

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR AT CAMP COURT ABBOTTABAD.

Service Appeal No. 7546/2021

Date of institution 06.10.2021

Zahid Khan S/O Ghani Ahmed Khan, Ex-Constable No. 547
District Police Torghar, R/O Village Kuz Kalay, Judba, District
Torghar.

VERSUS

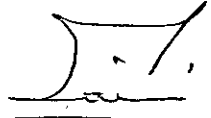
Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and two
others.

ORDER
20.01.2022

Mr. Mohammad Aslam Tanoli, Advocate, for the appellant
present and stated at the bar that as per instruction of the
appellant he wants to withdraw the instant appeal on the ground
that the grievance of the appellant has been redressed by the
respondents. In this regard, written endorsement of learned
counsel for the appellant obtained at margin of order sheet.

In light of the above, the appeal in hand stands dismissed
as withdrawn. Parties are left to bear their own costs. File be
consigned to the record room.

ANNOUNCED
20.01.2022


(Salah-ud-Din)
Member (J)
Camp Court A/Abad


Appellant's grievance has been granted by respondents.
Therefore, withdraw the instant appeal under the instructions
of Appellant - M. Aslam
Adv. for Appellant

03.12.2021

None for the appellant. Memorandum of appeal and the documents annexed therewith have been perused.

Points raised need consideration. Subject to all just and legal objection, the appeal is admitted for full hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 20.01.2022 before S.B at camp court, Abbottabad. Notice be issued to appellant for prosecution of the appeal and deposit of security within 10 days.

12/12/21




Chairman
Camp Court, A/Abad

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7547/2021

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | 2 | 3 |
| 1- | 06/10/2021 | <p>The appeal of Mr. Zahid Khan presented today by Mr. Mohammad Aslam Tanoli Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> |
| 2- | | <p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>06/12/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> |

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST**

Case Title: _____ vs _____

| S.# | Contents | Yes | No |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|
| 1. | This appeal has been presented by: <u>M. Aslam Tanahi Advoca</u> | | |
| 2. | Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents? | ✓ | |
| 3. | Whether Appeal is within time? | ✓ | |
| 4. | Whether the enactment under which the appeal is filed mentioned? | ✓ | |
| 5. | Whether the enactment under which the appeal is filed is correct? | ✓ | |
| 6. | Whether affidavit is appended? | ✓ | |
| 7. | Whether affidavit is duly attested by competent oath commissioner? | ✓ | |
| 8. | Whether appeal/annexures are properly paged? | ✓ | |
| 9. | Whether certificate regarding filing any earlier appeal on the subject, furnished? | ✓ | |
| 10. | Whether annexures are legible? | ✓ | |
| 11. | Whether annexures are attested? | ✓ | |
| 12. | Whether copies of annexures are readable/clear? | ✓ | |
| 13. | Whether copy of appeal is delivered to A.G/D.A.G? | ✓ | |
| 14. | Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents? | ✓ | |
| 15. | Whether numbers of referred cases given are correct? | ✓ | |
| 16. | Whether appeal contains cuttings/overwriting? | | ✓ |
| 17. | Whether list of books has been provided at the end of the appeal? | ✓ | |
| 18. | Whether case relate to this Court? | ✓ | |
| 19. | Whether requisite number of spare copies attached? | ✓ | |
| 20. | Whether complete spare copy is filed in separate file cover? | ✓ | |
| 21. | Whether addresses of parties given are complete? | ✓ | |
| 22. | Whether index filed? | ✓ | |
| 23. | Whether index is correct? | ✓ | |
| 24. | Whether Security and Process Fee deposited? on _____ | | |
| 25. | Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on _____ | | |
| 26. | Whether copies of comments/reply/rejoinder submitted? on _____ | | |
| 27. | Whether copies of comments/reply/rejoinder provided to opposite party? on _____ | | |

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: Mohammad Aslam Tanahi Advoca

Signature: M. Aslam

Dated: 06-10-2021

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No. 7546/2021

Zahid Khan S/O Ghani Ahmed Khan, Ex-Constable No. 547
District Police Torghar R/O Village Kuz Kalay, Judba, District
Torghar.

Appellant

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Torghar.

Respondents

SERVICE APPEAL

INDEX

| S/N o | Description of Document | Ann- exure | Page No. |
|----------|-----------------------------------------|---------------|-------------|
| 1. | Appeal with condonation application | | 01-08 |
| 2. | Dismissal Order dated 17-09-2020 | "A" | 09 |
| 3. | Acquittal Order 16-03-2021 & 30-03-2021 | "B&C" | 10 11-12 |
| 4. | Application and Departmental appeal. | "D&E" | 13 14-18 |
| 5. | Wakalatnama | | |

Ujmi
Appellant

Through

M Aslam
(Mohammad Aslam Tanoli)
Advocate High Court
At Haripur

Dated: 06 -10-2021

①

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Khyber Pakhtunkhwa
Service Tribunal

Appeal No...7546/2021

Diary No. 7687

Dated 06/10/2021

Zahid Khan S/O Ghani Ahmed Khan, Ex-Constable No. 547
District Police Torghar R/O Village Kuz Kalay, Judba, District
Torghar.

Appellant

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Torghar.

Respondents

**SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL
ACT 1974 AGAINST ORDER 17-09-2020 OF THE DISTRICT POLICE
OFFICER TORGHAR WHEREBY APPELLANT HAS BEEN DISMISSED
FROM SERVICE.**

**PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL ORDER
DATED 17-09-2020 OF THE DISTRICT POLICE OFFICER TORGHAR
MAY GRACIOUSLY BE SET ASIDE AND THE APPELLANT BE RE-
INSTATED IN SERVICE FROM THE DATE OF DISMISSAL AND THE
PERIOD REMAINED OUT OF SERVICE BE TREATED AS ON DUTY
WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS .**

Respectfully sheweth,

1. That appellant while posted as Constable-Mechanic at Police Lines, Judbah (District Torghar) and performing his official duties, one Taj Mohammad S/O Zameer Gul R/O Judbah filed a false, fabricated application with melafide intension on the instance of the persons having personal grudge and enmity towards appellant whereupon a case FIR No. 209 dated 18-06-2020 under section-458/506 PPC was registered against him at Police Station Judbah wherein appellant had to secure BBA which was subsequently recalled.

Filed to-day

Registrar

6/10/21

②

2. That it is incorrect that appellant absented himself from duty. From early July, 2020 to the end of December 2020 the appellant remained in Jail. During his confinement the appellant was dismissed from the service vide order dated 17-09-2020.
3. That departmental inquiry was not conducted. No Charge Sheet and Show Cause Notice etc was issued to the appellant. Even opportunity of personal hearing was not provided and was he condemned unheard.
4. That the District Police Officer Torghar did not wait out come of the criminal case and dismissed the appellant from service vide his order dated 17-09-2020. **(Copy of the order dated 17-09-2020 is attached as Annexure-"A")**.
5. That during trail, complainant Taj Mohammad appeared before the court and got recorded his statement to the extent that he had patched up the matter with the appellant and does not want to proceed further. Hence the court acquitted the appellant vide order dated 16-03-2021 and 30-03-2021. **(Copies of acquittal orders are attached as Annexure-"B & C")**.
6. That on the instance of the person having enmity against appellant Taj Mohammad complainant had got registered FIR against appellant and later on due to his repentance he appeared before the court and recorded his statement and withdrawn himself from the case.

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7. That under the law, departmental rules and regulations, the District Police Officer Torghar was bound to have dig-out the facts before taking any action against the appellant. Rather the DPO Torghar targeted the appellant and dismissed him from service without any reason, proof and justification.
8. That appellant has rendered about 11/12 years service in the police department. Throughout his long services the appellant always performed his assigned duties with devotion and honesty. He is jobless since his dismissal from service and has no source of income.
9. That though the appellant was dismissed from service vide order dated 17-09-2020 but copy of the same never issued to him. After acquittal appellant through personal efforts obtained order dated 17-09-2020 and preferred a departmental appeal dated 10-06-2021 before the Regional Police officer Hazara Region Abbottabad but the same was never responded within statutory period. **(Copies of application and departmental appeal are attached as Annexure-"D & E")**. Hence instant service appeal, inter alia, on the following as well as other:

GROUND:

- a) That order dated 17-09-2020 of respondent is illegal, unlawful against the facts and circumstances of the matter hence liable to be set aside.

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- b) That no proper departmental inquiry was conducted. No Charge Sheet and Show Cause Notice etc was given to appellant. Even appellant was not heard in person. Instant impugned order is liable to be set aside on this score alone.
- c) That the respondents have not treated the appellant in accordance with law, departmental rules & regulations and policy on the subject and have acted in violation of Article-4 of the constitution of Islamic Republic of Pakistan 1973 and unlawfully issued impugned order, which is unjust, unfair hence not sustainable in the eyes of law.
- d) That the appellate authority has also failed to abide by the law and even failed to decide the departmental appeal in statutory period. This act of the respondent is contrary to the law, Police Rules 1934, other departmental rules regulations read with section 24-A of General Clause Act 1897 read with Article 10A of Constitution of Islamic Republic of Pakistan 1973.
- e) That applicant's absence was not deliberate rather due his confinement in jail after cancellation of BBA.
- f) That instant appeal is well within time and this honorable Service Tribunal has got every jurisdiction to entertain and adjudication upon the same.

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PRAYER:

It is, therefore, humbly prayed that on acceptance of instant Service Appeal the order dated 17-09-2020 of respondent No. 3 may graciously be set aside and appellant be re-instated in his service from the date of dismissal and the period remained out of service be treated as on duty with all consequential service back benefits.

Through:


Appellant

(Mohammad Aslam Tanoli)
Advocate High Court
At Haripur

Dated 06 -10-2021

VERIFICATION

It is verified that the contents of instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed thereof.

Dated: 06 -10-2021


Appellant

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**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Zahid Khan S/O Ghani Ahmed Khan, Ex-Constable No. 547
District Police Torghar R/O Village Kuz Kalay, Judba, District
Torghar.

Appellant

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Torghar.

Respondents

SERVICE APPEAL

AFFIDAVIT:

I, Zahid Khan appellant do hereby solemnly declare and affirm on oath that the contents of the instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honourable Service Tribunal.

زید خان

Deponent/Appellant

Dated: 06-10-2021



Identified By:

Mohammad Aslam Tanoli
Advocate High Court
At Haripur

زید خان

Appellant

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**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Zahid Khan S/O Ghani Ahmed Khan, Ex-Constable No. 547
District Police Torghar R/O Village Kuz Kalay, Judba, District
Torghar.

Appellant

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Torghar.

Respondents

SERVICE APPEAL

CERTIFICATE

It is certified that no such Appeal on the subject has ever been
filed in this Honourable Service Tribunal or any other court prior
to instant one.


APPELLANT

Dated: 06-10-2021



BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Zahid Khan S/O Ghani Ahmed Khan, Ex-Constable No. 547 District Police Torghar
R/O Village Kuz Kalay, Judba, District Torghar.....**Appellant**

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Torghar..... **Respondents**

APPLICATION FOR CONDONATION OF DELAY IN FILING SERVICE APPEAL BEFORE THIS HONOURABLE SERVICE TRIBUNAL.

Respectfully Sheweth:

1. That applicant/appellant has filed today Service Appeal, which may be considered as part and parcel of this application, against order dated 17-09-2020 passed by respondent No. 3 whereby appellant has been awarded with the penalty of "Dismissal from service". Appellant's departmental appeal has also not been responded within statutory period. Copy of impugned order was also not provided to the appellant which he obtained through his enthusiastic efforts by approaching office of the RPO Hazara Region Abbottabad as well as DPO's office Torghar.
2. That as the order has been passed in violation and derogation of the statutory provisions of law, rules and regulations governing the terms and conditions of service of the appellant, therefore causing a recurring cause of action to the applicant/appellant can be challenged and questioned irrespective of a time frame.
3. That impugned order passed by the respondent No.3 on 17-09-2020 is illegal, without lawful authority and whimsical in manner. The applicant/appellant has filed departmental as well as service appeals well in time and has rigorously been pursuing his case. The delay, if any, in filing departmental as well as service appeal needs to be condoned.
4. That instant application is being filed as an abundant caution for the condonation of delay, if any. The impugned orders are liable to be set aside in the interest of justice.

It is, therefore, respectfully prayed that on acceptance of the instant application the delay, if any, in filing of above titled appeal may graciously be condoned.

Applicant/Appellant

Through:

(Mohammad Aslam Tanoli)
Advocate High Court
At Haripur

Dated 06-10-2021

VERIFICATION:

It is verified that the contents of the instant application/appeal are true and correct to the best of my knowledge & belief & nothing has been suppressed.

Dated 06-10-2021

Applicant/Appellant

Annex-A

9



OFFICE OF THE DISTRICT POLICE OFFICER
DISTRICT, TORGHAR

☎ 0997-920202

☎ 0997-920202

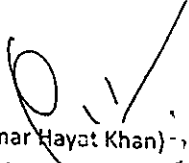
✉ dpotorghar@gmail.com

DISMISSAL ORDER

This order will dispose of the departmental enquiry, conducted against constable Zahid No.547 while posted as Mechanic, Police lines, Judbah for allegations that he involved in case FIR No.209 dated 18.06.2020 u/s 458/506 PPC PS Judbah. Perusal of FIR revealed that an application was submitted by complainant namely Taj Muhammad s/o Zameer Gul r/o Judbah to which above mentioned case was registered against him and he absented himself from his official duties w.e.f 18.06.2020 to till date without any leave or permission of the competent authority.

He was served with charge sheet & Statement of allegations vide this office Memo No.814-15/PA dated, 26.06.2020 and enquiry was entrusted to DSP/Hqrs Gul Zar Khan who conducted detailed enquiry into the allegations and found him guilty for the allegations. He submitted enquiry report in which he recommended the above named defaulter official for major punishment.

Keeping in view, in the light of recommendation of Enquiry Officer, I. Qamar Hayat Khan, District Police Officer, Torghar, being competent authority in exercise of power under the KPK Police Rules, 1975 (with amendment 2014) am constrained to award him major punishment of dismissal from service. Hence Constable Zahid No.547 is hereby awarded major punishment of "Dismissal from service" with immediate effect. His period of absence from 18.06.2020 is treated as leave without pay. Order announced in absence of defaulter official namely Zahid No.547.


(Qamar Hayat Khan)
District Police Officer,
Torghar

OB No. 324

Dated. 17/09/2020

Copy of above is forwarded for information and necessary action to the:

- 1. Pay Officer, Torghar.
- 2. SRC Torghar.

ISSUED ORDER
COPY ON 3.6.2021
M. Ri. Qaa
DHC/TS
3.06.2021

Arrested
Ulovi

11

State Vs ^{Zahid Khan} ~~Tarab Siddiq~~

Annex-B

IN THE COURT OF SENIOR CIVIL JUDGE (Admn)/MTMC
TORGHAR AT OGH

Order 05
16.03.2021

APP for the state present. Accused Zahid Khan on bail present. Complainant Taj Muhammad also present.

Complainant stated at the bar that he has patched up the matter with accused and doesn't want to prosecute him further.

Statement of the complainant recorded to this effect. Thus, accused is acquitted on the basis of compromise. Sureties of the accused are discharged from liability. Case property, if any be disposed of in accordance with law.

File be consigned to record room after necessary completion and compilation.

Announced:
16.03.2021

ATTESTED

Signature [Signature]

Date 30-3-21



[Signature]

NAJEEB UL HAQ
Senior Civil Judge (Admn)/MTMC,
Torghar at Oghi

Najeeb-ul-Haq
Senior Civil Judge (Admn)/MTMC,
Torghar at Oghi

11

IN THE COURT OF SENIOR CIVIL JUDGE (Admn)/MTMC
TORGHAR AT Oghi

ORDER: 13

30.03.2021

APP for the state present. Accused Muhammad Naeem, Syed Sadaquat Shah and Zahid on bail present.

Brief facts gleaned from FIR are that Complainant lodged the report against the accused to the effect that accused Muhammad Naeem and Syed Sadaquat Shah being public servant and being legally bound, negligently suffered the accused to escape from legal custody and accused Zahid Gani escaped from the lawful custody and intentionally offered resistance and illegal obstruction to lawful apprehension by the police. Hence the instant FIR was registered.

After completion of investigation complete challan against the accused was submitted on 08.12.2020. The accused were summoned who appeared the provision of section 241-A complied with and thereafter formal charge was framed to which they pleaded not guilty, hence trial was commenced.

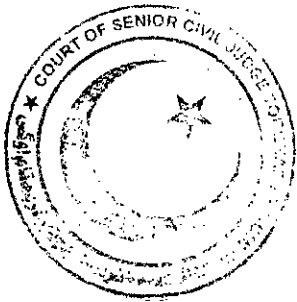
Perusal of the record reveals that Departmental inquiry also initiated against accused and charge sheeted, according to which the explanation of accused found satisfactory, and DPO concerned, constrained to award him punishment of "Censure" and reprimand him to remain careful in future.

2

ATTESTED

Signature: _____

Date: 07.06.2021



Signature: _____
Najeeb-ur-Razaq
Senior Civil Judge (Admn) MTMC
Torghar at Oghi

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The accused who has escaped from custody of accused facing trial, is also been traced and arrested.

All witnesses are police officials on such weak evidence prosecution cannot prove its case. Therefore, the ultimate result of this case will be acquittal.

Thus, the accused facing trial are hereby acquitted u/s: 249-A Cr.PC from the from the charges leveled against them. Sureties of the accused are absolved from the liability of bail bonds. Case property, if any, be dispose off in accordance with law.

File be consigned to record room after its necessary completion.

Announced
30.03.2021

Najeeb ul Haq
Najeeb ul Haq
Senior Civil Judge Admn/MTMC
Torghar at Oghi

Najeeb-ul-Haq
Senior Civil Judge (Admn/MTMC),
Torghar at Oghi

290

| | |
|-----------------|----------|
| CR. No. | 30-03-21 |
| Date | |
| Chief P.O. | |
| Deputy P.O. | |
| Sub P.O. | |
| Name of Officer | Sajjad |
| Date of Cont. | 17-03-21 |
| Use of P. | |



13
ATTESTED
Signature: *[Signature]*
Date: 07.06.21

Annex-D

13

17 09 2020 3424

کونسل کے ذریعے ڈسٹریکشن ہو چکا تھا۔ ایس اے
سروس کو بحال کرنے کے لیے ڈسٹریکشن کا واپس لینا

لڈ انڈیا کے ذریعے ڈسٹریکشن ہو چکا تھا۔ ایس اے کو ڈسٹریکشن
ڈسٹریکشن کے لیے ڈسٹریکشن کا واپس لینا

عنصر لڈ انڈیا کے ذریعے

لڈ انڈیا کے ذریعے

ڈسٹریکشن کے ذریعے

OTIC/PA
For copy of m/9 & provide
dismissal order.

DPD
03/06/2021

Alleged
view

Better Copy

صوبائی

تذریعہ ہدیہ حوالہ آڈیٹری 324 نوٹ 17-09-2020

کو حکم ہذا سے ڈسکس ہو چکا تھا۔ اب اس کے اپنے
سرور کو بحال کرنے کے لیے اس کا خواہشمند ہے

لیڈ انڈیا کے درکاروں سے اس کا ہدیہ نام کوڈ سے
آڈیٹری سے نقل عنایت فرمانے کا مناسب حکم صادر فرمائیں

عن نواری

القاضی - سید
Ex کٹیل محمد زاہد خان پ/547

OHC/PA
for n/a & provide
copy of dismissed order
sd/-
DPO Toorghar
03/06/2021

14

Annex-E

BEFORE HONOURABLE REGIONAL POLICE OFFICER,
HAZARA REGION, ABBOTTABAD.

(Departmental appeal by Ex-FC Zahid Khan No. 547 District Police Torghar)

DEPARTMENTAL APPEAL AGAINST ORDER OB No. 324 DATED 17-09-2020 OF THE DISTRICT POLICE OFFICER TORGHAR WHEREBY APPELLANT HAS BEEN AWARDED WITH MAJOR PENALTY OF "DISMISSAL FROM SERVICE".

PRAYER: ON ACCEPTANCE OF INSTANT DEPARTMENTAL APPEAL THE IMPUGNED ORDER DATED 17-09-2020 MAY KINDLY BE SET ASIDE AND APPELLANT BE RE-INSTATED IN HIS SERVICE FROM THE DATE OF DISMISSAL WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.

Respected Sir,

1. That appellant while posted as Constable-Mechanic at Police Lines, Judbah (District Torghar). On 18-06-2020 when appellant present at place of his posting and performing his duties in Police Lines Judbah. One Taj Mohammad S/O Zameer Gul R/O Judbah filed a false, fabricated application with melafide intension on the instance of a person having personal enmity towards appellant whereupon a case FIR No. 209 dated 18-06-2020 under section-458/506 PPC was registered against him at Police Station Judbah.
2. That in aforementioned case the appellant obtained BBA from the competent court which was later on cancelled and the appellant was sent to the Jail on judicial remand.

Attested
06/11/20

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3. It is incorrect that appellant ever remained absent from duty. As after recalling order of BBA the appellant was sent to jail and during appellant's confinement in the Jail on judicial remand, the District Police Officer Torghar dismissed him from service vide his order OB No. 324 dated 17-09-2020. Hence no charge sheet etc was delivered to him or any inquiry conducted.
4. That before dismissing the appellant from service no departmental inquiry was conducted. The stance taken by the District Police Officer Torghar in his order dated 17-09-2020 that appellant was issued a charge sheet alongwith statement of allegation and DSP H/Quarters Torghar was appointed as his enquiry officer is incorrect.
5. That no departmental inquiry was conducted. No charge sheet was issued to the appellant. No enquiry findings were provided to the appellant. Similarly no Final Show Cause Notice was served upon the appellant. Even opportunity of personal hearing was not afforded to him and the appellant was condemned unheard and principle of natural justice was violated in the case of appellant.
6. That, the District Police Officer Torghar without conducting any enquiry and waiting outcome of the Criminal Court dismissed the appellant from service vide his order OB No. 324 dated 17-09-2020. **(Copy of the order dated 17-09-2020 is attached as "A")**.

*Attest
Dignis*

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7. That subsequently during the trial of the case, the complainant Taj Mohammad appeared before the criminal court and got recorded his statement to the extent that he has patched up the matter with the accused and does not want to prosecute him further. Hence the criminal court acquitted the appellant vide order dated 16-03-2021. **(Copy of acquittal order is attached as "B")**.
8. That appellant never approached the complainant to patch up the matter with him, the complainant at his own appeared before the court and recorded his statement upon which the appellant was acquitted by the criminal court. Actually the person having enmity towards the appellant and who had got recorded false FIR against him through Taj Mohammad had achieved his goal by dismissing the appellant from service.
9. That no witness of the occurrence was named in the FIR. Even motive of the occurrence was not mentioned in the FIR that as to why appellant committed the case against the complainant. Even no witness against the appellant appeared during investigation before the investigating officer because the complaint was false and baseless. But it was a plan on the part of appellant's enemies to get registered a false and baseless FIR against appellant and to get him dismissed from service and they succeeded in their goal.

Attested
Vijay
C

17

10. That under the law, departmental rules and regulations, the District Police Officer Torghar was bound to have dig-out the facts and taken action against the appellant. Rather without any reason and justification he targeted the appellant to proceed him departmentally.
11. That appellant has rendered 11/12 years in the police department and is well built literate police officer. Throughout his long services in the police department the appellant always performed his assigned duties with devotion, dedication and honesty. Appellant is the only bread earner of his family consisting upon his old/ailing parents and minor school going children. He is jobless since his dismissal from service and has no source of income to live on.
12. That in view of the facts narrated here above by no stretch of imagination the appellant can be held responsible for the allegation as leveled in the impugned punishment order against him due to which the appellant has been awarded with the major punishment of dismissal from service without any proof and reason.
13. That if the appellant is afforded with the opportunity of personal hearing he will really prove him as innocent by adducing credible facts of the matter.

Attest
Ghani

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Sir, in view of the facts and circumstances narrated here above, it is earnestly prayed that impugned order dated 17-09-2020 passed by the District Police Officer Torghar may kindly be sat aside and the appellant be re-instated in his service from the date of dismissal with grant of all consequential service back benefits. Thanking you sir in anticipation.

Yours Obedient Servant

Zahid Khan

(Zahid Khan)

S/O Ghani Ahmed Khan

Ex-Constable No. 547

District Police Torghar

Address: Village: Kuz Kalay
Judba, Torghar
Cell No. 0341-9002068

Dated: 10 -06-2021

Zahid Khan
زاهد خان

وکالت نامہ

قیمتی

کورٹ فیس

بعدالت جناب جسٹس عدنان محمد سید صاحب کورٹ آف سیشنز لاہور

منجانب اسٹریٹ ڈائننگ

AKK PPK Others

ڈائننگ

دعویٰ یا جرم

مندرجہ بالا عنوان میں اپنی طرف سے پیروی و جوابدہی مقام

سروس فراہم کرنے والی ایڈووکیٹس بدیں شرط وکیل مقرر کیا۔ کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہوا۔ اور حاضری کی وجہ سے کسی وجہ پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہونگے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی اور جگہ یا پکھری کے مقرر اوقات سے پہلے یا بروز تعطیل پیروی کرنے کے مجاز نہ ہونگے۔ اگر مقدمہ مقام پکھری کے کسی اور جگہ سماعت ہونے پر یا بروز پکھری کے اوقات کے آگیا یا چھپنے ہونے پر مظہر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے رابطے کسی معاوضہ ادا کرنے مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہونگے۔ مجھے کل سامختہ پر داختہ صاحب مثل کردہ ذات خود منظور و قبول ہوگا اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجرائے ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپروٹاشی و راضی نامہ و فیصلہ برخلاف کرنے اقبال دعوے کا اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم اتناعی یا ڈگری قبل از فیصلہ اجرائے ڈگری بھی صاحب موصوف کو بشرط ادا ہوگی علیحدہ پیروی مختار نامہ کر نیکا مجاز ہوگا۔ اور بصورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا بیرسٹر کو بجائے اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہونگے جیسے صاحب موصوف کو۔ پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا ہے کہ سندر ہے مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا اور منظور ہے۔

Accepted

M. Akbar

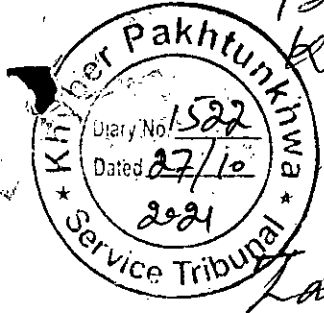
مورخہ ۱۲ نومبر ۲۰۲۱ء

اسٹریٹ ڈائننگ

ڈائننگ

الْحَبِيبُ

Before to Honorable Chairman
Service Tribunal Peshawar



Appeal No. 7546

Put up to the worthy chair - on Service Appeal
with relevant appeal.

Lahud Khan - vs - A/R 19P etc

Resolution for transfer of title appeal to Abbottabad.

28/10/21
Respectfully Shewada.

Reads 1. That the titled service appeal is fixed for Preliminary Hearing before the Honorable Tribunal at Peshawar on 6/12/2021.

2. That Appellant belongs to Hazara Division. If his appeal is fixed before the Court at Abbottabad, it will save the time and expenses of appellant as well as his counsel.

It is, therefore, humbly prayed that the titled service appeal may graciously be ordered to be fixed at Court Abbottabad.

03/12
Allowed

Dated: 27/10/2021

Appellant
through
M. Azhar
Mohammad Aslam Tanvir
Advocate High Court
at Peshawar.