ہوں۔ مجھ میں ایک اچھے پولیس آفیسر کے اوصاف موجود ہیں۔ کریپشن یا استماع دشمنی عناصر کی سرگرمیوں میں ملوث نہیں رہا ہوں۔ نہ ہی میرا ماضی داغدار ہے۔

گھریلو مسائل سے مجبور ہوا تھا۔ وعدہ کرتا ہوں کہ آئندہ افسران بالا کو کسی قسم کی شکایات کا موقع نہیں دوں گا۔ میرے حال پر رحم فرمایا جا کر دوبارہ اپنی عہدہ کانسٹیبل پر بحال فرمایا جاوے۔

مورخہ 04/02/13

سائل: زغیر اللہ خان ولد بدیع الزمان سکنہ نورڈ خاص

RET AM
F
Am B, C

From: - The Regional Police Officer,
Bannu Region, Bannu.

To: - The Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

No:- 2263 /EC dated Bannu, the 27/08/2014.

Subject:- **MERCY PETITION.**

Memo:-

Kindly refer to your office Memo No. 5707/E-IV dated 26-08-2014.

In this connection, it is submitted that ex-constable Zafeer ullah No. 1011 was recruited in this district Police on dated 01-01-2008. He has passed recruit course. During the course of service, he was absented from official duty w.e.f 11-10-2012 to 13-01-2013 and from 14-02-2013 to 30-08-2013.

He was proceeded departmentally by issuing charge sheet based upon summary of allegation under police disciplinary rule 1975 by the then competent authority.

The enquiry papers were entrusted to then DSP/HQrs who submitted his finding to the effect that the defaulter constable was summoned time and again to record his statement but he did not appear before the enquiry officer. In the last, the enquiry officer recommended him for exparte action i.e discharging him under police rule-12-21

Therefore, the then DPO/Bannu imposed upon him major punishment of dismissal from service from the date of absence vide his office OB No. 994 dated 30-08-2013.

Attested

(SAJID ALI KHAN) PSP

Regional Police Officer,
Bannu Region, Bannu

جناب عالی - P. A. کا جواب

(3)

عنوان :- رحم کی اپیل بھالی سرورس کی بھالی

جناب گزارش بحضور فوراً ہے کہ میں نے پولیس ڈیپارٹمنٹ
انسپیکٹر شوق اور جنہا کے ساتھ منتخب کر کے بھرتی ہوا

اور بھرتی ہونے بعد انسپیکٹر بہادری، حیرادت کے ساتھ
ڈیوٹی سرانجام دیتا رہا۔ اس دوران اجانک محمد ایملوں

دراستی کی وجہ سے ڈیوٹی سے ہٹ کر حاضر رہا۔
جب بعد میں میں حاضر کیا گیا تو مجھے نوکری سے لکالہ

گیا تھا۔ میں نے بہت درخواستیں کی مگر اسٹوس نہیں

ہونے کی وجہ سے میرے درخواست ادر احم ایمل ڈیپارٹمنٹ گیا

جناب عالی!۔ میں گورنمنٹ کیل ہوں اور یہاں یہاں رہے

ہیں۔ چھوٹے بھائی سب میرے تنخواہ ڈیپارٹمنٹ کر رہے تھے

مگر جب سے میری تنخواہیں بند ہو گئی تھیں ادر احم سے لکالہ گیا

ہے بھائی گھر کے چھوٹے گھنٹے لٹھوٹے ہیں۔

حاضر میرے سالہ رحم کی مجال کیا جائے اللہ تعالیٰ آسمان

در احم کرے آمین

الذی

ظفر اللہ

ظفر اللہ ولد بلال الرحمن

Ex No 1011 قمار منڈان

لوڈریجن

Attest
/

Annex H
12/9

From : The Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

To : The Regional Police Officer,
Bannu

No. 6612 /E-IV dated Peshawar the 12/9 /2014.

Subject MERCY PETITION

Memo.

Please refer to your letter No. 2263/EC. dated 27.08.2014 on the subject cited above.

The mercy petition of Ex-Constable Zafeerullah No. 1011 of district Police Bannu was examined and filed by the competent authority.

Attest
12/9/14

[Signature]
(FARHAD ALI)
Registrar
For Inspector General of Police,
Khyber Pakhtunkhwa
Peshawar
12/9/14

BEFORE THE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL PESHAWAR
Appeal No. 1183/2014.

Zafeer Ullah Khan son of Badeh uz Zaman R/O
Norar Khas, Bannu.

(Appellant)

VERSUS

- (1) Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
- (2) Regional Police Officer, Bannu Region, Bannu.
- (3) District Police Officer, Bannu
- (4) Dy: Superintendent of Police, Headquarters, Bannu. (Respondents)

PARA WISE COMMENTS ON BEHALF OF THE RESPONDENTS

Respectfully Sheweth:

PRELIMINARY OBJECTIONS.

- 1) That the appeal of appellant is badly time-barred.
- 2) That the order of respondent No.1 is very much legal.
- 3) That the appeal is not maintainable in its present form.
- 4) That the appellant has concealed the actual facts from the Honourable Tribunal.
- 5) That the appeal is bad in law due to non-joinder of necessary parties.
- 6) That the appellant has approached the Honourable Tribunal with unclean hands.
- 7) That the appellant has got no cause of action and locus standi to file the instant appeal.
- 8) That the appellant has been estopped by his own conduct.

OBJECTIONS ON FACTS

- (1) Incorrect. During the short service, the appellant has wilfully absented himself from official duty on many occasions.
- (2) Incorrect. The appellant deliberately absented from official duty from 11.10.2012 to 13.01.2013 and 14.02.2013 to 30.08.2013 (for long period) without any permission or leave.
- (3) Incorrect. The appellant is habitual absentee and during service, he almost remained absent from duty on many occasions without any permission /leave.
- (4) Pertains to record needs no comments.
- (5) Pertains to record. The finding report of DSP/Headquarter Bannu is comprehensive and self explanatory.
- (6) Incorrect. The appellant deliberately absented himself from duty as well as from inquiry proceeding despite the fact that he was called time & again. On 30.08.2013, he was dismissed from service. Photo copy of charge sheet served upon the appellant, annexed as "A". He has moved time barred departmental appeal after delay about 07 months which was rejected/filed. There is no provision of mercy

petition in the rules. The appellant has willfully made his case barred by law & time.

- (7) Incorrect. The appellant has come to the Honorable Tribunal with unsound grounds/reasons.

OBJECTIONS ON GROUNDS.

- a) Incorrect. Order dated 30.08.2013 was passed in accordance with law, rules and facts on record while order dated 27.08.2014 is not a order of rejection but the same was a report/letter dispatched to respondent No.1 (PPO) in connection with mercy petition filed by appellant to IGP.
- b) Incorrect. The appellant has deliberately from official duty without any prior permission/leave. As per his service record, he is habitual absentee.
- c) Incorrect. Charge sheet based on statement of allegations was issued to appellant under the rules, DSP Headquarter Bannu was appointed as enquiry officer but appellant did not join service/enquiry proceeding despite hectic efforts. All the proceeding and order was done on merits and without any malifid intention by the respondents.
- d) Incorrect and misconceived. The appellant has been treated under KPK Police Rules 1975 which is a proper law for police force.
- e) Incorrect. All the codal legal formalities were observed during the course of expartee proceeding. Notices in shape of charge sheet and wireless messages etc were issued and served upon appellant at home address but he willfully did not respond.
- f) The respondents may be allowed to raise or add additional grounds at the time of hearing of appeal. photo copy of charge sheet served upon the appellant, annexed as "A"

Prayer:

keeping in view of the above facts and circumstances, the appeal of appellant is badly barred by limitation, it is humbly prayed that the same may kindly be dismissed with costs.



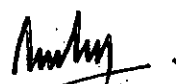
Regional Police Officer,
Bannu Region, Bannu.
(Respondent No.2)



Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No.1)



District Police Officer,
Bannu.
(Respondent No.3)



Dy: Superintendent of Police,
Headquarters, Bannu.
(Respondent No.4)

BEFORE THE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL PESHAWAR
Appeal No. 1183/2014.

Zafeer Ullah Khan son of Badeh uz Zaman R/O
Norar Khas, Bannu.

(Appellant)

VERSUS

- (1) Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
- (2) Regional Police Officer, Bannu Region, Bannu.
- (3) District Police Officer, Bannu
- (4) Dy: Superintendent of Police, Headquarters, Bannu.


(Respondents)

COUNTER AFFIDAVIT

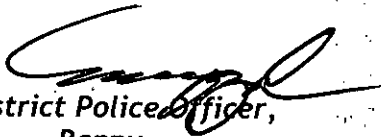
We, the respondents (Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar, Regional Police Officer, Bannu Region, Bannu, District Police Officer, Bannu and DSP Headquarter, Bannu) do hereby solemnly affirm and declare that the contents of the attached para wise comments are true and correct to the best of our knowledge and belief and nothing has been withheld or concealed from this Honorable Tribunal.



**Regional Police Officer,
Bannu Region, Bannu.
(Respondent No.2)**



**Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No.1)**



**District Police Officer,
Bannu.
(Respondent No.3)**



**Dy: Superintendent of Police,
Headquarters, Bannu.
(Respondent No.4)**

BEFORE THE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL PESHAWAR
Appeal No. 1183/2014.

Zafeer Ullah Khan son of Badeh uz Zaman R/O
Norar Khas, Bannu.

(Appellant)

VERSUS

- (1) Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
- (2) Regional Police Officer, Bannu Region, Bannu.
- (3) District Police Officer, Bannu
- (4) Dy: Superintendent of Police, Headquarters, Bannu.

(Respondents)

AUTHORITY LETTER.

Mr. Mir Faraz Khan Inspector, incharge Legal Cell, Bannu is hereby authorized to appear before The Honorable Service Tribunal Khyber Pakhtunkhwa Peshawar on behalf of the undersigned in the above cited case.

He is authorized to submit and sign all documents pertaining to the instant appeal.



**Regional Police Officer,
Bannu Region, Bannu.
(Respondent No.2)**



**Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No.1)**



**District Police Officer,
Bannu.
(Respondent No.3)**



**Dy: Superintendent of Police,
Headquarters, Bannu.
(Respondent No.4)**

CHARGE SHEET:

7
Amex: A

WHEREAS I am satisfied that a formal enquiry as contemplated in the NWFP, Police Rules, 1975 is necessary and expedient.

AND WHEREAS, I am of the view that the allegations if established would call for a major penalty as defined in Rules 4(b) of the aforesaid Rule.

NOW, THEREFORE, as required in 6-1 (a) of the aforesaid Rule I, **ABDUL GHAFOR KHAN AFRIDE** District Police Officer, Bannu, as competent authority, hereby charge you **Constable Zafir Ullah No.1011** for the allegations, attached with this charge sheet.

AND I direct you further under rules 6-1 (b) of the aforesaid Rules to put in written defense within 7 days of the Receipt of this Charge sheet as to whether major OR Minor punishment as defined in Rules 4-1(a)-(b) should not be awarded to you. Also state at the same time whether you desire to be heard in person.

In case, your reply is not received within the prescribed period without sufficient reason, it would be presumed that you have nothing to say in your defence and the undersigned would be at liberty to take ex-parte action straight away against you.


District Police Officer,

Bannu.

23/04/2013

Charge sheet

431
SFC

~~Amir~~ (8)

SUMMARY OF ALLEGATIONS.

You Constable Zafir Ullah No.1011 were found to indulge in misconduct under the following allegations:

- That you while posted to PS Mandan absented yourself from govt duty w.e.f 11-10-2012 to 13-01-2013 and 14-02-2013 to date without any leave or permission from the competent authority.
- That you are habitual absentee, incorrigible police official and unwilling worker. Hence you have ceased to become a good police officer by committing the above commission/omissions.

DSP/ Talvi of Bannu District is appointed to hold departmental proceedings and submit his findings to the undersigned after observing legal formalities.


District Police Officer,

Bannu.

23/04/2013

(431
SAC)

In Re: Appeal No: 1183/2014

Zafeerullah Khanv/s.....Provincial Police Officer K.P.K
and others.

RE-JOINDER ON BEHALF OF APPELLANT.

Respectfully Sheweth:

Re-joinder on behalf of appellant are as under :-

REPLY OF PRELIMINARY OBJECTIONS

1. That the appeal of the appellant is within time.
2. Objection No.2 is incorrect, hence denied, the impugned order is not legal one.
3. Para No.3 is incorrect, the appeal of the appellant is maintainable.
4. para No.4 of reply is incorrect, hence denied.
5. That para No.5 to 8 of the comment ^{are} is incorrect hence denied.

ON FACTS

1. That para No1, of the appeal is correct while para No of the comments is incorrect, hence denied.

2.0 That para No.2 of the appeal is admitted correct while of the comment is incorrect hence denied, respondent ~~Reportedly~~ ^{Deliberately} cancelled some material facts from this Hon'able Tribunal.

3. That para No.3 of the appeal is admitted correct, while of the comments is incorrect hence denied.

4. That para No.4 of the appeal is admitted correct.

5. That para No.5 of the appeal is admitted correct, while of the comments is incorrect, hence denied.

6. That para No.6 of the appeal is correct while of the comments is against the facts so incorrect hence denied in toto.

7. That para No.7 of the appeal is correct while of the comments is incorrect.

GROUNDS

A. That ground A of the appeal is correct, while objection taken by the respondent is against the law,

fact and material available on record

hence denied.

- B. That ground B of the appeal is correct, while of the comments is incorrect.
- C. That ground C of the appeal is correct, so admitted while of the comments is incorrect, hence denied.
- D. That ground D and E of the appeal are correct, while of the comments are incorrect.
- E. Ground F of the appeal is correct.

It is therefore most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may kindly be accepted as prayed for in the appeal.

Appellant,

Dated: 4.5.2017

Through:


(M. FAKHR-E-ALAM JHAGRA)

Advocate, Peshawar.

BEFORE THE SERVICE TRIBUNAL K.P.K, Peshawar.


Zafeerullah Khanv.s////Provincial Police Officer etc.

AFFIDAVIT

I, Zafeer Ullah son of Badeh uz Zaman, R/O

Bannu do hereby solemnly affirm and declare on Oath that the contents of the instant rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'able court.

Identified By:


(M. FAKHR-E-ALAM JHAGRA)
Advocate, Peshawar


DEPONENT.

NIC 11101-3594423-7

ATTESTED 04 MAY 2017



VAKALATNAMA

BEFORE THE KPK Service Tribunal Peshawar

OF 2017

25/8

Zafeer Ullah Khan

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Police Department

(RESPONDENT)
(DEFENDANT)

I/We Zafeer Ullah Khan

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

Dated. 25 / 8 / 2017

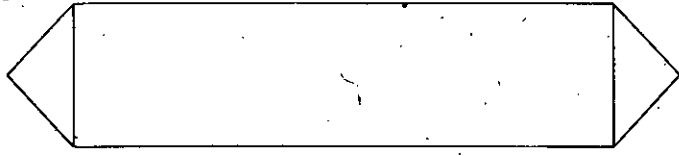
زیر التعمیر
CLIENT

ACCEPTED
NOOR MOHAMMAD KHATTAK

MUHAMMAD MAAZ MADNI
ADVOCATES

OFFICE:
Flat No.3, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.
Phone: 091-2211391
Mobile No.0345-9383141

بعدالت صاحب سروس ٹریڈنگ لکھنؤ



(درسدانہ)

2014ء منجانب

ظفر اللہ بنام

ٹریڈنگ

مورخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام کیلئے محمد محمد حیات احمد کے 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 پر حلف دیئے جو اب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت 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۔ از بصورت ضرورت مقدمہ مذکور 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 بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے دہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

محمد محمد حیات احمد

ظفر اللہ

2014

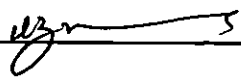
سبتمبر

ماہ

12

المرقوم

محمد محمد حیات احمد

50 روپے	63282			
ایڈوکیٹ: 		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل ایسوسی ایشن نمبر:		رابطہ نمبر: 0311-9446376		

بعدالت جناب: KP Service Tribunal, Peshawar

مخائب:	دعویٰ:
Appelland	علت نمبر:
	مورخہ:
بنام	جرم:
Police	تھانہ:

باعت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

آن مقام ~~مقدمہ~~ ^{کیلئے} ~~مقدمہ~~ ^{میتھن اللہ} ~~مقدمہ~~ ^{میتھن اللہ} 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 تقریر ثالث و فیصلہ برحلف 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 غسٹوئی، نیز سزا وار کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا ~~کلی~~ 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 باختیارات حاصل ہوں گے اور اس کا ساختہ پر داخستہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقدمہ 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: 
DESHWAR BAR ASSOCIATION
KHYBER PAKHTUNKHWA

المقام: Peshawar کے لیے منظور ہے۔

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