

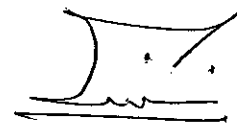
ORDER

28th July, 2022

1. Appellant alongwith his counsel (Mr. Rizwanullah, Advocate) present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Muhammad Ijaz, Inspector (Legal) for respondents present.
2. Vide our detailed order of today placed in Service Appeal No. 4294/2020 titled "Afzal Khan Versus Provincial Police Officer, Government of Khyber Pakhtunkhwa and others" (copy placed in this file), this appeal is also disposed of on the same terms. Costs shall follow the events. Consign.
3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 28th day of July, 2022.*



(KALIM ARSHAD KHAN)
CHAIRMAN



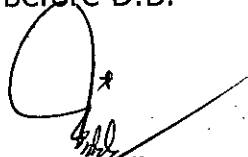
(SALAH-UD-DIN)
MEMBER (JUDICIAL)

09.11.2021

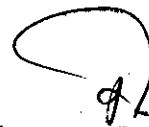
Counsel for appellant present.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General alongwith Sajid ADEO for respondents present.

Request for adjournment was made on behalf of appellant; granted. To come up for arguments on 02.03.2022 before D.B.



(Mian Muhammad)
Member (E)


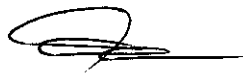


(Rozina Rehman)
Member (J)

02.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 07.06.2022 for the same as before.

7-6-22


Reader
Papers D.D. 1307/2021, therefore the case
is adjourned to 24.8.22 for hearing -


10.02.2021

Appellant present through counsel. Preliminary arguments heard. File perused.

Points raised need consideration. Admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for written reply/comments. To come up for written reply/comments on 05.05.2021 before S.B.

Appellant Deposited
Security Process Fee
14/2/21



(Rozina Rehman)
Member (J)

05.05.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 22.06.2021 for the same as before.



Reader

22.06.2021

Junior to counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG alongwith Ihsanullah, ASI for the respondents present.

Respondents have submitted reply/comments. The appeal is entrusted to D.B for arguments on 09.11.2021.



Chairman

24.09.2020

Appellant in person present.

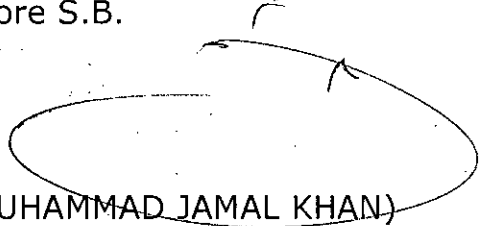
On account of indisposition of learned counsel he has engaged Mr. Abdul Hameed Advocate. Wakalatnama in respect of the latter counsel has been submitted which is placed on record. A request for adjournment is also made as the fresh counsel is yet to prepare the brief.

Adjourned to 24.11.2020 before S.B.


Chairman

24.11.2020

Appellant is present in person and submitted an application for adjournment that his counsel has proceeded to Peshawar High Court, Mingora Bench, and could not attend the Tribunal today. Application is placed on record. He requests for adjournment. Adjourned to 10.02.2021 on which date file to come up for preliminary hearing before S.B.


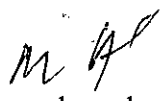
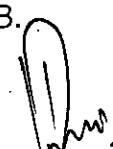

(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. - 3182 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/04/2020	<p>The appeal of Mr. Sarwar Khan presented today by Mr. Rizwanullah, Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR 15/4/2020.</p>
2-	02.06.2020	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>02-06-2020</u></p> <p>Learned counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 11.08.2020 before S.B.</p> <p style="text-align: right;"> (MIAN MUHAMMAD) MEMBER</p>
11.08.2020		<p>Appellant present in person.</p> <p>Requests for adjournment due to indisposition of his learned counsel. Adjourned to 24.09.2020 before S.B.</p> <p style="text-align: right;"> Chairman</p>

**BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. 3182 /2020

1. Sarwar Khan, Ex-Constable No. 2331 s/o Awal Gul R/O Banda Nabi Tehsil Pabbi, District Peshawar.

APPELLANT

VERSUS

1. The Provincial Police Officer, Government of Khyber Pakhtunkhwa and others.

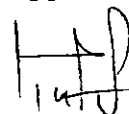
RESPONDENTS

I N D E X

S. No	Particulars	Annexure	Pages #
1	Service Appeal	-	1-11
2	Affidavit	-	11-A
3	Copy of charge sheet	"A"	12
4	Copy of reply	"B"	13
5	Copy of Show Cause notice	"C"	14
6	Copy of reply to the show cause notice	"D"	15-18
7	Copy of impugned order dated 01-03-2016	"E"	19
8	Copy of departmental appeal dated 16-03-2016	"F"	20-24
9	Copy of dismissal order dated 16-06-2016	"G"	25
10	Copy of Writ Petition	"H"	26-30
11	Copy of Judgments of High Court dated 22-03-2016	"I"	31-34
12	Copy of appeals u/s 18(3)	"J" & "K"	35-44
13	Copy of Notification	"L"	45-46
14	Copy of report of the Committee dated 19-02-2019	"M"	47-50
15	Copy of Judgment of SCJ dated 08-01-2020	"N"	51-56
16	Copy of Departmental Appeal	"O"	57
14	Copy of Revision petition	"P"	58
15	Copy of rejection Order	"Q"	59
16	Application for condonation of delay with affidavit		60-63
16	Wakalatnama	-	-

Sarwar Khan
Appellant

Through

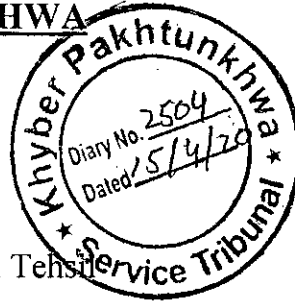


Rizwanullah

Advocate High Court, Peshawar.

Dated: 24-03-2020

**BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**



Service Appeal No. 3182 /2020

1. Sarwar Khan, Ex-Constable No. 2331 s/o Awal Gul R/O Banda Nabi Tehsil Pabbi, District Peshawar.

Sarwar Khan
APPELLANT

VERSUS

1. The Provincial Police Officer, Government of Khyber Pakhtunkhwa.
2. The Commandant Frontier Reserve Police, Khyber Pakhtunkhwa, Peshawar.
3. The Superintendent of Police, Frontier Reserve Police Peshawar Range, Peshawar.

RESPONDENTS

Filed to-day
Registrar
15/4/2020

**APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974 AGAINST THE
ORDER DATED 01-03-2016 PASSED BY
THE SUPERINTENDENT OF POLICE
FRONTIER RESERVE POLICE
PESHAWAR RANGE, PESHAWAR
(RESPONDENT NO. 3) WHEREBY THE
APPELLANT WAS AWARDED HARSH
AND EXTREME PENALTY OF
DISMISSAL FROM SERVICE ON THE
SOLE GROUND THAT HE BEING
AFGHAN REFUGEE (NATIONAL) HAD
FRAUDULENTLY GOT EMPLOYMENT**

BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 3182/2020

1. Sarwar Khan, Ex-Constable No. 2331 s/o Awal Gul R/O Banda Nabi Tehsil Pabbi, District Peshawar.

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VERSUS

1. The Provincial Police Officer, Government of Khyber Pakhtunkhwa and others.

RESPONDENTS

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16	Wakalatnama	-	-

Through

Dated: 24-03-2020

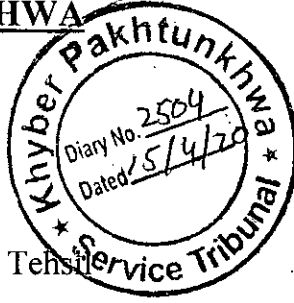
Sarwar Khan
Appellant

Hafiz

Rizwanullah

Advocate High Court, Peshawar.

BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR



Service Appeal No. 3182 /2020

1. Sarwar Khan, Ex-Constable No. 2331 s/o Awal Gul R/O Banda Nabi Tehsil Pabbi, District Peshawar.

Sarwar Khan
APPELLANT

VERSUS

1. The Provincial Police Officer, Government of Khyber Pakhtunkhwa.
2. The Commandant Frontier Reserve Police, Khyber Pakhtunkhwa, Peshawar.
3. The Superintendent of Police, Frontier Reserve Police Peshawar Range, Peshawar.

RESPONDENTS

Filed to-day
Registrar
15/4/2020

APPEAL UNDER SECTION 4 OF THE
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DISMISSAL FROM SERVICE ON THE
SOLE GROUND THAT HE BEING
AFGHAN REFUGEE (NATIONAL) HAD
FRAUDULENTLY GOT EMPLOYMENT

IN THE POLICE DEPARTMENT. IT WAS
ADDED IN THE SAID ORDER THAT HIS
OTHER BROTHER AFZAL KHAN
CONSTABLE WAS ALSO AWARDED
SUCH PENALTY ON THE SAME
GROUND AND THAT A CRIMINAL CASE
FIR NO. 78 DATED 12-02-2016 U/S
419/420PPC WAS REGISTERED AGAINST
HIM IN POLICE STATION AZAKHEL,
PESHAWAR. IT WAS FURTHER
ORDERED THAT AS PER DIRECTION OF
COMMANDANT FRONTIER RESERVE
POLICE, KPK PESHAWAR THAT THE
LOCAL POLICE STATION MAY ALSO BE
APPROACHED FOR REGISTRATION OF
CASE AGAINST THE APPELLANT U/S
420/468/471/PPC AND 14 FOREIGN ACT,
THE APPELLANT FILED A
DEPARTMENTAL APPEAL ON 16-03-2016
BUT THE SAME WAS DISMISSED ON 16-
06-2016. IN THE MEANWHILE, IT WAS
ALSO DECIDED TO DEPORT THE
APPELLANT ALONGWITH HIS ALL
FAMILY MEMBERS AND THAT THEIR
CNICS WERE ALSO BLOCKED. THE
APPELLANT AND HIS BROTHER FELT
AGGRIEVED BY THE AFORESAID
ILLEGAL ACTIONS, INVOKED THE
JURISDICTION OF HON'BLE
PESHAWAR HIGH COURT UNDER
ARTICLE 199 OF THE CONSTITUTION
OF ISLAMIC REPUBLIC OF PAKISTAN,
1973 PRAYING THEREIN THAT THE
RESPONDENT NO. 1 MAY GRACIOUSLY
BE RESTRAINED TO DEPORT THEM TO

AFGHANISTAN AND THAT THEY BEING
PAKISTANI NATIONALS, THEIR CNICS
MAY KINDLY BE CLEARED/RESTORED.
THE HON'BLE COURT WHILE
DISPOSING OF THE WRIT PETITION
ORDERED THAT THE PETITIONER MAY
NOT BE DEPORTED FROM PAKISTAN
TILL CONCLUSION OF TRIAL AND
THAT FOR BLOCKAGE OF CNIC THEY
MAY ALSO AVAIL PROPER REMEDY BY
FILING APPEAL U/S 18(3) OF NATIONAL
DATABASE AND REGISTRATION
ORDINANCE, 2000 BEFORE
COMPETENT AUTHORITY WHO SHALL
TREAT THEM IN ACCORDANCE WITH
LAW AND SHALL ALSO DISPOSE OF
APPEALS EXPEDITIOUSLY VIDE
JUDGMENT DATED 22-03-2016.
THEREAFTER, THE APPELLANT AND
HIS BROTHER PREFERRED APPEALS
WITH THE SECRETARY TO
GOVERNMENT OF PAKISTAN,
MINISTRY OF INTERIOR, FEDERAL
GOVERNMENT, ISLAMABAD. IN
COMPLIANCE WITH THE SAID ORDER
THE MINISTRY OF INTERIOR
CONSTITUTED A DISTRICT LEVEL
COMMITTEE NOWSHERA WHO
SUMMONED THE APPELLANTS
ALONGWITH SUPPORTING
DOCUMENTS PRIOR 1979. THEY DULY
APPEARED WITH ABOVE DOCUMENTS
AND THEY WERE CLEARED VIDE
REPORT DATED 19-02-2019. THIS
INFORMATION WAS ALSO SENT TO

SUPERINTENDENT OF POLICE,
(INVESTIGATION) NOWSHERA AND
COPY THEREOF WAS ENDORSED TO
DISTRICT POLICE OFFICER,
NOWSHERA AND PA TO
COMMISSIONER, PESHAWAR DIVISION
PESHAWAR VIDE LETTER DATED
22-08-2019. IN THE LIGHT OF ABOVE
REPORT, THE HON'BLE TRIAL COURT
ALSO CANCELLED THE FIR IN
QUESTION VIDE JUDGMENT DATED
08-01-2020. CONSEQUENTLY,
BLOCKAGE OF CNICS WAS LEFT OVER
AND THEREAFTER, NO FURTHER
GROUND WHATSOEVER REMAINS TO
EXIST SO AS TO INTACT THE
IMPUGNED PUNISHMENT AGAINST
THE APPELLANT. HENCE, IN VIEW OF
NEW AND QUITE DISTINCT SCENARIO,
THE APPELLANT THEREFORE
ACCRUED A FRESH CAUSE OF ACTION
TO INVOKE THE JURISDICTION OF
THIS HON'BLE TRIBUNAL FOR RELIEF
IN ACCORDANCE WITH LAW.

Prayer in Appeal

By accepting this appeal, the impugned orders may very graciously be set aside and the appellant may kindly be reinstated in service with full back wages and benefits.

Any other relief deemed appropriate in the circumstances of the case, not specifically asked for, may also be granted to the appellant.

RESPECTFULLY SHEWETH,

Short facts giving rise to the present appeal are as under:-

1. That the appellant was serving as a constable at the relevant time. He was performing his duty with great zeal, zest and devotion, but strangely he was served with a Charge Sheet wherein the following allegations were laid down: -

“You constable Sarwar Khan No. 2331 posted as FRP Peshawar Range Peshawar has been learnt through a reliable source that you are Afghan National. You are hereby called upon to submit your defence against the above charge before the inquiry officer.”

(Copy of charge sheet is appended as Annex-A)

2. That the appellant submitted elaborate and exhaustive reply, denied the allegations and also termed it as fallacious, malicious and misconceived. He clarified that he alongwith his family members were the lawful citizens of Pakistan who had obtained their CNICs in accordance with law. He further clarified that he got education in Pakistan and then selected as Constable in the Police Department after verification of his character and antecedents. He requested that the appellant may be exonerated from such frivolous and baseless allegations.

(Copy of reply is appended as Annex-B)

3. The above reply was not deemed satisfactory and the inquiry was conducted in utter violation of law and the appellant was found guilty illegally.

4. That thereafter, the appellant was served with a show cause notice on 18-02-2016 who submitted a comprehensive reply supported by various documents and denied the allegations and also termed the findings of the inquiry officer as perverse and not sustainable in the eye of law. Moreover, the report of the inquiry officer was not provided to the appellant with the said notice in order to enable him to offer explanation with regard to adverse findings of inquiry officer as evident from the said notice.

(Copy of show cause notice and its reply are appended as Annex-C and D respectively)

5. That the above reply to the show cause notice was also not found satisfactory and ultimately the appellant was awarded harsh and extreme penalty of dismissal from service by an order dated 01-03-2016 passed by the Superintendent of Police, FRP Peshawar Range, Peshawar (respondent No. 3). It was also mentioned in the impugned order that his brother Afzal Khan constable has already been dismissed from service due to above allegation and that FIR No. 78 dated 12-02-2016 u/s 419/420PPC was also lodged against him in Police Station Aza Khel, Peshawar. It was further added in the above order that as per direction of Commandant FRP the local police may be approached for registration of criminal case against the appellant under section 420/468/471/PPC 14 Foreign Act.

(Copy of impugned order is appended as Annexure-E)

6. That the appellant dissatisfied by the aforesaid order, filed a departmental appeal on 16-03-2016 but the same was dismissed on 16-06-2016.

(Copy of departmental appeal and its dismissal order are appended as Annex-F and G respectively)

7. That not only the CNICs of the appellant and his all family members were blocked but it was also decided to deport them to Afghanistan therefore, the appellant and his brother Afzal Khan invoked the jurisdiction of Hon'ble Peshawar High Court, Peshawar by way of filing writ petitions under article 199 of the Constitution of Islamic Republic of Pakistan, 1973, praying therein, that the actions of the respondents may graciously be declared as illegal, without lawful authority and of no legal effect and that they may graciously be restrained to deport them to Afghanistan and their CNIC may also be cleared. The Hon'ble Court while disposing of the above writ petitions, ordered that the petitioners may avail the appropriate remedy before the Competent Authority under section 18(3) of National Database of Registration Ordinance, 2000 who will treat them in accordance with law and will decide the same expeditiously. The respondents were also directed not to deport the petitioner till the conclusion of trial vide judgment dated 22-03-2016.

(Copy of writ petition and judgements are appended as Annex-H and I respectively)

8. That thereafter, the appellant and his brother Afzal Khan (Ex-Constables) duly filed separate appeals before the Secretary to Government of Pakistan, Ministry of Interior, Islamabad.

(Copy of appeals u/s 18(3) are appended as Annex-J and K respectively)

9. That according to the Ministry of Interior, Notification No. 8/37/2016-NADRA dated 19-04-2017; a District Level Committee Nowshera was constituted who directed the applicants whose CNICs were blocked to appear in person alongwith supporting documents preceding 1979. They duly complied with the above direction and the Committee cleared them on the basis of their father's and grandfather's CNICs duly verified by the NADRA Authority vide report dated 19-02-2019 and the same was addressed to the Director General NADRA, Khyber Pakhtunkhwa Phase-V Hayatabad

Peshawar and subsequently such information was also provided to the Superintendent of Police (Investigation), Nowshera and copy thereof was endorsed to District Police Officer, Nowshera and PA to Commissioner Peshawar Division, Peshawar vide letter dated 22-08-2019. It is worthwhile to mention here that the above District Level Committee was consisting of the following officers :-

- | | |
|-----------------------------|----------|
| 1. Deputy Commissioner/PA | Chairman |
| 2. District Police Officer | Member |
| 3. Assistant Director NADRA | Member |
| 4. Rep from ISI | Member |
| 5. Rep from IB | Member |

(Copy of Notification and report of Committee are appended as Annex-L and M respectively)

10. That on the basis of above report of the Committee, FIR No. 78 dated 12-02-2016 u/s 419/420PPC and 14 Foreign Act, Police Station Aza Khel was also cancelled by the Hon'ble Senior Civil Judge/Judicial Magistrate Nowshera on 08-01-2020.

(Copy of Judgment of SCJ is appended as Annex-N)

11. That as the appellant and his family members were declared as Pakistani citizens; their cases regarding blockage of CNICs were cleared and set right by the "District Level Committee" constituted by the Ministry of Interior, Government of Pakistan; the criminal case under FIR as referred earlier was cancelled and their CNICs were released therefore, on the basis of above, the appellant accrued a fresh cause of action and as such, he filed a Departmental Appeal as well as Revision petition but these were dismissed as time barred.

(Copy of departmental appeal, revision petition and rejection order are

appended as Annex-O, P
and Q respectively)

- 12. That the appellant is jobless since his dismissal from service
- 13. That the appellant now files this appeal before this Hon'ble Tribunal inter-alia on the following grounds within the statutory period of law.

GROUND OF APPEAL

A. That the respondents have not treated appellant in accordance with law, rules and policy on the subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973. Therefore, the impugned orders are not sustainable in the eye of law.

B. That the so-called inquiry was not conducted in a manner prescribed by law as neither any witness was examined in the presence of appellant nor he was provided any chance of cross-examination. Similarly, he was also not provided any opportunity to produce his defence in support of his version. The above defect in inquiry proceeding is sufficient to declare entire process as sham and distasteful. Right of fair trial is a fundamental right by dint of which a person is entitled to a fair trial and due process of law. The appellant has been deprived of his indispensable fundamental right of fair trial as enshrined in Article 10-A of the Constitution of Islamic Republic of Pakistan, 1973. Thus, such findings are perverse and are not sustainable in the eye of law. Hence, the impugned orders passed on the basis of such findings are against the spirit of administration of justice.

C. That the Competent Authority (respondent No. 2) was under statutory obligation to have considered the case of appellant in its true perspective and also in accordance with law and to see whether the inquiry was conducted in consonance with law and that the allegations thereof were proved against the appellant without any shadow of

doubt or otherwise. But he has overlooked this important aspect of the case without any cogent and valid reasons and awarded harsh and extreme penalty of dismissal from service to the appellant. Thus, the impugned orders are liable to be set aside on this count alone.

- D.** That the appellate authority as well as Revisional authority were legally bound to have applied their independent mind to the merit of the case by taking notice about the illegality and lapses committed by the inquiry officer as well as the Competent Authority as enumerated In Para-B and C above but they took no pain to do so. Moreover, it was also incumbent upon them to consider the case of appellant on the basis of new and quite distinct scenario, in light whereof, the appellant and his family members were declared as Pakistani nationals, their CNICs were duly cleared by lifting the blockage while, criminal case registered under FIR was also cancelled and as such, they were given clean-chit by the Competent legally constituted Committee. Thereafter, no ground whatsoever was remained to maintain the impugned penalty against the appellant. But they have ignored this important aspect of the case without any cogent and valid justification.
- E.** That the impugned orders are suffering from legal infirmities and as such caused grave miscarriage of justice to the appellant.
- F.** That the impugned orders are against law, facts of the case and norms of natural justice. Therefore, the same are not tenable under the law.
- G.** That the appellant would like to seek the permission of this Hon'ble Tribunal to advance some more grounds at the time of arguments.

In view of the above narrated facts and grounds, it is, therefore, humbly prayed that the impugned orders may very graciously be set aside and the appellant may kindly be reinstated in service with full back wages and benefits

Any other relief deemed proper and just in the circumstances of the case, may also be granted.

Sarwastham
Appellant

Through

Dated: 24-03-2020


Rizwanullah
M.A. LL.B

Advocate High Court, Peshawar.

"11-A"

**BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. _____/2020

1. Sarwar Khan, Ex-Constable No. 2331 s/o Awal Gul R/O Banda Nabi Tehsil Pabbi, District Peshawar.

Sarwar Khan

APPELLANT

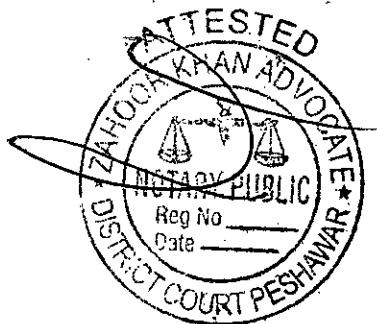
VERSUS

1. The Provincial Police Officer, Government of Khyber Pakhtunkhwa and others.

RESPONDENTS

AFFIDAVIT

I, Sarwar Khan, Ex-Constable No. 2331 s/o Awal Gul R/O Banda Nabi Tehsil Pabbi, District Peshawar, do hereby solemnly affirm and declare that the contents of the accompanied Service Appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.



Sarwar Khan
DEPONENT

12 4 MAR 2020

Annex-A

12

CHARGE SHEET U/R 6(1)(A) NWFP (NOW KHYBER PAKHTUNKHWA)
POLICE RULES 1975.

You Sarwar Khan No.2331 posted at FRP/Peshawar Range Peshawar are hereby charged for committing the following Omission/Commissions.

You Constable Sarwar Khan No.2331 posted at FRP Peshawar Range, Peshawar has been learnt through a reliable sources that you are Afghan National.

You are hereby called upon to submit your written defense against the above charged before the enquiry officer.

Your reply should reach the enquiry officer within (7) days from date of receipt of this charge Sheet, failing which Ex-part proceeding shell be initiated against you.

SUMMARY/STATEMENT OF ALLEGATION

You Constable Sarwar Khan No.2331 posted at FRP Peshawar Range, Peshawar have been learnt through reliable sources that you are Afghan National, falling within the misconduct provided under rule 2(iii) of the police rules 1975".

Attested
Sarwar Khan
Appellant

(Mehmood Hussain)
Superintendent of Police FRP,
Peshawar Range Peshawar.

میں نے اپنا چارج شیٹ اسمری آف
الٹیشن نوٹس فور وصول کیا

Nic. 17201-5001063-9

Mobl. 0321-9772898



بخدمت جناب سیز سنڈنٹ آف پولیس ایف- آر بی لینڈ اور ریجن پشاور

تعمیری جواب بجانب سرور خان سیشن نمبر 2331
ایف آر بی ریجن پشاور

جناب عالی!

جواب چارج شیٹ عرض خدمت ہے

کہ الزام عائد کردہ برخلاف من مائل اسروز کے سرور خان اور صرف
واقعات سے من مائل اسروز کے آباد اجلاس یا کتاخی
اور کچھ بھی افسانہ ٹیشن نمبر 2331

نور علی ولد محمد علی دادم پسر وصال سکند بدھو ڈاکخانہ پیر ملہم
محض وضع و وضع شدہ سند سے من مائل اسروز کے سرور خان اور
د شیز اول محل دریدی محل دریدی محل و انم سے پسر

والکم بعد از ان موقعہ بانڈہ بہ محض نو شیز انم نو شیز انم اور پسر
اس نسبت کیونکہ اسے شناختہ کا در والام موقعہ بانڈہ بہ وضع نو شیز
محض موجود ہے اس میں بانڈہ شناختہ کا در کا کو الوجود ہے

والکم اول محل ولا نور علی نے حسب حال یا بیوروٹ حاصل کر کے سرور
عرب سے من مائل اسروز کے اس نسبت یا بیوروٹ میں موجود ہیں
مائل و بیوروٹ مائل نے من مائل سکول بانڈہ بہ و مائل سکول ڈاک خانہ پیر
کے کتبہ حاصل کیے ہیں ان کے مائل والہ مائل بانڈہ بہ میں موجود ہے
نیز نام لکھنوی کے ہیں بانڈہ بہ میں کا مائل و بیوروٹ بانڈہ بہ
ایکے افسانہ ٹیشن اسے کہ الزام عائد ہے اس سے کہ موجود
حالات کو دیکھ کر محض اس سے عذر الزام عائد کیا گیا حالانکہ

Attested
Sabwah Khan
Appellant

(13-A)

کابل پاکستانی خبر سے آمد جو لندن اور یا سلاہ کاؤن میں
کے مہینے ان فرقہ سراجا رسہ رہا ہے

Sasawat Khan

Sasawat 233
سرور خان کینڈل کبر 233
ایف اے ای ریٹھ لقا اور

FINAL SHOW CAUSE NOTICE UNDER POLICE RULES 1975.

I, Superintendent of Police FRP Peshawar Range Peshawar, as Competent Authority do hereby serve you Constable Sarwar Khan No.2331, of FRP/PR Peshawar.

1) I. That consequent upon the completion of enquiry conducted against you by RI/Khurheed Khan FRP/PR for which you were given full opportunity of hearing.

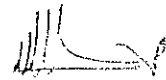
II. On going through the findings/recommendations of the enquiry officer the material available on record and other connected papers I am satisfied that you have committed the following acts/omissions per police rules 1975.

While appointed on 30.08.2015 and posted at FRP Peshawar Range, Peshawar. Subsequently he has found Afghan refugee vide Home Department report letter No. SO (Police) HC/VOI VII dated 10.03.2015. The matter was enquired through RI/FRP/PR and in the light of above information report of Home Department the accused said Constable was found guilty of the charges leveled, he is also involved in criminal case (U/S 420/468/471/PFC I Foreign Act) against him.

Therefore, I Superintendent of Police FRP/PR Peshawar as competent authority has tentatively decided to impose upon you Major/Minor penalty including dismissal from service under the said Rules.

3) You are, therefore, required to show Cause as to why penalty should not be imposed upon you.

4) If no reply to this Final Show Cause Notice is received within the fifteen days of it delivered in the normal course of circumstances, it shall be presumed that you have no defence to put in and consequently ex-parte action shall be taken against you.



(Mehmood Hussain)

s/c Superintendent of Police FRP.
Peshawar Range, Peshawar.

No. 88 /PA, dated Peshawar the 18/01/2016

Copy of above is sent to Sarwar Khan No.2331, with the direction that this Final Show Cause Notice is last warning for you to submit your written defence against your above mention absence otherwise Ex-parte action will be taken against you i.e dismissal from service.

سرور خان ولد اولنگ

Nic Name: 17201-8001063-8



Sarwar Khan

Attested
Sarwar Khan
Appellant

Subject: Reply with reference to the final show cause notice No. 88/PA dated Peshawar, 18/02/2016.

Respectfully Sir,

it is submitted with great humbleness as under:-

PRELIMINARY SUBMISSIONS:-

- A. That the allegation against the replying incumbent is wrong, incorrect, false and based on wrong and illegal perceptions.
- B. The replying incumbent alongwith his family and forefathers are the lawful citizens of this beloved land.
- C. That findings of the inquiry officer as referred to in the instant show cause notice are not based on the material available on record.
- D. That findings of the inquiry officer are based on non reading and misreading of evidence / material made available by the incumbent.

REPLY ON FACTS:-

1. That in response to Para No. i of the instant show cause notice it is submitted that non of the CNIC of grandparents and other relatives of the replying incumbent has been verified by either source or taken into consideration by the inquiry officer, hence the findings are not according to law.
2. That in response to Para No. ii of the instant notice it is submitted that the replying incumbent alongwith all his family members are the lawful citizens of Pakistan, the details of which are as under:-

- i. Mr. Noor Gul S/o Mian Gul NIC No. 137-89-360385 paternal grandfather of the incumbent. (Copy attached).
- ii. Mst. Manaqoo Bibi W/o Noor Gul NIC No. 137-38-360386 paternal grandmother of the incumbent. (Copy attached).
- iii. Mr. Awal Gul S/o Noor Gul father of the incumbent.
CNIC No. 17201-2273024-7
Old NIC No. 137-58-360383
Passport No. AH958837
Passport No. GO71457
Passport No. B332036

Attested

Sazwab Khan

Appellant

Death certificate dated 05/03/2015.

Sui Gas Bill.

(Copies attached).

- iv. Mst. Baswar Bibi W/o Awal Gul mother of the incumbent
CNIC No. 17201-2879868-8
Domicile Certificate
Copies attached.
- v. Mst. Zainab Bibi D/o Awal Gul (Sister of the incumbent)
CNIC No. 17201-2717565-6
Domicile Certificate
Copies attached
- vi. Bilal Ahmad S/o Awal Gul (brother of the incumbent)
CNIC No. 17202-0360396-7
Domicile Certificate
Copies attached
- vii. Mr. Raidi Gul S/o Mian Gul
CNIC No. 17301-8844197-5
Uncle of father of the incumbent
Copy attached
- viii. Mr. Muzafar Khan S/o Mian Gul
CNIC No. 17301-0274882-9
Father uncle of the incumbent
Copies attached.
- ix. Shehzad Gul S/o Mian Gul
NIC N. 137-33-363945
Father's uncle
Copies attached
- x. Mst. Sakeena Bibi W/o Shehzad Gul
CNIC No. 17301-5953101-0
Aunt of father
Copy attached
- xi. Mr. Mosa Khan S/o Muzafar Khan
CNIC No. 17101-4882403-3
Father's cousin
- xii. Khayali Gul S/o Shehzad Gul
CNIC No. 17301-0406434-1
Father's cousin

Attested
Saswat Khan
Appellant

Maternal Aunt
CNIC No. 17201-2142828-4
Copy attached

xxiii. Mst. Taj Bibi W/o Akram D/o Lahore Khan
Maternal Aunt
CNIC No. 17201-2026158-2
Copy attached

xxiv. Property documents of maternal grand father
Copies attached

xxv. Property documents of father
Copies attached

Hence keeping in view the above referred evidence regarding the national status of the replying incumbent, the incumbent is ready to produce any other evidence / witnesses including local elders as per the entire satisfaction of the authorities if asked for.

It is worth mentioning here that vide verification report dated 20/05/2015 conducted by DSP Akora Circle the replying incumbent and his brother were declared clear and of legal Pakistani citizens but the said report alongwith statements and affidavits of the locals were not considered without any plausible explanation or reason. (Copy of the report attached).

- 3. That in response to Para No. 2 it is submitted that since the replying incumbent is a lawful citizen of Pakistan hence the penalty cannot be imposed under the law.
- 4. That in response to Para No. 3 it is submitted that keeping in view the chain of CNIC's and family tree of the replying incumbent, the applicant is a lawful citizen of Pakistan, hence, the penalty cannot be imposed in the manner.

It is therefore, most humbly requested that the inquiry may graciously be dismissed / filed.

Yours obedient.

Sarwar Khan
SARWAR KHAN
Constable No. 2331

Attested

Applicant

Dated:

ORDER

Annex-E

(19)

This order dispose of a departmental enquiry under Police Rules-1975, initiated against Constable Sarwar Khan No.2331, under the allegations that while posted at FRP Peshawar Range, Peshawar. Succeeded in getting Pakistani CNIC, upon which, enlisted in Police Department FRP/PR Peshawar on 30.08.2013.

In this connection Constable Sarwar Khan No.2331, was charge sheeted vide this office Order No.333/PA, dated 04.05.2015 and also proceed him against departmentally through RI/Khurshid Khan FRP/PR. Later on Final Show Cause Notice was issued vide this office order No.88 dated 18.02.2016. Who after fulfilling necessary process submitted his findings wherein the E.O mentioned that the constable Sarwar Khan No.2331 is Afghan refugee as per the report Special Branch and ISI. According to the country rule section No.11 of 1973. It is obligatory for every Government Servant must having Pakistani Nationality Constable Sarwar Khan No.2331 is declared as Afghan refugee and his brother Constable Afzal Khan Distt: Nowshera has already been dismissed from service due to afghan refugee in this regard FIR case No.78 dated 12.02.2016 u/s 419-420 PP PS Azakhel Peshawar was issued. Therefore, it is recommended that he may be dismissed from Service. As per direction of Worthy Commandant FRP/KPK Peshawar, that the local Police Station may also approached for registration of criminal case (U/S 420/468/471/PPC 14 foreign Act).

He was heard personally in Orderly Room held in this office on 25.02.2016, wherein he failed to produce any cogent reason to satisfy the undersigned, therefore, Constable Sarwar Khan No.2331, is hereby awarded Major Punishment of dismissal from service with immediate effect, in exercise of the power vested in me under Police Rules-1975 and FIR under relevant sections of law be registered against the above named Constable Sarwar Khan No.2331.

Order announced

O.B No. _____

Dated _____ / _____ 2016.


Superintendent of Police, FRP
Peshawar Range, Peshawar.

No. 96-102 /PA dated Peshawar Range the 01 / 03 / 2016.

Copy of the above is forwarded to Worthy Commandant FRP/KPK Peshawar for favour of information and necessary:-

1. The RI/FRP/PR Peshawar.
2. The Accountant FRP/PR Peshawar.
- The SRC/FRP/PR Peshawar.
- The LQ/FRP/PR Peshawar.
- The CNIC/FRP/PR Peshawar.

Attested

Sarwar Khan

Appellent

The Deputy Inspector General of Police,
Peshawar.

Annex - F

20

Subject: APPEAL UNDER RULE 11 OF THE NWFP POLICE RULES 1975 AGAINST THE ORDER NO. 96-102 PA DATED PESHAWAR RANGE 01/03/2016 OF SP FRP PESHAWAR, RANGE VIDE WHICH THE APPELLANT HAS BEEN ILLEGALLY DISMISSED FROM SERVICE.

Respected Sir,

It is submitted very humbly as under:-

With due respect I beg to submit that I have been awarded a Major Punishment of Dismissal from service, by the SP FRP, Peshawar, Range, for the allegation of Afghan National Vide 96/102 dated 01/03/2016 against which I am going to submit the present appeal on the following grounds / justifications.

1. That according to the inquiry of DSP Akora Circle dated 20/05/2015 vide which I alongwith my brother was declared clear and were declared as legal Pakistani citizens. (Inquiry report attached).
2. That I was issued Charge Sheet regarding the misconduct in response to which I have submitted a detailed and well convincing reply but it was not paid due consideration. It was clearly stated that I and my family are lawful Pakistani and none of us is Afghan National.

Attest

Sadeer Khan

Appellant

3. That against the said allegations I filed a writ petition No. 3262/15 before the August Peshawar High Court, Peshawar, which is pending adjudication. (Copy attached).
4. That I had also tried to convince my officers orally but with no due consideration.
5. That I produced CNICs of my all family members including grandparents, and other relatives as proof of being a legal Pakistani National the details of which are as under:-

- i. Mr. Noor Gul S/o Mian Gul NIC No. 137-89-360385 paternal grandfather of the incumbent. (Copy attached).
- ii. Mst. Manaqoo Bibi W/o Noor Gul NIC No. 137-38-360386 paternal grandmother of the incumbent. (Copy attached).
- iii. Mr. Awal Gul S/o Noor Gul father of the incumbent.
 CNIC No. 17201-2273024-7
 Old NIC No. 137-58-360383
 Passport No. AH958837
 Passport No. GO71457
 Passport No. B332036
 Death certificate dated 05/03/2015.
 Sui Gas Bill.
 (Copies attached).
- iv. Mst. Baswar Bibi W/o Awal Gul mother of the incumbent
 CNIC No. 17201-2879868-8
 Domicile Certificate
 Copies attached.
- v. Mst. Zainab Bibi D/o Awal Gul (Sister of the incumbent)
 CNIC No. 17201-2717565-6
 Domicile Certificate
 Copies attached
- vi. Bilal Ahmad S/o Awal Gul (brother of the incumbent)
 CNIC No. 17202-0360396-7
 Domicile Certificate
 Copies attached
- vii. Mr. Raidi Gul S/o Mian Gul
 CNIC No. 17301-8844197-5
 Uncle of father of the incumbent
 Copy attached
- viii. Rehman Gul Son of Raidi Gul
 CNIC No. 17301-0589432-9
 Paternal Cousin of the incumbent
 Copy attached
- ix. Mr. Muzafar Khan S/o Mian Gul

Att. shv
Saswathnam
Appellant

CNIC No. 17301-0274882-9

Father uncle of the incumbent

Copies attached

x. Shehzad Gul S/o Mian Gul

NIC N. 137-33-363945

Father's uncle

Copies attached

xi. Mst. Sakeena Bibi W/o Shehzad Gul

CNIC No. 17301-5953101-0

Aunt of father

Copy attached

xii. Mr. Mosa Khan S/o Muzafar Khan

CNIC No. 17101-4882403-3

Father's cousin

xiii. Khayali Gul S/o Shehzad Gul

CNIC No. 17301-0406434-1

Father's cousin

Copy attached

xiv. Noor Bahadar S/o Khayali Gul

CNIC No. 17301-5824821-6

Father's Cousin's son

Copy attached

xv. Khan Bahadar S/o Khayali Gul

CNIC No. 17301-5846915-7

Father's Cousin's son

Copy attached

xvi. Kasha Gul S/o Shehzad Gul

CNIC No. 17301-939566-9

Father's Cousin's son

xvii. Khanzada S/o Shehzad Gul

CNIC No. 17301-0241914-9

Father's Cousin's son

Copy attached

xviii. Shairzada S/o Shehzad Gul

CNIC No. 17301-1164786-1

Old NIC No.

*Atasha
Sabir Khan
Appellant*

Copies attached

xix. Jaffar Khan S/o Shehzad Gul
CNIC No. 17301-1267968-5
Old NIC No. 137-87-517033
Father's Cousin's son

xx. Shair Bahadar S/o Jaffar Khan
CNIC No. 17301-5818055-7
Father's Cousin's son
Copy attached

xxi. Lahore Khan S/o Wali Mohammad
NIC No. 138-26-184603
Maternal grand father
Electricity bills (Copies attached).

xxii. Muhammad Zahir S/o Lahore Khan
CNIC No. 17201-4211409-3
Maternal uncle of the incumbent
Copy attached

xxiii. Mst. Laila W/o Mehar Gul
Maternal Aunt
CNIC No. 17201-2142828-4
Copy attached

xxiv. Mst. Taj Bibi W/o Akram
Maternal Aunt
CNIC No. 17201-2026158-2
Copy attached

xxv. Property documents of maternal grand father
Copies attached
xxvi. Property documents of father
Copies attached

But non of the CNIC is verified or taken into consideration by the IO or even by the competent authority. (copies attached)

6. That on 18/02/2016 I was issued final show cause notice which was replied in detail alongwith the supported documents but that too has not been considered or even referred to which is illegal and against the principle of natural justice and fairplay. (Copy attached).

Attishko

Appellant

- 7. That the referred documents have neither been verified nor considered in the inquiry which amounts to non reading and misreading of evidence, hence the impugned order is illegal and void ab initio.
- 8. I have been studying in Government High School Dag Besoud District Nowshera, hence completed my matriculation therefrom. (Copy attached).
- 9. That NADRA has not yet cancelled my CNIC hence my national status is still intact hence the impugned order is illegal.
- 10. That impugned order of dismissal from service is illegal unlawful, hence need to be set aside.

Therefore, I approach your goodself to kindly accept my appeal, by setting aside the order of punishment of dismissal from service awarded by the Order No. 96-102 PA dated Peshawar Range 01/03/2016 of SP FRP Peshawar, and I may kindly be restored with all back benefits in service, for which I shall be highly obliged and will pray for your long life and prosperity.

Photocopies of all relevant documents are enclosed herewith.

dated: ~~15.3.2016~~

Attested
Sarwar Khan
Appellant

Yours Obediently,

Sarwar Khan
SARWAR KHAN
Ex. Constable No. 2331
FRP Peshawar Range, Peshawar.
R/o Mohallah Awan Village,
Banda Nabi P.O Dagi,
District NSR

Dated - 18. 3. 2016



ORDER

Annex-G

25

This order is hereby passed to disposed of departmental appeal under rule No.11 of Khyber Pakhtunkhwa, Police Rules 1975, submitted by Ex-constable Sarwar Khan No.2331 of FRP/Peshawar. Range against the order of SP/FRP, Peshawar Range Peshawar.

Brief facts of the case are that Ex-Constable Sarwar Khan No.2331 enlisted on 30.08.2013 in FRP Peshawar Range Peshawar, as he was succeeded in getting Pakistani CNIC, which he subsequently declared as Afghan National.

In this connection Constable Sarwar Khan No.2331 was charge sheeted by the SP FRP Peshawar Range and proper departmental proceedings initiated against him. The Enquiry officer after fulfilling necessary process submitted his findings wherein he mentioned, that the Constable Sarwar Khan No.2331 is Afghan National as per the report of Special Branch and ISI and according to the Country Rules Section No.11 of 1973 it is obligatory for every Government Servant that he must have Pakistani Nationality. The Enquiry Officer recommended him for major punishment of dismissal from service.

After receiving the findings of EO, the Competent Authority issued final show cause notice and served upon the applicant which he replied but his reply was found unsatisfactory. He was heard in person in Orderly Room by the Competent Authority on 25.02.2016 but he failed to produce any cogent reason to satisfy him. Therefore, Constable Sarwar Khan No.2331 was dismissed from service under Police Rule 1975 vide SP FRP Peshawar Range Peshawar vide Order Endst No.96-102/PA dated 01.03.2016.

The enquiry file of the applicant perused and found that a proper departmental proceedings were initiated against him and all the codal formalities fulfilled by the Competent Authority.

He was also heard in person by the undersigned, but he failed to advance any cogent reason in his defence, thus his hearing was found unsatisfactory.

Keeping in view the above facts there is no cogent reason to interfere in the order of SP/FRP, Peshawar Range, Peshawar. **Therefore, his appeal is rejected.**

**Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar**

S127
No. /EC, dated Peshawar the 16/06/2016.

Copy of above is forwarded to the:-

1. SP/FRP, Peshawar Range Peshawar for information and necessary action. His service record and enquiry file sent herewith.
2. Ex-constable Sarwar Khan No.2331 of FRP/Peshawar. Range R/O village U/C Dagal Nabi District Nowshera.

*Attest
Sarwar Khan
Appellant*

*SDe
for action
16.06.16*

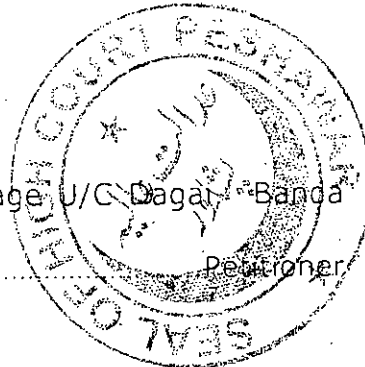
Amna - H

26

BEFORE THE HONOURABLE PESHAWAR HIGH COURT
PESHAWAR

Writ Petition No. 3262/2015

Sarwar Khan S/O Awal Gul R/O Village U/C Dagan Banda
Nabi Nowshera Petitioner



VERSES

1. Inspector General of Police (IGP) KPK, Peshawar.
2. Superintendent of Police FRP Peshawar Range Peshawar.
3. National Data Base and Registration Authority (NADRA) through Chairman, NADRA Head Quarter Islamabad.
4. Director General NADRA, Hayatabad Peshawar.
5. Ministry of Interior through its Secretary, Government of Pakistan, Islamabad..... Respondents

KN 0-1033/2015

Attest
Sudhakarham
Appellant

ATTESTED

EXAMINER
Peshawar High Court
11 APR 2016

=====

WRIT PETITION U/A 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN TO THE EFFECT THAT CNICS OF
PETITIONER AND HIS PARENTS HAVE
WRONGLY AND ILLEGALLY BEEN BLOCKED ON
THE SO CALLED ALLEGATIONS OF BEING
AFGHAN NATIONALS AS WELL AS INITIATION
OF DEPARTMENTAL INQUIRY FOR
TERMINATION OF THE PETITIONER FROM
SERVICE IS ILLEGAL, UNLAWFUL WITHOUT
ANY AUTHORITY AND JUSTIFICATION.

=====

14 SEP 2015

(2)

(27)

Respectfully Sheweth:

10

It is submitted very humbly as under:

1. That petitioner along with his family are law abiding respectable citizens of Pakistan, hence the petitioner is serving in the Police department of KPK posted at FRP Peshawar Range Peshawar .(Copy of service card attached as annexure A) *verification Rep A/1, Med Rep A/2)*
2. That respondent No.3 and 4 while holding the petitioner and his parents as Afghan National has blocked CNICs of the petitioner and his parents without any show cause notice or intimation.
3. That respondents No.1 and 2 who are bent upon dismissing the petitioner from service has now been initiated departmental inquiry against the petitioner by charge sheeting him for misconduct. (Copy attached as annexure B)
4. That neither petitioner nor his parents and family are Afghan nationals, hence the question of misconduct or concealment of fact does not arise at all.
5. That petitioner including his parents and forefathers are the lawful citizens of this beloved land by birth. (Copies of CNICs of petitioner, Grand parents/parents, brothers/sisters, paternal/maternal Uncles/Aunties are attached as annexure C, C/1 ,C/2, C/3, C/4, C/5, C/6, C/7, C/8, C/9, C/10 To C/40)
6. That the petitioner being permanently domiciled at District Nowshera has got all his education here. (Copies of domicile, Metric certificate attached as annexure D, E), D/1, E/1)

FILED TODAY
14 SEP 2015

ATTESTED
EXAMINER
Peshawar High Court
14 APR 2016

- 7. That father of the petitioner was passed away on 25/03/2015 who has buried in the ancestral grave yard at Nowshera. (Copies of Death certificate and documents of property and personal grave-yard attached as annexure F, G, H)
- 8. That respondent No.3 and 4 has blocked CNICs of father of the petitioner after his death while that of mother and brother have also been blocked.
- 9. That aggrieved with the said illegal action and having no other adequate remedy available to the petitioner, the instant writ petition is hereby filed on the following grounds amongst others.

GROUND:

- A. That petitioner along with his fore fathers are the lawful citizens of Pakistan by birth.
- B. That all family member of the petitioner are lawful citizens of Pakistan.
- C. That by blocking CNICs of the petitioner and his parents, respondent No.3 and 4 has exercised his authority beyond his jurisdiction by virtue of which the petitioner has been deprived of his fundamental rights.
- D. That no show cause notice whatsoever has been served on the petitioner.
- E. That the petitioner has not been treated in accordance with law rather he has been discriminated, which is against the letter and spirit of the constitution of

[Handwritten Signature]
 11 APR 2015

~~ATTACHED~~

EXAMINER
Peshawar High Court

11 APR 2015

4

29

Islamic Republic of Pakistan specially Article 4 and 25 of the constitution.

- F. That family record of the petitioner which includes CNICs, Passport and domicile of all family members, parents and grand parents of the petitioner premaficia proves national status of the petitioner which has wrongly been ignored.
- G. That respondent No.1 and 2 have no lawful authority to initiate departmental inquiry against petitioner and dismiss him from service on the so called allegations of the misconduct.
- H. That fundamental rights of the petitioner have been infringed by violating the principle of natural justice on the part of respondents, hence the petitioner has every right to knock at the doors of this Hon'ble Court.
- I. That petitioner craves for permission of this Hon'ble court to advance other points and documents at the time of arguments in support of the writ petition.

It is therefore most humbly prayed that while allowing this writ petition and by declaring blockade of CNIC of the petitioner as null and void departmental inquiry initiated on the part of respondent No.1 and 2 may graciously be declared illegal, unlawful and without any lawful authority and justification.

Any other relief though not specifically asked for to which the petitioner is found entitled in the circumstances may also be granted.

FILED TODAY
14 SEP 2015

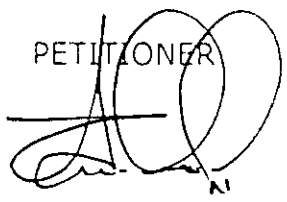
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Any other relief though not specifically asked for to which the petitioner is found entitled in the circumstances may also be granted.

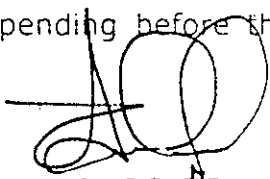
PRAYER FOR INTERIM RELIEF

By way of interim relief while suspending proceeding of departmental inquiry respondent No.1 and 2 may graciously be enjoined and restrained from dismissing petitioner from service till pending decision of this writ petition.

PETITIONER
Through 
ZAHIDULLAH ZAHID
Advocate, High Court.

CERTIFICATE

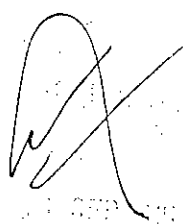
Certified that as per instruction of my client, no such like writ petition has earlier been filed or pending before this August Court.

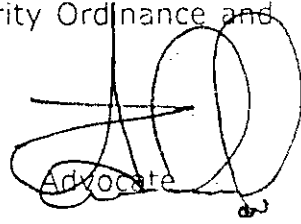

ADVOCATE

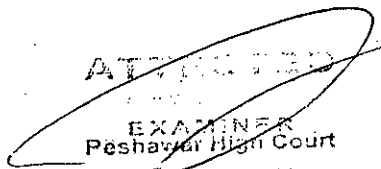
/09/2015

Books for reference:

1. Constitution of Islamic Republic Of Pakistan.
2. Pakistan Citizenship Act and Rules
3. National database regulatory Authority Ordinance and Rules
4. CASE LAWS ACCORDING TO NEED




Advocate


EXAMINER
Peshawar High Court
11 APR 2016

IF 1542

Annex - I

31

JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

Writ Petition No.3262-P/2015



JUDGMENT

Date of hearing.....22-03-2016.....

Petitioner(s) *petitioner in person*.....

Respondent(s) *(G.O.P.) by Syed Qaiser Alishah, B.A.,
Muhammad Mubarak and Abdui Rauf, Asst. Director
(Legal) NADRA*

YAHYA AFRIDI, J.- Sarwar Khan, petitioner.

seeks the constitutional jurisdiction of this Court,

praying that :-

*"It is, therefore, most humbly prayed
that while allowing this writ petition
and by declaring blockade of CNIC of
the petitioner as null and void
departmental inquiry initiated on the
part of respondents 1 and 2 may
graciously be declared illegal,
unlawful and without any lawful
authority and justification*

*Any other relief though not
specifically asked for to which the
petitioner is found entitled in the
circumstances may also be granted".*

2. In essence, the grievance of the petitioner is the illegal action and inaction of the respondents regarding the Computerized National Identity Card (CNIC) of the petitioner.

3. In response, Mr. Muhammad Mubarak, the worthy Assistant Director (Legal) NADRA

9

[Signature]
Peshawar High Court

11 APR 2016

101

submitted that as the *final order* in the instant case has already been passed declaring the petitioner non-national. Copy of the order passed by the respondents is handed over to the worthy counsel for the petitioner.

4. The petitioner can under section 18(3) of National Database & Registration, Ordinance, 2000 ("**Ordinance**") avail the appropriate remedy of appeal before the competent forum, provided therein. The appeal when filed by the petitioner should be treated in accordance with law and shall be disposed of expeditiously.

This petition is disposed of in the above terms.

Mr. Yashya Abzidi
Mr. Rodrul Amin Khan
J
J



JUDGE

JUDGE

CERTIFIED TO BE TRUE COPY

Examiner
Peshawar High Court, Peshawar
Authorised Under Article 84 of
The Constitution of Pakistan 1973

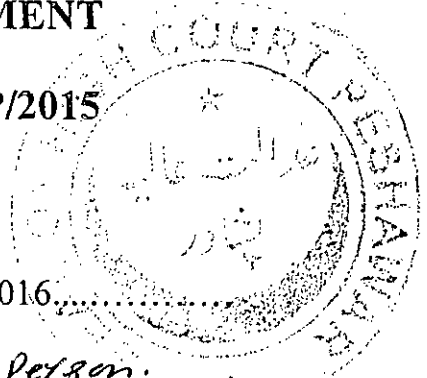
11 APR 2016

21434
Date of Presentation of Application 31-03-16
No. of Pages 7P
Copy Fee /
Incent Fee /
Total 14.00
Date of Preparation of Copy 11-04-16
Date Given For Delivery 11-04-16
Date of Delivery of Copy 11-04-16
Submitted By H. B. Khan

**JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT**

Writ Petition No.3263-P/2015

JUDGMENT



Date of hearing.....22-03-2016.....

Petitioner(s).....*petitioner in person*.....

Respondent(s) *(G.P.)* by *Syed. Qaiser Ali Shah, ADC*
Muhammad Mubarak and Nojia Rauf, Assistant
Director (Legal) NADRA.

YAHYA AFRIDI, J.- Afzal Khan, petitioner, seeks

the constitutional jurisdiction of this Court, praying

that :-

"It is, therefore, most humbly prayed that while allowing this writ petition and by declaring blockade of CNIC of the petitioner as null and void departmental inquiry initiated on the part of respondents 1 and 2 may graciously be declared illegal, unlawful and without any lawful authority and justification

Any other relief though not specifically asked for to which the petitioner is found entitled in the circumstances may also be granted".

2. In essence, the grievance of the petitioner is the illegal action and inaction of the respondents regarding the Computerized National Identity Card (CNIC) of the petitioner.

3. In response, Mr.Muhammad Mubarak, the worthy Assistant Director (Legal) NADRA

*Attest
Saeed Wasim
Appellant*

9

REGISTERED
EXAMINER
Peshawar High Court
27 MAR 2016

submitted that as the *final order* in the instant case has already been passed declaring the petitioner non-national. Copy of the order passed by the respondents is handed over to the worthy counsel for the petitioner.

4. The petitioner can under section 18(3) of National Database & Registration, Ordinance, 2000 ("Ordinance") avail the appropriate remedy of appeal before the competent forum, provided therein. The appeal when filed by the petitioner should be treated in accordance with law and shall be disposed of expeditiously.

As far as the petitioner has been stated to be on bail in case FIR No.78, dated 12.02.2016 registered at Police Station, Azakhel, District Nowshera, the respondents are directed not to deport him till the final conclusion of the trial.

This petition is disposed of in the above terms.

Dr. Farhat Ishtiaq
Dr. Romul Romi

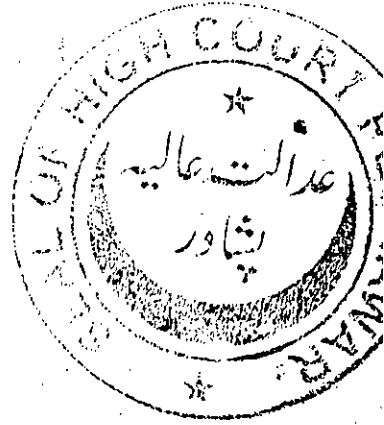
Dt.22-03-2016.

E.Jan/

JUDGE
CERTIFIED TO BE TRUE COPY

Examiner
Nowshera High Court, Nowshera
Organized Under Article 87 of
the Jamini-e-Shahadat Order 1984

31 MAR 2016



35

~~Batal CNIC No~~
~~Zainab bibi CNIC No~~

To,

The secretary Ministry of Interior,
Federal Government of Pakistan,
Islamabad.

Annex-J

Subject:

APPEAL U/S 18(3) OF THE NADRA ORDINANCE 2000 AGAINST
THE ORDER NO. 09 NADRA LEGAL / NN (P) /A-2216 DATED
29/02/2016 VIDE WHICH CNIC OF THE APPLICANT HAS
WRONGLY AND ILLEGALLY BEEN CANCELLED.

Respectfully Sir:-

It is submitted with ^{almost} ~~at~~ most respect as under:-

1. That applicant is a lawful citizen of this beloved land by birth along with his parents and forefathers.
2. That ~~two brothers~~ applicant and his brother namely Afzal Khan were serving in the K.P.K Police Department since many years ~~and~~ father of the applicant Mr. Awal Gul S/o Noor Gul having CNIC No. 17201-2273024-7 has been died on 25/03/2015 however his CNIC has also been cancelled vide order No.9 NADRA Legal / NN (P) /A-2214 dated 29/02/2016. (Copy of order is attached).
3. That on 27/02/2015 a letter was issued by Directorate General of ISI Islamabad vide which applicant along with his parents and brother Afzal Khan were wrongly declared to be Afghan Nationals. (Copy of letter of ISI is attached).
4. That the department (KPK Police) initiated inquiry against the applicant and his brother vide which local verification through local Police Station Pabbi was made where in the applicant and his family were declared Legal Pakistani Nationals. (Copy of verification report attached).
5. That in the mean time applicant filed a writ petition bearing W.P No. 3262 of 2015 before the August Peshawar High Court Peshawar. (Copy attached).
6. That during pendency of the writ petition NADRA cancelled CNIC of the applicant vide impugned order hence the same was disposed off vide judgment dated 22/03/2016. (Copy attached).
7. That the order of cancellation of CNIC of the applicant is illegal, unlawful and against the letter and spirit of the laws on the subject. Hence feeling aggrieved of the same the instant appeal is hereby filed on the following grounds amongst

Appellant

Attest
Sawad Khan
Appellant

GROUNDS:

- A. That the impugned order of NADRA is illegal, unlawful and against the letter and spirit of the laws on the subject specially article 3, 4 25 and 27 of the Constitution of Islamic Republic of Pakistan.
- B. That the impugned order dose not qualify to be a speaking order as no reason or plausible explanation has been made against the material available before the Authority.
- C. That the Authority has been badly failed to point out or prove any of the illegality or irregularity as mentioned in Section 18 of the Ordinance.
- D. That the impugned order is based on non-reading and misreading of evidence as the verification report effected by DSP Akora Circle Nowshera dated 22/05/2015 has been wrongly and illegally ignored. (Copy attached).
- E. That CNICs of family, parents and grand parents along with blood relations have been illegally and wrongly not considered inspite of its being the NADRA Record which is detailed as below.

- i. Mr. Noor Gul S/o Mian Gul
CNIC No. 137-89-360385
Paternal grandfather of the incumbent (Copy attached).
- ii. Mst. Manaqoo Bibi W/o Noor Gul
CNIC No. 137-38-360386
Paternal grandmother of the incumbent (Copy attached).
- iii. Mr. Awal Gul S/o Noor Gul
CNIC No. 17201-2273024-7 Old CNIC No. 137-58-360383
Father of the incumbent (Copy attached).
- iv. Mst. Baswar Bibi W/o Awal Gul
CNIC No. 17201-2879868-8
Mother of the incumbent (Copy attached).
- v. Mst. Zainab Bi Bi D/o Awal Gul
CNIC No. 17201-2717656-6
Sister of the incumbent (Copy attached).
- vi. Mst. Bilal Ahmad S/o Awal Gul
CNIC No. 17202-0360396-7
Brother of the incumbent (Copy attached).
- vii. Raidi Gul S/o Mian Gul
CNIC No. 17301-8844197-5
Uncle of father of the incumbent (Copy attached).
- viii. Rehman Gul S/o Raidi Gul
CNIC No. 17301-0589432-9
Paternal Cousin of the incumbent (Copy attached).
- ix. Muzafar Khan S/o Mian Gul
CNIC No. 17301-0274882-9
Father uncle of the incumbent (Copy attached).

Attest
Sawwar Khan
Appellant

- x. Shehzad Gul S/o Mian Gul
CNIC No. 137-33-363945
Sister of the incumbent (Copy attached).
- xi. Mst. Sakeena Bibi W/o Shehzad Gul
CNIC No. 17301-5953101-0
Aunt of father (Copy attached).
- xii. Mr. Musa Khan S/o Muzafar Khan
CNIC No. 17101-4882403-3
Father's cousin (Copy attached).
- xiii. Khiali Gul S/o Shehzad Gul
CNIC No. 17301-0406434-1
Father's cousin (Copy attached).
- xiv. Noor Bahadar S/o Khilali Gul
CNIC No. 17301-5824821-6
Father's cousin (Copy attached).
- xv. Khan Badar S/o Khilali Gul
CNIC No. 17301-5846915-7
Father's cousin's son (Copy attached).
- xvi. Kasher Gul S/o Shehzad Gul
CNIC No. 17301-939566-9
Father's cousin's son (Copy attached).
- xvii. Khan Zada S/o Shehzad Gul
CNIC No. 17301-0241914-9
Father's cousin's son (Copy attached).
- xviii. Sher Zada S/o Shehzad Gul
CNIC No. 17301-1164786-1
Father's cousin's son (Copy attached).
- xix. Jaffar Khan S/o Shehzad Gul
CNIC No. 17301-1267968-5
Old NIC No. 137-87-517733
Father's cousin's son (Copy attached).
- xx. Shair Bahadar S/o Jaffar Khan
CNIC No. 17301-5818055-7
Father's cousin's son (Copy attached).
- xxi. Lahore Khan S/o Wali Muhammad
CNIC No. 137-26-184603
Maternal Grandfather (Copy attached).
- xxii. Muhammad Zahir S/o Lahore Khan
CNIC No. 17201-4211409-3
Maternal uncle of incumbent (Copy attached).
- xxiii. Mst. Laila W/o Mehar Gul
CNIC No. 17201-2142828-4
Maternal Aunt (Copy attached).
- xxiv. Mst. Taj Bibi W/o Akram
CNIC No. 17201-2026158-2
Maternal Aunt (Copy attached).

*Attested
Sagwar Khan
Applicant*

F. That the JVC has not discussed or even mentioned a single document in its findings/report rather to consider or verify any document therefore report of the JVC is mere filing in the blanks and nothing more, hence cannot be made base for depriving Nationality of the applicant. (Copy of the JVC report attached).

G. That Domicile, Educational Record, Passport of father, utility bills of grandfather and property documents have been illegally not considered which speaks volume of ~~about~~ the malafide of the Authority. (Copies attached).

- H. That the impugned order is arbitrary one sided discriminatory and against the principle of natural justice.
- I. That the impugned order is based on misreading and non-reading of evidence.
- J. That the applicant and his family has been victimized for false, wrong and incorrect report of the Agency which has been given preference over all laws of the land.
- K. That it is not a divine rule that an agency cannot be errored, ^{two} the two lines report of ISI has been considered a divine revelation which has not been corroborated by a single piece of evidence.
- L. That no inquiry has either been initiated against deceased father and other family members such as brother, sister and mother of the applicant nor they have been interviewed or heard personally ^{while} while there CNIC's too have been cancelled, hence they have been condemned unheard which is against he principle of natural justice. (Copies attached).
- M. That applicant along with his family are the lawful citizens of this beloved land by birth hence the CNICs have been wrongly and illegally cancelled, which needs to be restored.
- N. That other points will be raised at the time of personal hearing before your good office.
- O. That since the impugned order was handed over to the applicant before the August Peshawar High Court Peshawar which is rightly mentioned ⁱⁿ is its judgment dated 22/03/2016 hence the appeal in hand is well with in time. (Copy judgment attached)

Attested
 Sarwar Khan
 Applicant

It is, therefore, most humbly prayed that on acceptance of this appeal the impugned order being illegal, unlawfully and based on material irregularities and illegalities may very graciously be set aside while CNICs of applicant and his family be restored.

Applicant
 Sarwar Khan S/o Awal Gul
 R/o Banda Nabi Tehsil Pabbi
 District Nowshera
 CNIC No. 17201-5001063-9
 Mobile: 0321-9772898

To,

The Secretary Ministry of Interior,
Federal Government of Pakistan,
Islamabad.

Subject: APPEAL U.S 18 (3) OF THE NADRA ORDINANCE 2000
AGAINST THE ORDER NO. 09 NADRA LEGAL / NN (P) / A-
2215 AND NO. 09/NADRA LEGAL /NN (P)/A-2214 DATED
29/02/2016 VIDE WHICH CNIC / OF THE APPELLANT^{and his father} HAS
WRONGLY AND ILLEGALLY BEEN CANCELLED.

Respected Sir,

It is submitted utmost respect as under:-

1. That appellant is a lawful citizen of this beloved land by birth along with his parents and forefathers.
2. That appellant and his brother namely Sarwar Khan were serving in the KPK Police Department since many years father of the appellant Mr. Awal Gul S/o Noor Gul having CNIC No. 17201-2273024-7 has been died on 25/03/215 however his CNIC has also been cancelled vide order No. 9 NADRA Legal / NN (P) / A-2214 dated 29/02/2016. (Copy of order is attached).
3. That on 27/02/2015 a letter was issued by Directorate General of ISI Islamabad vide which appellant along with his parents and brother Sarwar Khan were wrongly declared to be Afghan Nationals. (Copy of letter of ISI is attached).
4. That the department (KPK Police) initiated inquiry against the appellant and his brother vide which local verification through local police station Pabbi was made where in the appellant and his family were declared legal Pakistani Nationals. (Copy of verification report attached).
5. That in the mean time appellant filed a writ petition bearing W.P No. 3263 of 2015 before the August Peshawar High Court, Peshawar. (Copy attached).

Attested
Sarwar Khan
Appellant

6. That during pendency of the writ petition NADRA cancelled CNIC of the appellant vide impugned order hence the same was disposed off vide judgment dated 22/03/2016. (Copy attached).
7. That the order of cancellation of CNIC of the appellant is illegal, unlawful and against the letter and spirit of the laws on the subject. Hence feeling aggrieved of the same the instant appeal is hereby filed on the following grounds amongst others.

GROUNDS:-

- A. That the impugned order of NADRA is illegal, unlawful and against the letter and spirit of the laws on the subject specially article 3, 4, 25 and 27 of the constitution of Islamic Republic of Pakistan.
- B. That the impugned order does not qualify to be a speaking order as no reason or plausible explanation has been made against the material available before the Authority.
- C. That the authority has been badly failed to point out or prove any of the illegality or irregularity as mentioned in section 18 of the Ordinance.
- D. That the impugned order is based on non-reading and misreading of evidence as the verification report effected by DSP Akora Circle Nowshera dated 22/05/2015 has been wrongly and illegally ignored. (Copy attached).

Attuslin

Sabwar Khan

Appellant

E. That CNICs of family, parents and grant parents along with blood relations have been illegally and wrongly not considered inspite of its being the NADRA record which is detailed as below.

- i. Mr. Noor Gul S/o Mian Gul
NIC No. 137-89-360385
Paternal grandfather of the incumbent. (Copy attached).
- ii. Mst. Manaqoo Bibi W/o Noor Gul
NIC No. 137-38-360386
Paternal grandmother of the incumbent. (Copy attached).
- iii. Mr. Awal Gul S/o Noor Gul

CNIC No. 17201-2273024-7 Old NIC No. 137-58-360383

Father of the incumbent.

- iv. Mst. Baswar Bibi W/o Awal Gul mother of the incumbent

CNIC No. 17201-2879868-8 (Copies attached).

- v. Mst. Zainab Bibi D/o Awal Gul (Sister of the incumbent)

CNIC No. 17201-2717565-6

Copies attached

- vi. Bilal Ahmad S/o Awal Gul (brother of the incumbent)

CNIC No. 17202-0360396-7

Copies attached

- vii. Mr. Raidi Gul S/o Mian Gul

CNIC No. 17301-8844197-5

Uncle of father of the incumbent

Copy attached

- viii. Rehman Gul Son of Raidi Gul

CNIC No. 17301-0589432-9

Paternal Cousin of the incumbent

Copy attached

- ix. Mr. Muzafar Khan S/o Mian Gul

CNIC No. 17301-0274882-9

Father uncle of the incumbent

Copies attached

- x. Shehzad Gul S/o Mian Gul

NIC N. 137-33-363945

Father's uncle

Copies attached

- xi. Mst. Sakeena Bibi W/o Shehzad Gul

CNIC No. 17301-5953101-0

Aunt of father

Copy attached

- xii. Mr. Musa Khan S/o Muzafar Khan

CNIC No. 17101-4882403-3

Father's cousin

- xiii. Khiali Gul S/o Shehzad Gul

Attest

Saeed Khan

Appellant

CNIC No. 17301-0406434-1

Father's cousin

Copy attached

xiv. Noor Bahadar S/o Khayali Gul

CNIC No. 17301-5824821-6

Father's Cousin's son

Copy attached

xv. Khan Bahadar S/o Khayali Gul

CNIC No. 17301-5846915-7

Father's Cousin's son

Copy attached

xvi. Kasha Gul S/o Shehzad Gul

CNIC No. 17301-939566-9

Father's Cousin's son

xvii. Khanzada S/o Shehzad Gul

CNIC No. 17301-0241914-9

Father's Cousin's son

Copy attached

xviii. Shehzada S/o Shehzad Gul

CNIC No. 17301-1164786-1

Old NIC No.

Copies attached

xix. Jaffar Khan S/o Shehzad Gul

CNIC No. 17301-1267968-5

Old NIC No. 137-87-517033

Father's Cousin's son

xx. Shair Bahadar S/o Jaffar Khan

CNIC No. 17301-5818055-7

Father's Cousin's son

Copy attached

xxi. Lahore Khan S/o Wali Mohammad

NIC No. 138-26-184603

Maternal grand father

Electricity bills (Copies attached).

xxii. Muhammad Zahir S/o Lahore Khan

CNIC No. 17201-4211409-3

*Attest
Saswast Khan
Appellant*

Maternal uncle of the incumbent

Copy attached

xxiii. Mst. Laila W/o Mehar Gul

Maternal Aunt

CNIC No. 17201-2142828-4

Copy attached

xxiv. Mst. Taj Bibi W/o Akram

Maternal Aunt

CNIC No. 17201-2026158-2

Copy attached

- F. That the JVC has not discussed or even mentioned a single document in its findings / report rather to consider or verify any document therefore, report of the JVC is mere filing in the blanks and nothing more, hence cannot be made base for depriving Nationality of the appellant. (Copy of the JVC report attached).
- G. That domicile, educational record, passport of father, utility bills of grandfather and property documents have been illegally not considered which speaks volume of the malafide of the authority. (Copies attached).
- H. That the impugned order is arbitrary, one sided, discriminatory and against the principle of natural justice.
- I. That the impugned order is based on misreading and non-reading of evidence.
- J. That the appellant and his family has been victimized for false, wrong and incorrect report of the agency which has been given preference over all laws of the land.
- K. That it is not a divine rule that an agency cannot be errored, the two lines report of ISI has been considered a divine revelation which has not been corroborated by a single piece of evidence.
- L. That no inquiry has either been initiated against deceased father and other family members such as brother, sister and mother of the appellant nor they have been interviewed or heard personally while

Attest

Sarwar Khan

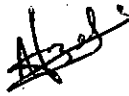
Appellant

their CNIC's too have been cancelled, hence they have been condemned unheard which is against the principle of natural justice. (Copies attached).

- M. That appellant along with his family are the lawful citizens of this beloved land by birth, hence the CNIC's have been wrongly and illegally cancelled, which needs to be restored.
- N. That other points will be raised at the time of personal hearing before your good office.
- O. That since the impugned order was handed over to the appellant before the August Peshawar High Court, which is rightly mentioned in its judgment dated 22/03/2016 hence the appeal in hand is will within time. (Copy of judgment is attached).

It is therefore, most humbly prayed that on acceptance of this appeal the impugned order being illegal, unlawfully and based on material irregularities and illegalities may very graciously be set aside while CNICs of appellant and his family be restored.

Appellant



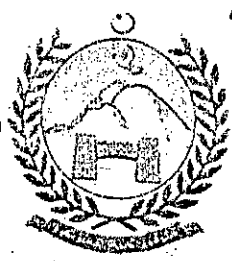
AFZAL KHAN S/o Awal Gul
R/o Banda Nabi Tchsil Pabbi
District Nowshera
CNIC No. 17201-6156503-3
Cell No. 0300-9349298

Attached

Sarwar Khan
Appellant

17201-61565033

Annex-2 (45)



Office of the Deputy Commissioner Nowshera

(Office Phone#0923-9220099, Fax#0923-9220159, Email: dconsrpk@yahoo.com)

No. 245-47 DLC/DC Nowshera

To The Superintendent of Police, Investigation Nowshera.

Subject: - CLEARANCE VERIFICATION OF CNIC IN CASE FIR NO. 78 DATED 12.05.2016 U/S 419/420/14FA PPC P.S AZAKHEL DISTRICT NOWSHERA.

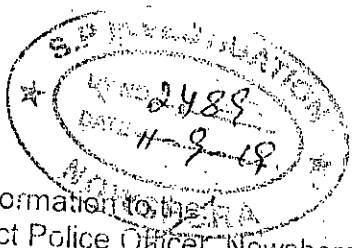
Refer to your office letter No. 4267/H.C, dated 22-07-2019 on the subject cited above.

According to Ministry of Interior notification bearing No. 8/37/2016-NADRA dated 19-04-2017 that applicants whose CNIC's are blocked were directed to appear in person before District Level Committee Nowshera along with supporting documents prior 1979 (Copy enclosed).

Therefore Mr. Afzal Khan S/o Awal Gul R/o Mohallah Awan Banda Nabi Tehsil Pabbi, District Nowshera and his family submitted supporting documents regarding blocked CNIC's prior 1979. Members of District Level Committee, Nowshera declared them cleared on basis of his Father & Grandfather CNIC duly verified by NADRA authority.

District Level Committee List and other relevant documents are enclosed herewith for appropriate action.

425-10
12/9/19



Deputy Commissioner, Nowshera

- Even No. & Date, Copy forwarded for information to the: 1- District Police Officer, Nowshera. 2- PS to Commissioner Peshawar Division Peshawar.

SDPO Pabbi
O/P PS Azakhel
For info

Deputy Commissioner, Nowshera

435-5
16-9-19

Attested
Saswast/Kham
Appellant

S. P. Inwar
Nowshera
6-9-19

Deputy Commissioner, Nowshera

Islamabad, the 19th April, 2017

46

NOTIFICATION

NADRA. In exercise of power conferred under Section 47 of National Database and Registration Authority Ordinance, 2000 (VIII of 2000), the Federal Government constituted a Committee headed by Deputy Speaker, National Assembly vide notification dated 20/01/2016 NADRA dated 5th January 2017. On the recommendations of the Parliamentary Committee, the Federal Government is pleased to approve following mechanism for clearance of blocked CNICs:

Blocked CNIC will be cleared if applicant provides one or more of following documents:

- 1) Land record registered prior to 1978 (verified by Revenue Dept.) ✓
- 2) Local/Domicile Certificate issued prior to 1978 and verified by issuing authority ✓
- 3) Pedigree (Shajra-e-Nasab) issued & verified by Revenue Deptt. ✓
- 4) Government employment certificate (or of blood relative), employed before 1990 ✓
- 5) Verified educational certificates issued prior to 1978) ✓
- 6) Passport issued to applicant prior to 1978 ✓
- 7) Any other document issued by Government of Pakistan prior to 1978 and verified by issuing authority (including Arm License, Driving License or Manual NIC issued prior to 1978 duly verified by record) ✓

NADRA will handle routine cases while complex (Blocked in Confirm Aliens/ on Agency cases) will be dealt by District Level Committee.

Composition of District level Committee:

- | | |
|-----------------------------|-----------|
| 1) Deputy Commissioner/PA | President |
| 2) District Police Officer | Member |
| 3) Assistant Director NADRA | Member |
| 4) Rep from ISI | Member |
| 5) Rep from IB | Member |

DC of respective District will monitor the progress however responsibility of confirmation will be on the Deputy Commissioner/Political Agent.

If document being provided is from district where applicant is residing then NADRA will clear case in 6 x working days and otherwise NADRA shall decide case in 30 x working days.

District Level Committee will decide verification status of blocked CNICs within 30 days.

The above mentioned process will not be applicable on persons falling under purview of Citizenship Act 1951.

Ministry of Information and Public Relations
Karachi

Copy forwarded for information and necessary action to:-

- 1) Concerned Members National Assembly
- 2) Secretary, National Assembly Secretariat
- 3) Provincial Chief Secretaries including GB and AJ&K
- 4) Directorate General ISI
- 5) Directorate General IB
- 6) All Provincial IGS Police
- 7) Chairman NADRA
- 8) Deputy Speaker, National Assembly
- 9) Minister for Interior
- 10) Secretary Interior
- 11) Additional Secretary-1

OPERATIONS DIVISION	
OG (Ops)	✓
AD (Ops)	✓
Supt I	
Dist. No:	4220
Date:	21-04
Forwarded to:	(A/S)

(Mirza Khalid Mahmood)
Deputy Secretary (Admin)

CHAIRMAN SECT	
Chairman	✓
PSO	G 21/4
...	
...	
...	29/01
...	21-04-17
...	

(Mirza Khalid Mahmood)
Deputy Secretary (Admin)

Attest
Saswar Khan
Appreciant

25/3/2017

Nowshera

Annex-M

Office Phone#0923-9220099, Fax#0923-9220159, Email: dcensipk@yahoo.com)

No. 80-83 DLC/DC/NSR/2019

February, 2019

19th

(97)

The Director General,
NADRA, Khyber Pakhtunkhwa,
Phase-V, Hayatabad, Peshawar.

Subject: - CLEARANCE OF BLOCKED CNIC'S.

Refer to subject cited above.

The following individual's cases appeared before the District Level Committee, DLC verified their respective documents from concerned Departments and declared them as per remarks.

S.#	Name & Father Name	CNIC #	Remarks	Document verified
1.	Mr. Sher Wali Khan S/o Muhammad Jan	17201-7120199-9	Cleared	Father & Mother RG-I
2.	Mr. Israil Khan S/o Saif Ullah	17201-2526408-7	--do--	Grand Father / Mother RG-I
3.	Mr. Raj Wali S/o Saif Ullah	17201-9433009-9	--do--	Grand Father / Mother RG-I
4.	Mr. Aftab Ali S/o Saif Ullah	17201-3012353-7	--do--	Grand Father / Mother RG-I
5.	Mr. Saif Ullah S/o Muhammad Jan	17201-8981474-9	--do--	Father & Mother RG-I
6.	Muhammad Ismail Khan S/o Saif Ullah	17201-7053113-1	--do--	Grand Father & Mother RG-I
7.	Muhammad Ibrahim S/o Saif Ullah	17201-2500142-9	--do--	Grand Father & Mother RG-I
8.	Mst. Basri Bibi D/o Saif Ullah	17201-1275577-0	--do--	Grand Father & Mother RG-I
9.	Muhammad Hayat S/o Muhammad Jan	17201-1450501-5	--do--	Father & Mother RG-I
10.	Mr. Sahib Ullah S/o Muhammad Jan	17201-5202918-1	--do--	Father & Mother RG-I
11.	Mr. Umer Said S/o Muhammad Jan	17201-7214238-5	--do--	Father & Mother RG-I
12.	Mr. Khesta Gul S/o Tor Gul	17201-2311644-5	--do--	Applicant RG-I
13.	Mr. Farhat Shah S/o Khesta Gul	17201-6459035-9	--do--	Father RG-I
14.	Mr. Rahat Shah S/o Khesta Gul	17201-8649580-5	--do--	Father RG-I
15.	Mst. Razia Beghum D/o Khesta Gul	17201-3505242-0	--do--	Father RG-I
16.	Mr. Rahim Gul S/o Khesta Gul	17201-9282061-3	--do--	Father RG-I
17.	Mr. Hazrat Gul S/o Khesta Gul	17201-0717091-7	--do--	Father RG-I
18.	Mst. Bibi Zarwan D/o Khesta Gul	17201-8106889-2	--do--	Father RG-I
19.	Mr. Abid Ali S/o Mr. Hazrat Gul	17201-6914834-9	--do--	Grand Father RG-I

Attested
Sarwar Khan
Appellant

Deputy Secretary
PAOBI

25/3/2019

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No.	Name & Father Name	CNIC #	Remarks	Document verified
20.	Mr. Kararan Shah S/o Mr. Hazrat Gul	17201-6196852-1	Cleared	Grand Father RG-I
21.	Mr. Jawad Ali S/o Mr. Hazrat Gul	17201-7354454-1	--do--	Grand Father RG-I
22.	Mr. Irfan Shah S/o Mr. Hazrat Gul	17201-8875939-3	--do--	Grand Father RG-I
23.	Mr. Zahid Karim S/o Mr. Hazrat Gul	17201-0283674-4	--do--	Grand Father RG-I
24.	Mr. Awal Gul S/o Noor Gul	17201-2273024-7	--do--	Applicant & Father RG-I
25.	Mst. Baswar Bibi W/o Awal Gul	17201-2879868-8	--do--	Father RG-I
26.	Mst. Zainab Bibi D/o Awal Gul	17201-2717565-6	--do--	Father & Grand Father RG-I
27.	Mr. Bilal Ahmad S/o Awal Khan	17201-0360396-7	--do--	Father & Grand Father RG-I
28.	Mr. Afzal Khan S/o Awal Gul	17201-6156503-3	--do--	Father / Grand Father RG-I
29.	Mr. Sarwar Khan S/o Awal Gul	17201-5001063-9	--do--	Father / Grand Father RG-I
30.	Mr. Nazir Khan S/o Maeen Gul	17201-2139060-9	--do--	Father RG-I
31.	Mr. Niamat Khan S/o Awas Khan	17201-1129631-1	--do--	Father & Mother RG-I
32.	Mr. Samar Gul S/o Sher Muhammad	17301-1115701-3	--do--	Father Arm License
33.	Mr. Sana Gul S/o Tor Gul	17201-7148439-9	--do--	Applicant Arm License
34.	Mr. Khan Muhammad S/o Sara Gul	17201-7614349-9	--do--	Father Arm License
35.	Mr. Malik Faisal Niazi S/o Kako Khan	17301-3758233-9	--do--	Father RG-I
36.	Mr. Dil Nawaz Khan S/o Qadar Khan	17201-2293367-3	--do--	Mother RG-I
37.	Mr. Tor Gul S/o Akhter Gul	17201-3284839-1	--do--	Mother RG-I
38.	Mr. Kher Gul S/o Akhter Gul	17201-2230915-1	--do--	Mother RG-I
39.	Mr. Shumaila W/o Hukam Khan	17201-2044052-3	--do--	Applicant RG-I
40.	Mst. Malaia Bibi W/o Zar Gul	17201-5468657-6	--do--	Applicant RG-I
41.	Mst. Poshana Bibi W/o Islam Gul	17201-2135953-0	--do--	Applicant RG-I
42.	Muhammad Raheem S/o Akbar Khan	17201-2785479-3	--do--	Grand father RG-I
43.	Mr. Dostam Khan S/o Musaffar Khan	17201-2130591-9	--do--	Father RG-I
44.	Mr. Bahadur Khan S/o Zahir Khan	17201-2220015-9	--do--	Grand Father Arm License
45.	Mst. Noor Jehan D/o Gul Aftab	17201-2147456-2	--do--	Applicant RG-I
46.	Mr. Farooq S/o Roza Din	37405-0365821-7	--do--	Applicant Arm License
47.	Muhammad Gul S/o Farooq	17201-0269873-3	--do--	Father Arm License
48.	Mr. Rehmat Khan S/o Farooq	17201-3417541-7	--do--	Father Arm License
49.	Muhammad Khan S/o Farooq	17201-6503253-7	--do--	Father Arm License
50.	Mr. Ezat Khan S/o Farooq	17201-7557797-3	--do--	Father Arm License
51.	Mr. Sabor Khan S/o Mr. Nazim Uddin	17201-2277144-1	--do--	Father RG-III
52.	Mr. Mali Jan S/o	17201-2224081-1	--do--	Applicant RG-I

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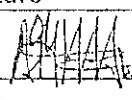

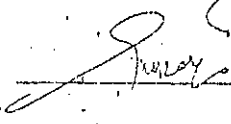
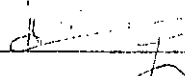
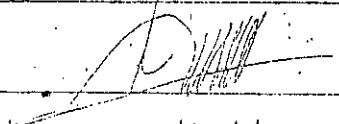
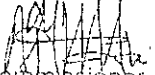
Attested
Sarwar Khan
Appellant

Deputy
29/3/2015

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	Name & Father Name	CNIC #	Remarks	Document verified
53.	Mr. Abdul Kareem S/o Mr. Mali Jan	17201-2309475-9	Cleared	Father RG-I
54.	Mr. Akbar Khan S/o Mr. Mali Jan	17201-6157409-3	--do--	Father RG-I
55.	Mr. Abdur Raheem S/o Mr. Mali Jan	17201-9985454-9	--do--	Father RG-I
56.	Mst. Naiz Bibi D/o Mr. Sahib Shah	17201-5331682-6	--do--	Father RG-I
57.	Muhammad Hashim Khan S/o Khair Muhammad	17201-7505721-5	--do--	Applicant RG-III
58.	Mr. Nadar Khan S/o Mr. Rasool Khan	17201-9670102-1	--do--	Father RG-I
59.	Mr. Naik Muhammad S/o Mr. Gul Ahmed	17201-2167298-5	--do--	Applicant RG-I
60.	Mr. Mirza Khan S/o Mr. Naik Muhammad	17201-2167298-7	--do--	Father RG-I
61.	Mr. Lajbar Khan S/o Mr. Naik Muhammad	17201-2167299-9	--do--	Father RG-I
62.	Mr. Ghazani Khan S/o Mr. Naik Muhammad	17201-2169950-5	--do--	Father RG-I
63.	Mst Bibi Khatima W/o Shah Wali	17201-2077496-8	--do--	Mother Land Record
64.	Mr. Shah Wali S/o Lal Din	17201-2202799-3	--do--	Applicant RG-I
65.	Mr. Anwar Ali S/o Shah Wali	17201-4977219-1	--do--	Father RG-I
66.	Mst. Bas Bibi D/o Shah Wali	17201-2295103-0	--do--	Father RG-I
67.	Mst. Bibi Zainab D/o Shah Wali	17201-3748182-4	--do--	Father RG-I
68.	Mst. Zaitoon D/o Shah Wali	16101-8409980-8	--do--	Father RG-I
69.	Mr. Azghar Khel S/o Shah Wali	17201-2319785-7	--do--	Father RG-I
70.	Mr. Suleman Khel S/o Shah Wali	17201-7555712-5	--do--	Father RG-I

Submitted for further appropriate action please.

S.#	Designation	Signature
1.	Deputy Commissioner / Chairman	
2.	District Police Officer / Member	
3.	Assistant Director NADRA / Member	
4.	Deputy Director ISI / Member	
5.	Assistant Director IB / Member	
		 Deputy Commissioner, Nowshera

Even No & Date.
Copy forwarded to the:


Attished
Saswar Khan
Appellant

Deputy Commissioner
25/3/2010



- 1- Secretary to Government of Khyber Pakhtunkhwa, Home & Tribal Affairs Department, Peshawar.
- 2- Commissioner Peshawar Division Peshawar.
- 3- Deputy Director (Veri) Ministry of Interior National Database & Registration Authority Government of Pakistan, Regional Head Office, Khyber Pakhtunkhwa Peshawar w/; to letter No. quoted above.

Attest
Saswar Khan
Appellant


Deputy Commissioner,
Nowshera

2011
16

SRP
Peshawar
2011

Deputy Secretary to Government of P.K.
PABBI
25/3/2010

جسٹس اکبر علی محمد کی سربراہی میں سیشن جج/جج (ج) کی عدالت
Annex-N (51)

IN THE COURT OF AKBAR ALI MOHMAND,

Senior Civil Judge (J)/Judicial Magistrate-I, Nowshera

798/20

Order # 01
05.12.2019

51219 SK

Prosecution submitted final report for cancellation of FIR No. 78 dated 12.02.2016 under sections 419-420, PPC/14 FA of Police Station Azakhel. It be registered. Notice be issued to investigation officer for

18/12/19



(Akbar Ali Mohmand)
Senior Civil Judge (J)/JM-I, Nowshera

2/20

Order No. 02
18.12.2019

APP for state present, Abdul Wali Inspector SHO of Police Station Shabqadar District Charsadda present and was heard.

Abdul Wali stated at the bar that he has initially investigated the case however final report has been issued by Shoaib Ahmad SI who is presently posted at Police Station Azakhel District Nowshera. He requested that Shoaib Ahmad SI may be called to court for verification of his report. Shoaib Khan SI be summoned for

04/1/20

Attest
Sobwah Nam
Appellant


Akbar Ali Mohmand
SCJ (J)/ Judicial Magistrate-I,
Nowshera
(AKBAR ALI MOHMAND)
SCJ (J)/ Judicial Magistrate-1,
Nowshera

Statement of Shoaib Ahmad SI of PS Aza Khel

Stated on oath that I have conducted investigation in case FIR No.78 dated 12.02.2016 u/sections 419/420 PPC/14FA of PS Aza Khel. Accused Afzal Khan son of Awal Gul was charged for being an Afghan national and obtaining Pakistani CNIC. Antecedents of accused Afzal Khan son of Awal Gul were verified by District Level Committee Nowshera whereby accused Afzal Khan and his family members were cleared. I verified said documents from the office of Deputy Commissioner Nowshera and discussed the matter with police highups who recommended case for cancellation. I thus recommended case for cancellation with my final report.

RO & AC
08-01-2020

Shoaib Ahmad SI



Akbar Ali Mohmand
SCJ(J)/Judicial Magistrate,
Nowshera
(AKBAR ALI MOHAMMAD)
SCJ(J) Magistrate-1,
Nowshera

Attest
Sawar Khan
Appellant

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APP for state present. Shoaib Khan IO not present. He be
summoned for 08/1/20

Akbar Ali Mohmand
SCJ (J)/ Judicial Magistrate-1,
Nowshera

Order # 04
08.01.2020

APP for state present. Shoaib Khan SI
(investigation officer) present.

Prosecution has submitted final report under
section 173 for cancellation of case FIR # 78 dated
12.02.2016 under sections 419-420 PPC and 14
Foreigners Act of Police Station Azakhel, Nowshera.

Brief facts of the case are: that on 12.02.2016,
Khaista Muhammad Khan SI of Police Station Azakhel
chalked out instant criminal case against accused Afzal
Khan son of Awal Gul with allegations that District
Police Officer, Nowshera has received letter No. 6905-
NADRA-S-305 (A) dated 27.02.2015 to the effect that
one Afzal Khan constable No. 531 was inducted in
District Peshawar FRP Police on 10.07.2009 who is
presently performing his duties in Nowshera Police. He is
not Pakistani Citizen rather is an Afghan national.

Affidavit
Shoaib Khan
Appellant

(AKBAR ALI MOHAMMAD)
SCJ (J)/ Judicial Magistrate-1,
Nowshera

District Police Officer, Nowshera marked said letter to DSP Akora Khattak for inquiry. DSP concerned conducted inquiry and has found that Afzal Khan is an Afghan national. On the basis of said inquiry, Afzal Khan has been dismissed from service vide order dated 12.02.2016.

During the course of investigation, investigation officer obtained copy of letter No. 80-83 DLC-DC Nowshera/2019 dated 19.02.2019 addressed to Director General NADRA Khyber Pakhtunkhwa according to which, CNIC of accused Afzal Khan son of Awal Gul was cleared. The Deputy Commissioner Nowshera forwarded letter No. 245-47 D.L.C/DC/NSR dated 22.08.2019 to Superintendent of Police Investigation, Nowshera

Attested
Safwan Khan
Appellant

according to which the District Level Committee Nowshera has cleared Afzal Khan son of Awal Gul and his family members to be Pakistani citizens. On completion of investigation, investigation officer submitted final report for cancellation of FIR on the ground that District Level Committee headed by Deputy Commissioner Nowshera has cleared accused Afzal Khan to be Pakistan citizen thus case against accused may be cancelled. Final report has been forwarded through Superintendent of Police, Investigation Nowshera and District Public Prosecutor, Nowshera to this court.

MOHAMMAD
S.C.J. (Judicial Magistrate)
Nowshera

Arguments heard and file perused.

therefore he discussed the matter with police highups who recommended case for cancellation.

Since antecedents of accused 'Afzal Khan' has been verified by District Level Committee, Nowshera and he has been cleared to be Pakistani citizen thus request of the local Police for cancellation of FIR is accepted. Resultantly, FIR # 78 dated 12.02.2016 under sections 419-420 PPC and 14 Foreigners Act of Police Station Azakhel, Nowshera stands cancelled. Copy of this order be sent to SHO Police Station Azakhel with directions to cancel FIR ibid with red ink from relevant register with number and date of this order. File be consigned to Record Room after necessary completion and compilation.

Announced:
08.01.2020

Akbar Ali Mohmand
SCJ (J)/Judicial Magistrate-I, Nowshera

*Attested
Saswar Khan
Appellant*

To: - The Commandant FRP,
Khyber Pakhtunkhwa, Peshawar.

Diary No 416 Encl
Date 14-1-2020

Subject: - **APPEAL FOR RE-INSTATEMENT IN SERVICE**

Amna - O **(57)**

Sir,

With due respect I beg to submit that I have been awarded major punishment of dismissal from service by the then SP FRP Peshawar Range Peshawar vide Order No.96-102/PA, dated 01-03-2016 for the allegations that while posted in FRP Peshawar Range Peshawar, I was shown an Afghan National and succeeded in getting Pakistani CNIC, upon which enlisted in Police Department FRP Peshawar Range Peshawar, though I have submitted a well convincing reply to the charge sheet/ show cause notice but it was not paid due consideration and I was awarded the above cited punishment, against which I have submit an Appeal before the competent authority and I was verbally directed to clear my self about the above mentioned allegation and then apply for re-instatement

2. Now I have been cleared and my documents and CNIC have been verified vide DC Nowshera letter No.80-83/DLC/DC/NSR/2019 dated 19-02-2019 (Serial No.29), photocopy attached which is worth perusal. I have also received my CNIC which was also renewed.

3. Similarly a case vide FIR No.78 dated 12-02-2016 u/s 419/420/14FA PS Aza Khel registered against my brother who was also alleged to be an Afghan National has been cancelled vide SCJ Judicial Magistrate-I, Nowshera ordered dated 08-01-2020, vide photocopy attached which is worth perusal.

4. Therefore I am going to submit the present Appeal for consideration as directed by the competent authority.

5. I was put to financial loss for ever.

6. I had served the department for about 07 years and always tried to perform my duties upto the entire satisfaction of my superiors

7. I had submitted my first Appeal within 30 days.

8. I assure you sir, that I will remain dutiful/disciplined and will never give an opportunity of any complaint in future.

9. I have spent a huge amount in getting my self cleared and that I remained jobless in these days.

10. I am the only dependent of a large family and am facing great financial hardship in these price-hiking days.

Therefore, I approach your good self to kindly accept my Appeal, the order of punishment (dismissal from service) awarded by the then SP FRP Peshawar Range Peshawar vide Order No.96-102/PA, dated 01-03-2016 may kindly be withdrawn and I may be re-instated in service with all back benefits for which I shall be highly obliged.

I will pray for your long life and prosperity.

Yours Obediently,

Sarwar Khan
(Sarwar Khan)

Ex-Constable No.2331/FRP
s/o Awal Gul r/o Banda Nabi
District Nowshera

His 1st appeal was already rejected vide this office order NO-5127, dated 16/06/2016

si leg et
Date = 14-1-2020

03219772898

Attest

Sarwar Khan

Appellant

si legal

for release

[Signature]

To: - The Inspector General Of Police,
Khyber Pakhtunkhwa, Peshawar.

Ahmed - P (58)

Subject: - **APPEAL FOR RE-INSTATEMENT IN SERVICE**

Sir,

With due respect I beg to submit that I have been awarded major punishment of dismissal from service by the then SP FRP Peshawar Range Peshawar vide Order No.96-102/PA, dated 01-03-2016 for the allegations that while posted in FRP Peshawar Range Peshawar, I was shown an Afghan National and succeeded in getting Pakistani CNIC, upon which enlisted in Police Department FRP Peshawar Range Peshawar, though I have submitted a well convincing reply to the charge sheet/ show cause notice but it was not paid due consideration and I was awarded the above cited punishment, against which I have submit an Appeal before the competent authority and I was verbally directed to clear my self about the above mentioned allegation and then apply for re-instatement

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8. I assure you sir, that I will remain dutiful/disciplined and will never give an opportunity of any complaint in future.

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10. I am the only dependent of a large family and am facing great financial hardship in these price-hiking days.

Therefore, I approach your good self to kindly accept my Appeal, the order of punishment (dismissal from service) awarded by the then SP FRP Peshawar Range Peshawar vide Order No.96-102/PA, dated 01-03-2016 may kindly be withdrawn and I may be re-instated in service with all back benefits for which I shall be highly obliged.

I will pray for your long life and prosperity.

Yours Obediently,

Sarwar Khan
(Sarwar Khan)

Ex-Constable No.2331/FRP
s/o Awal Gul r/o Banda Nabi
District Nowshera

0321-9772898

27/1/2020



Annex - R (59)
OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar.

No. S/ 1364 /20, dated Peshawar the 12/03/2020.

To : The Commandant,
Frontier Reserve Police,
Khyber Pakhtunkhwa, Peshawar.

Subject:- REVISION PETITION.

Memo:

Please refer to your office Memo: No. 1806/SI Legal, dated 17.02.2020.


The Competent Authority has examined and filed the revision petition submitted by Ex-Constable Sarwar Khan No. 2331 of FRP Peshawar against the punishment of dismissal from service awarded by SP/FRP Peshawar Range, Peshawar vide order Endst: No. 96-102/PA, dated 01.03.2016 being badly time barred.

His Service Roll alongwith D-file received vide above quoted reference is returned herewith for your office record, please.

The applicant may please be informed accordingly.

Encl: 1. (Service Roll=01)
2. (D File =01)

Att. stw
Sarwar Khan
Applicant


(SYED ANIS-UL-HASSAN)
Registrar,

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar. 14/03/2020

**BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

In the matter

Service Appeal No. _____/2020

1. Sarwar Khan, Ex-Constable No. 2331 s/o Awal Gul R/O Banda Nabi Tehsil Pabbi, District Peshawar.

Sarwar Khan

APPELLANT

VERSUS

1. The Provincial Police Officer, Government of Khyber Pakhtunkhwa and others.

RESPONDENTS

APPLICATION FOR CONDONATION OF DELAY

1. That the appellant / applicant has filed Service appeal alongwith above captioned application for condonation of delay.
2. That the facts enumerated and grounds taken in the body of Service appeal may kindly be considered as an integral part of this application which makes out a sufficient cause in favour of appellant in order to condone the delay if any, caused bonafildely.
3. That the appellant / applicant was awarded harsh and extreme penalty of dismissal of service on the sole ground that he being Afghan refugee (national) had fraudulently got employment in the Police Department. It was added in the said order that his other brother Afzal Khan constable was also awarded such penalty on the same ground and that a criminal case FIR No. 78 dated 12-02-2016 u/s 419/420PPC was registered against him in Police Station Aza Khel, Peshawar. It was further ordered that as per direction of Commandant Frontier

Reserve Police, KPK Peshawar that the local police station may also be approached for registration of case against the appellant u/s 420/468/471/PPC and 14 Foreign Act. The appellant filed a departmental appeal on 16-03-2016 but the same was dismissed on 16-06-2016.

4. That In the meanwhile, it was also decided to deport the appellant alongwith his all family members and that their CNICs were also blocked. The appellant and his brother felt aggrieved by the aforesaid illegal actions, invoked the jurisdiction of Hon'ble Peshawar High Court under Article 199 of the constitution of Islamic Republic of Pakistan, 1973 praying therein that the respondent No. 1 may graciously be restrained to deport them to Afghanistan and that they being Pakistani nationals, their CNICs may kindly be cleared/restored. The Hon'ble Court while disposing of the writ petition ordered that the petitioner may not be deported from Pakistan till conclusion of trial and that for blockage of CNICs they may also avail proper remedy by filing appeal u/s 18(3) of National Database And Registration Ordinance, 2000 before Competent Authority who shall treat them in accordance with law and shall also dispose of appeals expeditiously vide judgment dated 22-03-2016.
5. That the appellant and his brother preferred appeals with the Secretary to Government of Pakistan, Ministry of Interior, Federal Government, Islamabad. In compliance with the said order the Ministry of Interior constituted a District Level Committee Nowshera who summoned the appellants alongwith supporting documents prior 1979. They duly appeared with above documents and they were cleared vide report dated 19-02-2019. This information was also sent to Superintendent of police, (investigation) Nowshera and copy thereof was endorsed to District Police Officer, Nowshera and PA to Commissioner, Peshawar Division Peshawar vide letter dated 22-08-2019.
6. That in the light of above report, the Hon'ble trial court also cancelled the Fir in question vide judgment dated 08-01-2020. Consequently, blockage of CNICs was left over.

7. That thereafter, no further ground whatsoever remains to exist so as to intact the impugned punishment against the appellant.
8. That in view of new and quite distinct scenario, the appellant therefore accrued fresh cause of action to invoke the jurisdiction of this Hon'ble Tribunal for relief in accordance with law.
9. That the appellant was bonafidly pursuing his remedy before the proper forums in order to clear himself from the disputed frivolous allegations levelled against him in the charge sheet wherein, he ultimately succeeded and, he alongwith other family members were not only declared as Pakistani Nationals by the District Level Committee but their CNICs were also cleared. Nevertheless, delay if any caused in his protracted pursuit of justice, the same is required to be condoned so as to secure the ends of justice.

In view of the above narrated facts and grounds, it is, therefore, humbly prayed that on acceptance of this application, the delay if any may kindly be condoned to meet the ends of justice.

Sarwar Khan /
Appellant/ Applicant

Through:

Rizwanullah

Rizwanullah

M.A. LL.B

Advocate High Court, Peshawar

**BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. _____/2020

1. Sarwar Khan, Ex-Constable No. 2331 s/o Awal Gul R/O Banda Nabi Tehsil Pabbi, District Peshawar.

APPELLANT

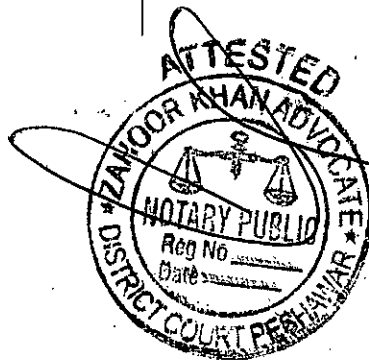
VERSUS

1. The Provincial Police Officer, Government of Khyber Pakhtunkhwa and others.

RESPONDENTS

AFFIDAVIT

I, Sarwar Khan, Ex-Constable No. 2331 s/o Awal Gul R/O Banda Nabi Tehsil Pabbi, District Peshawar, do hereby solemnly affirm and declare that the contents of the accompanied application for condonation of delay are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.

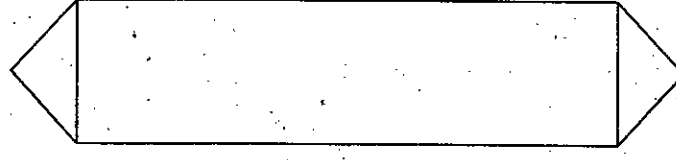


Sarwar Khan

DEPONENT

124 MAR 2020

Before the Honorable Chairman, KPK Service Tribunal, Peshawar



2 (مخانبند) (مقدمہ)

Sarwar Khan

مورخہ

مقدمہ

دعویٰ

vs.

Provincial Police Officers & others

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی وجواب دہی وکل کاروائی متعلقہ

کیلئے

آن مقام

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 عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی 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 باختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ 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۔

Sarwar Khan
Applicant
M/S-3-2019

2020 March

ماہ

15/3

المرقوم

Attested & accepted.


[Signature]

العہد گاہ


کے لئے منظور ہے۔

Peshawar

مقام


قیمت 50 روپے	61404			
ایڈووکیٹ: <u>Agdul</u>		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل / ایسوسی ایشن نمبر: BC-10-7605				
رابطہ نمبر: 0343-9025029				

بعدالت جناب: خیبر پختونخواہ سروس ٹرانسپورٹ ایشیا

منجانب: <u>ایسٹاٹ</u>	دعویٰ: <u>Appeal No 3182/2020</u>
 <p>سرور خان - بنام حکومت (Constable)</p>	علت نمبر:
	مورخہ: <u>24/09/2020</u>
	جرم:
	تھانہ:

باعث تحریر آگے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کا روائی متعلقہ مقام آن مقام پشاور ایڈووکیٹ عبدالحق محمد (ادووکیٹ سیرٹیفکٹ کورٹ آف پاکستان) کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز ذیل صاحب کو راضی نامہ کرہے و تقریر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اوزوکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقریر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور ان کا ساختہ پر داخستہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 24/09/2020


مقام پشاور کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فونو کاپی ناقابل قبول ہوگی۔
 Attested & accepted
Agdul
 Advocate, Supreme Court of Pakistan
 BC-10-7605
 0343-9025029

72015000629
 Saswar Khan
 ex: Constable Police Dept

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Appeal No. 3182/2020

Sarwar khanAppellant

V E R S U S

Govt of KP etcRespondent

APPLICATION FOR ADJOURNMENT

Respectfully Sheweth:

1. That the titled case is pending adjudication before this Honourable Tribunal and is fixed for 24.11.2020.
2. That the counsel of the appellant has to appear before Hon,ble Peshawar High Court, Mingora Bench and would not be able to appear before this Honourable Tribunal on the date fixed.

It is, therefore, respectfully prayed that on acceptance of this application, the case may kindly be adjourned to some other date, convenient to this Honourable Court.

Applicant


Abdul Hameed (ASC)

Peshawar

Counsel for Petitioner

Cell # 0343-9025029

Dated: 23.11.2020

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 3182/2020.

Sarwar Khan, Ex-constable No. 2331S/o Awal Gul, R/o Banda Navi Tehsil Pabbi

Distrect

Nowshera.

.....Appellant.

VERSUS

1. **Inspector General of Police,**
Khyber Pakhtunkhwa, Peshawar.
2. **Commandant Frontier Reserve Police,**
Khyber Pakhtunkhwa, Peshawar.

3. **The Superintendent of Police, FRP**
Peshawar
Range, Peshawar.....

Respondents.

S. NO	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGES No.
1.	Para-wise Comments		01 -04
2.	Letters	"A"& "B"	05-06
3.	JVC report	C'	07
4.	Enquiry report cross examination	D & E	08-09
5	affidavit		10
Total			10


RESPONDENTS

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 3182/2020.

**Sarwar Khan, Ex-constable No. 2331S/o Awal Gul, R/o Banda Navi Tehsil Pabbi
Distrect Nowshera.Appellant.**

VERSUS

1. **Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.**
2. **Commandant Frontier Reserve Police,
Khyber Pakhtunkhwa, Peshawar.**
3. **The Superintendant of Police, FRP
Peshawar Range, Peshawar.....Respondents.**

WRITTEN REPLY ON BEHALF OF RESPONDENTS.

RESPECTFULLY SHEWETH.

PRELIMINARY OBJECTIONS

1. That the appeal is badly time barred.
2. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
3. That the appellant has got no cause of action to file the instant appeal.
4. That the appellant has not come to this Honorable Tribunal with clean hands.
5. That the appellant is estopped due to his own conduct to file the instant Service Appeal.
6. That the appellant has suppressed material facts from this Honorable Tribunal.
7. That no Constitutional or legal right of the appellant has been violated and therefore, the appellant cannot invoke the Constitution jurisdiction of this Honorable Tribunal.
8. That the appellant has no locus standi and cause of action to file the instant appeal.
9. That this Honorable Court has no jurisdiction to entertain this Service Appeal.
10. That the appeal is unjustifiable, baseless, false frivolous and vexatious. Hence, the same is liable to be dismissed with the special compensatory cost in favour of respondents

RESPECTFULLY SHEWETH.

FACTS:-

1. Incorrect, as per reliable sources the appellant is being Afghan National fraudulently succeeded in getting Pakistani CNIC, upon which got himself enlisted in police Department. Thus he was issued Charge Sheet with Summary of Allegations.
2. Incorrect, the appellant alongwith his family has been declared as Afghan national by the joint committee, comprising of ISI, SB, NADRA. He was issued charge sheet alongwith summary of allegations and Enquiry Officer was nominated to conduct enquiry into the mater. (verification of national

status of the appellant issued by ISI & NADARA are attached as annexure "A" & "B")

3. Incorrect. The reply to Charge Sheet submitted by the appellant was found unsatisfactory. The Enquiry Officer after fulfillment of due codal formalities found the appellant as an Afghan National and submitted his findings report.
4. Incorrect that after receiving the findings report of Enquiry officer the Competent Authority served the appellant with final show cause notice, to which his reply was found unsatisfactory by the Competent Authority. The enquiry conducted by the Respondents against the appellant is legally justified and in accordance with law/rules. The plea taken by the appellant of non providing of enquiry report has supposed to have taken this plea in his reply of Show Cause Notice.
5. Correct to the extent that after fulfillment of all codal formalities the appellant was awarded major punishment of dismissal from service which is commensurate with the gravity of his gross misconduct. Moreover, the appellant alongwith his family has already been declared as Afghan national by the joint committee, comprising of ISI, SB, NADRA. Thus his brother namely Afzal Khan who being Afghan National was got enlisted himself in Police Department at District Nowshera through fraudulent means. Therefore, he was dealt with the enquiry proceedings and dismissed from service by the DPO Noshera and a criminal case vide FIR No. 78 dated 12.02.2016 was also registered against him at Police Station Aza Khel District Nowshera.
6. Correct to the extant that departmental appeal submitted by the appellant was thoroughly examined and rejected on sound grounds vide office order No. 5127/EC, dated **16.06.2016**.
7. As explained in the preceding paras that the appellant alongwith his family being Afghan National, fraudulently obtained Pakistani CNICs and after enquiry they were found/declared as Afghan National. Thus they have no any justification to retain further in Pakistan. The rest of para is pertains to the record of Honorable Peshawar High Court Peshawar.
8. The para is related to the appellant record.
9. The para relates to record. However, the appellant alongwith his family has already been declared as Afghan national by the joint enquiry committee, comprising of ISI, Special Branch & NADRA.
10. Relates to record of the Court of Senior Civil Judge / Judicial Magistrate Nowshera, needs no comments. However, the court matter and departmental proceedings are two different entities and can run side by side.

11. Incorrect, the decision of District Level Committee is not effectible at departmental proceedings. The appellant and his whole family were already declared as Afghan National by a reliable Committee comprising of ISI, SB & NADARA. Moreover, as explained in the preceding para 10 above that the criminal case and departmental proceedings are two different entities, which run side by side. Furthermore, his departmental appeal was earlier rejected vide order dated 16.06.2016, while his revision petition was rejected on 12.03.2020 on the ground of time barred.
12. Incorrect the respondents have no grudges against the appellant upon receiving information regarding his nationality, enquiry was initiated against him hence; stance of the appellant is not plausible.
13. Incorrect the instant appeal of the appellant is barred by law and limitation.

GROUNDS:

- A. Incorrect, the appellant was treated in accordance with law/rules, within the meaning of Article 4 & 25 of the constitution by giving him sufficient and proper opportunities at every level of defence and that the entire proceedings were carried out in accordance with existing laws and rules.
- B. Incorrect in order to verify the status of the appellant and his family members, a meeting of joint verification committee was held on 27.01.2016 at 09.00 AM which was attended by the representatives of different agencies, and unanimously declared the appellant and his all family members as afghan national, despite of facts that appellant could not produce any document or solid proof in his favour. (Copy of JVC minutes attached as annexure "C") Thus a regular enquiry was conducted against the appellant, by the competent authority, wherein the Enquiry officer after recording the statements of all the witness and evaluation of other material documentary proofs into the alleged misconduct, and the charges leveled against him were fully proved. Moreover, the process of cross examination has also cared out by the enquiry offier during the course of enquiry. (Copy enquiry report and cross examination is attached as annexure "D" &"E") The appellant was absolutely treated in accordance with law within the meaning of Article 10-A of the constitution. Keeping in view aforementioned facts and circumstances the dismissal order of the appellant passed by the competent authority, which is legally justified and in accordance with law/rules.
- C. Incorrect. The respondent No. 2 is appellate authority in the instant case while respondent No.3 is a competent authority. However, the joint verification committee has already been verified the status of appellant and his family, as Afghan national and the committee concerned an ample opportunity for defence has provided to the appellant during the meeting,

but he failed bitterly to advance any proof which could corroborate his stance regarding Pakistani nationality. Moreover, a regular departmental enquiry was conducted against the appellant. After completion of enquiry the enquiry officer submitted his findings report, which was thoroughly examined by the competent authority and served the appellant with Final Show Cause Notice. The reply of Show Cause Notice submitted by the appellant was found unsatisfactory. The appellant was heard in person, but the appellant failed to produce and cogent reason, to convince the competent authority. After fulfillment of all codal formalities the appellant was dismissed from service.

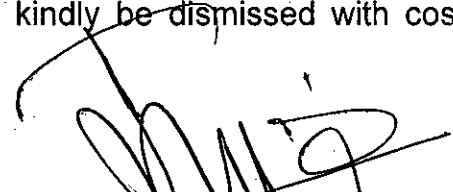
- D. Incorrect, the allegations are false and baseless. Departmental appeal of the appellant was earlier rejected on sound grounds vide order dated 16.06.2016. Revision petition of the appellant was rejected on the ground of time barred as the appellant was dismissed from service on 01.03.2016 and after lapse of more than five years he desired for reinstatement in service. Moreover, there doesn't seem any infirmity in the impugned order passed by the competent authority; therefore, no grounds exist to interfere in same.
- E. Incorrect, the appellant is being Afghan National fraudulently succeeded in getting Pakistani CNIC, upon which got himself enlisted in police Department. After enquiry the above allegation has fully established against him, so legally there other option with respondents, except the dismissal of the appellant from service.
- F. Incorrect the orders so far passed by the respondents in the case of the appellant is legally justified and in accordance with law/rules.
- G. The respondents may also be permitted to raise additional grounds at the time of arguments.

PRAYERS

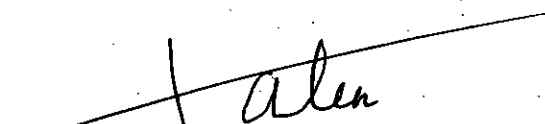
In the light of aforementioned facts/submission it is prayed that the service appeal being bad by law / limitation, may kindly be dismissed with costs please.



Superintendent of Police
Peshawar Range, Peshawar
(Respondent No.3)



Commandant FRP,
Khyber Pakhtunkhwa, Peshawar
(Respondent No.2)



Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No.1)

**IMMEDIATE
CONFIDENTIAL**

**No.8/12/2015-NADRA
GOVERNMENT OF PAKISTAN
MINISTRY OF INTERIOR**

"A"

Islamabad, the 10th March, 2015

The Home Secretary,
Government of KPK,
Peshawar.



Subject: VERIFICATION OF NATIONAL STATUS.

Please find enclosed herewith a copy of Directorate General of ISI, Islamabad letter No. 6905/NADRA/S-305 (A) dated 27th February, 2015. As per report, following two officials have been declared as confirmed Afghan Nationals:-

Sr.	Name	Father Name	CNIC No.
1.	Afzal Khan	Awal Gul	17201-6156503-3
2.	Sarwar Khan	Awal Gul	17201-5001063-9

2. It is therefore request that departmental action as per rules/policy may please be initiated against the above officials under intimation to this Ministry.

3. This issues with the approval of competent authority.

(TARIQ ALEEM GILL)
Section Officer (NADRA)
Ph# 9206673

copy/idea

AMPS CELL
SO (AIR)

AS (P)

13/3

13/3/15

OS (P)
SO (AIR)

AMPS CELL
SO (police)

AS (P)
COPI

SECRET

DIRECTORATE GENERAL
INTER SERVICES INTELLIGENCE
ISLAMABAD

Subject: Verification of National Status

1. It is intimated that Afzal Khan and Sarwar Khan s/o Awal Gul (both are serving in KPK Police) are **confirmed Afghan Nationals**, therefore, following is recommended:-

a. CNICs of all family members of Awal Gul be blocked immediately. Detail of their CNICs are as under:-

- | | | |
|------------------------------|---|-----------------|
| (1) Awal Gul s/o Noor Gul | - | 17201-2273024-7 |
| (2) Afzal Khan s/o Awal Gul | - | 17201-6156503-3 |
| (3) Sarwar Khan s/o Awal Gul | - | 17201-5001063-9 |
| (4) Basar Bibi w/o Awal Gul | - | 17201-2879868-8 |

b. The individuals be discharged from police service and necessary departmental action be taken.

2. Forwarded for necessary action as deemed appropriate, please.

747
Mr Tariq Aleem Gill
Section Officer (NADRA)
Ministry of Interior
Islamabad

Wahid
On file
29/3/15
AGH
Wahid
Lieutenant Colonel
for Director General Intelligence
(Faisal Farooq)

Number 6905/NADRA/S-305 (A) dated 29 February 2015

SECRET

COMMITTEE REPORT

Meeting of the committee comprising of the following departments has been held in the office of undersigned to verify the following person/persons, on 27-01-2016 at 09:00 AM. Their remarks are as under:-

Name of individual	Remarks by Rep: of ISI	Remarks by Rep: of I.B	Remarks by Rep: of NADRA	Remarks by Rep: of Special Branch	Remarks of Rep: of Afghan Commissionerate
Sarwar Khan s/o Awal Khan r/o Awan Banda Nabi P.O Dagai NSR PS Pabbi CNIC No. 17201-5001063-9 0300-9349298	As per ground check report and insufficient documents produced in interview, the applicant is declared as Afghan National Sd/ 27.01.2016	As per ground check report and insufficient documents produced in interview, the applicant is declared as Afghan National Sd/ 27.01.2016	Declared as Afghan National as per documents produced & JVC. Sd/ 27.01.2016	Declared as Afghan National as per according to decision of JVC. Sd/ 27.01.2016	Declared as Afghan National. Sd/ 27.01.2016

Sd/-
Chairman

DSP/HQrs: Nowshera

C.

P.03

TO 991921578

FROM 16:36

05-JUL-2016

27-01-2016 at 09:00 AM. Their remarks are as under:-

S.#	Name of Individual	Remarks by Rep. of ISI	Remarks by Rep. of I.A	Remarks by Rep. of Special Branch	Remarks by Rep. of Afghan Special Branch	
1	Sarwar Khan / Awal Gul / o Awan Banda Nabi D.G Dagari MSR / S Pabbi CNIC No. 17201-5001063-9 Mob. 9930-9349298	As per ground check report and insufficient documents produced in interviews, the applicant is declared as Afghan National	As per ground check report and insufficient documents produced in interviews, applicant is declared as Afghan National 27/01/2016	Declared as Afghan National as per document produced by JYC 27/01/16	Declared as Afghan National as per document produced by JYC 27/01/16	Declared as Afghan National as per document produced by JYC 27/01/16

27/01/2016

CHAIRMAN
DSP/HQrs: Nowshera

کر اس سوال او جوابات بوضوح لکھو

سوال 1۔ آپ کتنے عرصے سے پاکستان میں رہتے ہیں؟

جواب۔ میرے دادا کا والد بھی پاکستان میں تھا اس لیے قبل کا محکم

نہیں رہے

سوال 2۔ کیا آپ سب کے شہادتت کارڈ ہیں ہوئے ہیں؟

جواب۔ ہاں ہم سب کے شہادتت کارڈ ہیں ہوئے ہیں بلکہ دو مسائل ہیں

نہیں ہوئے ہیں

سوال 3۔ کس کس کا شہادتت کارڈ بلاک ہو چکا ہے؟

جواب۔ میرے والد اول گل والدہ بصورتی بی، بڑا بھائی جو لوئیس میں ملازم تھا افضل خان اور میرا شہادتت کارڈ بلاک ہوئے ہیں باقی تمام

درست حالت میں ہیں

سوال 4۔ تمہارے بھائی افضل خان کو کس وجہ سے نوکری سے نکالا

گیا ہے؟

جواب۔ افضل خان کو اعتیادی ہونے کی وجہ سے نوکری سے نکالا گیا

دراست

سوال 5۔ کیا اس پر مقدمہ کسی رجسٹرڈ ہوا ہے؟

جواب۔ جواباً اس پر مقدمہ 78 تاریخ 12/06/2012 جبرم 419/420 درج

ہوا ہے گرفتار ہو کر اب ضمانت پر ہے

سوال 6۔ کیا تمہارا کوئی اور بھائی کسی سرکاری محکمہ میں ملازم ہے؟

جواب۔ نہیں ہم دو بھائیوں کے علاوہ باقی بھائی چھوٹے ہیں۔

سوال 7۔ ملکی آواز کے نام پر کوئی اسلامی رائٹسنگ ہے؟

جواب۔ نہیں، ملکی آواز کے نام پر کوئی اسلامی رائٹسنگ نہیں ہے۔

سوال 8۔ آپ لوگوں کے والد کے نام پر کوئی جائیداد ہے؟

جواب۔ ہاں، والد کے نام پر ایک مکان، لڑائی، پیرا، گاؤں، پانڈہ

ہیں، جو والد نے سناام پر خریدی ہے، اس کے متعلق بتایا جاتا ہے۔

سوال 9۔ آپ نے پولیس سروسس کا رڈ جمع کیا ہے؟

جواب۔ ہاں، میں نے پولیس اینڈ آر۔ پی روز ٹائم میں راجسٹر آف

زائد جان ASI کے ساتھ جمع کیا ہے۔



Saswathnam

17201-5001063-9

Dated. 25-02-2016.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 3182/2020.

**Sarwar Khan, Ex-constable No. 2331S/o Awal Gul, R/o Banda Navi Tehsil Pabbi
Distrect Nowshera.Appellant.**

VERSUS

1. **Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.**
2. **Commandant Frontier Reserve Police,
Khyber Pakhtunkhwa, Peshawar.**
3. **The Superintendant of Police, FRP
Peshawar Range, Peshawar..... Respondents.**

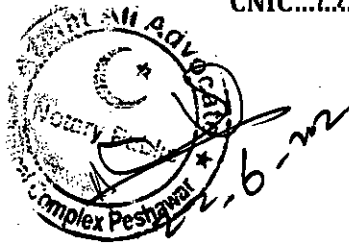
AFFIDAVIT

I, Ghasan Ullah ASI FRP HQ: do hereby solemnly affirm and declare on oath that the contents of the accompanying Para-wise Comments on behalf of Respondents No. 1 & 3 is correct to the best of my knowledge and belief that nothing has been concealed from this Honorable Court.

**Depoent.
Ghasan Ullah**

ATTESTED

CNIC...17101-9891560-3.....



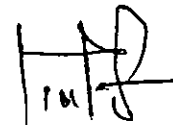
KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING

Form "A"

To be filled by the counsel/applicant

Case Number	i. Service Appeal No. 3182/2020 ii. Service Appeal No. 4294/2020 [Connected cases]			
Case Title	i. Sarwar Khan Vs PPO etc. ii. Muhammad Afzal Vs PPO etc.			
Date of institution	i. 24-03-2020 ii. 11-05-2020			
Bench	SB		DB	✓
Case Status	Fresh		Pending	✓
Stage	Notice		Reply	Argument ✓
Urgency to clearly stated	Both the appellants were real brothers. They were awarded major penalty of dismissal from service in utter violation of law. The above employment was the sole source of their family livelihood and these are old and ripe cases.'			
Next date of hearing	24-08-2022			
Alleged Target Date	14-06-2022			
Counsel for	Petitioner	✓	Respondent	In Person



Rizwanullah
M.A. LL.B

Advocate High Court, Peshawar

04-06-2022

Be filed in the last week of July 2022.

Reader


8/6/2022

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING

FORM 'B'

Inst#

Early Hearing _____ -p/20 _____

In case No. _____ -p/20 _____

Vs _____

Presented by _____ on behalf of _____. Entered
in the relevant register.

Put up alongwith main case _____

REGISTRAR

Last date fixed	
Reason(S) for last adjournment, if any by the Branch Incharge.	
Date(s) fixed in the similar matter by the Branch Incharge	
Available dates Readers/Assistant Registrar branch	

Assistant Registrar

REGISTRAR