

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 1149/2014

Date of institution ... 15.09.2014
Date of judgment ... 16.10.2019

Hashmat Ali, Constable No. 3396,
R/o Hasan Khel, Surizai Bala, Peshawar

... (Appellant)

VERSUS

1. IGP/Provincial Police Officer Khyber Pakhtunkhwa, Peshawar.
2. DIG Police Headquarters, Peshawar.
3. Chief Capital City Police, Peshawar.
4. Accountant General, Khyber Pakhtunkhwa, Peshawar.

... (Respondents)

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974,
AGAINST ORDER DATED 22.08.2014 WHEREBY THE
DEPARTMENTAL APPEAL OF THE APPELLANT DATED
21.04.2014 WAS PARTIALLY ACCEPTED, WHEREBY
REINSTATING THE APPELLANT WITHOUT PAY AND
OTHER BENEFITS.

Mr. Muhammad Zafar Tahirkheli, Advocate.

.. For appellant.

Mr. Kabirullah Khattak, Additional Advocate General

.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI

.. MEMBER (JUDICIAL)

MR. AHMAD HASSAN

.. MEMBER (EXECUTIVE)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Counsel for the
appellant and Mr. Kabirullah Khattak, Additional Advocate General for the
respondents present. Arguments heard and record perused.

2. Brief facts of the case as per present service appeal are that the appellant
was serving in Police Department. He was imposed major penalty of dismissal
from service vide order dated 14.09.2011 on the allegation of absence from duty
due to involvement in a criminal case Vide FIR No. 1285 dated 15.11.2010
under sections 302-324 PPC, PS Bahana Mari Peshawar. The appellant filed

Muhammad Amin Khan Kundi
16.10.2019

departmental appeal on 21.04.2014 which was accepted, the appellant was reinstated in service and the absence period was treated as without pay vide order dated 25.08.2014. Feeling aggrieved the appellant filed present service appeal on 15.09.2014.

3. Respondents were summoned who contested the appeal by filing written reply/comments.

4. Learned counsel for the appellant contended that the appellant was imposed major penalty of dismissal from service on the allegation of absence from duty due to involvement in the aforesaid criminal case vide order dated 14.09.2011. It was further contended that the appellant was acquitted by the competent court vide detailed judgment dated 14.04.2014 and after acquittal, the appellant immediately filed departmental appeal on 21.04.2014^{me} which was partially accepted, the appellant was reinstated in service however, the absence period was treated without pay and no benefits were granted for the period in which he remained out of service vide order dated 22.08.2014. It was further contended that the absence of the appellant was not deliberate but the appellant was involved in the false criminal case. It was further contended that when the appellant was acquitted by the trial court than the respondent-department was required to reinstate the appellant with back benefits but the departmental authority has illegally treated the absence period/out of service period without pay therefore, prayed for acceptance of appeal.

5. On the other hand, learned Additional Advocate General for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant was serving in Police Department. It was further contended that the appellant was involved in the criminal case vide FIR No. 1285 dated 15.11.2011 under sections 302-324 PPC, PS Bahana Mari Peshawar. It was further contended that the appellant remained absconder for the sufficient period and after completing the proceeding under section 512 Cr.PC he was


M Amin
16.10.2019

declared proclaimed offender as revealed from the judgment dated 14.04.2014. It was further contended that the appellant was imposed major penalty of dismissal from service on 14.09.2011 therefore, the appellant was required to file departmental appeal within one month but he has filed departmental appeal on 21.04.2014 after a delay of more than two years but despite time barred departmental appeal, the departmental authority has taken lenient view and reinstated the appellant into service therefore, it was vehemently contended that the appellant being remained absconder was not entitled to any back benefits and the departmental authority has rightly treated the absence period/out of service period as without pay and prayed for dismissal of appeal.

6. Perusal of the record reveals that the appellant was dismissed from service on the allegation of absence from duty due to involvement in the aforesaid criminal case vide order dated 14.09.2011. The record further reveals that the appellant was required to file departmental appeal within one month but he has filed departmental appeal after his acquittal on 21.04.2014⁴ after a delay of more than two years but despite the time barred departmental appeal, the departmental authority has taken lenient view, the appellant was reinstated in service and the absence period/out of service period was treated as leave without pay. Moreover, it is also proved from the judgment dated 14.04.2014 passed by the trial court that he was also declared proclaimed offender therefore, on the basis of no work no pay, the appellant was not entitled to any back benefits hence, the appeal has no force which is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
16.10.2019


Muhammad Amin
(MUHAMMAD AMIN KHAN KUNDI)
MEMBER


(AHMAD HASSAN)
MEMBER

10.07.2019


Appellant in person present. Mr. Kabir Ullah Khattak learned Additional Advocate General present. Appellant submitted application for adjournment. Application allowed. Adjourn. To come up for arguments on 23.09.2019 before D.B.



Member


Member

23.09.2019

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council learned counsel for the appellant is not in attendance. Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Adjourned. To come up for arguments on 16.10.2019 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

16.10.2019

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

Vide our detailed judgment of today consisting of three pages placed on file, the appeal has no force which is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
16.10.2019



(MUHAMMAD AMIN KHAN KUNDI)
MEMBER


(AHMAD HASSAN)
MEMBER

22.01.2019

Learned counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 01.03.2019 before D.B


(Hussain Shah)
Member

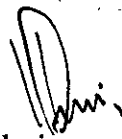

(Muhammad Amin Khan Kundi)
Member

01.03.2019

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

Due to general strike on the call of Bar Association instant matter is adjourned to 26.04.2019 before the D.B.


Member


Chairman

26.04.2019


Due to general strike of the bar, the case is adjourned. To come up for arguments on 10.07.2019 before D.B.


Member


Member

Service Appeal No. 1149/2014

27.08.2018 None present on behalf of the appellant. Mr. Ziaullah, Deputy District Attorney for the respondents present. Adjourned. To come up for arguments on 18.10.2018 before D.B.


(Ahmad Hassan)
Member



(Muhammad Amin Khan Kundi)
Member

18.10.2018 Clerk to counsel the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Clerk to counsel for the appellant seeks adjournment. Granted. Case to come up for arguments on 28.11.2018 before D.B.

20.11.2018


(Hussain Shah)
Member

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


(Ahmad Hassan)
Member


The former requests for adjournment on account of engagement of learned senior counsel is busy before Hon'ble High Court. Adjourned to 28.11.2018 before the D.B.

Member

Chairman

28.11.2018 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 is busy before the Hon'ble High Court. Adjourned to 22.01.2019 before the D.B.



Member


Chairman

13.02.2018


Clerk to counsel for the appellant and Mr. Kabir Ullah Khattak, Learned Additional Advocate General for the respondents present. Due to general strike of the bar, the case is adjourned. To come up for arguments on 11.04.2018 before D.B

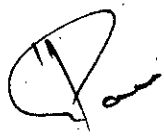

(Ahmad Hassan)
MEMBER


(Muhammad Hamid Mughal)
MEMBER

11.04.2018


Learned counsel for the appellant and Mr. Kabir Ullah Khattak, learned Additional Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 04.06.2018 before d.B


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

04.06.2018

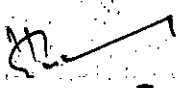
Clerk to counsel for the appellant present. Mr. Riaz Paindakheil learned Assistant Advocate General for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 26.07.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

26.07.2018

Due to sickness of learned Member (Executive), further proceedings could not be conducted. Adjourned. To come up for arguments on 27.08.2018 before D.B.


Member

20.03.2017

Counsel for the appellant and Mr. Ziaullah, GP for respondents present. Arguments could not be heard due to incomplete bench. To come up for arguments on 07.06.2017 before D.B.


(AHMAD HASSAN)
MEMBER

07.06.2017


Appellant in person present. Mr. Muhammad Adeel Butt, Additional AG for the respondents also present. Appellant requested for adjournment. Adjourned. To come up for arguments on 11.09.2017 before D.B.


(GUL ZEB KHAN)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

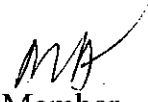
11.09.2017

Appellant in person and Asstt. AG for the respondents present. The Learned Chairman is on leave, therefore, arguments could not be heard. To come up for arguments on 11.12.2017 before the D.B.


(Gul Zeb Khan)
Member (Executive)

11.12.2017

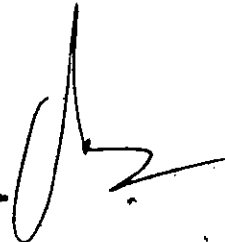
Appellant in person and Addl. AG alongwith Aziz Shah, H.C and Zakiullah, Senior Auditor for the respondents present. Counsel for the appellant is not in attendance. Seeks adjournment. Granted. To come up for arguments on 13.02.2018 before the D.B.


Member


Chairman

16.05.2016

Counsel for the appellant and Aziz Shah, HC alongwith Mr. Usman Ghani, Sr.GP for respondents present. Respondent-department is directed to submit complete enquiry report on the next date. To come up for such record and arguments on 03.10.2016.



Member



Member

03.10.2016

Since 3rd October, 2016 has been declared as public holiday on account of 1st Muharram therefore, case is adjourned for the same on 11-3-17.



Reader

03.02.2017

Counsel for the appellant and Abdul Majid, Admin Officer alongwith Mr. Ziaullah. GP for respondents present. Counsel for the appellant requested for adjournment. To come up for final hearing on 20.03.2017 before D.B.



Member



Chairman

5

03.04.2015

Appellant in person and Mr. Ansar Ahmad, AAO for respondent No. 4 alongwith Addl: A.G for all respondents present. Requested for adjournment. To come up for written reply/comments on 1.7.2015 before S.B.


Chairman

06

01.07.2015

Appellant in person, M/S Aziz Shah, Reader for respondents No. 1 to 3 and Ansar Ahmed, AAO for respondent No. 4 alongwith Addl: A.G for respondents present. Written statements submitted. The appeal is assigned to D.B for rejoinder and final hearing for 24.11.2015.


Chairman

24.11.2015

Counsel for the appellant and Mr. Ansar Ahmad, AAO alongwith Addl: AG for respondents present. Arguments could not be heard due to learned Member (Judicial) is on official tour to D.I. Khan. Therefore, the case is adjourned to 4/3/16 for arguments.


Member

04.03.2016

Counsel for the appellant and Mr. Aziz Shah, Head Constable alongwith Mr. Ziaullah, GP for respondents present. Counsel for the appellant requested for adjournment. To come up for arguments on 16.05.2016.


Member


Member

Appeal No. 1149/2014
Mr. Anwar-ul-Haq

Reader Note:

03.12.2014

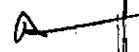
Counsel for the appellant present. Since the Tribunal is incomplete, therefore, case is adjourned to 09.02.2015 for the same.



Reader

09.02.2015

Counsel for the appellant present. Preliminary arguments heard and case file perused. Through the instant appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, the appellant has impugned order dated 14.09.2011, vide which the major penalty of removal from service has been imposed upon the appellant. Against the above referred impugned order appellant filed departmental appeal on 21.04.2014 which was partially accepted vide order dated 25.08.2014 where by the appellant was re-instated in to service and the absence period was treated without pay and no benefits is granted for the period in which he remained out of service, hence the instant appeal on 15.09.2014.

Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents, To come up for written reply/comments on 03.04.2015 before the learned Bench-III.


Member

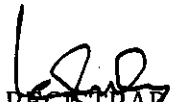

Appeal and deposited process fee & security.


Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 1149/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	15/09/2014	<p>The appeal of Mr. Hashmat Ali presented today by Mr. Muhammad Zaffar Tahirkheli 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	19-9-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>3-12-2014</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 1149 /2014

Hashmat Ali

Versus

IGP etc,

INDEX

S.No	Particulars	Annexure	Dates	Pages
1	Memo of Petition		-	1-2
2	Order	"A"	25-08-2014	3
3	Challan Form	"B"	-	4
4	Order	"C"	03-12-2010	5
5	Order	"D"	14-09-2011	6
6	Judgment & Order	"E"	14-04-2014	7-16
7	Departmental Appeal	"F"	21-04-2014	17-18
8	Vakalatnama		-	19

Peshawar

Dated: 12th /Sep, 2014

(MUHAMMAD ZAFAR TAHIRKHELI)
Advocate High Court

ANSAR ULLAH KHAN
Advocate High Court Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 1149 /2014

Hashmat Ali, Constable No. 3396,
r/o Hasan Khel, Surizai Bala, Peshawar

..... Appellant

VERSUS

1. IGP / Provincial Police Officer Khyber Pakhtunkhwa, Peshawar.
2. DIG]Headquarters, Peshawar
3. Chief Capital City Police, Peshawar
4. Accountant General, Khyber Pakhtunkhwa, Peshawar

..... Defendants

=====

**Service Appeal U/S 4 Of NWFP Service Tribunal Act, 1974, Against
Order Dated 22-08-2014 Whereby The Departmental Appeal Of The
Appellant Dated 21-04-2014 Was Partially Accepted, Whereby Re-
instating The Appellant Without Pay and Other Benefits.**

=====

- PRAYER IN APPEAL:**
- a. By accepting this appeal and modifying the impugned order dated 22-08-2014 (Copy Annexed "A"), by granting the appellant his pay, perks and privileges along with other financial benefits w.e.f 06-08-2010 till 22-08-2014.
 - b. It is further prayed that his pay and privileges for the suspension period may also be granted in addition to the relief claimed above.

Respectfully Sheweth,

1. The appellant initially joined the Police Service in 2003 as Constable. He undertook all the necessary trainings for the performance of his duties. No complaint of any sort was ever filed against him, and was never served with any adverse remarks during entire period of his service. The appellant has been serving the department honestly and diligently to the utmost satisfaction of his superiors.

That the appellant's brother Shafqat Ali, Constable P.S Yakatoot embraced martyrdom at the hands of terrorists while performing his duties on 02-07-2009. His other brother was also murdered due to dispute over property.

That his opponents in order to entrap him registered a false FIR No. 1285 dated 15-11-2011, u/s 302-324 PPC, PS Bahana Mari Peshawar. (Copies annexed hereto marked "E").

3. The appellant was arrested and was sent to judicial lockup for afore mentioned offence. He was initially suspended on account of his absence vide order dated 03-12-2010, and then his services were dispensed with vide order dated 14-09-2011. (Copies annexed hereto marked "C"& "D").
4. The appellant was honourably acquitted vide judgment and order dated 14-04-2014 passed by Hon'ble ASJ-XI, Peshawar in case No. 68/SC of 2013. (Copies annexed hereto marked "E").

1160
15/9/2014

15/9/14
2.

The appellant submitted his departmental representation dated 21-04-2014, which was partially accepted vide order dated 22-08-2014. (Copies annexed hereto marked "F").

6. The appellant was re-instated in service, however he was denied of his pay, perks and other financial privileges for the period of his absence. Ironically his legitimate right to receive pay for the period under suspension was also refused.
7. Feeling aggrieved and finding no other remedy, the appellant has been constrained to approach the Hon'ble Services Tribunal, for the redress of his grievance inter-alia on the following;

Grounds

- (a) In utter disregard to the instructions and in violation of the principles of equity and justice, the appellant has been subjected to arbitrary and discriminatory treatment, as is evident from the facts narrated above.
- (b) The refusal to release the appellant's pay, perks and other financial benefits, specifically for the period under suspension is against the law and rules regulating the service and is thus liable to be set right by this Hon'ble Tribunal.
- (c) The petitioner is a civil servant who had discharged full duties and responsibilities during his entire period of service. In absence of plausible reason, he could not be deprived of financial benefits connected with his post.
- (d) The absence of the appellant was not intentional as he had to surrender himself to the authorities in connection with the false case registered against him and court proceedings
- (e) The appellant was suspended on 03-12-2010 vide order No. 6221/SP; City. He was thus lawfully entitled to receive his full pay and financial benefits till the date of his suspension and for the period undergone during suspension.
- (f) That the impugned omission the part of the competent authority is thus arbitrary, discriminatory, against the principle of law, justice and propriety, subject to correction by this Hon'ble Tribunal.

Petitioner seeks permission to take additional grounds at the time of hearing.

In view of the above, it is prayed the Hon'ble Service Tribunal may be pleased to accept the present appeal by directing the Respondents to release the pay, perks and privileges along with other financial benefits w.e.f 06-08-2010 till 22-08-2014.

It is further prayed that his pay and privileges for the suspension period may also be granted in addition to the relief claimed above.

Any other relief deemed appropriate may also be granted in addition to the relief claimed above.

Hasrat
Appellant,

Through,

A. R.
Advocate

Peshawar, dated
12 /Sep, 2014

103
ORDER.

This order will dispose off departmental appeal preferred by ex-constable **Hashmat Ali No. 3396** who was awarded the major punishment of **Dismissal** from service under RSO 2000 by SP-City vide OB No. 3394 dt: 14.9.2011.

The allegations levelled against him were that he while posted at PS B/Mari was proceeded departmentally on the charge of absence from duty w.e.f 6.8.2010 to 23.10.2010 and again from 14.11.2010 till his dismissal i.e 14.9.2011 and also involvement in criminal case vide FIR No. 1285 dated 15.11.2010 u/s 302/324/34 PPC PS B/Mari.

Departmental proceedings were initiated against him and DSP-Suburb was appointed as the E.O. On receipt of the findings of the Enquiry Officer, the SP-City issued FSCN to the appellant at his home address but no response was received from him, as such the Competent Authority awarded him the above major punishment.

The relevant record has been perused and heard the appellant in OR on 20.08.2014. In his defense he stated that he has been acquitted by Addl: Sessions Judge-XI, Peshawar. Due to his old enmity the (opponent party) also killed his brother. He further stated that his another brother was also martyred in a bomb blast on PS AMJS Mobile at Panj Khata Cowk during official duty. Now-a-days he is facing financial hardships. He requested for re-instatement in service on humanitarian grounds.

In view of the above explained position and keeping in view of his poor financial circumstances he is re-instated back into service on humanitarian grounds. Absence period is treated without pay and no benefit is granted for the period in which he remained out of service.

OB No: 2560

Date: 22-8-2014


**CAPITAL CITY POLICE OFFICER
PESHAWAR.**

No. 1643-48 /PA dated Peshawar the 25/8/2014

Copies for information and n/a to the:-

- 1/ SP-City, Peshawar
- 2/ PO/ OASI/CRC along with S.Roll.
- 3/ FMC along with FM.
- 4/ Official concerned.





ORDER.

Constable Hashmat Ali No. 3396 of Police Station Bahanamari has involved himself in a murder case vide FIR No. 1285 dated 15.11.2010 u/s 302/324/34 PS Bahanamari who is still absconding. Therefore, he is hereby suspended and close to line with immediate effect.

Departmental proceedings against the constable have already been initiated.

Q. D. No. 3948
DATED 2-12-2010

Hamad
(SYED HAMMAD ABID)PSP
Superintendent of Police City,
Peshawar.

No. 6221 /SP: City: dated Peshawar, the 3 /Dec:2010.

Copy for information and necessary action to:-

1. The Capital City Police Officer, Peshawar.
2. The SSP/Operations Peshawar.
3. The SP/HQRs Peshawar with the request to provide suitable substitute.
4. SCPO/Suburb .
5. OAST/CRC/FMC

Hamad

ORDER

Constable Hashmat Ali No. 3396 while posted at Police Station Bahamari remained absent from 06.08.2010 to 23.10.2010 total absence period two months 17 days and again absented himself from his lawful duty with effect from 14.11.2010 till todate due to involvement in a criminal case vide FIR No.1285 dated 15.11.2010 u/s 302/324/34 PPC PS Badaber and also absconded.

Proper departmental enquiry was initiated against the above named delinquent official and DSP/Subrub was appointed as enquiry officer. The E-O submitted in his finding wherein stated that the delinquent official remained absent from 06.08.2010 to 23.10.2010 total absence period two months 17 days. He again absented from his lawful duty with effect from 14.11.2010 till todate due to involvement in a criminal case vide FIR No.1285 dated 15.11.2010 u/s 302/324/34 PPC PS Bahamari and still absconded, therefore, recommended for major punishment of Dismissal from service vide Flag "A".

Final Show Cause Notice was also issued to the delinquent official vide this office No.2685/PA, dated 23.5.2011 and sent to him to local police P.S Badaber. The local police has reported that the delinquent official not available in his house due to involvement in murder case therefore the SCN was served upon his relative namely Hazar Amin s/o Abdul Mana r/o Sarizai Bala on 30.6.2011.

It is proved beyond any doubt, recommendation of the enquiry officers and other material on record the accused constable Hashmat Ali No.3396 absented himself from his lawful duty with effect from 6.8.2010 to 23.10.2010 and again absented from duty w.e.from 14.11.2011 till todate due to involvement in a criminal case mentioned above and absconded. Therefore, there is no chance to rejoin the police service. He is not taking interest in his legitimate duty and also incorrigible absentee. His retention in service is futile and stigma on the face of police force. I am fully agreed with the recommendation of Enquiry officers and award him major punishment of "Dismissal from service with immediate effect under NWFP Removal From Service Special Power (Ordinance)2000. His absence period is treated as leave without pay.

Order announced.

(SYED IMTIAZ ALI SHAH)
QPM, PPM, UNPM (BAR)
Superintendent of Police City,
Peshawar.

OB: No. 3394 Dated 14/9 August: 2011.

No. _____ /SP: City: dated Peshawar, the _____ /August, 2011.
Conv for information and necessary action to:-

7

2013/06/06

E

26

IN THE COURT OF MRS. RIFFAT AAMIR
ADDITIONAL SESSIONS JUDGE-XI, PESHAWAR

Case No : 68/SC of 2013
Date of Institution : 06/06/2013

STATE -VS. HASHMAT ALI

ORDER---26
14/04/2014

SPP for state present. Accused produced in custody. Defence counsel present. Complainant counsel in attendance as well. PWs not present.

Arguments on application U/S 265-K Cr.PC heard and case file perused.

According to FIR No. 1285, dated 15/11/2010 U/S 302/324/34 PPC of PS Bana Mari, Farad Khan/complainant with the help of others while producing the dead body of his uncle Hadi Jan reported the matter to the local police to the effect that he alongwith his deceased uncle Hadi Jan and his cousin Zaki Ullah went to Central Prison, Peshawar to meet his maternal cousin Ghulam Haider. That on return they were going to the house of his aunt and when reached the place of occurrence, accused Umra Ali, Hashmat and Daulat Sher who were already present there duly armed, on seeing them, started firing at them, and with the firing of accused Hashmat, his uncle Hadi Jan got hit and injured while complainant and his companion escaped unhurt. That with the firing of accused, a passerby namely Aziz Ullah also sustained injuries

Ri

(CONTINUED)

ATTESTED
1
12/11/14
(Examiner)
Sessions Court Peshawar

2013/06/06
Hash

8

ATTENDED

CONTINUED:
ORDER-- 26
14/04/2014

and that they took their uncle to hospital but he succumbed to his injuries on reaching the hospital. Motive was stated to be previous blood feud between the parties, hence, the FIR.

The injured passerby Aziz Ullah also succumbed to the injuries.

Initially challan against accused was submitted U/S 512 Cr.PC and after recording evidence, all the three accused in the instant case were proceeded U/S 512 Cr.PC and after recording evidence U/S 512 Cr.PC against them they were declared proclaimed offenders by issuance of perpetual warrants against them.

Handwritten initials

Later on, accused Hashmat Ali was arrested and challan was submitted against him and the case in hand was entrusted to this court on 06/06/2013. Accused was produced in custody, he was provided copies U/S 265-C Cr.PC and was charged to which he pleaded not guilty and claimed trial. Prosecution evidence was summoned and during the course of trial, prosecution produced Amir Muhammad DFC as PW-1 who was entrusted with warrants U/S 204 Cr.PC EX:PW1/1 to EX:PW1/3 and proclamation notice U/S 87 Cr.PC EX:PW1/7 to EX:PW1/9 against accused facing trial and absconding co-accused and his reports thereof EX:PW1/4 to EX:PW1/6 and EX:PW1/10 to EX:PW1/12 respectively. Yaqoob Khan, the marginal witness to recovery memo EX:PW2/1 vide which the IO took into possession the blood from the spot and also stood marginal

(CONTINUED:

ATTESTED

Handwritten signature
21/4/14

(Examiner)

Sessions Court Peshawar

ATTENDED

Handwritten signature

witness to recovery memo EX:PW2/2 vide which the IO took into possession, the sealed phial P-2 containing spent bullet appeared as PW-2, Zarnosh constable appeared as PW-3 who stood marginal witness to recovery memo EX:PW3/1 vide which the IO took into possession blood stained garments of deceased Hadi Jan consisting upon shirt, shalwar. Likewise he stood marginal witness to recovery memo EX:PW3/2 vide which the IO took into possession white blood stained coffin of deceased Aziz Ullah. Dr. Muhammad Asghar, KMC, Peshawar appeared as PW-4 whose statement is reproduced here as under:-

"On 15.11.2010 at 6.45 p.m, I conducted autopsy on the dead body of deceased Hadi Jan s/o Misal Jan whose dead body was brought by constable Fazal Khuda No. 4277 and identified by Muhammad Younas Khan and Ghulam Hassan. On examination of dead body I found the followings:-

EXTERNAL APPEARANCE

No mark of ligature around the neck. Body of middle age man having lean built, wearing black color shalwar gameez (blood stained). PM lividity and rigor mortus developing

INJURIES

1. FA entry wound situated on left side of skull, 0.5x0.5 cm in size, 2x2 cm blackening present around the wound, 3 cm in front of ear, 4 cm outer to angle of eye brow.

ATTESTED
21/4/14
EXAMINED
Sessions Court

Hadi Jan

30

9

10

CONTINUED:
ORDER-- 26
14/04/2014

- 2. FA exit wound on right side, back of skull, 2x2 cm in size, 5 cm behind ear, 7 cm from midline.

INTERNAL APPEARANCE

Scalp, skull and memberain and brains are injured.

OPINION

In my opinion the deceased died due to the injury to brain due to firearm.

Probable time between injury and death....
Immediate.

Between death and PM..... 3 to 6
hours.

[Handwritten signature]

Today I have seen my report which is Ex.PM consisting of six sheets including pictorial. Injury sheet Ex.PM/1 and inquest report Ex.PM/2 also bear my endorsement"

Fazal Maula, DSP Investigation appeared as PW-5 who submitted challan U/S 512 Cr.PC against all the accused. Iqbal Shah ASI was examined as PW-6 whose statement is reproduced here as under:-

"On 15.11.2010 at the relevant time, the complainant Farad Khan s/o Mukhtiar Ullah brought the dead body of deceased Hadi Khan s/o Misal Khan in a Suzuki carry van to the P.S concerned where the said Farad Khan

(CONTINUED:

ATTORNEY
AS
12/11/14
(E...)
RECORDS

[Handwritten signature]

11

CONTINUED:
ORDER-- 26
14/04/2014

39

reported to me and I drafted his report in the shape of FIR Ex.PA. The contents of his report were read over and explained to said complainant and as a token of its correctness signed the same. I also prepared the injury sheet Ex.PW6/1 and inquest report Ex.PW6/2 of deceased Hadi Khan and sent his dead body under the escort of constable Fazal Khuda to KMC, Peshawar for PM examination. I handed over the copy of the FIR to Abdul Akbar Khan SI for investigation. Today I have seen all the above mentioned exhibits which are correct and correctly bear my signature as well as signature of complainant to the extent of his report"

[Handwritten signature]

Dr. Naveed Alam, KMC, Peshawar was examined as PW-7, which is reproduced here as under:-

"On 16.11.2010 at 8.30 a.m I conducted the autopsy on the dead body of deceased Aziz Ullah s/o Masam Khan aged about 60 +- three years. The dead body was brought by constable Wahid Khan No. 4243 and was identified by Syed Babar Shah and Subhan Ullah. On examination of dead body I found the following:-

EXTERNAL APPEARANCE

An old bearded man, having lean built, wrapped in a white shroud. PM lividity and rigor mortis fully developed.

ATTESTED
[Handwritten signature]
14/04/14
[Stamp]

[Handwritten signature]

12

CONTINUED
ORDER

CONTINUED:
ORDER-- 26
14/04/2014

INJURIES

1. FA entry wound, 1.5x1 cm on right outer abdomen, 4 cm above the axilla. (1 bullet recovered from the left outer chest).

INTERNAL APPEARANCE

Pleurae, left lung, heart, abdominal walls, peritoneum, both intestines, liver and diaphragm were found injured.

OPINION

In my opinion the deceased died due to injury to the heart, left lung, stomach, intestines and liver due to fire arm.

Probable time between injury and death..... Immediate.

Between death and PM..... 12 to 18 hours.

Today I have seen my report including pictorial consisting of six sheets which are Ex.PM. Inquest report Ex.PM/1 and injury sheet Ex.PM/2 are also bear my endorsements. I also handed over the recovered bullet and clothes of deceased to the police"

Ajmal S/O Mohib Ullah, marginal witness to recovery memo EX:PW8/1 vide which the IO took into possession blood stained garments of deceased

ATTESTED
21/9/14
(Examiner)
Sessions Court Peshawar

Handwritten signature

13

CONTINUED:
ORDER-- 26
14/04/2014

Aziz Ullah appeared as PW-8. Abdul Razique SI appeared as PW-9 who stated as under:-

"I am marginal witness to the recovery memo Ex.PW8/1, vide which the I.O took into possession blood stained garments of deceased Aziz Ullah consisting of shirt, shalwar. Today I have seen the contents of recovery memo Ex.PW8/1 which is correct and correctly bears my signature"

Zaki Ullah S/O Iftikhar Ullah appeared as PW-10 whose statement as PW-10 is reproduced here as under:-

"On the day of occurrence, I alongwith deceased Hadi Khan my uncle, Murad Khan my cousin had gone to Central Jail, Peshawar for meeting our paternal cousin Ghulam Haider. After meeting we were going back to Bahadar Kallay to the house of my paternal aunt and when we reached to the spot, accused facing trial and absconding accused Umara Ali and Daulat Sher were standing duly armed and on seeing us, started firing at us and from the said firing, I alongwith my cousin Murad Khan escaped unhurt whereas from the firing of accused Hashmat facing trial, my uncle Hadi Khan was hit and fell down. From the firing of accused mentioned above, one passerby namely Aziz Ullah also received injuries. We took my uncle to LRH

ATTESTED
21/4/14
(Examiner)
Sessions Court Peshawar

20

CONTINUED:
ORDER-- 26
14/04/2014

for treatment while the other injured was taken by the other persons. However they succumbed to their injuries while en route to the hospital. We then took the dead body of my uncle to the P.S while the dead body of Aziz Ullah was taken by their relatives to his home. Motive behind the occurrence was previous blood feud. I charge the accused for the commission of offence. In my presence the I.O prepared the site plan"

Iqrar Ullah S/O Mukhtiar Ullah appeared as PW-11, which is reproduced as under:-

Handwritten initials

"I am marginal witness to the recovery memo Ex.PW11/1 through which the I.O in my presence took into possession two empty shells ExP-1 of 30 bore giving the smell of freshly discharged from the place of accused. The I.O sealed the same into parcel. Today I have seen the same which is correct and correctly bears my signature"

PWs namely Babar Shah, Subhan Ullah and Gulab were abandoned by the prosecution being won over.

Statement of complainant Farad Khan was transposed from the proceedings recorded U/S 512 Cr.PC as the complainant was reported dead. The defence counsel moved application U/S 265-K Cr.PC for acquittal of accused facing trial, notice whereof was given to the prosecution.

Arguments heard, record perused.

ATTESTED
[Signature]
20/4/14
(Examiner)
Sessions Court Peshawar

[Handwritten signature]

...ured was
... they

15

21

CONTINUED:
ORDER-- 26
14/04/2014

The whole prosecution case rests upon the testimony of complainant and eye witness Zaki Ullah. The evidence available on file would reveal that PW Zaki Ullah who appeared before the Court as PW-10 in his cross examination categorically admitted that he had not witnessed the occurrence as he was present in his village Surezai Bala when received information regarding the occurrence and that the deceased was shifted to the PS by the people of locality and that complainant reached there after his arrival. He further stated in his cross examination that the accused were charged on the basis of suspicion as they had previous blood feud with them and that they have been satisfied by the accused party regarding their innocence. He further stated that he does not charge the accused facing trial and that the legal heirs of deceased have also been satisfied by the accused party who also do not charge them for the commission of offence. Moreover, PW-10 in his cross examination also admitted that complainant being police official was posted at PS Kotwali and was present on duty at the time of occurrence. Furthermore, complainant Farad Khan had reportedly died. Moreover, PW-8 Ajmal, marginal witness to recovery memo EX:PW8/1 in his cross examination admitted that he does not know that at what time the recovery memo was prepared besides his signature was obtained on a blank paper while PW-11 in his cross examination admitted that recovery memo EX:PW11/1 through which the alleged empty shells were taken into possession by

[Handwritten mark]

(CONTINUED:

ATTESTED
[Signature]
21/4/14
(Examiner)
Sessions Court Peshawar

[Handwritten signature]

CONTINUED:
ORDER-- 26
14/04/2014

the IO was prepared in the hujra of one, Murad Khan and that he had not witnessed any recovered from the spot. The other evidence available on file relates to the investigation proceedings and in presence of above stated dents and doubts in prosecution case, no conviction can be made against accused facing trial for the reasons that there is no eye witness of the occurrence, the accused was charged for the offence on the basis of suspicion due to previous blood feud, the legal heirs of deceased Aziz Ullah have not come to the Court to depose against accused facing trial, the marginal witnesses of recovery memos do not support the version of prosecution, as such, proceeding further with the case would serve no useful purpose except agonies of the accused facing trial who is in custody besides even if the remaining evidence is recorded, there is no probability of conviction of accused facing trial for any offence, hence, by invoking the provisions of Section 265-K Cr.PC, the accused facing trial namely Hashmat Ali stands acquitted of the charge. Accused is in custody, he be released forthwith if not required in any other case/offence. Proper release warrants be issued accordingly.

Case property be kept intact till expiry of period of appeal/revision and thereafter be disposed of according to law.

File of this court be consigned to record room after necessary completion and record be returned.

Announced
Dated: 14/04/2014

Mrs. Riffat Aamir,
ASJ-XI, Peshawar

No:	1118-
Dated of Application	21-4-14
Name of Applicant	Hashmat Ali
Word	1400 =
Fee	21-4-14
Signature of Counsel	M. Aamir
Dated of Preparation	21-4-14

CERTIFIED TO BE TRUE COPY

(Examiner)
Copying Agency Sessions Court
Peshawar.

جناب عالی! کیپل سٹی پولیس ایسٹریٹس ایسوسی ایشن کے ذریعے درخواست اور

مضمون :- حکیمانہ ایپیل واسطے بحالی ملازمت و برخلاف
منسوخ حکم مجازتہ بحوالہ آرڈر بک نمبر 3394 مورخہ
2011-9-14 از SP. جب سٹی سٹارز

جناب عالی! سائل ذیل عرض رسا ہے :-

- 1- یہ کہ سائل سال 2003ء کو محکمہ پولیس میں بطور کنسٹیبل مقرر ہو کر سائل ریٹائرڈ ہو کر رہا تھا۔ اور انتہائی جان نشانی اور فرض شناسی سے بغیر کسی شکایت کے ڈیوٹی سرانجام دی ہے۔
- 2- یہ کہ دوران ملازمت سائل نے خزانہ کے گردش اور مسائل کے دلول میں بھینس کر پائی مشکلات کا سامنا کر کے اب اسودہ حال ہو گیا ہے۔
- 3- یہ کہ سائل کا بڑا بھائی مسی شفیقت علی جو کہ پولیس کنسٹیبل تھا وہ یکم نومبر 2009ء کو دوران ڈیوٹی دھشت گردی کا شکار ہو کر بحوالہ مقدم عدت 765 مورخہ 27/7/2009 بمقام 7ATA-427-353/324/302 حاکم حرق ہو گیا۔
- 4- یہ کہ عدوہ ازین گاؤں میں جائیداد کے تنازعہ میں مخالفین نے سائل کے دوست بھائی کو بے دردی سے قتل کر دیا اور جائیداد پر قبضہ بھی کر دیا۔
- 5- یہ کہ مخالفین اہم سینیہ زور اور سرکشن ہونے کی بناء پر سائل کو بھی قتل کرنے کی کوشش کر رہے تھے۔ اور کئی بار اسی طرح کے حملے کیے مگر کامیاب نہ ہوئے۔
- 6- یہ کہ افراد دشمنوں نے سائل کو بھینسانے کی خاطر سائل کے خلاف بحوالہ مقدم عدت 1285 مورخہ 15/11/2011 بمقام 302/324 PPC

Handwritten signature/initials

تھانہ بھانہ ماٹھی میں قتل مامن گھسرت اور بے بنیاد مقدمہ
درج رجسٹر کرنے سبیل کھنسا دیا گیا

1 یہ کم سبیل نے مقدمہ عنوان بالاد میں گرفتاری دیکر اپنے آپ کو
ماتون کے حوالہ کرنے اور مار عدالت صاحبہ میں رخصت عامر
Asa صاحبہ نے ٹرائل کے بعد بری کر دیا۔ فیصلہ عدالت ہمراہ لکھے

جنا عالی! سبیل کی ڈیوٹی سے غیر حاضری دلا دانتہ نہیں تھی۔ بلکہ
یوم مجبوری ستمبر ۲۰۱۴ بالاد سہرز دیوہلی ہے۔ اس لیے سہرز دانہ
زارش کی جاتی ہے کہ وہ مالہ حقیقت کو مد نظر رکھتے ہوئے سبیل
کو دوبارہ نوکری پر بحال کرنے ماحکم سہرز دیوہلی کے سبیل
کے بعد دعا گو رہیں گے۔

تاریخ ۲۱/۴/۲۰۱۴

دعا گو
حشمت علی سالقہ کنیشن نمبر 3396 ضلع پشاور

Handwritten signature or stamp at the bottom right.

VAKALATNAMA

In the Court of

Benches Tribunal R.P. Peshawar

No. _____ of 2014

Petitioner
Plaintiff
Applicant
Appellant
Complainant
Decree-Holder

Hussnat Ali

VERSUS

Respondent
Defendant
Opponent
Accused
Judgment-Debtor

Govt of A.P

Hussnat Ali
Appellant

I / We _____ the above
noted _____ do hereby appointed and constitute,

Muhammad Zafar Tahirkheli & Ansar Ullah Khan, Advocates High Court, to appear, plead, act, compromise, withdraw or refer to arbitration for me / us as my / our counsels / advocates in the above noted matter, without any liability for his default and with the authority to engage any other Advocate / Counsel at my / our cost.

The Client / Litigant will ensure his presence before the Court on each and every date of hearing and the counsel would not be responsible if the case is proceeded ex-parte or is dismissed in default of appearance. All cost awarded in favour shall be the right of Counsel or his nominee, and if awarded against shall be payable by me/us.

I / We authorize the said Advocates to withdraw and receive on my / our behalf all sums and amounts payable or deposited on my / our account in the above noted matter.

dated

12/9/14

office

ATIQ LAW ASSOCIATES,
87, Al-Falah Street, Besides State Life Building,
Peshawar Cantt, Phone: 091-5279529
E-mail : zafartk.advocate@gmail.com

Client

Hussnat

Attested & Accepted (Advocates)

(2)

Muhammad Zafar Tahirkheli
Ansar Ullah Khan

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No 1149/2014.

Hashmat Ali Ex-Constable No. 3396, R/O Hassan Khel, Surizai Bala Peshawar.....Appellant.

VERSUS.

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. DIG Headquarters, Peshawar.
3. Capital City Police Officer, Peshawar. Respondents.

PRELIMINARY OBJECTIONS.

1. That the appeal is badly time barred.
2. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
3. That the appellant has not come to this Honorable Tribunal with clean hands.
4. That the appellant has no cause of action.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant has concealed the material facts from Honorable Tribunal.
7. That the appellant has got no locus standi and cause of action to file the instant appeal.

REPLY ON BEHALF OF RESPONDENTS

- (1) Para No. 1 pertains to record .Hence needs no comments.
- (2) First part of para No 2 is not related while rest of Para is correct to the extent that the appellant while posted at PS Bana Mari involved himself in a criminal case vide FIR No 1285 Dated 15.11.2010 U/S 302/324/34/PPC PS Bana Mari.
- (3) Para No 3 is correct .hence needs no comments.
- (4) Para No 4 pertains to court. Needs no comments.
- (5) Para No 5 is correct to the extent that the appellant was awarded major punishment of dismissal from service by SP City vide OB No 3394 dated 14.09.2011 on the charge of absence from duty w.e.f 06.08.2010 to 23.10.2010 and again from 14.11.2010 till his dismissal i.e 14.09.2011 and also involvement in criminal case vide FIR No 1285 dated 15.11.2010 U/S 302/324/34 PPC PS Bana Mari. The appellant preferred a departmental appeal before the appellate authority. His appeal was accepted keeping in view his poor financial circumstances and he was reinstated into service on humanitarian grounds. The period in which he remained absent was treated as leave without pay.
- (5) Para No 6 is incorrect and denied .In fact the departmental appeal of appellant was accepted and he was reinstated into service on humanitarian grounds, however the period for which he remained out of service was treated as leave without pay as per the law by the competent authority.
- (6) The appeal of appellant devoid of merits, legal footing may kindly be dismissed.

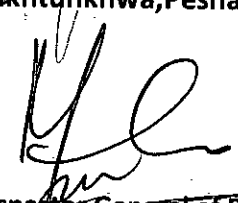
Ground:-

- (a) Incorrect. The appellant was treated as per law and rules and no injustice or discrimination has been done to him.
- (b) Incorrect. The appellant was treated as leave without pay because he remained absent and out of service for the said period.
- (c) Incorrect. The absence was treated as leave without pay according to law and rule.
- (d) Incorrect. The appellant involved himself in a criminal case vide FIR No 1285 dated 12.11.2010 U/S 302/324/34 PPC PS Bana Mari.
- (e) Incorrect. The appellant remained absent for the period which was treated as leave without pay.
- (f) Incorrect. No injustice or discrimination has been done to him, rather he was re-instated into service on humanitarian grounds and his absence period was treated as leave without pay.

PRAYER

It is therefore most humbly prayed that in light of above facts and submissions the appeal of the appellant is devoid of merits, legal footing may be dismissed.


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


**Deputy Inspector General of Police
Headquarters, Peshawar.**


**Capital City Police Officer,
Peshawar.**

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No1149/2014.

Hashmat Ali Ex-Constable No. 3396, R/O Hassan Khel, Surizai Bala Peshawar.....Appellant.

VERSUS.

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. DIG Headquarters, Peshawar.
3. Capital City Police Officer, Peshawar. Respondents.

AFFIDAVIT.

We respondents 1, 2 & 3 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and nothing has concealed/kept secret from this Honorable Tribunal.


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.


Deputy Inspector General of Police
Headquarters, Peshawar.


Capital City Police Officer,
Peshawar.

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 1149/2014

Hashmat Ali

Versus

IGP etc,

=====
APPELLANT'S REJOINDER To RESPONDENTS NO. 1 TO 3 REPLY
=====

REPLY TO PRELIMINARY OBJECTIONS

All the preliminary objections taken in paras 1 to 7 of the reply are incorrect and are hence denied in detail.

REPLY ON FACTS

1. Para 1 of the appeal is correct and that of respondents reply is incorrect.
2. Para 2 of the appeal is correct and that of respondents reply is incorrect.
3. Para 3 of the appeal is correct and that of respondents reply is incorrect.
4. Para 4 of the appeal is correct and that of respondents reply is incorrect.
5. Para 5 of the appeal is correct and that of respondents reply is incorrect. That the major penalty awarded to the appellant has already been set aside by the competent authority. That no sound reason for withholding his pay, perks and previlidges has been stated by the respondents. The appellant is lawfully entitled to receive the arrears of his pay during the period of suspension in accordance with the law.
6. Para 6 of the appeal is correct and that of respondents reply is incorrect.

REPLY TO THE GROUNDS

The grounds taken in paras "a" to "f" of the appeal are correct, whereas that of the reply are incorrect.

The appellant was suspended on 03-12-2010 vide order No. 6221/SP: City and is lawfully entitled to receive his full pay and financial benefits till the date of expiry of his suspension period.

It is, therefore, most humbly prayed that the appellant's appeal may kindly be accepted as prayed for.

Hash
Appellant,

Through,

MZ
(MUHAMMAD ZAFAR TAHIRKHELI)
Advocate

Hash
Peshawar, dated
4/11/2015
ATTESTED
Affidavit

I, the appellant, do hereby state on Oath that the contents of the above rejoinder are true and correct to the best of my knowledge and belief, and nothing has been kept concealed from this Hon'ble Tribunal.

Hash
DEPONENT



BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 1149/2014

Hashmat Ali

Versus

IGP etc,

=====

APPELLANT'S REJOINDER TO RESPONDENTS NO. 1 TO 3 REPLY

=====

REPLY TO PRELIMINARY OBJECTIONS

All the preliminary objections taken in paras 1 to 7 of the reply are incorrect and are hence denied in detail.

REPLY ON FACTS

1. Para 1 of the appeal is correct and that of respondents reply is incorrect.
2. Para 2 of the appeal is correct and that of respondents reply is incorrect.
3. Para 3 of the appeal is correct and that of respondents reply is incorrect.
4. Para 4 of the appeal is correct and that of respondents reply is incorrect.
5. Para 5 of the appeal is correct and that of respondents reply is incorrect. That the major penalty awarded to the appellant has already been set aside by the competent authority. That no sound reason for withholding his pay, perks and previlidges has been stated by the respondents. The appellant is lawfully entitled to receive the arrears of his pay during the period of suspension in accordance with the law.
6. Para 6 of the appeal is correct and that of respondents reply is incorrect.

REPLY TO THE GROUNDS

The grounds taken in paras "a" to "f" of the appeal are correct, whereas that of the reply are incorrect.

The appellant was suspended on 03-12-2010 vide order No. 6221/SP: City and is lawfully entitled to receive his full pay and financial benefits till the date of expiry of his suspension period.

It is, therefore, most humbly prayed that the appellant's appeal may kindly be accepted as prayed for.

Through,

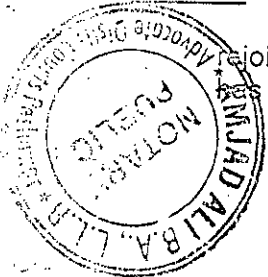
Hash
Appellant,

MZ
(MUHAMMAD ZAFAR TAHIRKHELI)
Advocate

11/24/2015
11/24/2015
Peshawar dated
11/24/2015
Affidavit

I, the appellant, do hereby state on Oath that the contents of the above rejoinder are true and correct to the best of my knowledge and belief, and nothing been kept concealed from this Hon'ble Tribunal.

Hash
DEPONENT



حکومت پنجاب سرسبز شہر ایجوکیشنل کالج اور

حسرت خان پبلک سکول

درخواست برائے تبدیلی

پنجاب عالی

1- یہ کہ سائنس کا مقدمہ اصل عدالت حضور میں زیر سماعت ہے اور
2- 27 مورخہ 10/7/19 کیلئے مختار ہے۔

2- یہ کہ ریلز ایئر لائن ذاتی مصروفیات کی وجہ سے 27
عدالت حضور میں نہیں ہونے سے قائل ہے۔

لہذا عدالت حضور میں التماس ہے کہ درخواست

کو منظور فرماتے ہوئے مقدمہ منظران بآدا میں سائنس کو

دوسری تاریخ میں سماعت فرمایا جائے۔

العارضی

Her M.
حسرت خان
ایئر لائن

مورخہ: 10/7/2019