



FORM OF ORDER SHEET

Court of _____

Case No. - 279/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06/02/2023	<p>The appeal of Mst. Rani Naz presented today by Mr. Muhammad Aslam Khan Tanoli Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on _____ .Parcha Peshi is given to appellant/counsel.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR </p>

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

A. No. 279/2023
Rani Nazir Ex-Lady Constable No. 410, District Police Mansehra,
resident of Mujahid Abad, Tehsil Buffa, District Mansehra.

(Appellant)

VERSUS

1. Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Mansehra.

(Respondents)

SERVICE APPEAL

INDEX

S/No.	Description of documents.	Annexure	Page No.
1.	Memo of appeal & condonation application.		01-08
2.	Dismissal order dated 01-10-21	"A"	09
3.	Departmental Appeal 16-02-22	"B"	10-11
4.	Appellate Order 25-02-2022	"C"	12
5.	Application dated 11-01-2023	"D"	13
6.	Wakalatnama		

Print
APPELLANT

THROUGH

M. Aslam Tanoli
(MUHAMMAD ASLAM TANOLI)
ADVOCATE HIGH COURT
AT PESHAWAR

Dated: -02-2023

①

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No.....279/2023

Rani Nazir Ex-Lady Constable No. 410, District Police Mansehra,
resident of Mujahid Abad, Tehsil Buffa, District Mansehra.

(Appellant)

VERSUS

1. Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Mansehra.

(Respondents)

**SERVICE APPEAL UNDER SECTION-4 KPK SERVICE TRIBUNAL ACT
1974 AGAINST ORDER DATED 01-10-2021 OF THE DISTRICT POLICE
OFFICER MANSEHRA WHEREBY APPELLANT HAS BEEN DISMISSED
FROM SERVICE AND ORDER DATED 25-02-2022 OF REGIONAL
POLICE OFFICER HAZARA REGION ABBOTTABAD (DELIVERED ON 16-
01-2023) UNDER WHICH HER DEPARTMENTAL APPEAL HAS BEEN
DISMISSED IN VIOLATION OF LAW, RULES AND REGULATIONS
GOVERNING TERMS AND CONDITIONS OF APPELLANT'S SERVICE.**

**PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL ORDER
DATED 01-10-2021 AND 25-02-2022 OF THE RESPONDENTS MAY
GRACIOUSLY BE SET ASIDE AND APPELLANT BE REINSTATED IN
SERVICE FROM THE DATE OF DISMISSAL WITH ALL CONSEQUENTIAL
SERVICE BACK BENEFITS ON RENDITION OF ACCOUNTS.**

Respectfully Sheweth:

1. That appellant was appointed as Constable in District Police Mansehra in the year 2019. She successfully completed her basic training from PTC Hangu.
2. That in the year 2021, appellant's marriage took place when she was posted at Police Station Oghi (District Mansehra) her marriage took place.
3. That after marriage appellant's in-laws became against her employment. When she submitted application for

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grant of 02 months leave w.e.f. 16-07-2021 through her husband the same was concealed by here in-laws and she was not informed of its results.

4. That after marriage her husband went to Dubai for job and appellant was on the mercy of her in-laws. They never allowed appellant to join her duties or approach department in this respect. She was restrained to home. They never allowed to reach her any information from her department with regard to her service. However in February 2022 when she visited her parent's house, appellant sent her brother to the DPO Mansehra office, and came to know that she had been dismissed from service vide DPO Mansehra order dated 01-10-2021. **(Copy of dismissal order dated 01-10-2021 is attached as Annexure-"A")**.
5. That on receipt of dismissal order the appellant made a departmental appeal dated 16-02-2022 to the Regional Police Officer, Abbottabad. **(Copy of appeal is attached as Annexure "B")**.
6. That though her departmental appeal had been rejected vide order dated 25-02-2022 but its copy was never addressed and delivered to the appellant. Then on 11-01-2023 appellant made a written request to Regional Officer, Hazara Region, Abbottabad for issuance of appellate order. Appellant was directed to approach District Police Officer Mansehra for the purpose. Appellant approached DPO Mansehra and then she was issued an attested copy of the order on 16-01-2023. **(Copy of appeal rejection order dated 25-**

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02-2022 and application are attached as Annexure "C&D").

7. That departmental inquiry was not conducted and she was dismissed from service and her appeal was also rejected in violation of law, departmental rules and regulations serving terms and conditions of her service.
8. That as mentioned in dismissal order that appellant was contacted on phone through her father-in-law "Who described that he is not agreed for employment of her daughter-in-law and in this regard he also provided an affidavit on her behalf". It is very astonishing that as to how appellant's father-in-law could give statement as well as an affidavit on her behalf with regard to her employment. In addition the fact is that father-in-law of the appellant had died 4/5 years before providing such statement and affidavit and it was false. However, the appellant has been dismissed from service in violation of law & departmental rules and facts.
9. That now appellant's in-laws have ousted her from their house and her husband has also not taking her care. Appellant alongwith her minor daughter is living with her parents and is on the mercy of Almighty Allah.
10. Hence instance service appeal inter alia on the following grounds:-

GROUNDS:-

(4)

- A) That order dated 01-10-2021 and 25-02-2022 of the respondents are illegal, unlawful against the facts, rules and regulations hence are liable to be set aside.
- B) That departmental inquiry was not conducted and appellant was dismissed in serious violation of law, departmental rules & regulations and natural justice.
- C) That the Supreme Court of Pakistan has held in PLD-2008-SC-412 that "order adverse to the interest of a person, cannot be passed without providing him an opportunity of personal hearing. Departure from such rule may render such order illegal". Similarly Supreme Court has held in 2005 SCMR-678 that "the principle of Natural Justice has to be applied in all kind of proceedings strictly and departure there from would render subsequent actions illegal in the eye of law".
- E) That the proceedings conducted were against the Article-10(A) of the Constitution of Pakistan 1973 which ensures "fair trial & due process". Moreover, the appellant has not been treated in accordance with law according to Art-4.
- F) That appellant is totally innocent and total absence is 74 days. There is nothing wrong on the part of appellant.
- G) That instant service appeal is well within time and this honorable Service Tribunal has got every jurisdiction to entertain and adjudicate upon the lis.

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PRAYER:

It is, therefore, humbly prayed that on acceptance of instant service appeal order dated 01-10-2021 and 25-02-2022 of the respondents may graciously be set aside and appellant be reinstated in service from the date of dismissal with all consequential service back benefits. Any other relief in the circumstances of the case this Honorable Tribunal deems fit may also be granted.

Rana
Appellant

Through

M. Aslam Tanoli
(Muhammad Aslam Tanoli)
Advocate High Court
At Abbottabad

Dated: -02-2023

VERIFICATION

It is verified that contents of instant service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

Dated: -02-2023

Rana
Appellant

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BEFORE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Rani Nazir Ex-Lady Constable No. 410, District Police Mansehra,
resident of Mujahid Abad, Tehsil Buffa, District Mansehra.

(Appellant)

VERSUS

1. Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Mansehra.

(Respondents)

SERVICE APPEAL

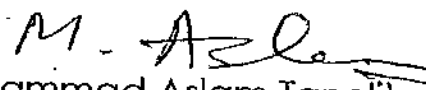
AFFIDAVIT

I, Mst. Rani Nazir, appellant do hereby solemnly declare and affirm on oath that contents of instant service appeal are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honorable Tribunal.

Dated: -02-2023


Deponent/Appellant

Identified By:


(Muhammad Aslam Tanoli)
Advocate High Court
Abbottabad

Dated: -02-2023


Appellant



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BEFORE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Rani Nazir Ex-Lady Constable No. 410, District Police Mansehra,
resident of Mujahid Abad, Tehsil Buffa, District Mansehra.

(Appellant)

VERSUS

1. Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Mansehra.

(Respondents)

SERVICE APPEAL

CERTIFICATE

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

Dated: -02-2023

Rani Nazir

Appellant

Attested

Rani Nazir



**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Rani Nazir Ex-Lady Constable No. 410, District Police Mansehra, resident of Mujahid Abad, Tehsil Buffa, District Mansehra.....(Applicant)

VERSUS

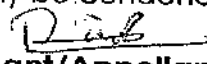

1. Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Mansehra.....(Respondents)

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

Respectfully Sheweth:

1. That applicant/appellant has filed today a Service Appeal which may be considered as part and parcel of this application, against order dated 01-10-2021 and 25-02-2022 passed by respondents, whereby appellant has been awarded penalty of "Dismissal from service" and her departmental appeal has been rejected without jurisdiction and abiding by procedure.
2. That as the orders of departmental authorities have been passed in violation and derogation of the statutory provision of law, departmental rules and regulation governing the terms and condition of appellant's service and fact of the case, therefore, causing a recurring cause of action to the applicant/appellant can be challenged and questioned irrespective of a time frame.
3. That though appellant on receipt of order of respondent has filed departmental appeal well-in-time but was reject vide order dated 25-02-2022 but copy of the same was issued to him on 23-01-2023 and that too on her specific written request. The appellant has rigorously been pursuing his case. Therefore, the delay if any, in filing instant service appeal is due to the forgoing reasons.
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 titled appeal may graciously be condoned.


Applicant/Appellant
 Through

 (Muhammad Aslam Tanoli)
 Advocate High Court
 At Abbottabad

Dated: -02-2023

VERIFICATION

It is verified that contents of instant service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

Dated: -02-2023


Applicant/Appellant

POLICE DEPARTMENT



MANSEHRA DISTRICT

Amir A

ORDER

This office order will dispose off the departmental enquiry proceeding against Lady Constable Rani Nazir No. 410 who was proceeded against departmentally with the allegation that "she was posted Police Station Oghi she absented herself from her lawful duty with effect from 16-07-2021 to 30-09-2021 with any leave or permission.

The Enquiry Officer i.e. Deputy Superintendent of Police, Shinkiani Mansehra after conducting proper departmental enquiry proved that Lady Constable Rani Nazir No. 410 failed to adopt proper procedure for leave and absented herself from duty. Enquiry Officer proved the charges leveled against defaulter Lady Constable. Enquiry officer stated that during the enquiry proceeding he contacted the defaulter lady constable through making call on the cell no. 0315-5510522 of her father-in-law who described that he is not agree for the employment of her daughter in law and she did not continued her job. In this regard father-in-law of the said Lady Constable provided an affidavit on the behalf of defaulter lady Constable.

Upon receipt of departmental enquiry the defaulter Lady Constable was called in OR on 30-09-2021, but she willfully avoided her appearance before the undersigned.

I, the District Police Officer, Mansehra, therefore award her Major punishment of "Dismissal from service" to the delinquent Lady Constable Rani Nazir No. 410, under Khyber Pakhtunkhawa Police, Disciplinary Rules 1975 (amended in 2014). The total period with effect from 16-07-2021 to 30-09-2021 (74 days) she spent without permission and leaves is treated as the period without duty so it does not attract any salary and other allowances.

Ordered announced.

District Police Officer
Mansehra

Attest
Rani

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01-10-2021

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To

Amer.B

To

The Regional Police officer,

Hazara Region, Abbottabad.

Sub: Departmental Representation against order of Dismissal from Service

Respectfully Sheweth:

1. That petitioner was appointed as lady constable on 31.12.2019.
2. That petitioner assumed the charge and joined the training at Hangu.
3. That petitioner got different posting during her service and at the end was posted in Police Station Ogi.
4. That petitioner marriage was fixed in 2021 and due to which petitioner informed her high ups and verbally requested for leave and verbally allowed on the condition that petitioner will be called in case of emergency and need no written application.
5. That petitioner was absent for few days during her marriage as informed to high ups and thereafter on 12.02.2022 the petitioner was informed that she is dismissed from Service.
6. That feeling aggrieved from order of District Police Officer petitioner assails the impugned order though this departmental representation on the following grounds.

GROUNDS:

- i. That order of dismissal from service is against the law, facts and procedure, hence, need to be corrected.
- ii. That no explanation was called.
- iii. That no show cause notice was issued against the petitioner.

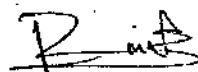
Amer.B
D. Amir

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- iv. That no personal hearing of petitioner was made which is against the rules and procedure.
- v. That impugned order is against the norms of justice and against the principle "No one should be condemned unheard."
- vi. That in the impugned order it is mentioned that Father in law of petitioner submitted an affidavit that petitioner is not willing to continue her job is totally wrong and against the fact that father in law for the petitioner was died 4 or 5 years prior to this so called inquiry and even if he is considered to be alive even then he is not entitled to submit such like affidavit on or behalf of petitioner.

It is therefore humbly prayed that impugned order of dismissal from service may graciously be set aside and petitioner be reinstated on her post.

Dated 16.02.2022



Ex constable Rani Nazeer No 410

Mansehra

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Annex - C



OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

☎ 0992-9310021-22

☎ 0992-9310023

✉ r.rpohazara@gmail.com

☎ 0345-9560687

NO: 4272 / PA DATED 25/02/2022

ORDER

The competent authority has examined and filed the instant appeal submitted by Ex. Lady Constable Rani Nazir No.410 of district Manshra against the punishment of dismissal from service awarded by District Police Officer, Manshra vide OB No. 201 dated 01.10.2021 being badly time barred.

[Signature]
Office Superintendent

For REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

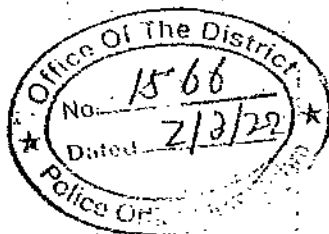
No. 4273 / PA, dated Abbottabad the
CC.

25/02/2022.

The District Police Officer, Manshra for information with the direction to inform the ex-official accordingly.

SRC/OHC
for information

[Signature]
DPO Manshra
4-3-22



Accord.
[Signature]
District Police Officer
Manshra

16-01-2023

مخبرین - رکنین اور دیگر کارکنان اور دیگر اہل کار

عنوان - حکومتی ملازمین کے حقوق پر ایک نیا قانون
قانون - قانون سازی

1۔ کہ سالہ کوئی سال 2019 سے پہلے ملازمین - 2021 میں
سالہ کا شادی ہوئی - سالہ نے شادی کی تھی

2۔ کہ سالہ کا ملازم اور اس کے بیٹے کا سالہ کی طرف سے شادی ہوئی
سالہ کا ملازم شادی سے پہلے ملازم اور سالہ کے ملازم کے
بیٹے کا شادی سے پہلے ملازم اور سالہ کے ملازم کے
ملازمین کے خلاف دعوے کیے گئے تھے۔ 2021 کا کوئی
سے یہ بات کہی گئی - سالہ کو ملازمین کے خلاف
کسٹن سالہ کو ملازمین کے خلاف آڈیٹ نہیں کیا گیا - سالہ جب
والدین کے خلاف تھے - تو سالہ نے سالہ کے خلاف اور سالہ کے خلاف
انہوں نے ایک کوئی بیان دیا ہے کہ سالہ کے خلاف دعوے کیے گئے
میں کتنا چاہتی ہے۔ سالہ کو ملازمین کے خلاف دعوے کیے گئے
اس طرح سے وہی کوئی سالہ کے خلاف دعوے کیے گئے
کیا وہی کوئی سالہ کے خلاف دعوے کیے گئے
3۔ کہ سالہ کے خلاف دعوے کیے گئے تھے۔ سالہ کے خلاف دعوے کیے گئے
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سالہ کے خلاف دعوے کیے گئے تھے۔ سالہ کے خلاف دعوے کیے گئے
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سابقہ ملازمین کا فیس 410 رانی ترمیم - ملازمین کے
11/23

RA

وکالت نامہ

بعد اات جناب محمد رفیق عثمانی خواہ سرسبز پشاور اور
 منجانب اسٹیشن

دعویٰ یا جرم سرسبز پشاور PPD & others

باعت تحریر آئیکہ ایسٹ آباد
 مندرجہ بالا عنوان میں اپنی طرف سے بیرونی وجوہی مقام

محمد رفیق عثمانی ایڈووکیٹ بدیں شرط وکیل مقرر کیا۔ کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص
 روز و 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 ہوں۔ اور ماضی 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 پشوری کے علاوہ کسی اور جگہ یا پشوری کے مقرر اوقات سے پہلے یا بروز
 تعطیل بیرونی کرنے کے مجاز نہ ہونگے۔ اگر مقدمہ مقام پشوری کے کسی اور جگہ سماعت ہونے یا بروز پشوری کے اوقات
 کے آگیا یا پیچھے 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 ساختہ پرواختہ صاحب مثل کردہ ذات خود منظور و قبول ہوگا اور صاحب
 موصوف کو عرضی دعویٰ اور درخواست اجرائے ڈگری و نظر جانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست پر دستخط تصدیق
 کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجرا کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے
 کا ہر قسم کا بیان دینے اور سپرد و تالی و راضی نامہ و فیصلہ بر خلاف کرنے اقبال و عموے کا اختیار ہوگا۔ اور بصورت اپیل و
 برآمدگی مقدمہ یا منسوخی ڈگری یا یکطرفہ درخواست حکم اتمامی یا ڈگری قبل از فیصلہ اجرائے ڈگری بھی صاحب موصوف کو
 بشرط ادا تکی علیحدہ بیرونی مختار نامہ کر نیکا مجاز ہوگا۔ اور بصورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا ایڈوکیٹ
 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 بیرونی نہ
 کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا ہے کہ سند ہے مضمون
 مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا اور منظور ہے۔

مورخ: 06-02-2023

المنعبد المنعبد المنعبد

Accepted by
 M. Adani

(محمد رفیق عثمانی)