

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
CAMP COURT SWAT

Service Appeal No. 110/2014

Date of Institution... 10.01.2014

Date of decision... 04.12.2017

Adnan Jehan S/o Jehangir Odi Gram, Tehsil Babuzai, District Swat Ex-Constable  
No. 2751, Police Lines, Swat... (Appellant)

Versus

1. District Police Officer (DPO), Gulkada at Swat and 3 others.  
(Respondents)

MR. Imdad Ullah Advocate

For appellant.

MR. KABIRULLAH KHATTAK,  
Addl Advocate General

... For respondents.

MR. NIAZ MUHAMMAD KHAN, ...  
MR. MUHAMMAD HAMID MUGHAL, ...

CHAIRMAN  
MEMBER

JUDGMENT

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

FACTS

2. The appellant was terminated from service on 09.05.2013 against which he filed departmental appeal on 04.06.2013. According to appellant the same was not decided and thereafter he filed the present service appeal on 10.01.2014. The charge against the appellant was his absence from duty.

ARGUMENTS

3. The learned Additional AG at the very outset objected to the present appeal on the ground of being time barred and submits that the issue of limitation will be decided first. In this regard Learned Addl. AG argued that the departmental appeal was filed on 10.06.2013 and not on 04.06.2013 which was rejected on 19.09.2013. That the present service appeal is filed on 10.01.2014 which should have been filed within thirty 30 days of the rejection of the same.

4. On the other hand the learned counsel for the appellant argued that the appellant was never communicated the order of rejecting the departmental appeal as alleged by the learned Addl. AG. That the objection was never pointed out or mentioned in the written comments of the respondents. That the same has been pressed into service by learned Addl. AG today. He argued that the appellant had a history of illness and the limitation period may be condoned. In this regard he relied upon the judgment reported as 2002 PLC (C.S) 268.

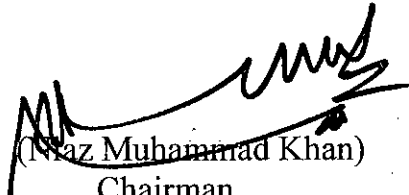
### CONCLUSION

5. If the stance of the appellant is presumed as correct regarding non communication of decision of departmental appeal then the appellant was to file the present service appeal within 150 days of the filing of departmental appeal. The 150 days expired on 04.11.2013 and he filed the present service appeal on 10.01.2014. So regardless of the communication of order of departmental appeal the present service appeal is time barred. There is no application for condonation of delay filed by the appellant nor any reason of this delay has been given in the memorandum of appeal. The judgment relied upon by the learned counsel for the appellant pertains to cases of similar nature which were decided and in view of the similarity of point involved in other cases the condonation was granted. But in the

present case the position is dissimilar to the one mentioned in the reported judgment coupled with the position that there is no application for condonation of delay. This Tribunal is, therefore, in view that the present appeal is time barred which is dismissed. Parties are left to bear their own costs. File be consigned to the record room.



(Muhammad Hamid Mughal)  
Member



(Naz Muhammad Khan)  
Chairman  
Camp Court, Swat


ANNOUNCED  
04.12.2017

04.12.2017

Counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG alongwith Khawas Khan, S.I (Legal) for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, this appeal is dismissed. Parties are left to bear their own cost. File be consigned to the record room.

  
Member

  
Chairman  
Camp Court, Swat.


ANNOUNCED

04.12.2017

02.1.2017

Appellant with counsel and Mr. Muhammad Imran, S.I (Legal) alongwith Mr. Muhammad Zubair, Sr.GP for the respondents present. Learned Senior Government Pleader seeks adjournment as he intends to produce certain documents. Rejoinder submitted by the appellant. Appeal adjourned for production of record by the respondents as well as final hearing for 03.05.2017 before D.B at camp court, Swat.

  
Member

  
Chairman  
Camp court, Swat


03.05.2017

Appellant in person present. Mian Amir Qadar, Deputy Attorney for the respondents also present. Record not submitted. Respondents are once again directed to submit the record on the next date of hearing. To come up for record and arguments on 04.09.2017 before D.B at Camp Court Swat.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER  
Camp Court Swat


05.09.2017

Since 4th September, 2017 has been declared as public holiday on account of Eidul Azha, therefore, case is adjourned to 04.12.2017 for the same at camp court, Swat. Notices be issued to the parties for the date fixed.

  
Chairman  
Camp court, Swat.

09.12.2015


Appellant in person and Mr. Amir Qadir, GP for respondents present. Due to non-availability of D.B arguments could not be heard. To come up for final hearing before D.B on 2.5.2016 at Camp Court Swat.

  
Chairman  
Camp Court Swat

02.05.2016

Appellant in person and Mr. Imranullah, Inspector (Legal) alongwith Mr. Muhammad Zubair, Sr.GP for the respondents present. Appellant seeks adjournment as his counsel is not in attendance to-day. To come up for final hearing before D.B on 03.10.2016 at Camp Court, Swat..


  
Chairman  
Camp Court Swat

  
Member

03.10.2016

None present for the parties due to notification of public holiday on the eve of first Moharram. The appeal is therefore, adjourned for final hearing before the D.B to ~~2-1-2017~~ at camp court, Swat.

  
Member

  
Chairman  
Camp court, Swat

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14.05.2015

Appellant Deposited  
Security & Process Fee



Appellant with counsel and Assistant A.G for respondents present. Learned counsel for the appellant was argued that the appellant was dismissed from service vide impugned order dated 9.5.2013 regarding he preferred departmental appeal on 4.6.2011 which was not responded and hence the instant service appeal on 10.1.2014. Regarding time limitation learned counsel for the appellant argued that the original order is void ab-initio and that limitation would not run in such cases.

Points urged need consideration. Admit, subject to limitation. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply for 6.7.2015 at camp court Swat as the matter pertains to the territorial limits of Malakand Division.



Chairman

13 6.7.2015

Appellant with counsel and Mr. Khawas Khan S.I (legal) alongwith Mr. Muhammad Zubair, Sr. GP for respondents present. Requested for adjournment. To come up for written reply/comments on 7.9.2015 at camp court Swat. Wakalat Nama submitted on behalf of the appellant.



Chairman  
Camp Court Swat

07.09.2015

Appellant in person and Mr. Khawas Khan, S.I (legal) alongwith Mr. Muhammad Zubair, Sr. GP for respondents present. Comments submitted. The appeal is assigned to D.B for rejoinder and final hearing for 9.12.2015 at Camp Court Swat.



Chairman  
Camp Court Swat

10.

19.02.2015

Clerk of counsel for the appellant present, and requested for adjournment. Request accepted. To come up for preliminary hearing on 01.04.2015.



Member

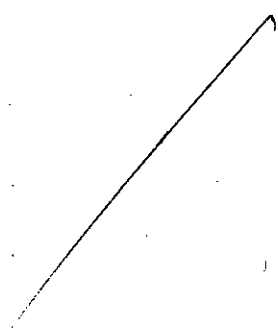
11.

01.04.2015

Appellant with counsel present. The learned counsel for the appellant argued that the appellant has been dismissed from service on the recommendation of enquiry report on 09.05.2013. Copy of impugned order is not available on file. The appellant, however, preferred departmental appeal to the competent authority which was not responded and hence the present service appeal on 10.01.2014. A pre-admission notice be issued to the learned AAG/GP to assist the Tribunal on the point of maintainability as well as to contact the respondents for submission of complete record of the appellant. To come up for further preliminary hearing on 14.05.2015.

  
Member

11





7.  
Reader Note:

16.09.2014


Clerk of counsel for the appellant present. The learned Member (Judicial) is not working due to a recent order of the Hon'ble Peshawar High Court, Peshawar affecting his status as District and Session Judge. To come up for preliminary hearing on 18.11.2014.

  
Reader

8.  
Reader Note:

18.11.2014

Appellant in person presents. Since the Tribunal is incomplete, therefore, case is adjourned to 22.12.2014 for the same.

  
Reader

9.  
Reader Note:

22.12.2014

appellant in person present. Since the Tribunal is incomplete, therefore, case is adjourned to 19.02.2015 for the same.

  
Reader

3.

17.03.2014

Counsel for the appellant present and requested for adjournment. To come up for preliminary hearing on 07.05.2014.

  
Member

4.

07.05.2014

Appellant in person present and requested for adjournment. Request accepted. To come up for further preliminary hearing on 12.06.2014.


  
Member

5.

1108-5-51

12.06.2014

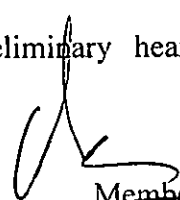
Appellant in person present and requested for adjournment. Request accepted. To come up for further preliminary hearing on 24.07.2014.

  
Member

6.

24.07.2014


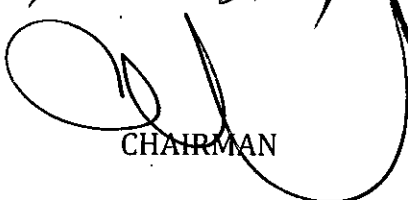
Appellant in person present and requested for adjournment. Request accepted. To come up for preliminary hearing on 16.09.2014.

  
Member

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 110/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	23/01/2014	<p>The appeal of Mr. Adnan Jehan resubmitted today by Mr. Muhammad Arshad Yousafzai 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	27-1-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>17-3-2014</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Adnan Jehan Ex-Constable received today i.e. on 10.01.2014 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Copies of Charge Sheet, Statement of allegations, Show Cause Notice, enquiry report and its replies are not attached with the appeal which may be placed on it.
- 3- Copy of impugned dismissal order dated 09.05.2013 mentioned in the heading of the appeal is not attached with the appeal which may be placed on it.
- 4- Annexures of the appeal may be attested.
- 5- Annexures of the appeal may be annexed serial wise as mentioned in the memo of appeal.

No. 57 /S.T,

Dt. 13/01/2014

*leg*  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Muhammad Arshad Yousafzai Adv.

Respected Sir,

Re-submitted after satisfaction of the objections raised by this honourable office, furthermore that the concerned office is not ready to give attested documents and those which were supplied to appellant has been attached.

Thanks

*M. Arshad*  
23/01/14

**BEFORE THE SERVICE TRIBUNAL, KPK,**  
**PESHAWAR**

Service Appeal No. 110 of 2013y

Adnan Jehan ..... **Appellant**  
Versus

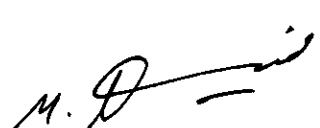
District Police Office (DPO) & Others..... **Respondents**

**I N D E X**

<b>S.No</b>	<b>Description of Documents</b>	<b>Annex</b>	<b>Pages</b>
1.	Grounds of Service Appeal		1-4
2.	Affidavit		5
3.	Addresses of parties		6
4.	Copies of the medical prescriptions		7-27
5.	Copy of the inquiry report and dismissal order dt.09.05.2013		28
6.	Copy of application		29
7.	Wakalatnama		30

  
Appellant

Through

  
**Muhammad Arshad Yousafzai**  
Advocate Supreme Court  
Cell No.0300-9051061

Dated 10.04.2014

①

**BEFORE THE SERVICE TRIBUNAL, KPK,**  
**PESHAWAR**

Service Appeal No. 110 of 2013

Adnan Jehan S/o Jehangir  
Odi Gram, Tehsil Babuzai, District Swat  
Ex-Constable No.2751, Police Lines, Swat

SWAT Province  
39  
10-1-2014

.....Appellant

Versus

1. District Police Office (DPO), Gulkata at Swat
2. Regional Police Officer, Malakand Division (DIG)  
At Saidu Sharif, Swat
3. Inspector General of Police (IGP) at Peshawar
4. Govt. of KPK  
Through Home Secretary,  
Civil Secretariat, Peshawar.....**Respondents**

**Service Appeal u/s 4 of the Service  
Tribunal Act, 1974 KPK against the  
order dated 09.05.2013 passed by  
respondent No.1.**

**Prayer in Appeal:**

***On acceptance of the instant appeal,  
the impugned order dt.09.05.2013  
passed by the respondent No.1 may  
please be set side and respondents  
be directed to re-instate the  
appellant with all back benefits.***

re-submitted to-429  
and filed.

23/1/2014

2

**Respectfully Sheweth:**

1. That the appellant was appointed as Police Constable while serving as Computer Operator in the Police Lines, Swat on 19.03.2010.
2. That the appellant was deputed for recruit training course at PTC Hangu in the year 2012 but he returned to district Swat unqualified on medical grounds. (Copies of the medical prescriptions are attached).
3. That once again the appellant was deputed for recruit training course at PTC Hangu on 02.04.2013.
4. That the respondent No.1 directed the inquiry against the appellant for his non-presence at PTC Hangu training course and dismissed the appellant from service on 09.05.2013. (Copy of the inquiry report and dismissal order dt.09.05.2013 is attached).
5. That the appellant submitted an application to respondent No.2 for joining the appellant on his service, but no order has been issued by respondent No.2 on the application of the applicant/appellant. (Copy of application is attached).

3

6. That the appellant waited for long time, so, now want to seek relief before this Honourable Court under the following grounds:

**GROUND S:-**

- A. That the impugned order dt.09.05.2013 passed by respondent No.1 is against the law, facts and circumstances of the case, hence liable to be set aside and not maintainable.
- B. That the respondents cannot awarded so major penalty/ punishment with giving any show cause notice to appellant.
- C. That the respondents cannot compel any person including appellant for long training course during his illness.
- D. That no formal information has been given by the respondents to the appellant of training course at PTC Hangu.
- E. That the appellant was appointed as Computer Operator in the Police Department and the said training is not necessary for such post.
- F. That the respondent No.1 was illegally directed the inquiry against the appellant, the process of



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inquiry was also illegal and procedure and the impugned is null & void in the eyes of law.

- G. That the appellant had not charge sheeted by the respondent nor the appellant has been proved guilty.
- H. That the whole proceedings against the appellant, is against law and procedure, so the respondents cannot dismissed from his service.
- I. That the appellant so many times visited the office of respondent No.1 for their view an application but they has not supplied.

It is therefore, requested to set aside the impugned order dt.07.05.2013 passed by respondent No.1 and reinstate the appellant on his service alongwith back benefits.

  
Appellant

Through

  
**Muhammad Arshad Yousafzai**  
Advocate Supreme Court

Dated 10.04.2014

5

**BEFORE THE SERVICE TRIBUNAL, KPK,**  
**PESHAWAR**

Service Appeal No. \_\_\_\_\_ of 2013

Adnan Jehan ..... **Appellant**  
Versus

District Police Office (DPO) & Others..... **Respondents**

**AFFIDAVIT**

I, Muhammad Arshad Yousafzai Advocate as per instruction of my client, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

  
**DEPONENT**

6

**BEFORE THE SERVICE TRIBUNAL, KPK,**  
**PESHAWAR**

Service Appeal No. \_\_\_\_\_ of 2013

Adnan Jehan ..... **Appellant**  
Versus

District Police Office (DPO) & Others..... **Respondents**


**ADDRESSES OF PARTIES**

**APPELLANT**

Adnan Jehan S/o Jehangir  
Odi Gram, Tehsil Babuzai, District Swat  
Ex-Constable No.2751, Police Lines, Swat

**RESPONDENTS**

1. District Police Office (DPO), Gulkata at Swat
2. Regional Police Officer, Malakand Division (DIG)  
At Saidu Sharif, Swat
3. Inspector General of Police (IGP) at Peshawar
4. Govt. of KPK  
Through Home Secretary,  
Civil Secretariat, Peshawar

  
Appellant

Through

  
**Muhammad Arshad Yousafzai**  
Advocate Supreme Court

Dated 10.04.2014

7

Sent To

OUT-DOOR PATIENT TICKET

District

CRP No: 2555

Facility Name

Name: Olya Age: Sex:

Father's/Husband's Name

15/10/12

Monthly OPD Serial No.

Provisional Diagnosis: Lower backache

Date

Clinical Findings / Investigations / Treatment / Referred / Test Findings

Str. severe  
Lower back pain  
yesterday

Dep  
CNS - initial  
only severe  
fundus over  
lower back.

Fig. Dechlorfenal Sod  
in Star.

Fig. Voltal Sol  
1+1

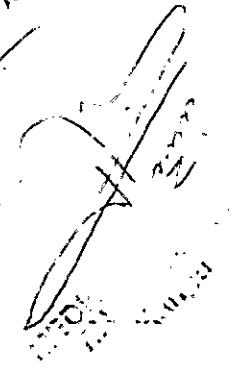
Fig. Neutizone/Lintiz  
x 1+1

ATTESTED

M.D.

⑧

~~Ad.~~ Complete Bed rest  
for a whole week



iv) Cervine 5  
cm 22.4  
inside subg...

9

No.

Rs. 5/-

OUT PATIENTS DEPARTMENT.

NAME J. B. J. J.  
YEARLY NO 22167  
DATE 1-4-73  
DISEASE \_\_\_\_\_

FACE VALUE RUPEES 5/-

Refer to orthopaedic OPD  
- @

CBP  
saw  
to @ of

827 (24) - 70 - J. S. A. 10

(25) - 50 - J. S. M. 10

(26) - J. S. C. 10

ATTESTED

M. D.

The @ advise to  
hard work and do  
work.

MEDICAL OFFICER  
HOSPITAL CENTRAL WING

10

No.

Rs. 5/-

OUT PATIENTS DEPARTMENT.

NAME J. B. J. J. J.

YEARLY NO 22-167

DATE 1-4-75

DISEASE \_\_\_\_\_

FACE VALUE RUPEES 5/-

Refer to orthopaedic OPD  
- @

CBP  
received  
to @ log.

*[Handwritten signature]*

827 (27) - 70: Mrs. A. Seno  
10'

(28) - 80: Mrs. Maynard  
10'

(29) - 90: Mrs. C. ...  
10' 10'

ATTESTED

*M. J.*

The *(28)* advise to  
hard work and  
work. 72

MEDICAL OFFICER

SAID ... TEACHING  
HOSPITAL CENTRAL WING

(11)

# ALI CLINICAL LABORATORY

(Regd)

Patient's Name Adnan

Exam Required Urine R/E

Regd No. 23 /HRA Time. 10:24 AM

## URINE COMPLETE

### Physical Exam.

<u>Test.</u>	<u>Result.</u>	<u>Test.</u>	<u>Result.</u>
Colour	<u>P. Yellow</u>	Turbidity	<u>Nil</u>

### Chemical Exam.

Sugar	<u>Nil</u>	Reaction	<u>Acidic (PH 5)</u>
Albumin	<u>Nil</u>	SP Gravity	<u>QNS</u>
Bilos	<u>Nil</u>	Urobilinogen	<u>Normal</u>

### Microscopic Exam.

<u>WBCs</u>	<u>3-4</u>	/HPF	<u>RBCs</u>	<u>0-1</u>	/HPF
<u>Epith Cells</u>	<u>Nil</u>	/HPF	<u>Casts</u>	<u>Nil</u>	/HPF
<u>General</u>					/HPF
					/HPF

Date: 5 October 2011

Note: If Our Results Does Not Correlate Clinical Findings then Please Do Ask This Lab On Same Day to Repeat the Test.

HCV, Hbs Ag, HBs Ab, HBe Ag, HBe Ab, Bone B, Device Method In This Lab.

Lab Tech.  
*M.B.*

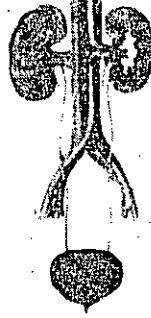
G.T. ROAD UDIGRAM SWAT PH: 770744

**ATTESTED**  
*M.A.*



Assistant  
**Professor Dr. Amin-ul-Haq**  
 M.B.B.S, (Pesh), M.S (Pak)  
 Fellow European Board of Urology (London)  
 F.A.C.S. (USA)

12



اسٹنٹ پروفیسر  
**ڈاکٹر امین الحق**

ایم۔ بی۔ بی۔ ایس۔ (پشاور) ایم۔ ایس۔ (پاک)  
 فیلو یورپین بورڈ آف یورالوجی (لندن)  
 ایف۔ اے۔ سی۔ ایس۔ (امریکہ)  
 یورالوجسٹ  
 یورالوجی وارڈ لیڈی ریڈنگ ہسپتال پشاور  
 ماہر امراض گردہ، مثانہ، پتھری مردانہ بائچھ پن، جنسیات  
 فون ہسپتال: 92113430-49

**Urologist**

Urology Unit, Lady Reading Hospital  
 Peshawar. Phone: 9211430-49

Name Mr Adnan Age 40 Sex M Date 27-10-2011

**Clinical Record**

Rx

elo  
 Pain @ flank  
 - 1 week

Op  
 HAD

Alb  
 U/S (KUB) → Nephroses  
 X-ray KUB → Med Nephri  
 - Urine UR → 2-3 pus cells  
 2-4 RBC

Handwritten notes in Urdu script, including "Chymotrip forte" and "Tad. Lee" (likely Tadalafil).

ATTESTED

*(Signature)*

# HILAL DIAGNOSTIC LABORATORY

*Dr. Mahmood-ul-Hassan*  
M.B.B.S, (Pesh) D.C.P. (C.A:Pesh)



*Mujahid Khan Marwat*  
Bio Chemist

13

\*\*\*\*\*  
 PATIENT NAME : **Adnan**                      DATE:            October 27, 2011  
 SEX :            MALE                              TIME            -----  
 AGE :            ? YEARS                              LAB.NO.        -----  
 REFERIEDBY :    Dr. Amin Ul Haq                      SPECIMEN     URINE  
 TEST REQUIRED : **URINE R/E**  
 \*\*\*\*\*

### RESULT

COLOUR	P.YELLOW	SUGAR	NIL
PH	ACIDIC	ALBUMIN	NIL
QUANTITY	5ML		

### MICROSCOPY

TEST	RESULT	UNIT
PUS CELL	02-----03	/HPF
RBC	02-----04	/HPF
EPITH. CELL	NIL	/HPF
Ca.OXALATE	NIL	/HPF
MUCUS THREAD	NIL	/HPF
AMORPH. URATES	NIL	/HPF
G.Casts	NIL	

**ATTESTED,**

*M.D.*

Signature

*(Handwritten Signature)*

Consultant

**Dr. Al. Saleem Afridi**

M.F.S.S. (Pb) M.A.I.U.M (USA)

Ex.

Asstt. Radiologist LRH Peshawar.

Radiologist Ministry of Health Iran.

Consultant Sonologist

**NEW NATIONAL**

ULTRASOUND & X-RAYS CLINIC



14

نیو نیشنل الراساؤنڈا اینڈ ایکس رے کلینک

**Dr. Jaleel Ahmed**

Sonologist

**Name: Mr Adnan.**

**Thursday, October 27, 2011**

**Ref by: Asstt. Prof. Dr. Amin ul Haq.**

**ABDOMINAL ULTRASOUND**

Right kidney shows mild hydronephrosis with proximal hydroureter.

Two tiny calculi measuring up to 0.5mm in diameters are seen in the right kidney.

Both kidneys are otherwise of normal size shape and echo pattern having adequate amount of renal cortex. There is no evidence of calculus, hydronephrosis or hydroureter on left side.

No vesicle lesion noticed.

Liver is normal in size and shape with homogeneous parenchymal echopattern. No focal lesion is seen in it.

Portal vein and CBD measure within normal limits.

Gall bladder is normal. No stone or mass is seen in it.

Pancreas is normal morphologically.

Spleen is normal with no focal lesion.

No ascites is seen. No enlarged para-aortic lymph nodes.

**Impression:**

Right mild hydronephrosis with proximal hydroureter likely due to distal obstruction by a mid/lower ureteric calculus.

Right small renal calculi.

Dr. Abdul Jaleel Ahmed.

Thanks for the referral.

**ATTESTED**

M. J.



# Swat Medical Complex

Saidu Sharif, Swat. Ph: 0946-710281-3, Fax: 0946-712193  
E-mail: smcswat@brain.net.pk

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## Dr. Shakil Ahmad

Diagnostic Imaging Specialist  
(Ultrasound & Nuclear Medicine)  
Director SINOR Cancer Hospital

ڈاکٹر شکیل احمد

ڈائگنوسٹک ایمیجنگ سپیشلسٹ  
(الٹراساؤنڈ اینڈ نیوکلیئر میڈیسن)  
ڈائریکٹر سینور کینسر ہسپتال

### Color & Power Doppler Ultrasound

Name	ADNAN	Reg No.	5050/11
Date	06.10.2011	Ref By	

**Liver** is normal in size and shape. The echotexture is normal. No focal defect such as mass, abscess, or cyst noted. Intrahepatic bile channels are normal. Portal vein appears normal.

**Gall Bladder** is normal. No calculus is seen in the lumen. Wall thickness is normal. No sonographic evidence of inflammatory changes is seen. CBD appears normal.

Aorta, IVC, hepatic veins, portal vein and aorta are of normal diameter and appearance

**Pancreas** is normal in size, shape and morphology.

**Spleen** is normal in size and shape. No focal defect seen.

**Right Kidney** The shape and size are normal. Parenchymal texture is normal. Cortical thickness is normal. Two calculi are seen measured 10 and 7 mm in the upper and lower calyces respectively. Another calculus 9.3 mm is present 68 mm away from renal pelvis

**Left Kidney** The shape and size are normal. Parenchymal texture is normal. Cortical thickness is normal. No growth or hydronephrosis noted.

**Urinary bladder** is well distended. Wall thickness is normal. No growth or calculi appreciated.

**Prostate:** is normal in shape and echotexture. Size is also normal.

No ascites or ascaris worms seen.

No lymphadenopathy seen

ATTESTED

M.A.

Impression: Right renal calculi / right mid ureteric calculus

Suggestions:

P.T.O

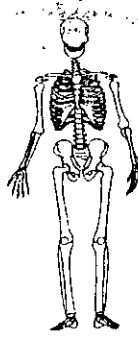
57

**NOTE:** The impression is based on the ultrasound findings at the time of examination and hence alone, or by no means the final verdict or holds legal value. The actual/final diagnosis may prove to be otherwise when lab or other investigations are carried out, which are strongly recommended before the initiation of treatment.

ORTHOPEDIC SURGEON

Assistant Professor  
**Dr. Dilawar Khan Mahsud**

MBBS (Pesh) MCPS (G. Surg) FCPS (Orthopedic Surgery)  
Incharge / Orthopedic Surgeon Orthopedic Ward,  
Saidu Group of Teaching Hospitals / Saidu Medical College Swat.  
Mob: 0331-0523629  
E-mail: drdkhan73@gmail.com



(16)

اسٹنٹ پروفیسر  
**ڈاکٹر دلاور خان محسود**

انچارج / آرٹھو پیڈک سرجن آرٹھو پیڈک وارڈ، سیدو گروپ آف ٹیچنگ ہسپتال  
ماہر امراض (انڈیا) - مہتر، ڈوڈ، عرق النساء، پائیو، کوروا، اعصابی درد، پٹوں کا درد، جزل سرجری

Consultation (By Appointment only)

Name: عینہ  
Age & Gender: 28 7/11  
Address: ...  
Date: 30/10

LBP → ...  
No rad.  
No HOFF/T

1. TMS. Sore & ...  
...

?  
Local tenderness  
L.S. joint

2. TMS. Max at ...  
...

Ad.  
...  
(AP/Cal)

3. TMS. Global ...  
...

[Signature]  
12

ATTESTED  
[Signature]

1. Acc LBP



17

# ANWAR CLINICAL LABORATORY SWAT

PH #: 0946-729013, 724848

PROF: ANWAR ALI  
MBBS; MCPS; M-Phil (Histopathology)

ASSISTANT: PROF: DR. AMREEK LAL  
MBBS, DC(Path), M.Phil(Haematology)

Patient Name -- ADNAN  
Consultant-----

ID# 9493

06-OCT-2011

TEST	RESULT	UNITS	NORMAL RANGE
UREA	19.6	mg/dl	10.0 - 50.0
CREATININE	1.00	mg/dl	0.20 - 1.30

\* If there is no correlation with your clinical findings then please do ask this lab to repeat the test on the same sample; as we preserve it till late evening.

DR AMREEK LAL

DR ANWAR ALI

ATTESTED

18

ANWAR CLINICAL LABORATORY

Service of Clinical Chemistry, Pathology, Microbiology, Immunology, Hematology, Biochemistry, Molecular Biology, Genetic Testing, etc.

No. B- 9493

Date: 05-October-2011 10:17:52 AM

Received from: (LJ) Ltd:

Rs. 200.00  
(TWO HUNDRED AND NINETEEN ONLY)

For: BLOOD UREA & CREATININE

Sorry for inconvenience if the report is delayed for any reason

CREATININE

\* If there is no correlation with your clinical findings then please do ask this lab to repeat the test on the same sample; as we preserve it till late evening.

DR AMREEK LAL

*[Signature]*  
DR ANWAR ALI

ATTESTED

*[Signature]*

Sent To \_\_\_\_\_

OUT DOOR PATIENT TICKET

District: \_\_\_\_\_

CRP No: 2555

Facility Name \_\_\_\_\_

Name: U. J. [unclear] Age: \_\_\_\_\_ Sex: \_\_\_\_\_

20

Father's / Husband's Name \_\_\_\_\_

15/10/12

Monthly OPD Serial No. \_\_\_\_\_

Provisional Diagnosis: Lower backache

Date

Clinical Findings / Investigations / Treatment / Referred / Test Findings

15/10/12  
Lower back pain  
yesterday

clp  
Exp. for  
CNS. Contact  
only after  
fundus over  
lower back.

for. Declofenac 500  
m stat.

Tab. Voltal 507  
1+1

Tab. Neutizone / Lintiz  
x 1+1

ATTESTED

M. J. [Signature]



Date

Clinical Findings / Investigations Treatment / Refered / Test Findings

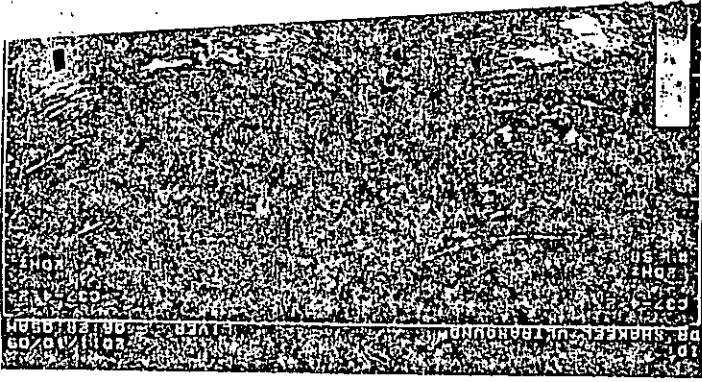
~~Ad.~~ Complete Bed rest  
for a whole week.

*[Signature]*  
M.D.

19

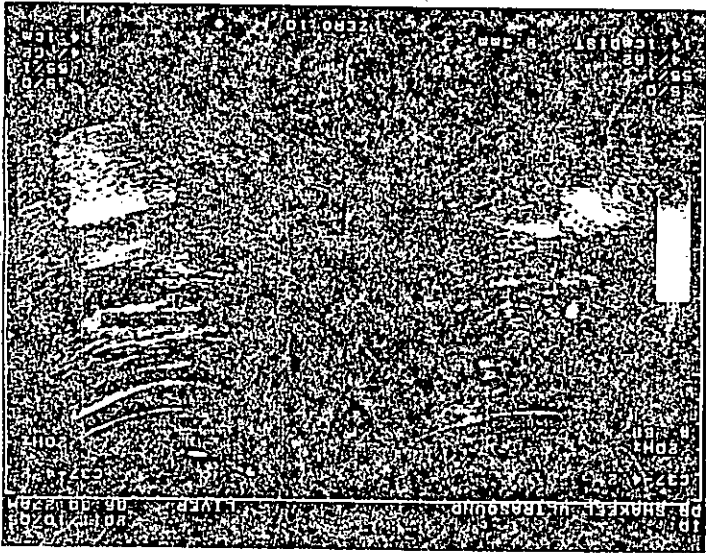
11/2  
Urethra  
757  
111  
on 11/26 8:30

Allen  
M.D.



3

21



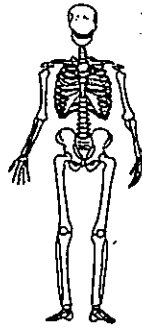
ATTESTED

*M. P.*

ORTHOPEDIC SURGEON

Assistant Professor  
**Dr. Dilawar Khan Mahsud**

MBBS (Pesh) MCPS (G. Surg) FCPS (Orthopedic Surgery)  
Incharge / Orthopedic Surgeon Orthopedic Ward,  
Saidu Group of Teaching Hospitals / Saidu Medical College Swat.  
Mob: 0331-0523629  
E-mail: drdkhan73@gmail.com



22

اسٹنٹ پروفیسر  
**ڈاکٹر دلاور خان محسود**

انچارج / آرٹھو پیڈک سرجن آرٹھو پیڈک وارڈ، سیدو گروپ آف ٹیچنگ ہسپتالز  
سائڈو گروپ آف ٹیچنگ ہسپتالز / سائڈو میڈیکل کالج سوات (پشاور)

Consultation (By Appointment only)

NOT VALID FOR ANY SORT OF MEDICO-LEGAL ASPECT

Name: عینا عثمان  
Age & Gender: 28 FN  
Address: گولڈن ٹاؤن  
Date: 30/10

LBP → Back  
No. rad  
No. AP/CT

1. MRS. Soneta  
CTI - 30

Local tenderness  
x-ray

2. MRS. Maroof  
CTI - 30

x-ray  
(AP/lat)

3. MRS. Qbal  
CTI - 30

**ATTESTED**  
M.A.

[Signature]  
12

ACC LBP

Consultant

**Dr. M. Saleem Afridi**

M.B.B.S. (Pb) M.A.I.U.M (USA)

Ex.

Asstt. Radiologist LRH Peshawar.

Radiologist Ministry of Health Iran.

Consultant Sonologist

**Dr. Jaleel Ahmed**

Sonologist

**NEW NATIONAL**

ULTRASOUND & X-RAYS CLINIC



23

نیو نیشنل الٹراساؤنڈ اینڈ ایکسرے کلینک

**Name: Mr Adnan.**

**Thursday, October 27, 2011**

**Ref by: Asstt. Prof. Dr. Amin ul Haq.**

**ABDOMINAL ULTRASOUND**

*Right kidney shows mild hydronephrosis with proximal hydroureter.*

*Two tiny calculi measuring up to 05mm in diameters are seen in the right kidney.*

*Both kidneys are otherwise of normal size shape and echo pattern having adequate amount of renal cortex. There is no evidence of calculus, hydronephrosis or hydroureter on left side.*

*No vesicle lesion noticed.*

*Liver is normal in size and shape with homogeneous parenchymal echopattern. No focal lesion is seen in it.*

*Portal vein and CBD measure within normal limits.*

*Gall bladder is normal. No stone or mass is seen in it.*

*Pancreas is normal morphologically.*

*Spleen is normal with no focal lesion.*

*No ascites is seen. No enlarged para-aortic lymph nodes.*

**ATTESTED**

**Impression:**

**Right mild hydronephrosis with proximal hydroureter likely due to distal obstruction by a mid/lower ureteric calculus.**

**Right small renal calculi.**

**Dr. Abdul Jaleel Ahmad.**

*Thanks for the referral.*

# HILAL DIAGNOSTIC LABORATORY

Dr. Mahmood-ul-Hassan  
M.B.B.S, (Pesh) D.C.P. (C.A:Pesh)



Mujahid Khan Marwat  
Bio Chemist

24

\*\*\*\*\*

PATIENT NAME	: Adnan	DATE	October 27, 2011
SEX	: MALE	TIME	-----
AGE	: ? YEARS	LAB.NO.	-----
REFERIEDBY	: Dr. Amin Ul Haq	SPECIMEN	URINE
TEST REQUIRED :	URINE R/E		

\*\*\*\*\*

## RESULT

COLOUR	P.YELLOW	SUGAR	NIL
PH	ACIDIC	ALBUMIN	NIL
QUANTITY	5ML		

## MICROSCOPY

TEST	RESULT	UNIT
PUS CELL	02-----03	/HPF
RBC	02-----04	/HPF
EPITH. CELL	NIL	/HPF
Ca.OXALATE	NIL	/HPF
MUCUS THREAD	NIL	/HPF
AMORPH. URATES	NIL	/HPF
G.Casts	NIL	

Signature *[Signature]*

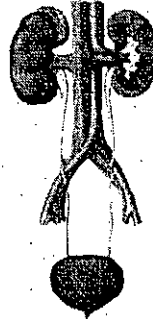
ATTESTED

*[Signature]*

25

Assistant  
**Professor Dr. Amin-ul-Haq**  
M.B.B.S, (Pesh), M.S (Pak)  
Fellow European Board of Urology (London)  
F.A.C.S. (USA)

اسٹنٹ پروفیسر  
**ڈاکٹر امین الحق**



ایم۔ بی۔ بی۔ ایس (پشاور) ایم۔ ایس (پاک)  
فیو یورجین یورڈ آف یورالوجی (لندن)  
ایف۔ اے۔ سی۔ ایس (امریکہ)  
یورالوجسٹ  
یورالوجی وارڈ لیڈی ریڈنگ ہسپتال پشاور  
ماہر امراض گردہ، مثانہ، پتھری مردانہ بائچھین، جنسیات  
فون ہسپتال: 92113430-49

**Urologist**  
Urology Unit, Lady Reading Hospital  
Peshawar. Phone: 9211430-49

Name Mr Adnan Age 40 Sex M Date 27-10-2011

**Clinical Record**

elo  
Pain @ flank  
- 1 week  
D/R  
H/O

Rx

Alb  
U/P (KUB) → Nephroses  
X-ray KUB → Med. Calc  
- Urinalysis → 2-3 pus cells  
2-4 RBC

ATTESTED

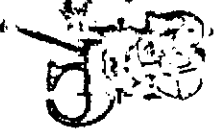
M.D.  
[Signature]

[Signature]  
[Signature]  
[Signature]  
[Signature]



# Swat Medical Complex

Saidu Sharif, Swat. Ph: 0946-710281-3, Fax: 0946-712193  
E-mail: smcswat@psain.net.pk



ڈاکٹر اشفاق احمد

رئیس شعبہ سونو لوجی  
(سونو لوجی اور ایڈوانسڈ ایڈیٹنگ)  
ہسپتال سینور کینسر سوات

Dr. Shakil Ahmad

Diagnostic Imaging Specialist  
(Ultrasound & Nuclear Medicine)  
Director SINOR Cancer Hospital

## Color & Power Doppler Ultrasound

Name	ADMAN	Reg No.	202011
Date	06.10.2011	Ref By	

**Liver** is normal in size and shape. The echotexture is normal. No focal defect such as mass, abscess, or cyst noted. Intrahepatic bile channels are normal. Portal vein appears normal.

**Gall Bladder** is normal. No calculus is seen in the lumen. Wall thickness is normal. No sonographic evidence of inflammatory changes is seen. CBD appears normal.

Aorta, IVC, hepatic veins, portal vein and aorta are of normal diameter and appearance.

**Pancreas** is normal in size, shape and morphology.

**Spleen** is normal in size and shape. No focal defect seen.

**Right Kidney** The shape and size are normal. Parenchymal texture is normal. Cortical thickness is normal. Two calculi are seen measured 10 and 7 mm in the upper and lower calyces respectively. Another calculus 8 mm is present 68 mm away from renal pelvis.

**Left Kidney** The shape and size are normal. Parenchymal texture is normal. Cortical thickness is normal. No growth or hydronephrosis noted.

**Urinary bladder** is well distended. Wall thickness is normal. No growth or calculi appreciated.

**Prostate:** is normal in shape and echotexture. Size is also normal. No ascites or ascaris worms seen. No lymphadenopathy seen.

ATTESTED

M. R. A.

Impression: Right renal calculi / right mid ureteric calculus

Suggestions:

9.7.0

P.S

NOTE: The impression is based on the ultrasound findings at the time of examination and hence alone, or by no means the final verdict or holds finality. The essential diagnosis may prove to be otherwise when lab or other investigations are carried out which are strongly recommended for the patient's benefit.

QSTA

# ALI CLINICAL LABORATORY

(Regd)

Patient's Name Adnan

Exam Required Urine R/E

Regd No. 23 /HRA Time 10:24 AM

## URINE COMPLETE

### Physical Exam.

Test.	Result.	Test.	Result.
Colour	<u>P.Yellow</u>	Turbidity	<u>Nil</u>

### Chemical Exam.

Sugar	<u>Nil</u>	Reaction	<u>Acidic (PH 5)</u>
Albumin	<u>Nil</u>	SP Gravity	<u>QNS</u>
Bites	<u>Nil</u>	Urobilinogen	<u>Normal</u>

### Microscopic Exam.

Pus Cells	<u>3-----4</u>	/HPF	RBC, s	<u>0-----1</u>	/HPF
Epith Cells	<u>Nil</u>	/HPF	Casts	<u>Nil</u>	/HPF
General	_____	/HPF			/HPF

Date: 5 October 2011

Note. If Our Results Does Not Correlate Clinical Findings Then Please Do Ask This Lab On Same Day to Repeat The Test.

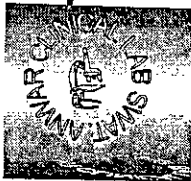
HCV,Hbs Ag,HIV(AIDS),H.Pylori,Toxo,ICT(1B) Are Done By Device Method In This Lab.

Lab Tech.  
*M.D.*

G.T . ROAD UDIGRAM SWAT PH: 770744

ATTESTED  
*M.D.*





26

# ANWAR CLINICAL LABORATORY SWAT

PH #: 0946-729013, 724848

PROF: ANWAR ALI  
MBBS; MCPS; M-Phil (Histopathology)

ASSISTANT: PROF: DR. AMREEK LAL  
MBBS, DC(Path), M.Phil(Haematology)

Patient Name -- ADNAN  
Consultant-----

ID# 9493

06-OCT-2011

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DR AMREEK LAL

DR ANWAR ALI

ATTESTED

*[Signature]*



# Swat Medical Complex

Saidu Sharif, Swat. Ph: 0946-710281-3, Fax: 0946-712193  
E-mail: smcswat@brain.net.pk

27

## Dr. Shakil Ahmad

Diagnostic Imaging Specialist  
(Ultrasound & Nuclear Medicine)  
Director SINOR Cancer Hospital

ڈاکٹر شکیل احمد

ڈائگنوسٹک ایمیجنگ سپیشلسٹ  
(الٹراساؤنڈ اینڈ نیوکلیئر میڈیسن)  
ڈائریکٹر سینور کینسر ہسپتال

## Color & Power Doppler Ultrasound

Name	ADNAN	Reg No.	5050/11
Date	06.10.2011	Ref By	

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**Prostate:** is normal in shape and echotexture. Size is also normal.

No ascites or ascaris worms seen.

No lymphadenopathy seen

ATTESTED,

U.A.

Impression: Right renal calculi / right mid ureteric calculus

Suggestions:

P.T.O

U.A.

**NOTE:** The impression is based on the ultrasound findings at the time of examination and hence alone, or by no means the final verdict or holds legal value. The actual/final diagnosis may prove to be otherwise when lab or other investigations are carried out: which are strongly recommended before the initiation of treatment.

Approved

28

11

013 No. 83  
9.5.13

کالڈ رولس  
کالڈ رولس

قائمہ رولز کی اصلاح انڈیا ریفرم ایکٹ 2751

حالیہ

جو کہ انڈیا ریفرم ایکٹ 2751 کے تحت ہے۔  
مذکورہ دورہ 19<sup>3</sup>/<sub>10</sub> کو فیڈ بک میں کیا گیا۔  
جو کہ رولز میں ترمیموں کی ضرورت ہے۔  
اسی دوران  
کمیٹی نے ایک رپورٹ پیش کی جس میں  
کمیٹی نے رولز میں ترمیموں کی ضرورت  
کا اظہار کیا ہے۔  
اسی دوران  
کمیٹی نے ایک رپورٹ پیش کی جس میں  
کمیٹی نے رولز میں ترمیموں کی ضرورت  
کا اظہار کیا ہے۔

دورہ 13 کو رولز کی اصلاح کے متعلق  
کمیٹی نے ایک رپورٹ پیش کی جس میں  
کمیٹی نے رولز میں ترمیموں کی ضرورت  
کا اظہار کیا ہے۔

اسی دوران  
کمیٹی نے ایک رپورٹ پیش کی جس میں  
کمیٹی نے رولز میں ترمیموں کی ضرورت  
کا اظہار کیا ہے۔

دوران انڈیا ریفرم ایکٹ 2751  
کمیٹی نے ایک رپورٹ پیش کی جس میں  
کمیٹی نے رولز میں ترمیموں کی ضرورت  
کا اظہار کیا ہے۔

ATTESTED

M. D.

دائیں

کمیٹی کے سربراہ

دستخط

05/11/13

4/5

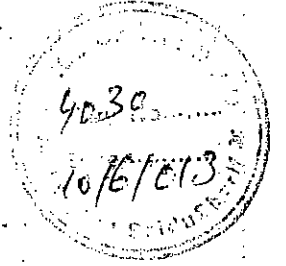
122/R

05/11/13

9.5.13

29

اب ڈی اے ای ملاکنڈ ڈویژن سیدو شریف سوات



مکمل کوئلہ پولیس میں دوبارہ جانچ کر کے حکم صادر فرمائیں۔

درخواست ذیل عرض ہے۔

N. 598  
D. 18/6/13

یک سال عدنان جہان اور جہانگیر سکندراؤ گرام تحصیل ایبوت آباد ضلع سوات کا اصل باشندہ ہے۔

یک سال مورسہ 19-03-2010 کو حکم پولیس میں بحال رہا (کانشیل کمپیوٹر آپرٹر) سرکاری ملازم برقی ہوا تھا۔

یہ کہ سال ریکورڈ ٹریک کیلئے سلیکشن ہو چکا تھا اور سال میں ہماری ٹریک بند ہے سکا۔

یہ کہ سال اب دوبارہ حکم پولیس میں بحال ہونے کا خواہش مند ہے۔

بدین وجہ سال اب آپ صاحبان سے التماس کرتے ہیں کہ آپ صاحبان مہربانی کر کے سال کو دوبارہ حکم پولیس میں بحالیت کا کنشیل کمپیوٹر

آپ کو بحال کرنے کا حکم صادر فرمائیں۔ جو بندہ تاحیات بحال ہو گا۔

2939

4/6/13

DPO/Swat

for Comd's. d. 18/6/13  
in same record.

الرقوم:

سال عدنان جہان ولد جہانگیر

شناختی کارڈ نمبر: 15602-9670481-7

سابقہ بلٹ نمبر: 2751 ضلع سوات

ATTESTED

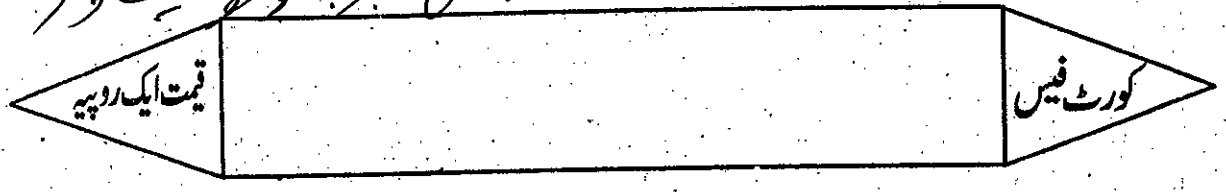
M. D.

EC / DSP / Legal, Swat  
for comments.

Ch

DPO/Swat  
06/06/13

# بعدالت جناب سرورس لٹریٹوریل فرینڈس ایشیا اور



مورخہ  
مقدمہ  
دعویٰ  
جرم

۲۰ جناب اسٹیوڈنٹ  
عبدالرحمن بنام ڈاکٹر ابو الحسن افریدی

سرورس لٹریٹوریل فرینڈس

## باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی وجواب وہی وکل کارروائی متعلقہ آن مقام شہر سندھ احمد آباد لٹریٹوریل فرینڈس لٹریٹوریل فرینڈس مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زرا اور اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ مذکور کے نسل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقررہ شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوا یہ مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سند ہے

المرقوم  
۱۵ ماہ جنوری  
۱۹۱۶ء

واہ شہد

عبدالرحمن (اسٹیوڈنٹ)

العبد گواہ شدہ العبد

بمقام شہر سندھ کے لئے منظور ہے

Attested and signed  
M. D.

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

Service Appeal No. 110/2014

Adnan Jehan.

...Appellant

**VERSUS**

The District Police Officer Swat and Others.

...Respondents

**REJOINDER BY THE APPELLANT**

Respectfully Sheweth:

Preliminary Objections:

That all the preliminary objections are incorrect, baseless, whimsical and against the law, rules and facts, hence the same are denied specifically. Moreover the appeal is filed within time with clean hands and the appellant has got a prima facie case in his favour and this Honourable Tribunal has got the jurisdiction to adjudicate upon the same.

On Facts:

1. Para 1 of the comments as is based on misstatements and surmises. The appellant was sick and could not join the training, the medical reports are already annexed with the appeal, hence the para is denied to the extent of willful absence.
2. Para 2 of the comments as drafted is incorrect and against the law, rules and facts, hence the same is denied.
3. Para 3 of the comments as drafted is also incorrect and based on misstatements. The medical leave of

the appellant was not considered for reasons best known to the respondents, hence the para is denied.

4. Para 4 of the comments as drafted is incorrect, baseless and in need of support as the medical record of the appellant is not considered against the law, hence the same is denied.
5. Para 5 of the comments as drafted also is based on misstatements as the appellant has preferred the departmental appeal well within time after the communication of the order impugned. Hence the para is denied.
6. Para 6 also is incorrect and against the law, hence the same is denied.

On Grounds:

- A. Ground A of the comments as drafted is incorrect as can be seen from the order, the same does not fall within the definition of the speaking order, hence the same is denied.
- B. Ground B of the comments as drafted is based on misstatement and concealment of the same as the medical record of the appellant has not been considered at neither any proper inquiry has ever been conducted, hence the para is denied.
- C. Ground C of the comments as drafted is incorrect and in want of roof, as the appellant was never sent for examination by the standing medical board, as is required under the law to ascertain the ailment/illness, hence the para is denied.

D. Ground D of the comments as drafted is incorrect and in want of proof, hence denied.

E. Ground E of the comments as drafted is incorrect hence denied.

F. Ground F of the comments as drafted is incorrect, no proper inquiry as required under the law has ever been conducted and the appellant was neither afforded proper chance of self defence nor was his defence version considered at all for no reasons, whatsoever.


G. Ground G of the comments as drafted is incorrect and self-contradictory, hence the same is denied.

H. Ground H of the comments as drafted is incorrect, hence denied.

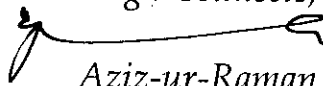
I. Ground I of the comments as drafted is vague evasive and incorrect, hence the same is denied.

It is, therefore, very respectfully prayed that on acceptance of this rejoinder the appeal of the appellant may very kindly be decided as prayed for originally.

Appellant

  
Adnan Jehan

Through Counsels,

  
Aziz-ur-Raman

  
Imdad Ullah  
Advocates Swat



BEFORE THE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 110/2014

Adnan Jehan.

...Appellant

**VERSUS**

The District Police Officer Swat and Others.

...Respondents

AFFIDAVIT

It is solemnly stated on Oath that all the contents of this rejoinder are true and correct to the best of my knowledge and belief and nothing has either been misstated or kept concealed before this Honourable Tribunal.

Deponent

*Adnan Jehan*  
Adnan Jehan

Identified By:

*Imdad*  
Imdad Ullah  
Advocate Swat

REGISTERED  
*Imdad*  
ADVOCATE  
SWAT  
No. 02 Date 21/11/2017

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

In the matter of:-

Adnan Jahan Appellant

VERSUS

The DPO Swat and others Respondent

KNOWN ALL to whom these present shall come that I/we, the undersigned appoint

**AZIZ-UR-RAHMAN and IMDAD ULLAH**  
Advocates High Court

To be the advocate for the Appellant in the above mentioned case to do all the following acts, deeds and things or any one of them, that is to say:-

- ❖ To acts, appear and plead in the above mentioned case in this court or any other Court in which the same may be tried or heard in the first instance or in appeal or review or revision or execution or at any other stage of its progress until its final decision.
- ❖ To present pleadings, appeals, cross objections or petitions for execution review, revision, withdrawal, compromise or other petition or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of the said case in all its stages.
- ❖ To withdraw or compromise the said or submit to arbitration any difference or dispute that shall arise touching or in any manner relating to the said case.
- ❖ To receive money and grant receipts therefore, and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.
- ❖ To employ any other Legal Practitioner authorizing him to exercise the power and authorities hereby conferred on the Advocate wherever he may think fit to do so.
- ❖ I understand that the services of aforesaid lawyer are hired irrespective of the outcome of the case.

And I/We hereby agreed to ratify whatever the advocate or his substitute shall to do in the said premises.

And I/We hereby agree not to hold the Advocate or his substitute responsible for the result of the said case in consequences of his absence from the Court when the said case is called up for hearing.

And I/We hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the Advocate remaining unpaid, the Advocate shall be entitled to withdraw from the prosecution of the case until the same is paid.

IN THE WITNESS WHEREOF I/WE hereunto set my/our hand(s) to these present the contents of which have been explained to and understood by me/us, this 02 day of 01 2017

\_\_\_\_\_  
(Signature or thumb impression)

Accepted subject to terms regarding fees

Aziz-Ur-Rahman  
(AZIZ-UR-RAHMAN)

Advocate High Court  
Office: Khan Plaza, Gulshone Chowk  
G.T. Road Mingora, District Swat.  
Cell No. 0300 907 0671

Adnan Jahan  
(Signature or thumb impression)

\_\_\_\_\_  
(Signature or thumb impression)

Imdad Ullah  
(IMDAD ULLAH)

Advocate High Court  
Office: Khan Plaza, Gulshone Chowk,  
G.T. Road, Mingora, District Swat  
Cell No. 0333 929 7746

From

The Regional Police Officer,  
Malakand, at Saidu Sharif, Swat

796/8

24-9-13

To

The District Police Officer, Swat.

No.

8512

/E, dated Saidu Sharif, the 19/9/2013.

Subject

APPLICATION FOR RE-INSTATEMENT IN SERVICE.

Reference

Reference your office Memo: No. 3387/E, dated 05/07/2013 on the

subject.

Application of Ex- Constable Adnan Jehan No. 2751 of your District  
for reinstatement in service was examined and filed by the worthy Regional Police Chief.

The applicant may be informed accordingly.

EC/OASi  
for a letter

Office Supdt:  
For Regional Police Officer,  
Malakand, at Saidu Sharif Swat

DP/ Swat.  
20/09/13

\*

Before the

Services Tribunal KPK Mingora Swat

## WAKALAT NAMA

Case No. \_\_\_\_\_ of \_\_\_\_\_:

Titled:

Adnan Jehan

VERSUS

& GOVT of KPK. etc.

I/We, Adnan Jehan

do hereby appoint

Sardar Zulfiqar & Aurangzeb, Advocates, High Court (s), in the above mentioned case, to do all or any of the following acts, deeds and things:-

- 1) To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard, and any other proceedings arising out of or connected therewith.
- 2) To sign and verify and file, petitions, appeals, affidavits and applications as may be deemed necessary or advisable by them for the conduct, prosecution or defense of the said case at all its stages.
- 3) To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of the proceedings.
- 4) To do any act necessary or ancillary to the above acts, deed and things.
- 5) To appoint any other counsel to do any/all of the acts, deeds and things.
- 6) I/we, shall appear in the court/tribunal on every date of hearing for assistance and if due to my/our non appearance, any adverse judgment/order/decreed is passed, they will not be held responsible.

IN WITNESS whereof I/we have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this 06-07-2015

Adnan Jehan  
Signature of Executant(s)

ATTESTED & ACCEPTED BY:

Sardar Zulfiqar  
Advocate,  
High Court (s)

Aurangzeb  
Advocate,  
High Court (s)

**Swat Law Inn**

8.9-C, Continental Plaza, Makanbagh, Mingora, Swat, Ph: 0946-725180

BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR.

Service Appeal No. 110/2014

Adnan Jehan.....(Appellant)

VERSUS

District Police Officer, Gulkata at Swat and others.....(Respondents)

Subject:- COMMENTS ON BEHALF OF RESPONDENTS.

Respectfully Sheweth!

Preliminary Objections:-

- a) The appeal has not been based on facts.
- b) The appeal is not maintainable in the present form.
- c) The appeal is bad for mis-joinder and non-joinder of necessary parties.
- d) The appellant is estopped to file the appeal.
- e) The appeal is barred by law and limitation.
- f) The appellant has not come to the Honorable Tribunal with clean hands.

FACTS:-

1. Correct to the extent that appellant was enlisted in Police department as constable and he was detailed for basic training at PTC Hangu but he was reverted to district as unqualified on charges of absence from training program. He was again detailed for training but he did not join the basic course and remained absent for long period. Therefore, he was dismissed from service vide order dated 09.05.2013. Proper charge sheet and statement of allegations were issued to appellant and enquiry was conducted through responsible officer. Copy of charge sheet, statement of allegations and finding report are enclosed as Annexure-A, B, C respectively.
2. Incorrect, appellant was reverted unqualified as he was not attending training program.
3. Correct to the extent that appellant was again detailed for training but he avoided joining training and absented himself from duty. Report to this effect was

recorded in the daily diary of Police Lines District Swat vide Serial No. 108 dated 02.04.2013. Extract of the daily diary is enclosed as Annexure-D.


4. Incorrect Appellant was willfully and deliberately avoiding joining basic course therefore, the impugned order was correctly passed.
5. Incorrect, the impugned order of dismissal from service was passed on 09.05.2013 and appellant submitted an application for restoration of his service on 10.06.2013 which was not only badly time barred but also unsustainable.
6. Incorrect, appellant approached the Service Tribunal in the year 2014, filed the service appeal on 10.04.2014 while he was dismissed from on 09.05.2013, therefore, the appeal of appellant is badly time barred.

GROUND:-


- A. Incorrect, the impugned is just, legal and has been passed in accordance with law and rules.
- B. Incorrect, proper charge sheet and statement of allegations were issued to appellant and he submitted reply and failed to explain his long absence from duty.
- C. Incorrect, appellant has advanced lame excuses of his illness actually he was avoiding joining enquiry proceedings and performing duties.
- D. Incorrect, appellant was informed as evident from report recorded in the daily diary of Police Lines.
- E. Incorrect, appellant was appointed as constable, since he had not qualified basic course therefore, he was detailed for light duty of computer operator.
- F. Incorrect, enquiry was ordered and conducted in accordance with law and rules.
- G. Incorrect, charge sheet and statement of allegations was issued to appellant and he submitted reply in response to the charge sheet. He was making lame excuses of illness with sole aim of avoiding joining basic course.

- H. Incorrect, the whole proceedings against appellant were conducted in accordance with law and rules.
- I. Incorrect, appellant has advanced false plea to substantiate the delay in filing departmental appeal and service appeal.


It is therefore, requested that the appeal of the appellant may be dismissed with costs.




District Police Officer,  
Gulkata Swat,  
(Respondent No.1)



Regional Police Officer,  
Malakand Division  
Saidu Sharif Swat,  
(Respondent No.2)



Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar  
(Respondent No.3)



Home Secretary,  
Civil Secretariat,  
Khyber Pakhtunkhwa,  
Peshawar.  
(Respondent No.4)

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

Service Appeal No. 110/2014

Adnan Jehan .....Appellant

**VERSUS**


1. District Police Officer, Gulkada at Swat and others.....

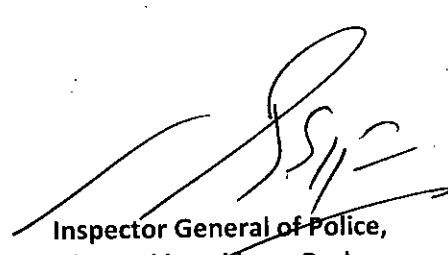
**Respondents**


**POWER OF ATTORNEY**

We, the undersigned No. 01 to 04 do hereby appoint Aziz Ur Rehman DSP Legal Swat as Special representative on our behalf in the above noted appeal. He is authorized to represent us before the Tribunal on each and every date fixed and to assist the Govt: Pleader attach to Tribunal.

  
District Police Officer, Swat  
(Respondent No. 01)

  
Regional Police Officer,  
Malakand Saidu Sharif, Swat.  
(Respondent No. 02)

  
Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 03)

  
Home Secretary,  
Civil Secretariat,  
Khyber Pakhtunkhwa,  
Peshawar  
(Respondent No. 04)



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

Service Appeal No. 110/2014

Adnan Jehan .....Appellant

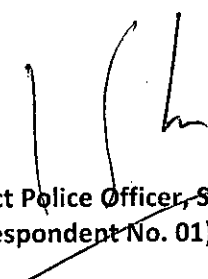
**VERSUS**


1. District Police Officer, Gulkada at Swat and others.....

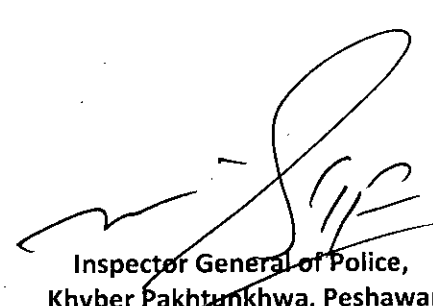
**Respondents**

**AFFIDAVIT**

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

  
District Police Officer, Swat  
(Respondent No. 01)

  
Regional Police Officer,  
Malakand Saidu Sharif, Swat.  
(Respondent No. 02)

  
Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 03)

Home Secretary,  
Civil Secretariat,  
Khyber Pakhtunkhwa,  
Peshawar  
(Respondent No. 04)

A

**CHARGE SHEET**

I Mr. Gul Afzal Afridi DPO Swat as competent authority, hereby charge you, Constable Adnan Jehan No.2751 while posted to JIS Police Lines, Swat as follows:-

It has been reported against you that you while posted to JIS Police Lines, Swat committed the following act / acts, which is / are gross misconduct on your part as defined in Rules 2 (iii) of Police Disciplinary Rules 1975.

You Constable Adnan Jehan No.2751 while selected for Recruit Course vide O.B. No.55, dated 01-04-2013 at PTC Hangu, but you were found absented yourself w.e.f. 01-04-2013 uptill now and did not attend Mobile Phone nor reported your arrival in JIS Police Lines, Swat vide report of Lines Officer, JIS Police Lines, Swat, dated 04-04-2013.

2. By reasons of the above, you appear to be guilty of misconduct and rendered yourself liable to all or any of penalties specified in Rule-4 of the Disciplinary Rules 1975.

3. You are, therefore, required to submit your written reply within seven (7) days of the receipt of this Charge Sheet to the Enquiry officer.

4. Your written reply, if any, should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.

5. Intimate as to whether you desire to be heard in person or not.

6. A statement of allegations is enclosed.

District Police Officer, Swat

No. 57 /E,

Dated: 17-04 /2013

*Lo for enquiry's report*

*MIA  
D.S.P. / H-8  
18/4/13*

A

**CHARGE SHEET**

I Mr. Gul Afzal Afridi DPO Swat as competent authority, hereby charge you, Constable Adnan Jehan No.2751 while posted to JIS Police Lines, Swat as follows:

It has been reported against you that you while posted to JIS Police Lines, Swat committed the following act / acts, which is / are gross misconduct on your part as defined in Rules 2 (iii) of Police Disciplinary Rules 1975.

You Constable Adnan Jehan No.2751 while selected for Recruit Course vide O.B. No.55, dated 01-04-2013 at PTC Hangu, but you were found absented yourself w.e.f. 01-04-2013 uptill now and did not attend Mobile Phone nor reported your arrival in JIS Police Lines, Swat vide report of Lines Officer, JIS Police Lines, Swat, dated 04-04-2013.

2. By reasons of the above, you appear to be guilty of misconduct and rendered yourself liable to all or any of penalties specified in Rule-4 of the Disciplinary Rules 1975.

3. You are, therefore, required to submit your written reply within seven (7) days of the receipt of this Charge Sheet to the Enquiry officer.

4. Your written reply, if any, should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.

5. Intimate as to whether you desire to be heard in person or not.

6. A statement of allegations is enclosed.

District Police Officer, Swat

No. 59 /E,

Dated: 17-04 /2013

*Lo for enquiry report*

*M/A  
DSR/H  
18/4/13*

B

**DISCIPLINARY ACTION**

I Mr. Gul Afzal Afridi DPO Swat as competent authority, is of the opinion that he Constable Adnan Jehan No.2751 while posted to JIS Police Lines, Swat, Swat has rendered himself liable to be proceeded against departmentally as he has committed the following acts/omissions as defined in Rule 2 (iii) of Police Rules 1975, as per Provincial Assembly of Khyber Pukhtunkhwa Notification No. PA/Khyber Pukhtunkhwa/Bills/2011/44905 dated 16/09/2011 and C.P.O, K.P.K Peshawar Memo: No. 3037-62/Legal, dated 19/11/2011.

**STATEMENT OF ALLEGATIONS**

It has been reported that he while posted to JIS Police Lines, Swat, committed the following act / acts, which is / are gross misconduct on his part as defined in Rules 2 (iii) of Police Rules 1975.

That Constable Adnan Jehan No.2751 while selected for Recruit Course vide O.S. No.55, dated 01-04-2013 at PTC Hangu, but he was found absented himself w.e.f. 01-04-2013 uptill now and did not attend Mobile Phone nor reported his arrival in JIS Police Lines, Swat vide report of Lines Officer, JIS Police Lines, Swat, dated 04-04-2013.

2. For the purpose of scrutinizing the conduct of the said officer with reference to the above allegations, DSP/Hqrs: Swat is appointed as Enquiry Officer.

3. The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused officer, record its findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

4. The accused officer shall join the proceedings on the date, time and place fixed by the enquiry officer.

District Police Officer, Swat

No. 57 /EB, Dated Gulkada the, 17-04 2013.

Copy of above is forwarded to the:-

1. DSP/Hqrs: Swat for initiating proceeding against the accused Officer/ Official namely Const: Adnan Jehan No.2751 under Police Rules, 1975.
2. Constable Adnan Jehan No.2751:-  
With the direction to appear before the enquiry officer on the date, time and place fixed by the enquiry officer for the purpose of enquiry proceeding.

\*\*\*\*\*



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(D)

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