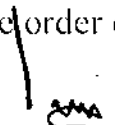


FORM OF ORDER SHEET

Court of _____

Case No.- 32/2023

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | 2 | 3 |
| 1- | 4/1/2023 | <p>The appeal of Mr. Umar Farooq Khan received today by post through Mr. Hamayun Khan Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p> |

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR CAMP AT ABBOTTABAD

Service Appeal No. 32 /2022

Umar Farooq son of Abdus Salam, (Ex-Constable No. 4848/FRP Hazara Region Abbottabad), resident of Changi Bandi Tehsil & District Haripur.

...APPELLANT

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Home and Tribal Affairs Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

INDEX

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| 3. | Copy of statement & order | 10 - 11 | "B" |
| 4. | Copy of charge sheet and statement of allegation | 12 - 13 | "C" |
| 5. | Copy of reply | 14 - 17 | "D" |
| 6. | Copy of impugned order | 18 | "E" |
| 7. | Copy of departmental appeal | 19 - 23 | "F" |
| 8. | Wakalatnama | | |

...APPELLANT

Through

Dated: _____ /2022


(FAZLULLAH KHAN)

&


(HAMAYUN KHAN)

Advocates High Court, Abbottabad

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR CAMP AT ABBOTTABAD

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Umar Farooq son of Abdus Salam, (Ex-Constable No. 4848/FRP Hazara Region Abbottabad), resident of Changi Bandi Tehsil & District Haripur.

...APPELLANT

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Home and Tribal Affairs Peshawar.
2. Inspector General of Police Khyber Pakhtunkhwa, Peshawar.
3. Commandant Frontier Reserve Police, Peshawar.
4. Regional Police Officer/ DIG Hazara Region at Abbottabad.
5. Superintendant of Police Frontier Reserve Police Hazara Region, Abbottabad

...RESPONDENTS

APPEAL UNDER ARTICLE 212 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN 1973 READ WITH SECTION 04 OF
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
ACT, 1974. AGAINST THE IMPUGNED ORDER
DATED 16/09/2022 PASSED BY RESPONDENT NO.
05 WHEREBY APPELLANT WAS DISMISSED
FROM SERVICE WITH EFFECT FROM 03/07/2022
WHICH IS ILLEGAL, AGAINST THE LAW, FACTS
AND LIABLE TO BE SET-ASIDE.

PRAYER:- ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, IMPUGNED ORDER DATED 16/09/2022 PASSED BY RESPONDENT NO. 5 MAY KINDLY BE DECLARED NULL AND VOID, AGAINST THE LAW AND NATURAL JUSTICE AND APPELLANT BE RE-INSTATED IN SERVICE WITH ALL BACK BENEFITS.

Respectfully Sheweth;-

Appellant beg to solicit through this appeal on the following factual and legal grounds;-

1. That on 12/10/2010 appellant was appointed as Constable bearing No. 4848 in Frontier Reserve Police Hazara.
2. That after appointment appellant was sent to Police Training School on completion of training appellant was posted at different station.
3. That since 2010 appellant performed his duty with full devotion and liabilities and there had no complaint against appellant.
4. That on 03/07/2022 some opponents of the appellant of his native Village Changi Bandi Haripur lodged one of the so-called FIR No. 292 under sections 386, 170, 337-

AI, 506, 34 PPC Police Station Sara-e-Salah District Haripur against the appellant for personal grudges and enmity. Copy of FIR is attached as Annexure "A".

5. That thereafter, appellant surrender himself before the local police for the purpose of obeying law.

6. That thereafter, elders of the local community conducted domestic Jirga, whereby after satisfaction of the complainant appellant was declared innocent because at the time of occurrence appellant was not present at the spot nor he has any contact with the complainant as well as other accused and after satisfaction of complainant, complainant appeared before the court of learned Judicial Magistrate-I, Haripur whereby he recorded the statement and thereafter appellant was acquitted from charges leveled against him. Copies of statement and order are annexed as Annexure "B".

7. That on 21/07/2022 competent authority issued charge sheet alongwith statement of allegation with allegation that you "Spoil the good image of the Police Department which is against the rules of discipline force". Copy of charge sheet and statement of allegation is annexed as Annexure "C".

- 4
8. That thereafter on 10/08/2022 appellant submitted his reply of the charge sheet and categorically denied all kinds of allegations against him. Copy of reply is annexed "D".
 9. That on 16/09/2022 the competent authority (Superintendent of FRP)/ Respondent No. 5 passed impugned order whereby imposed major penalty dismissal from service. Copy of impugned order is annexed as Annexure "E".
 10. That on 28/09/2022 appellant filed departmental appeal against the impugned order dated 16/09/2022 before the respondent No. 3 but till date respondent No. 3 not passed any order on the said appeal and similarly not given any response to the petitioner. Copy of departmental appeal is annexed as Annexure "F".
 11. That feeling from aggrieved from the above aforesaid situation, appellant seeks indulgence of this Honourable Tribunal, inter-alia, on the following amongst many other grounds through this appeal.

GROUND:-

- a. That, the dismissal from service order dated 16/09/2022 is illegal, unlawful, without lawful

authority, perverse, and against the constitutional guaranteed rights of the appellant hence, untenable in the eye of law and his liable to be set-aside.

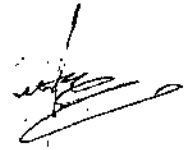
- b. That when law prescribed something which is to be in a particular. That must be in that manner and not otherwise. Hence the competent authority was bound to follow the law which is not done in the instant case. Hence impugned order is liable to be set-aside and appellant be reinstated.
- c. That, neither any show cause was served upon the appellant nor he was associated with any enquiry hence, the dismissal order is based on political influence, therefore liable to be set-aside.
- d. That competent authority intentionally not delivered the inquiry to the appellant for redressing of his grievance which shows the malafide of the competent authority.
- e. That, the appellant was condemned unheard and he did not given opportunity for personal hearing to bring the real and true facts on the screen.
- f. That even otherwise the impugned dismissal order dated 16/09/2022 is liable to be set-aside on the

grounds that no rights of defence or personal right of hearing which was mandatory provision of law was given to the appellant before being proceeded against him.

- g. That, impugned order was passed against the appellant with malafide, against law and natural justice.
- h. That the whole disciplinary proceedings initiated against the appellant have been done in contravention to the rules, regulation and law and therefore the whole proceedings are liable to be set-aside appellant be reinstated to his original post.
- i. That competent authority violated the basic principle of natural justice and rule and procedure prescribed in E&D & Police Rules, hence impugned order is liable to be set-aside.
- j. That competent authority issued impugned order against the well known principles procedures prescribed and guidelines by the superior courts and authorities time by time for the governments departments but competent authority ignored all these rules and principles.

- k. That the competent authority without any reasons on the part of appellant imposed major penalty of dismissal from service and no opportunity of personal hearing was given to the appellant.
- l. That the other points shall be argued at the time of arguments.

It is therefore, most humbly prayed that on acceptance of the instant service appeal, impugned order dated 16/09/2022 passed by Respondent No. 5 may kindly be declared null and void, against the law and natural justice and appellant be re-instated in service with all back benefits.



...APPELLANT

Dated: _____/2022

Through


(FAZLULLAH KHAN)

&


(HAMAYUN KHAN)

Advocates High Court, Abbottabad

VERIFICATION/ AFFIDAVIT:-

Verified on oath that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.



15/12/2022



...APPELLANT

۱۵۱
 در خصوص...
 ۳۸۸ - ۱۷۰ - ۵۰۶

۳۳۷۸۱۳۱
 ۳۰۳
 ۱۰۱
 ۳-۷-۲۰۲۲

Attention
 H. J.

ANNEXURE "B" 10


11.10.2022 STATEMENT OF SYED HARIS GELLANI SON OF SYED GHUFRAN SHAH, CASTE SYED, AGED ABOUT 25 YEARS, RESIDENT OF FAZAL COLONY, HARIPUR KTS. (COMPLAINANT) ON OATH:-

Stated that on my report, the present case was registered vide FIR No. 292, dated 03/07/2022, under section 386/170/506/337Ai PPC at PS Sarai Selah, Haripur against accused/ petitioner Umar Farooq. Now I have patched up the matter and have forgiven the accused in the name of Allah the Almighty. The compromise is genuine, volunteered and with sweet will. The compromise is in the best interest of both the parties and also to keep harmony and peace between the parties. I have got no objection if accused / petitioner be released on bail as well as his acquittal during trial in the instant case at the strength of compromise effected between the parties and on this statement. It is most humbly prayed that the compromise may kindly be accepted. Compromise deed is Ex.PA while copy of my CNIC is Ex.PB. Original seen and returned.

R.O. & A.C.
12/10/2022




Syed Haris Gellani son of Syed Ghufran Shah
Complainant
CNIC No. 13302-6321414-5

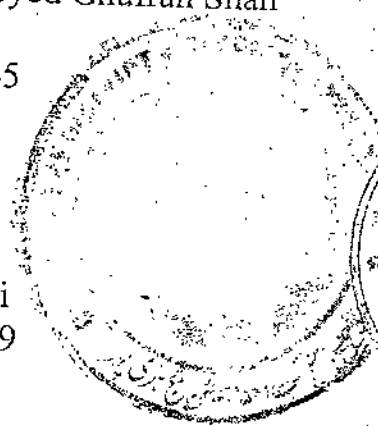
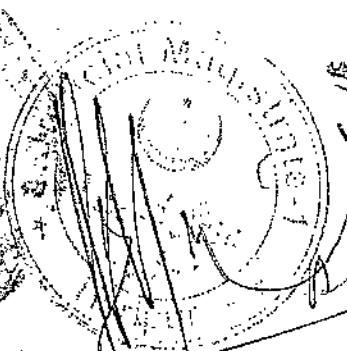
Identified by:- 
Asim son of Mehboob Elahi
CNIC No. 13302-2312316-9

ARSHAD ALI MOHMAND
Judicial Magistrate-I,
Haripur

400000 to be true copy
Authorized U/A 87 of
Ganoun-e-Shahadat Order 1988

24 OCT 2022

Examiner
Magistral & Sessions Judge
HARIPUR

ARSHAD ALI MOHMAND
Judicial Magistrate-I,
Haripur

12/10/22

**IN THE COURT OF ARSHAD ALI MOHMAND, JUDICIAL MAGISTRATE-I,
HARIPUR**

Umar Farooq vs The State

FIR No: 292 Dated: 03.07.2022 U/S 386/170/506/337Ai PPC PS Sarai Selah.

Or-----04
12.10.2022

الحمد لله
بموجب قرار المحكمة بتاريخ 30/9/2022
فيما يخص قضية رقم 292
تاريخ 03/07/2022
بموجب قرار المحكمة بتاريخ 30/09/2022
فيما يخص قضية رقم 292
تاريخ 03/07/2022
بموجب قرار المحكمة بتاريخ 30/09/2022
فيما يخص قضية رقم 292
تاريخ 03/07/2022

1. SPP Ghulam Muhammad Awan for the state present. Accused/petitioner through counsel present. Complainant Syed Haris Gellani in person present.
2. Accused / petitioner namely Umar Farooq son of Abdul Salam, resident of Changi Bandi, Tehsil & District Haripur, presently confined in Central Prison Haripur, seeks his post arrest bail, in case FIR No. 292, dated 03.07.2022, under sections 386/170/506/337Ai PPC, of Police Station Sarai Selah, Haripur. Record received.
3. Arguments heard and case file perused.
4. Today, complainant of the case namely Syed Haris Gellani recorded his compromise statement in the Court, wherein he stated that he has patched up the matter with the accused (*Umar Farooq*) named mentioned in the bail petition. He has pardoned the accused in the name of Allah Almighty and further added that he has got no objection on acceptance of bail application of the accused named mentioned as well as on the acquittal of the accused during trial. He also exhibited compromise deed as Ex.PA.
5. Although the offences under section 386/170 PPC are non compoundable in nature, however, it has been held by the superior Courts in plethora of judgments that bail can be granted even in non compoundable cases in the best interests of the parties, therefore keeping in view the dictum laid down by the Superior Courts, compromise between the parties is accepted in their best interests.
6. Apart from above, the accused/petitioner did not confess his guilt before the Court despite remaining in police custody. Investigation in the case is almost completed and the accused/petitioner is no more required for further investigation. Moreover, the co-accused namely Umar Khan has also been granted bail by august Peshawar High Court, Abbottabad Bench vide order dated 30/09/2022, therefore, as per rule of consistency, the present accused/petitioner is also entitled for the concession of bail.
7. In view of the above and more particularly taking into consideration the compromise arrived between the parties, instant bail petition is hereby accepted and accused/petitioner named above be released on bail subject to furnishing of bail bonds to the tune of Rs. 100,000/- with two local and reliable sureties to the satisfaction of this Court/MOD. Copy of this order and copy of surety/bail bond be placed on prosecution record, thereafter, same be returned to quarter concerned forthwith.
8. File of this court be consigned to District Record Room after its completion and compilation.

ANNOUNCED:
12/10/2022

ARSHAD ALI MOHMAND
Judicial Magistrate-I

Attended
[Signature]

ANNEXURE "C"

12



OFFICE OF THE
SUPERINTENDENT OF POLICE, FRP,
HAZARA REGION, ABBOTTABAD.

Office #: 0992-921036

Fax#: 0992-921478

Email: spfrphazara@gmail.com

CHARGE SHEET

I, Zahid-ur-Rehman, SP, FRP, Hazara Region, Abbottabad, as competent authority charged you Constable Umer Farooq No.4848 of Platoon No.105 PTS, Manshera as follows.

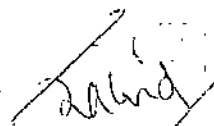
As reported by District Police Officer, Haripur office Memo: No.38521, dated 05-07-2022 and Superintendent of Police, Investigation, Haripur office Endst: No.2733-35, dated 06-07-2022. Whereas you Constable Umer Farooq No.4848, involve in case vide FIR No. 292, dated 03/07/2022, U/S 386-170/337A1-506/34/PPC, PS Sarai Saleh, District Haripur also suspended and closed to FRP, Lines Abbottabad vide this office order No.992-95/OASI/FRP, dated 04-07-2022.

Your this attitude spoils the good image of Police department, which is against the rules of disciplined force.

By the reasons of above, you appear to be guilty of gross misconduct under Police Rules 1975, and have rendered your self-liable for awarding major/minor punishment. You are therefore directed to submit your written defense within seven (07) days of the receipt of this Charge Sheet to the Enquiry Officer/Committee, as the case may be.

Your written defence, if any should reach the enquiry officer/committee 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 be taken against you.

A statement of allegation is enclosed.


Superintendent of Police, FRP,
Hazara Region, Abbottabad.





13

**OFFICE OF THE
SUPERINTENDENT OF POLICE, FRP,
HAZARA REGION, ABBOTTABAD.**

Office #: 0992-921036

Fax#: 0992-921478

Email: spfrphazara@gmail.com

DISCIPLINARY ACTION

I, Zahid-ur-Rehman, SP, FRP, Hazara Region, Abbottabad as competent authority charged you Constable Umer Farooq No.4848 for certain omissions and commissions as elaborated below which render yourself liable to be proceeded against departmentally.

STATEMENT OF ALLEGATIONS

As reported by District Police Officer, Haripur office, Memo: No.38521, dated 05-07-2022 and Superintendent of Police, Investigation, Haripur office Endst: No.2733-35, dated 06-07-2022. Whereas you Constable Umer Farooq No.4848, involve in case vide FIR No. 292, dated 03/07/2022, U/S 386-170/337AI-506/34/PPC, PS Sarai Saleh, District Haripur also suspended and closed to FRP, Lines Abbottabad vide this office order No.992-95/OASI/FRP, dated 04-07-2022.

For the purpose to scrutinize the above facts, MR. AZAM ALI SHAH, DSP, HQrs, FRP HAZARA is appointed as enquiry officer who shall in accordance with the provision of Police Rules provided reasonable opportunity of hearing to the defaulter, record his findings and make recommendation of the punishment or other appropriate action against the defaulter official with in seven (07) days from the receipt of this order.

Zahid
Superintendent of Police, FRP,
Hazara Region, Abbottabad.

No. *1062-63* /EC/FRP, dated Abbottabad the *21/07* /2022.
Copy of above is sent to MR. AZAM ALI SHAH, DSP, HQrs, FRP HAZARA for information. He is directed to complete the enquiry within 15 days positively.

Superintendent of Police, FRP,
Hazara Region, Abbottabad.

Attested
H

محکمہ صحت DSP - 1/2 کوئیڈیز FRP بڑھانے کے لیے ایک ایڈ

عنوان :- وزارت صحت، جامع شہید 1062-63/EC/FRP
تاریخ: 21-07-2022

محکمہ صحت، وزیر صحت، جامع شہید، حوالہ: لاہور ڈی ایچ ایچ
محکمہ صحت، وزیر صحت، جامع شہید، حوالہ: لاہور ڈی ایچ ایچ

1- کہیں مندرجہ ذیل تقریباً 12 (بارہ) سال قبل تو لیس میں لاہور
میں لاہور کے ایک شخص نے ایک شخص کو قتل کیا اور وہ پندرہ
سال تک جیل میں رہا۔ اس شخص کو قتل کرنے کا مقصد یہ تھا کہ وہ
میں مندرجہ ذیل تقریباً 12 (بارہ) سال قبل تو لیس میں لاہور

2- کہیں جامع شہید ڈی ایچ ایچ میں قتل کے الزامات ایک شخص
پر عائد ہیں۔ من مقررہ اور من مقررہ FIR / رپورٹ کا شکار
ہوئے۔ جن میں رتی کو قتل کرنے کی حقیقت نہ ہے بلکہ الزامات کی
حکمت تردید کی گئی ہے۔

3- کہیں وزارت آزاد باا واقعہ مندی بانڈی "میرے فریڈم کی ہے
اور پھر ذاتی ملکیت میں ہے جسے ہم من مقررہ حقیقت من مقررہ
سال میں وزارت لہرانہ رہتے ہیں۔ اور یہاں سالہ عشرت من مقررہ
ہو گیا ہے۔ جس کا انتظام والیام من مقررہ کرتے ہیں۔ اور اس میں
میں من مقررہ باا حقیقت کہیں وزارت اپنے انہماک آیا ہے۔ اور
عمر من مقررہ انتظام میں شامل ہے۔

4- کہیں من مقررہ 07/29 کو وقت لہرانہ عمر من مقررہ نے دیکھا۔

Attested
[Signature]

2

کہ خود کو اکتے پتے پتے سے اور اس میں توں تلوں سر سے ہے
 تو میں ہی معلوم کر نیکی سے۔ تو تیرے ہر عبادت گاہ کی تگھن
 اور آج کے دگر سانسی دگر نے شرارتوں میں کا اکتے پتے پتے تھا۔
 سے عطر کا وہ صاحب نام ہی تھن نے اکتے پتے سے منع کیا۔ تو وہ توں
 اس سے لکر رہے تھے۔ تھن نے دونوں باروں کو لکرے تھن نے سے ادکا۔
 اور تہا، کہ وہ فقیہ مقام تہا توں اور اکتے پتے کا اکتے پتے اور
 نہ تھن تھن اور تہا سے، فقیہ مقام کی اور تہا تھن
 گ۔ تہا تہا تہا تہا تہا تہا تہا تہا تہا تہا تہا تہا تہا تہا
 عیسٰی صاحب کے اکتے پتے سے تہا تہا تہا تہا تہا تہا تہا تہا
 تہا تہا تہا تہا تہا تہا تہا تہا تہا تہا تہا تہا تہا تہا
 تہا تہا تہا تہا تہا تہا تہا تہا تہا تہا تہا تہا تہا تہا
 اور تہا تہا تہا تہا تہا تہا تہا تہا تہا تہا تہا تہا تہا تہا
 کر تہا تہا۔

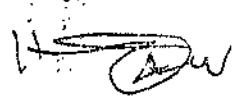
ہ۔ تہا تہا تہا تہا تہا تہا تہا تہا تہا تہا تہا تہا تہا
 تہا تہا ttho تہا تہا تہا تہا تہا تہا تہا تہا تہا تہا تہا تہا تہا
 تہا تہا سے تہا تہا۔ اور وہ عطر کا تہا تہا تہا تہا تہا تہا
 تہا تہا تہا تہا تہا تہا تہا تہا تہا تہا تہا تہا تہا تہا
 تو تہا تہا۔ اور تہا تہا تہا تہا تہا تہا تہا تہا تہا تہا تہا تہا
 تہا تہا۔ جو تہا تہا تہا تہا تہا تہا تہا تہا تہا تہا تہا تہا تہا

Attested
 [Signature]

ساتھ مجھے بھی خودخواہ ملوث کرنا ہے۔ ۱۶ FIR کو
 گھنٹہ بھر کے - بعد دیکھیں اس کے بعد وہ دیکھنے والی
 لکھنؤ وار ملوث ہے۔ اور جاننا کہ رقم - 5000 روپے
 رپورٹ کرنے کے لئے ملتی ہے۔ یہ بھی 840 کا ہے۔ کوئی
 ہے۔ ۱۶ FIR میں بنیاد کا کردار ادا کریں۔ اور
 کے ساتھ ملوث ہے۔ کوئی نہیں ہے۔ اور اس کو
 حکم دیا ہے۔

7 - کہہ سکتے ہیں کہ FIR میں ملوث ہیں اور ان کو
 Pending لکھنا نہیں چاہئے۔ کہہ سکتے ہیں کہ FIR
 کو بنیاد میں ملوث ہے کوئی نہیں ہے۔ اور ان کو
 اور وہ اس کے ساتھ ہے۔ ان کو عدالتی میں FIR
 میں Pending لکھا ہے۔

8 - یہ کہہ سکتے ہیں کہ ملوث ہے۔ ان کو عدالت
 دیکھنا ہے۔ اور یہ ملوث ہے خودخواہ بنیاد
 طور پر FIR میں ملوث ہے۔ اور ان کو
 کا نتیجہ ہے۔ جس سے وہ ملوث ہے۔ اور
 میں ملوث ہے۔ کہہ سکتے ہیں کہ ملوث ہے۔ اور ان کو

Attached


4 -

تذکرہ کے ضرور مثبت حاصل کرونا۔

۱۔ یہ کہ جس شخص کو اگر سزا دینے کا موقع ملے گا تو اس کے لیے
مخالفتی صورتوں میں والد کے پیش نظر اس کے لیے یہ
نہیں اور گھبرائے ہوئے سے متعلق ضروریات درمیان۔

اس معاہدہ میں باہر مخالف کو در نظر
رکھنا چاہیے۔ چارج شدہ ذرا اور وہاں پر
کے ساتھ ہی مخالفتوں کو۔

10/08
10/02

4848 FRP حال قید
میں قید کے لیے

Attested
[Signature]

ANNEXURE 'E' 18

Phone: 0992-921478
Email: sp@nazran.com

ORDER

The case of discharge of the departmental enquiry initiated against Constable M. Zahid (No. 41482) FRP reported by District Police Officer, Haripur office Memo No. 992-95/OAS/FRP dated 04-07-2022 and Superintendent of Police, Investigation, Haripur office Endst: 02/33-45, dated 04-07-2022. Wherein Constable involve in case vide FIR No 292, dated 03/07/2022, U/s 106-170/337A-506/34/PPC, PS Sarai Selon, District Haripur also suspended and referred to FRP Lines Abbottabad vide the office order No.992-95/OAS/FRP, dated 04-07-2022.

The delinquent Constable was served with charge sheet and statement of delinquent vide the office No.1062-63/EC, dated 21-07-2022, but his reply was unsatisfactory. Departmental enquiry was conducted against above named Constable through Azam Ali Shah, DSP, FRP/HQs Hazara Region, Abbottabad. The Enquiry Officer found him guilty and recommended him for major punishment.

Keeping in view the above facts, conduct of delinquent Constable and on the recommendation of enquiry Officer the undersigned found him unfit for Police service and thus liable to major punishment.

Therefore, Zahid-un-Rehman, Superintendent of Police, FRP, Hazara Region Abbottabad as competent authority hereby ordered the major punishment of Dismissal from service under P R 1975 from the date of the order dated 16/07/2022.

Order announced.

Zahid
Superintendent of Police, FRP
Hazara Region, Abbottabad
16/07/2022

No. 1356-59 /EC/FRP dated, Abbottabad the
Copy of above is forwarded for favour of information and necessary action to the.

1. Commandant FRP Khyber Pakhtunkhwa Peshawar, please
2. OAS/Accountant/ R/FRP, Lines Hazara Region Abbottabad

Affirmed
Am

ANNEXURE 'F'

19

To

The Commandant Frontier Reserve Police
Khyber Pakhtunkhwa,
Peshawar

Subject;

DEPARTMENTAL APPEAL AGAINST THE IMPUGNED
ORDER DATED 16/09/2022 PASSED BY
SUPERINTENDENT OF FRONTIER RESERVE POLICE
HAZARA REGION ABBOTTABAD, WHEREBY THE
COMPETENT AUTHORITY/OFFICER IMPOSED MAJOR
PANLITY DISMISSAL FROM SERVICE WHICH IS
ILLEGAL, AGAINST THE LAW, FACTS AND NATURE
JUSTICE AND LIABLE TO BE SET-ASIDE.

Respected Sir,

1. That, the appellant appointed as Constable bearing No. 4848 in Frontier Reserve Police Hazara.
2. That after appointment appellant was sent to Police Training School on completion of training appellant was posted at different station.
3. That since 2011 appellant performed his duty with full devotion and liabilities and there had no complaint against appellant.
4. That on 03/07/2022 some opponents of the appellant of his native Village Changi Bandi Haripur lodged one of the so-called FIR No..292 under sections 386, 170, 337-AI, 506, 34 PPC Police Station Sara-e-Salah District

Attested


Haripur against the appellant for personal grudges and enmity.

5. That thereafter, appellant surrender himself before the local police for the purpose of obeying law.
6. That on 21/07/2022 competent authority issued charge sheet alongwith statement of allegation with allegation that you "Spoil the good image of the Police Department which is against the rules of discipline force". Copy of charge sheet and statement of allegation is annexed.
7. That thereafter on 10/08/2022 appellant submitted his reply of the charge sheet and categorically denied all kinds of allegations against him. Copy of reply is annexed.
8. That on 16/09/2022 the competent authority (Superintendent of FRP) Hazara at Abbottabad imposed major penalty dismissal from service hence this appeal on the following grounds:-

GROUNDS:-

Attested
H. S. Suri

- a. That, the dismissal from service order dated 16/09/2022 is illegal, unlawful, without lawful

authority, perverse, and against the constitutional guaranteed rights of the appellant hence, untenable in the eye of law and his liable to be set-aside.

b. That when law prescribed something which is to be in a particular. That must be in that manner and not otherwise. Hence the competent authority was bound to follow the law which is not done in the instant case. Hence impugned order is liable to be set-aside and appellant be reinstated.

c. That, neither any show cause was served upon the appellant nor he was associated with any enquiry hence, the dismissal order is based on political influence, therefore liable to be set-aside.

d. That competent authority intentionally not delivered the inquiry to the appellant for redressing of his grievance which shows the malafide of the competent authority.

Attested
H. [Signature]

e. That, the appellant was condemned unheard and he did not given opportunity for personal hearing to bring the real and true facts on the screen.

- f. That even otherwise the impugned dismissal order dated 16/09/2022 is liable to be set-aside on the grounds that no rights of defence or personal right of hearing which was mandatory provision of law was given to the appellant before being proceeded against him.
- g. That, impugned order was passed against the appellant with malafide, against law and natural justice.
- h. That the whole disciplinary proceedings initiated against the appellant have been done in contravention to the rules, regulation and law and therefore the whole proceedings are liable to be set-aside appellant be reinstated to his original post.
- i. That competent authority violated the basic principle of natural justice and rule and procedure prescribed in E&D & Police Rules, hence impugned order is liable to be set-aside.
- j. That competent authority issued impugned order against the well known principles, procedures

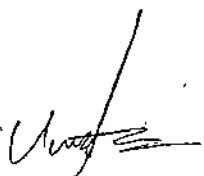
Attested

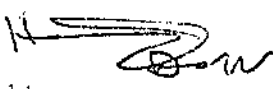

prescribed and guidelines by the superior courts and authorities time by time for the governments departments but competent authority ignored all these rules and principles.

- k. That the competent authority without any reasons on the part of appellant imposed major penalty of dismissal from service and no opportunity of personal hearing was given to the appellant.

It is, therefore, humbly prayed that on acceptance of the instant departmental appeal, impugned order dated 16/09/2022 issued by competent authority (S.P FRP) Hazara at Abbottabad may kindly be declared null and void and appellant be reinstated into service alongwith all back benefits.

Dated: 28.9 /2022


(UMAR FAROOQ)
S/o Abdus Salam
R/o Changi Bandi
Tehsil & District Haripur
Ex-Constable No. 4848/ FRP
Hazara Region at Abbottabad

Attested


کورٹ فیس

وکالت نامہ

BEFORE THE KHYBER PAKHTUN KHAWA SERVICE TRIBUNAL

عنوان: Court of K.P.K نام: UMAR FAROO

منجانب: Applicant

نوعیت مقدمہ: Service Appeal

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آن مقام

Hamayun Khan, Fazlullah Khan

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل

صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ بر حلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری

کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت

ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی

بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا

ساختہ پرداختہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے

مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا

حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں

کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست برآمد

استجارت نالاش بصیغہ مفلسی کے دائر کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کیا تاکہ سند رہے۔

المقوم:

scripted by

بمقام:

Umar Faroo