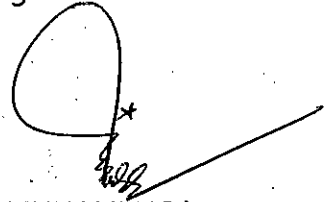


08.09.2021

None for the appellant present.

Notice be issued to the appellant and his counsel.
Adjourned. To come up for preliminary hearing before the S.B on
26.10.2021.




(MIAN MUHAMMAD)
MEMBER (E)

26.10.2020

Nemo for the appellant.

It is already past 03:00 P.M while the case has been
called several times but no one appeared on behalf of the
appellant.

Dismissed for non-prosecution. File be consigned to the
record.



Chairman

ANNOUNCED
26.10.2020

04.02.2021

Junior to counsel for the petitioner present.

Requests for adjournment as learned senior counsel for the appellant is indisposed today. Adjourned to 26.05.2021 for hearing before S.B.


Chairman

26.05.2021

Counsel for the applicant and Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Instant application is for restoration of appeal No. 935/2019, dismissed for non-prosecution on 23.06.2020.

It is agitated in the application that the appellant was present on 23.06.2020 but his counsel was not in attendance due to victim of COVID, 19. The non-representation of learned counsel for the appellant was, therefore, neither willful nor deliberate.

The record shows that the application in hand was submitted on 23.07.2020, about a month after the dismissal of appeal. The Reasons given in the application seem genuine. The application is, therefore, allowed. Appeal No. 935/2019 is restored to its original number.



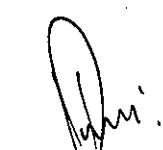

To come up for filing of amended appeal and preliminary hearing on 08.09.2021 before the S.B.


Chairman

Form-A
FORM OF ORDER SHEET

Court of _____

Appeal's Restoration Application No. 107 /2020

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge.
1	2	3
1	23-07.2020	<p>The application for restoration of appeal No. 935/2019 submitted by Naila Jan Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2		<p>This restoration application is entrusted to S. Bench to be put up there on <u>11/09/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	11.09.2020	<p>Nemo for the petitioner. Notices be issued to petitioner/counsel for hearing on 17.11.2020 before S.B.</p> <p style="text-align: right;"> Chairman</p>
	17.11.2020	<p>Counsel for the petitioner present. Notices be issued to respondents for hearing on 04.02.2021 before S.B. They shall submit reply to the application on next date.</p> <p style="text-align: right;"> Chairman</p>

23.06.2020

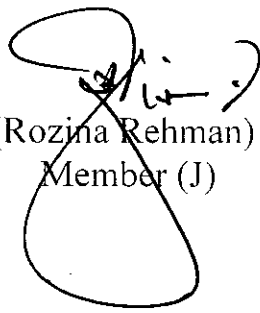
Nemo for the appellant.

Perusal of record would reveal that an application for amendment in the appeal was submitted on 10.10.2019 which application was allowed and the appellant was directed to submit amended appeal. Again, an adjournment was granted on the request of appellant on 22.11.2019. It was on 06.01.2020 when request for adjournment was allowed with direction to submit amended appeal within Seven (07) days but till today it was not submitted.

Today neither the appellant nor his counsel appeared before the court, therefore the instant appeal stands dismissed in default. No order as to costs. File be consigned to the record room.

ANNOUNCED.

23.06.2020


(Rozina Rehman)
Member (J)

17.02.2020

Learned counsel for the appellant present and seeks adjournment. Adjourn. To come up for further proceedings on 31.03.2020 before S.B.



Member

31.03.2020

Due to public holiday on account of COVID-19, the case is adjourned to 23.06.2020 for the same. To come up for the same as before S.B.



Reader

10.10.2019 Miss Naila Jan, Advocate has submitted Wakalatnama on behalf of appellant and also an application for amendment in the appeal in order to impugn the order dated 10.05.2019 passed by respondent No. 1.

Application is allowed. The requisite amended appeal shall be submitted on or before next date of hearing.

Adjourned to 22.11.2019 before S.B.

22.11.2019

Appellant present in person.


Chairman

Requests for adjournment as requisite amended appeal has not been prepared as yet.

Adjourned to 06.01.2020 before S.B.


Chairman

06.01.2020




Counsel for the appellant present.

One again a request for adjournment is made for submission of amended appeal. Adjourned to 17.02.2020. The requisite amended appeal shall be submitted within seven days.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____
Case No. 935 /2019

S.No.	Date of order : Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	17-07-2019	<p>The appeal of Mr. Muhammad Shahid resubmitted today by Mr. Fahim ullah Akhonzada Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	22/07/19	<p>This case is entrusted to S.B for preliminary hearing to be put up there on <u>30/08/19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	30.08.2019	<p>Appellant in person present. A request for adjournment is made as learned counsel for the appellant is not available today. Adjourned to 10.10.2019 before S.B.</p> <p style="text-align: right;"> Chairman</p>


*P.S.
Delay*

The appeal of Mr. Muhammad Shahid Ex-Constable no. 4896 Capital City Police Peshawar received today i.e. on 27.05.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

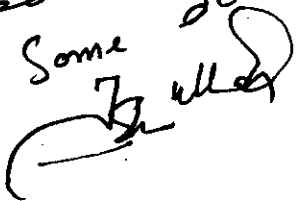
- x ① Copy of appointment order mentioned in para-1 of the memo of appeal (Annexure-A) is not attached with the appeal which may be placed on it.
- ② Copies of charge sheet, statement of allegations, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- ③ Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- ④ Annexures of the appeal may be attested.
- ⑤ Annexures of the appeal may be flagged.
- x ⑥ One copy/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1027 /S.T,

Dt. 28-5- /2019.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

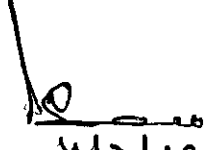



Mr. Faheemullah Akhonzada Adv. Pesh.

Respected Sir
Need sometime for
of some documents
Collection


⑩ days time further
extended.


20/6/19.

⑩ days further extended.


4/7/19.




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

Appeal No. 935 /2019

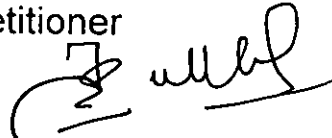
Muhammad ShahidPetitioner

V E R S U S

Police Department... Respondents

I N D E X

S#	Description of Documents	Annex	Pages
1.	Memo of Appeal		1-3
	Copy of Show Cause	A	4
2.	Copy of dismissal order dated 18.02.2015	B	5
3.	Copy of Departmental Appeal	C	6-7
4.	Copy of impugned Appellate Order dated 24.04.2019	D	8
5.	Copy of Final Show Cause Notice	E	9-10
6.	Copy of Department Inquiry	F	11-12
7.	Copy of Application to SP	G	13-14
8.	Wakalatnama		15

Petitioner
Through 
Faheem Ullah Akhuzada
Advocate
High Court, Peshawar
Cell No.0315-9046202

Dated: __/06/2019

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

APPEAL NO. 935 /2019 Diary No. 805

Dated 27/5/2019

Mr. Muhammad Shahid, Ex-Constable (BPS-05) No. 4896, Capital City Police Peshawar.

..... APPELLANT

VERSUS

- 1- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar
- 2- The Additional Inspector General of Police (Establishment), HQs, Khyber Pakhtunkhwa Peshawar.
- 3- The Capital City Police Officer Peshawar.
- 4- The Superintendent of Police HQs, Capital City Police Peshawar.

..... RESPONDENTS


APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 18.02.2015 WHEREBY THE APPELLANT HAS BEEN DISMISSED FROM SERVICE AND AGAINST THE APPELLATE ORDER DATED 24.04.2019 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REGRETTEED ON NO GOOD GROUNDS.

PRAYER:

Filed to-day
Registrar
27/5/19

That on acceptance of this appeal the impugned order dated 18.02.2015 and subsequent appellate order dated 24.04.2019 may very kindly be set aside and the appellant may kindly be re-instated into service with all consequential back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHWETH:
ON FACTS:

- 1. That appellant was enrolled as Constable (BPS-05) in the respondent Department in the year 2007 after fulfilling all the codal formalities required for appointment to the post. Copy of the Office order is 
- 2. That appellant after receiving the appointment order submitted his arrival report and started performing duty quite efficiently, whole heartedly and to the entire satisfaction of his high ups.

(2)

3. That, appellant was issued with show Cause Notice dated 18.10.2014 on account of willful absence from duty for which appellant has submitted a detail reply dated before the competent authority. Copy of Show Cause notice is attached as annexure A
4. That, the competent authority without hearing the appellant or giving him a proper time to submit his reply in response to the show cause, issued order dated 18.02.2015 whereby major penalty of dismissal from service has been imposed upon the appellant. Copy of the order is attached as annexure..... B
5. That, feeling aggrieved from the inaction of the respondent no. 4 the appellant filed Departmental Appeal against the order dated 18.02.2015 before respondent no. 3. Copy of the Departmental Appeal is attached as annexure C
6. That, the respondent no. 3 while disposing the Departmental Appeal of the appellant against the major penalty of dismissal from service rejected the same vide impugned order dated 24.04.2019. Copy of the impugned order is attached as annexure..... D to G
7. That appellant feeling highly aggrieved and having no other remedy but to file the instant appeal on the following grounds amongst the others.

GROUND:

- A- That impugned dismissal order dated 18.02.2015 & appellate order dated 24.04.2019 issued by the respondents are void in nature against the law, facts and norms of natural justice hence not tenable and is liable to be set aside.
- B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the codal formalities required for the major penalty has not been fulfilled by the respondents while issuing the impugned dismissal order dated 08.01.2019 & appellate order dated 13.02.2019.
- D- That, the respondents acted in an arbitrary and malafide manner while issuing the impugned dismissal order dated 18.02.2015 & appellate order dated 24.04.2019.

(3)

- E- That, no regular or fact-finding inquiry is conducted in the matter which is pre-requisite as per the judgments of the Apex Supreme Court of Pakistan in punitive matters.
- F- That, the respondents while issuing impugned dismissal order dated 18.02.2015 & appellate order dated 24.04.2019, the appellant has been punished for the fault of others.
- G- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

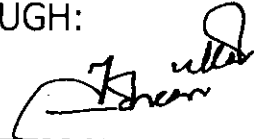
Dated: 27.05.2019



APPELLANT

MUHAMMAD SHAHID

THROUGH:



FAHEEM ULLAH AKHUNZADA
ADVOCATE,
High Court Peshawar

ENLISTMENT ORDER.

Recruit/Constable Muhammad Shahid S/O Ashraf Khan

R/O Gulshan Abad Mattani PS Mattani

Distt: Peshawar is hereby enlisted as recruit/Constable in BPS-5
as selected by the recruitment Committee w.e.f _____ and

allotted Constabulary No 4896


Height 5'-9" Chest 33"x35"

Education 10th D/O Birth 16 / 10 / 1983

His service is purely on temporary basis and liable for termination at any
time without any notice.

OB No. 2063

Dated 18/17 2007.


SUPERINTENDENT OF POLICE.
HQRS: PESHAWAR.

SHOW CAUSE NOTICE (578) (A) *Ameer A*
4

I, Superintendent of Police HQrs., Peshawar as competent authority, empowered under Police & Disciplinary Rules-1975, do hereby serve upon you show cause notice on the allegations charges as follows.

"That you Constables of Police Lines, Peshawar absented for the following period mentioned against each name without permission or leave. This act/omission amounts to gross neglect on your part and is against the norms of disciplined force.

S #	Name & No.	Period of absence
01	FC Imtiaz 4361	21.01.2014 till date
02	FC Tahir Khan 4887	18.01.2014 till date
03	FC Ikram 467	18.01.2014 till date
04	FC Muhammad 3751	08.01.2014 till date
05	FC Aamir 3542	15.01.2014 till date
06	FC Bakht Zada 1844 ✓	22.01.2014 till date
07	FC Bilal 3969	12.01.2014 till date
08	FC Muhammad Shahid 4896 ✓	10.01.2014 till date
09	FC Shahaab Ali 5117	23.01.2014 till date
10	FC Mujeeb-ur-Rahman 5312	03.01.2014 till date
11	FC Wajid 4221	03.01.2014 till date
12	FC Nadeem 4707	14.01.2014 till date
13	FC Anwar Zeb 4703	17.01.2014 till date
14	FC Shafiq 220	12.01.2014 till date
15	FC Zafar 5052	04.01.2014 till date
16	FC Bashir 5019	05.01.2014 till date
17	FC Irfan Ali 5099	18.01.2014 till date
18	FC Adil 4379	09.01.2014 till date
19	FC Gul Nawaz 4133	28.12.2013 till date
20	FC Nawaz Khan 4355	31.12.2013 till date
21	FC Sohail 5412	31.12.2013 till date
22	FC Fawad Ahmad 2969	29.12.2013 till date
23	FC Rahat Ali 5506	28.12.2013 till date
24	FC Ibad Gul 2688	01.01.2014 till date

You are, therefore, required to show cause as to why you should not be proceeded against departmentally for the above mentioned act/omission. Also intimate whether you desire to be heard in person.

If no reply to this notice is received within 7 days of its issue in normal course of circumstances to explain your position, the proceedings shall be initiated against you.

SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

Attested

39 /PA, SP/HQ: dated Peshawar the 10/01/2014

Copy to official concerned.

ORDER

(4)A ✓ 196/14 B

This office order relates to the disposal of formal departmental enquiry against Constable Shahid No.4896 of Capital City Police Peshawar on the allegations that he while posted at Police Lines, Peshawar absented himself from lawful duty from 10.01.2014 to 18.10.2014 & from 07.01.2015 till date without taking permission or leave.

In this regard, he was issued charge sheet and summary of allegations. SDPO Cantt was appointed as E.O. He conducted the enquiry and submitted his report that the defaulter official did not follow proper procedure for leave. The E.O further recommended major punishment for the defaulter official vide Enquiry Report No.2819/ST dated 11.12.2014.

Upon the finding of E.O, he was issued final show cause notice which delivered to him on home address through local Police but he failed to submit his reply in stipulated period or appear before this office.

In the light of recommendations of E.O & other material available on record, the undersigned came to conclusion that the alleged official found guilty of prolong absence. Therefore, he is hereby dismissed from service under Police & Disciplinary Rules-1975 with immediate effect. Hence, the period he remained absent from 10.01.2014 to 18.10.2014 & from 07.01.2015 till date is treated without pay.

ENC 22

[Signature]

SUPERINTENDENT OF POLICE
HEADQUARTERS, PESHAWAR

OB. NO. 183 / Dated 18/2 /2015

No. 559-35 /PA/SP/dated Peshawar the 12/02/2015

Copy of above is forwarded for information & in/action to:

- ✓ Capital City Police Officer, Peshawar.
- ✓ DSP/In-qs, Peshawar.
- ✓ City Office, OASI/CRC & FMC along-with appropriate departmental file.
- ✓ Officials concerned.

[Signature]

Attested

To, (6)
The Chief Capital City Police,
District Peshawar.

Subject: DEPARTMENTAL REPRESENTATION
AGAINST THE ORDER OF NO.685 DATED
08/02/2015 NO.559-65 REGARDING EX-
CONSTABLE MUHAMMAD SHAHID
NO.4896 POLICE LINE PESHAWAR.

Respected Sir,

The appellant submits as under: -

- 1- That the appellant was serving as constable in your department as regularly and punctually attended office since 2007.
- 2- That father of the appellant was abroad in connection of livelihood where he became serious ill and was the last stages of his life.
- 3- That the appellant submitted an application before the high ups for intimation but no preference was given to applicant, application due to which the appellant left the country for the treatment father abroad.
- 4- That on 22/02/2016 father of the appellant passed away at UAE. (Copy of death certificate is annexed herewith)
- 5- That after the death of appellant father, the appellant

Jullah
Attested

(7)

the loans and other matter of his deceased father left by him.

6- That due to the above stated reasons the appellant could not attend his office /duty due to which he was dismissed from his service.

7- That the appellant is innocent and performed his duties with great zeal and honesty and absence of the appellant from the duty was not intentional but due to the above stated reasons.

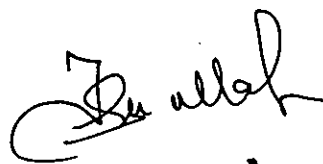
It is, therefore, most humbly requested that on acceptance of this departmental appeal the appellant may kindly be reinstated in service with all back benefits.

Dated 06/03/2019

Appellant



Muhammad Shahid
No.4896 Ex-Constable
Police Line, Peshawar
Cell # 0333-9309098
0300-9084417



Attested



(8) *Amended*

**OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR**

Phone No. 091-9210989
Fax No. 091-9212597

ORDER.

This order will dispose of the departmental appeal preferred by Ex-Constable Muhammad Shahid No. ~~4216~~ ⁴⁹⁹¹ who was awarded the major punishment of "dismissal from service" under Police Rules-1975 by SP/HQr: Peshawar vide OB No. 685, dated 18-02-2015.

2- The allegations leveled against him were that he while posted in Police Lines Peshawar absented himself from his lawful duty w.e.f 10-01.2014 to 18.10.2014 (09 months & 08 days) and 07-01-2015 till the date of dismissal i.e 18-02-2015 (41 days) without any leave or permission from his seniors. Total absence 10 months and 19 days.

3- He was issued proper Charge Sheet and Summary of Allegations by SP/HQrs Peshawar and DSP/Cantt: Peshawar was appointed as enquiry officer. The enquiry officer conducted a detailed enquiry and submitted his finding report in which he recommended the delinquent official for "Major Punishment". On receipt of findings of the enquiry officer, the competent authority issued him Final Show Cause Notice which was sent to him at his home address but he failed to submit his written reply within stipulated period. Hence the Competent Authority awarded him the above major punishment.

4- He was heard in person in O.R. The relevant record perused along with his explanation. During personal hearing the appellant failed to produce any plausible explanation in his defence to prove his innocence. Therefore, his appeal to set-aside the punishment order passed by SP/HQr: Peshawar vide OB No. 685, dated 18-02-2015 is hereby rejected /dismissed being also time bared for 04 years and 02 months.

[Signature]
(QAZI JAMIL UR REHMAN)PSP
CAPITAL CITY POLICE OFFICER,
PESHAWAR

No. 636-41 /PA dated Peshawar the 24-04- 2019

Copies for information and n/a to the:-

1. SP/HQr: Peshawar.
2. PO/OASI/CRC for making necessary entry in his S.Roll.
3. FMC along with FM
4. Official concerned.

[Signature]
Attested

FINAL SHOW CAUSE NOTICE

Q. Arif
E

I Superintendent of Police, Headquarters, Capital City Police Peshawar, as competent authority, under the provision of Police Disciplinary Rules 1975 do hereby serve upon you, Constable Shahid No 4896 the final show cause notice.

The Enquiry Officer, MR. Arif Khan, after completion of enquiry proceedings, has recommended minor punishment for you Constable Shahid No.4896 as the charges/allegations leveled against you in the charge sheet/statement of allegations.

And whereas, the undersigned is satisfied that you Constable Shahid No.4896 deserve the punishment in the light of the above said enquiry reports.

I, competent authority, have decided to impose upon you the penalty of minor/major punishment under Police Disciplinary Rules 1975 for misconduct.

1. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
2. If no reply to this notice is received within 7 days of its receipt, in normal course of circumstances, it shall, be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.
3. The copy of the finding of the enquiry officer is enclosed.

Arif
SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

No. 196 /PA, SP/HQrs: dated Peshawar the 12/12 /2014.

Copy to official concerned

I. Akbar
Attested



Final Show Cause Notice

I Superintendent of Police Headquarters, Capital City Police Peshawar, as competent authority, under the provision of police Disciplinary Rules 1975, do hereby serve upon you, Constable Shahid No.4896 the final Show Cause Notice.

The Enquiry Officer, Mr. Arif Khan, After completion of enquiry proceedings, has recommended major punishment for you Constable Shahid No.4896 as the charges/allegations leveled against you in the charge sheet/statements of allegations.

And whereas, the undersigned is satisfied that you Constable Shahid No.4896 deserved the punishment in the light of the above said enquiry reports.

I, competent authority, have decided to impose upon you the penalty of minor/major punishment under police Disciplinary Rules 1975 for misconduct.

1. You are, therefore, required to Show Cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
2. If no reply to this notice is received within 7 days of its receipts, in normal course of circumstances shall, be presumed that you have no defence to put in and in that case as exparte action shall be taken against you.
3. The Copy of the finding of the enquiry officer is enclosed.

Sd/-

SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

No. 196 /PA, SP/HQrs. Dated Peshawar the 12/12/2014.

Copy of official concerned

Ballal
Attested

Cantt Sub-Division.

Police.

To: Superintendent of Police HQrs, Peshawar.

From: Deputy Superintendent of Police Peshawar Cantt.

No. 2819 /PA

Dated: 11/ December, 2014.

Subject: Departmental Inquiry against Constable Shahid#4896

(Handwritten signatures and initials)
A large handwritten signature is present, along with a circled number '11' and other initials.

Memo:

Please refer to your office inquiry No. 196/E/PA/SP-HQrs, dated 11/12/2014, on the subject noted above.

A departmental inquiry against Constable Muhammad Shahid # 4896, was here in conducted with the allegations that while he was posted at Police Lines Peshawar he remained absent from his legitimate duty with effect from 10/01/2014 to 18/10/2014 for a period of 9-month and 8-days, without any leave or prior permission from his senior officer. Subsequently, proper charge sheet and summary of allegations was issued to him by the W/SP-HQrs Peshawar. The inquiry papers were marked to the undersigned for inquiry to find out real facts.

Constable Muhammad Shahid#4896, was summoned to the office. He attended the office and his statement was recorded. He stated in his statement that he had some domestic problems and due to it he became absent from his duty. He added that when his problems were resolved reported back for duty vide daily dairy No.53 dated 18/10/2014 at Police Lines Peshawar. He mentioned he was appointed in Police as Constable in year 2007, and he was never absent from his duty except the above mentioned absence. (Statement is attached).

From the perusal of record and inquiry conducted it was revealed that statement of the of the said Constable, is not based on true facts. He did not even mention his domestic problems in his given statement. The said Constable did not follow proper procedure for of his sanction leave from his senior officers which is his serious negligence and against the discipline of the Police force.

In the light of the above circumstances, the undersigned as inquiry officer recommend Constable Muhammad #4896 may be awarded with major punishment.

(Handwritten signature)
Deputy Superintendent of Police,
Cantt Sub-Division Peshawar.

*Issue Final
Show Cause notice*

(Handwritten signature)

(Handwritten signature)
Attested

Cantt Sub-Division

Police

To: Superintendent of Police HQrs Peshawar
From: Deputy Superintendent of Police Peshawar Cantt

No.2819 /PA
Dated 11/ December, 2014

Subject: **Departmental Inquiry against Constable Shahid No.4896**

Memo:

Please refer to your office inquiry No.196/E/PA/SP-HQrs. Dated 12.12.2014 on the subject noted above.

A departmental inquiry against Constable Muhammad Shahid No.4896, was here in conducted with the allegations that while he was posted at Police Lines Peshawar he remained absent from his legitimate duty with effect from 10.01.2014 to 18.10.2014 for a period of 9-month and 8-days, without any leave or prior permission from his senior officer, subsueqnetly, proper charge sheet and summary of allegations was issued to him by the W/SP-HQrs Peshawar. The inquiry papers were marked to the undersigned for inquiry to find out real facts.

Constable Muhammad Shahid No.4896 was summoned to the Police. The attended the office and his statement was recorded. He stated in his statement that he had some domestic problems and due to it he became absent from his duty. He added that when his problems were resolved reported back for duty vide daily dairy No.53 dated 18.10.2014 at Police Lines Peshawar. he mentioned he was appointed in police as Constable in year 2007, and he was never absent from his duty except the above mentioned absence (Statement is attached).

From the perusal of record and inquiry conducted it was revealed that statement of the said Constable is not based on true facts. He did not even mention his domestic problems in his given statement. The said constable did not follow proper procedure for of his sanction leave from his senior officers which is his serious negligence and against the disciplinary of the police force.

In the light of the above circumstance, I undersigned inquiry officer recommend Constable Muhammad No.4896 may be awarded with major punishment.


Attested

Sd/-
Deputy Superintendent of Police,
Cantt Sub Division Peshawar

17

13

جناب عالی!

بجوالہ شوکاژ نوٹس نمبری 39/PA مورخہ 13/8/14 مجاریہ دفتر SP صاحب ہیڈ کوارٹر پولیس لائن پشاور معروضہ خدمت ہوں کہ سائل کو چند گھریلو مشکلات جن کی وضاحت کرنے سے قاصر ہوں۔ مورخہ 10.01.14 کو بجوالہ مد نمبر 7 پولیس لائن پشاور سے غیر حاضہ ہوا تھا۔ حالانکہ تھوڑے سے معمول پر آنے کے بعد سائل نے بجوالہ مد نمبر 53 مورخہ 18.10.2014 کو اپنی حاضری پیش لائن پشاور میں کر کے باقاعدہ پوری دلچسپی کے ساتھ اپنی ڈیوٹی پر حاضر ہوں۔

یہ کہ سائل محکمہ پولیس میں سال 2007 کو جوائنٹمنٹیا بھرتی ہوا ہوں۔ اور دوران ملازمت اس غیر حاضری کے علاوہ دیگر کسی قسم کی غیر حاضری نہیں کرانے اور نہ ہی افسران بالا کو کسی قسم کی شکایت کا موقع دیا ہے۔ یہ امر بوجہ مجبوری سرزد ہو چکا ہے۔ جس کے لئے سائل افسران بالا سے معافی مانگا ہے۔ اس بار معافی دے کر سائل کی غیر حاضری کو لائٹ لیو میں شمار کیا جانے کا حکم صادر فرما کر آئندہ کبھی بھی شکایت کا موقع نہیں دوں گا۔

بس یہ ہی میرا بیان ہے۔

سائل تا عمر دعا گورہیگا۔

محمد شاہد 4896/FC متعینہ پولیس لائن پشاور

5/2/2014

Attested

Attested

سائل نے مورخہ 9-06-14

۱۱۱

جناب عالی!

بحوالہ شوکا ز نوٹس نمبری 39/PA مورخہ 13/8/14 بجاریہ دفتر SP صاحب ہیڈ کوارٹر پولیس لائن
پشاور معروض خدمت ہوں کہ سائل کو چند گھریلو مشکلات جن کی وضاحت کرنے سے قاصر ہوں
مورخہ 10/01/14 کو بحوالہ مد نمبر 7 پولیس لائن پشاور سے غیر حاضر ہوا تھا لیکن اب حالات
تھوڑے سے معمول پر آنے کے بعد سائل نے بحوالہ مد نمبر 53 مورخہ 18-10-2014 کو اپنی
حاضری پولیس لائن پشاور میں کر کے باقاعدہ پوری دلچسپی کیساتھ اپنی ڈیوٹی پر حاضر ہوں۔

یہ کہ سائل محکمہ پولیس میں سال 2007 کو بطور کنسٹیبل بھرتی ہوا ہوں اور دوران ملازمت اس غیر
حاضری کے علاوہ دیگر کسی قسم کی غیر حاضری نہیں کی ہے اور نہ ہی افسران بالا کو کسی قسم کی شکایت کا
موقع دیا ہے یہ امر بوجہ مجبوری سرزد ہو چکا ہے جس کیلئے سائل افسران بالا سے معافی کا طلبگار ہے
اس بار معافی دیکر سائل کی غیر حاضری کو لانگ لیو میں شمار کیا جانے کا حکم صادر فرما کر آئندہ کبھی بھی

شکایت کا موقع نہیں دوں گا۔

بس یہ ہی میرا بیان ہے۔

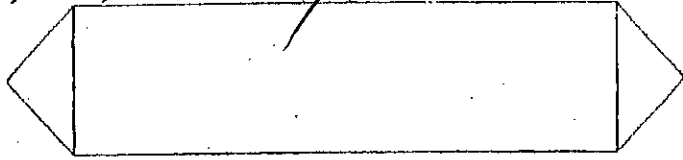
سائل تا عمر دعا گور ہیگا۔

Allah
Attested

دستخط انگریز.....

محمد شاہد 4896/FC متعینہ پولیس لائن پشاور۔ 5/2/2014

بعدالت حبسہ، ختوفہ، عدلیہ سٹریٹ، سول سٹی اور



محمد تناہہ بنام کوئل ڈیوارنگ

2019ء پنجاب

مورخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ،
آن مقام ہتساور کیلئے مسیمہ اللہ اخونترادہ ایڈووکیٹ ہائی کورٹ
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یا طرف یا اپیل کی برآمدگی
اور منسوخی نیز دائر کرنے اپیل گزارنی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے
اور اس کا ساختہ پر داخنتہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے
سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

2019ء

27 ماہ اسی

المرقوم

کے لئے منظور ہے۔

August 2019

Signature

مقام

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

S.A _____/2019.

Muhammad Shahid

VERSUS

Police

**Application for the amendment in the appeal to
the extent of challenging find order dated 10-05-
2019.**

Respectfully Sheweth,

The petitioner submits as under.

1. That the above mentioned appeal is pending before this hov able tribunal. Fixed for today.
2. That the petitioner filed revision petition under 11(A) of police rules 1975.amended 2014 which has been rejected by the worths inspector General of police. During pending of this appeal vide order dated 10-05-2019 therefore the instant appeal in liable to be amendent to that exten.

It is, therefore, requested that the petitioner may kindly be allow to amend instant appeal to the extent of challenging the Finer order dated 10-05-2019.

Appellant

Through

Naila Jan

&

Huma Khan

Advocates, High Court
Peshawar.

Dated: 10/10/2019



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar.

No. SI-7684 /19, dated Peshawar the 09/05/2019.

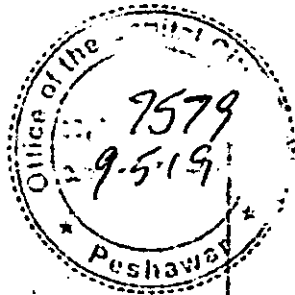
To: The Capital City Police Officer,
Peshawar.

Subject: REVISION PETITION.

Memo:

The Competent Authority has examined and filed the revision petition submitted by Ex-Constable Muhammad Shahid No. 4896 of CCP Peshawar against the punishment of dismissal from service awarded by Superintendent of Police, HQs: Peshawar vide OB No. 685, dated 18.02.2015, being badly time barred.

The applicant may please be informed accordingly.



(Signature)
(SYED AHSAN-UL-HASSAN)
Registrar,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

- C.C.P.O. *Jhu*
- SSP/O _____
- SSP/I _____
- SP/Cantt _____
- SP/City _____
- SP/Rural _____
- SP/Sec _____
- SP/HQ
- SP/T.O _____
- SP/T. HQ _____
- DSP/L/O _____
- P.O./C.C. _____
- PA/EC-II _____
- AS/J.C. Cell _____

Asi
Fan 11a

qishq

(Signature)
S. J. C. P. O. Peshawar

وکالت نامہ

بعد التماس فی الحال رہنما

محمد شمس الدین نام کی طرف

منجانب: اسلام آباد تاریخ 10/10/2019


باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوا بدہی بمقام سٹیشن کے لیے ہے۔

نانکہ جان ایڈوکیٹ ہائی کورٹ

کو بدیں شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختیار خاص رو بروئے عدالت حاضر ہوتا رہوں گا اور ہونگی اور بوقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کرونگا اگر پیشی پر من مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے کسی اور جگہ سماعت ہونے پر من مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختیار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پرداختہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا اور صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجراء ڈگری و نظر ثانی اپیل و نگرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپرد ثالثی و راضی نامہ کو فیصلہ برخلاف کرنے، اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا طرفہ درخواست حکم امتناعی یا قرقی یا گرفتاری قبل اجراء ڈگری بھی موصوف کو بشرط ادا ہنگی علیحدہ مختیار نامہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے کسی دوسرے وکیل یا بیرسٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں نیز ایسے مشیر قانون کو ہر امر میں وہی اور ایسے ہی اختیارات حاصل ہوں گے جیسے کہ صاحب موصوف کو حاصل ہیں اور پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا یہ مختیار نامہ لکھ دیتا کہ سند ہے۔ مورخہ: 10/10/2019۔ مضمون مختیار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا اور منظور ہے۔

ATTESTED & ACCEPTED





نانکہ جان ایڈوکیٹ پشاور ہائی کورٹ پشاور

محمد شمس الدین (اسلام آباد)

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No: 935/2019

Muhammad Shahid, Ex Constable

Versus

Police

INDEX

S#	Description	Annexure	Pages
1.	Application with affidavit		1-4
2	Copies of the Order Sheets	"A & B"	5-8

Dated: 23/07/2020

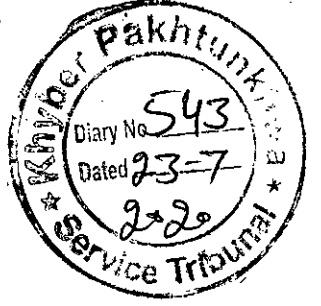
M. Shahid

Applicant/Petitioner

Through

Naila Jan
Naila Jan
Advocate, High Court
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR



Appeal No: 935/2019

Muhammad Shahid, Ex Constable

Versus

KP Police

APPLICATION FOR RESTORATION OF
THE ABOVE MENTIONED APPEAL.

Respectfully Sheweth;

Petitioner/ Applicant submits as under:-

1. That the above mentioned appeal was pending for preliminary hearing before this Hon'ble Tribunal and was fixed for 23/06/2020.
2. That the appeal was fixed on 31/03/2020, however due to epidemic Covid-19, the provincial court announced vacations on 18/03/2020. However, the same was again fixed by this Hon'ble Tribunal on 23/06/2020. However, no Notice was send upon the petitioner or his counsel and the

MS

appeal was dismissed on default by this Hon'ble Tribunal on 23/06/2020. (Copies of the Order Sheets are annexure "A" & "B").

3. That on 23/06/2020 the counsel of petitioner was victim of Covid-19, however the petitioner was present, he noted from the cause list next date of hearing 17/08/2020 and the petitioner informed his counsel but despite his presence the appeal was dismissed in default.
4. That the counsel of the petitioner got the knowledge on 20/07/2020 that the appeal has been dismissed in default.
5. That now the petitioner sought the restoration of the appeal on the following grounds:-

GROUNDS:

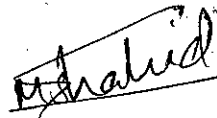
- A. That neither the petitioner nor did counsel of the petitioner was served any notice about the fixation of the appeal.
- B. That counsel of the petitioner was got knowledge of the dismissal on 20/07/2020, therefore the petition is within time.

c. That valuable rights of the petitioner are involved in the appeal and if the same was not restored the petitioner will suffer irreparable loss.

d. That Supreme Court laid down the dictum that cases are to be decided on merits rather than technicalities.

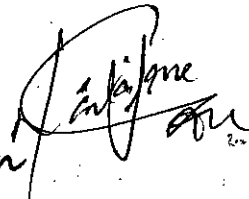
It is, therefore, most humbly prayed that on acceptance of this application the appeal of the appellant may kindly be restored.

Dated: 23/07/2020



Applicant/Petitioner

Through



Naila Jan

Advocate, High Court
Peshawar

AFFIDAVIT:

I, Naila Jan Advocate (attorney for the petitioner), do hereby solemnly affirm and declare on Oath that all the contents of the instant application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

ATTESTED
IRFAN ULLAH ADVOCATE
NOTARY PUBLIC



Advocate