



30.01.2023

Learned counsel for the appellant present. Mr. Muhammad Raziq, Head Constable alongwith Mr. Umair Azam Khan, Additional Advocate General for the respondents present.

Complete inquiry record has not been submitted by the respondents, therefore, the same shall positively be submitted and to come up for arguments on 07.04.2023 before the D.B.

SCANNED
M-3T
Peshawar


(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)

10.11.2022

Counsel for the appellant present.

Naseer Ud Din Shah learned Assistant Advocate General for the respondents present.

Former requested for adjournment on the ground that he has not prepared the brief. Last chance is given. To come up for arguments on 09.12.2022 before D.B.

SCANNED
KPST
Peshawar



(Fareeha Paul)
Member (E)



(Rozina Rehman)
Member (J)

09th Dec. 2022

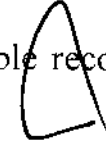
Appellant present in person. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

SCANNED
KPST
Peshawar

Appellant states that his learned counsel due to workload could not prepare the brief and submitted an application for adjournment of the matter to 30.01.2023, the date himself given by the appellant's learned counsel. On the request of the appellant, the matter is adjourned to his desired 30.01.2023 for arguments before the D.B as last chance, failing which the matter will be decided on the basis of available record without the arguments.



(Fareeha Paul)
Member (E)

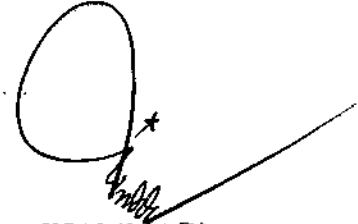


(Kalim Arshad Khan)
Chairman

28.03.2022

Appellant in person present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Raziq, HC for respondents Present.

Written reply/comments not submitted. Representative of the respondents seeks time to submit the same on the next date. Adjourned. To come up for written reply/comments on 17.06.2022 before S.B.



(MIAN MUHAMMAD)
MEMBER(E)

17th June 2022

Junior to counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG alongwith Ahmad Jan, Inspector (Legal) for the respondents present.

The respondents have submitted written reply/comment. To come up for arguments on 31.08.2022 before D.B.



(Kalim Arshad Khan)
Chairman

31.08.2022

Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned Member (Judicial) Ms. Rozina Rehman is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 10.11.2022 before the D.B.



(Salah-ud-Din)
Member (Judicial)

حنا عالی

مردوخ حروف حروف تہ سب پر جو الزامات و عقوبات درج ہے
 گئے ہیں سب سے اپنے صفائی میں عمل پیرا اپنے انوائس میں رجسٹرڈ کروائیں
 جس سے کہ سب سے اپنے نہیں اور اپنے غلطی کو بھی تسلیم نہ کیا کہ ان تمام
 واقعات کے بعد سب کو حکم دیا ہے خارج کر دیا گیا اور بعد سب حنا۔ cpo صاحب
 کو پیش کرنے کے بعد اور اپنا بیان دیا کرتے ہیں حنا۔ cpo صاحب کے
 سب سے کو معاف کر کے سب کو واپس حکم دیا ہے شامل کیا گیا۔
 حنا عالی۔ چونکہ سب سے قرآن غلطی کے سزا پلے دیے دیے جا چکی
 ہے، اور سب سے کو حنا۔ cpo صاحب کے معاف کر کے دوبارہ بحال بھی کیا ہے۔
 لہذا درخواست کی جاتی ہے کہ سب سے انوائس کو داخل دفتر نہ کیا
 جائے تاکہ سب سے دعوے و بیگانی

ایک قابلہ نذر سب سے دعوے سے cpo سپا

15.09.2021

Counsel for the appellant present. Preliminary arguments heard. Record perused.

Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to respondents for submission of written reply/comments in office within 10 days of the receipt of notices, positively. If the reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 26/01/2022 before D.B.

Appellant Deposited
Security & Process Fee

[Handwritten signature]

Cost of restoration has not been deposited yet.

[Handwritten signature]

(Rozina Rehman)
Member (J)

26.01.2022

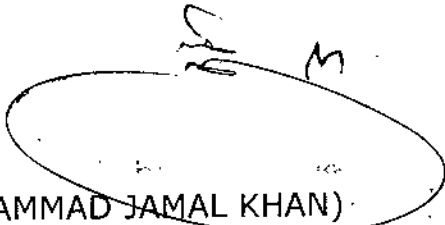
Appellant alongwith his counsel present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Raziq H.C for respondents present.

Reply/comments on behalf of respondents are still awaited. Representative of respondents requested for time to furnish reply/comments. Granted. To come up for reply/comments before the S.B on 28.03.2022.

[Handwritten signature]
(Atiq-Ur-Rehman Wazir)
Member (E)

26.11.2020

Appellant has not forth come in person, however, clerk of the counsel present. He submitted that learned counsel for appellant is engaged in the Hon'ble Peshawar High Court, Peshawar. Requested for adjournment. Adjourned to 24.02.2021 on which date file to come up further proceedings before S.B.


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

24.02.2021

The learned Member Judicial Mr. Muhammad Jamal Khan is under transfer, therefore, the case is adjourned. To come up for the same before S.B on 10.06.2021.


Reader

10.06.2021

Counsel for the petitioner present.

Instant application has been filed on 28.02.2020 for restoration of Service Appeal No. 1152/2018, dismissed for non-prosecution on 07.11.2019. The matter pertains to dismissal from service, therefore, application is allowed and Service Appeal No. 1152/2018 is restored to its original number with cost of Rs. 1000/-. To come up for preliminary hearing in the light of order dated 01.08.2019, on 15.09.2021 before S.B.


Chairman

18.06.2020

Counsel for the petitioner present. Notices be issued to the respondents for submission reply on restoration application on 18.08.2020 before S.B.

(S)



MEMBER

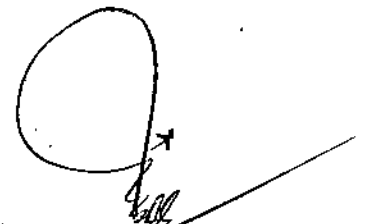
18.08.2020

None for the petitioner present.

Notices be issued to the petitioner and his counsel.

Adjourned to 09.10.2020 before S.B.

7/9/2020
Noted.
23-9-20



(Mian Muhammad)
Member(E)

09.10.2020

Counsel for the petitioner and Addl. AG for the respondents present.

Learned counsel for the petitioner requests for time as she is not in possession of brief today. Adjourned to 26.11.2020. The respondents shall submit a reply to the application on the next date.




P



Chairman

Form-A
FORM OF ORDER SHEET

Court of _____
Appeal's Restoration Application No. 68 /2020

| S.No. | Date of order Proceedings | Order or other proceedings with signature of judge |
|-------------------------------------|-----------------------------------|---|
| 1 | 2 | 3 |
| <p>1</p> <p>2</p> <p>27.03.2020</p> | <p>28.02.2020</p> <p>06/03/20</p> | <p>The application for restoration of appeal No. 1152/2018 submitted by Syed Noman Ali Bukhari Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;">  REGISTRAR 28/2/2020 </p> <p>This restoration application is entrusted to S. Bench to be put up there on <u>27/03/20</u></p> <p style="text-align: right;">  MEMBER </p> <p>Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 18.06.2020 before S.B.</p> <p style="text-align: right;">  Reader </p> |

01.08.2019

Appellant with counsel present. Heard.

The appellant was awarded punishment of dismissal from service as a result of departmental inquiry vide order dated 18.03.2016. The departmental appeal as well as appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 filed by the appellant were rejected in the year 2016. The appellant has filed the present service appeal in the year 2018. Learned counsel for the appellant was confronted with the situation that the present service appeal is hopelessly time barred whereupon learned counsel for the appellant seeks adjournment for further assistance/further preliminary arguments. Adjourn. To come up for further preliminary arguments on 19.09.2019 before S.B


Member

19.09.2019

Counsel for the appellant present and requests for adjournment.

Learned counsel requests for adjournment to prepare arguments on the point of limitation.

Adjourned to 07.11.2019 before S.B.

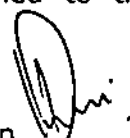

Chairman

07.11.2019

Nemo for appellant.

It is already past 1.15 P.M and despite repeated calls no one is in attendance on behalf of the appellant.

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


Chairman

Announced:
07.11.2019

1152/2018

03.05.2019

Junior to counsel for the appellant present.


Requests for adjournment is made as learned counsel for the appellant has proceeded to appear before the Honourable Federal Service Tribunal at Islamabad today.

Adjourned to 24.06.2019 for preliminary hearing but as a last chance.



Chairman

24.06.2019

Uzma Syed Advocate appeared on behalf of learned counsel for the appellant and requested for adjournment. Adjourn. To come up for preliminary hearing including hearing on the issue of limitation/maintainability on 01.08.2019 before S.B


Member

22.01.2019 Appellant absent. Learned counsel for the appellant absent.
Adjourn. To come up for preliminary hearing on 26.02.2019
before S.B.



Member

26.02.2019 Appellant in person present.

Appellant requests for adjournment as his
learned counsel is not available today. Adjourned to
03.04.2019 before S.B.



Chairman

SCANNED
KFST
Peshawar

03.04.2019 Counsel for the appellant present and seeks adjournment
as he has not prepare the case. Adjourned. Case to come up for
preliminary hearing on 03.05.2019 before S.B.







(Ahmad Hassan)
Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. _____ 1152/2018 _____

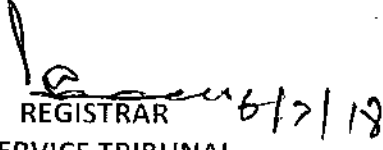
| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|--|
| 1 | 2 | 3 |
| 1- | 17/09/2018 | <p>The appeal of Mr. Rehmat Ali resubmitted today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> |
| 2- | 19-9-2018 | <p style="text-align: right;">  REGISTRAR 17/9/18 </p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>25-10-2018</u>.</p> <p style="text-align: center;">  MEMBER </p> |
| | 25.10.2018 | <p>Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 12.12.2018.</p> <p style="text-align: right;">  Reader </p> |
| | 12.12.2018 | <p>Nether appellant nor his counsel present. Notice be issued to appellant and his counsel for attendance and preliminary hearing for 22.01.2019 before S.B.</p> <p style="text-align: right;">  Muhammad Amin Khan Kundi Member </p> |

The appeal of Mr. Rehmat Ali Ex-Constable/no. 500 Capital City Police Peshawar received today i.e. on 05.07.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of first departmental appeal and its rejection order mentioned in para-5 of the memo of appeal are not attached with the appeal which may be placed on it.
- 2- Copy of revision petition is illegible which may be replaced by legible/better one.
- 3- Copy of last departmental appeal mentioned in para-6 of the memo of appeal (Annexure-G) is not attached with the appeal which may be placed on it.
- 4- Annexures of the appeal may be attested.
- 5- Annexures of the appeal may be flagged.
- 6- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1349 /S.T.

Dt. 06/07/2018.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. M.Asif Yousafzai Adv. Pesh.

1. Remand, Rejection order is not available with the appellant maybe requests from the Deptt. the Rejection shown in M-A Rejection order


2. Remand.

3. Remand.

4. Remand.

5. Remand.

Remand.


18/10

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1152/2018

Rehmat Ali

V/S

Police Department etc.

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| S.NO. | Documents | Annexure | Page No. |
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| 2. | Condonation of delay | ---- | 05-06 |
| 2. | Copy of charge sheet | ---A--- | 07 |
| 3. | Copy of show cause | ---B--- | 08 |
| 4. | Copy of impugned order | ---C--- | 09 |
| 5. | Copy of appeal | ---D--- | 10-12 |
| 6. | Copy of rejection order | ---E--- | 13 |
| 6 | Copy of review | ---F--- | 14-15 |
| 7. | Copy of rejection order | ---G--- | 16 |
| 8. | Copy of judgment | ---H--- | 17-22 |
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| 10. | Vakalat Nama | ----- | 24 |

APPELLANT

THROUGH:


(M. ASIF YOUSAFZAI)

ADVOCATE SUPREME COURT


(SYED NOMAN ALI BUCHARI)
ADVOCATE HIGH COURT

(1)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2018

Mr. Rehmat Ali, Ex-Constable/No.500
Capital City Police, Peshawar.

(Appellant)

VERSUS

1. The Superintendent of Police Headquarters, KPK, Peshawar.
2. The Additional Inspector General Establishment for Inspector General of Police KPK, Peshawar.
3. The Capital City Police Officer, KPK, Peshawar.

(Respondents)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 18.03.2016 WHEREIN THE APPELLANT WAS AWARDED MAJOR PENALTY OF DISMISSAL FROM SERVICE AND AGAINST THE ORDER DATED 16.05.2016 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED FOR NO GOOD GROUNDS AND AGAINST THE ORDER DATED 15.11.2016 WHEREBY THE REVIEW PETITION UNDER 11 (A) HAS BEEN REJECTED WITHOUT SHOWING ANY COGENT REASON.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 18.03.2016, 16.05.2016 AND 15.11.2016 MAY PLEASE BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED INTO SERVICE WITH ALL BACK AND CONSEQUETIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND

APPOPRIATE THAT MAY ALSO BE AWARADED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant was appointed as Constable in the year 2006 in Police Department and work with entire satisfaction of his superior.
2. That the appellant was serving as Traffic Warden Peshawar the criminal case vide FIR No. 327 dated 04.05.2015 u/s 411/PPC P.S from Charsadda.
3. That on the basis of said FIR the appellant was charge sheeted which contains the allegations: *"that you constable Rahmat Ali 500 while posted Traffic Warden Peshawar were involved in a criminal Vide FIR No. 327 dated 04.05.2015 u/s 411/PPC P.S from Charsadda. This amount gross misconduct on your part and again the discipline of the force"*. **Copy of charge sheet is attached as Annexure-A.**
4. That no proper inquiry was conducted and if any so then the appellant is not associated with the said inquiry, on the basis of the defective inquiry the show cause notice was served upon the appellant. **Copy of show cause notice is attached as Annexure-B.**
5. That thereafter the appellant was dismissed from service dated 18.03.2016 against which the appellant filed departmental appeal but which was rejected vide order dated 16.05.2016. the appellant filed departmental appeal under 11 (A) KP Police Rules, 1975 which was also rejected vide order dated 15.11.2016. **Copy of dismissal order, departmental appeal , rejection and review & rejection order is attached as Annexure-C, D, E, F & G.**
6. That all the actions taken against the appellant is before the finalization of the criminal case which is also the violation of CSR 194. The appellant was acquitted from all the charges vide judgment dated 17.1.2018 delivered to the appellant 10.02.2018. the appellant after acquittal filed departmental appeal for reinstatement in service which was not responded within the statutory period of 90 days hence the present appeal on the following grounds amongst the others. **Copy of judgment and departmental appeal is attached as Annexure-H, I.**

GROUNDS:

- A) That the impugned order dated 18.03.2016, 15.11.2016 and 16.05.2016 are against the law, facts, norms of justice and material on record and principle of fair play.
- B) That the appellant was acquitted from the charges due to which appellant was dismissed from the service and there is no more ground remained to punished the appellant, hence the appellant is eligible for the reinstatement.
- C) That the impugned order and attitude of respondent department is in sheer violation of Article 4, 25 and 38 of the constitution.
- D) That due to impugned order and Harsh View of the respondents department, the appellant and his family has suffered a lot and appellant has also have 11 years' service on his credit.
- E) That no chance of personal hearing was provided to the appellant at the time of passing impugned order, which against the law and rules.
- F) That before passing impugned order no codal formalities was fulfilled and no proper procedure was adopted which is the violation of the law and rules hence the impugned order is not sustainable, liable to be set aside.
- G) That no proper procedure has been followed before passing the impugned order and even, there is no show cause notice and statement of allegation was served upon the appellant, thus the proceedings so conducted are defective in the eye of law.
- H) That the appellant was condemned unheard and has not been treated according to law and rules.
- I) The appellant entitled to reinstatement with all back benefits under FR-53/54 wherein it is clearly mentioned that in case of acquittal the absence period is to be treated as period spent on duty.
- J) That the appellant has not been treated accordance with law, fair played justice, despite he was a civil servant of the province, therefore, the impugned order is liable to be set aside on this score alone.

K) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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

As Subj
APPELLANT
Rehmat Ali

Through:

Asif Yousafzai
(M.ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT
& *Noman Ali Bukhari*
(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT

(S)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2018

Rehmat Ali

V/S

Police Deptt:

.....
**APPLICATION FOR CONDONATION
OF DELAY IN THE INSTANT APPEAL**

RESPECTFULLY SHEWETH:

1. That the instant appeal is pending before this Honorable Tribunal in which no date has been fixed.
2. That all the actions taken against the appellant is before the finalization of the criminal case which is also the violation of CSR 194. The appellant was acquitted from all the charges vide judgment dated 17.1.2018 delivered to the appellant 10.02.2018. the appellant after acquittal filed departmental appeal for reinstatement in service.
3. That according to Superior Court Judgment there is no limitation run against the void order. So there is in interest of justice the limitation may be condoned.
4. That the august Supreme Court of Pakistan has held that decision on merit should be encouraged rather than knocking-out the litigants on technicalities including limitation. Therefore, appeal needs to be decided on merit (2003, PLD (SC) 724.
5. That, the appeal of the appellant on merit is good enough to be decided on merits.

6

It is therefore most humbly prayed that the instant appeal may be decided on merit by condoning the delay to meet the ends of justice.


APPELLANT

Rehmat Ali

Through:


(M. ASIF YOUSAFZAI)

ADVOCATE SUPREME COURT


(SYED NOMAN ALI BUKHARI)

ADVOCATE HIGH COURT

AFFIDAVIT

It is affirmed and declared that the contents of appeal and application are true and correct to the best of my knowledge and belief and nothing has been concealed from Hon'able tribunal.


DEPONENT

(A) 3

CHARGE SHEET

I, Superintendent of Police, Headquarters, Capital City Police Peshawar, as a competent authority, hereby, charge that Constable Rahmat Ali No.500 City Police Peshawar with the following irregularities.

"That you Constable Rahmat Ali No.500 while posted at Traffic Warden, Peshawar were involved in a criminal case vide FIR No.327 dated 04.05.2015 U/S 411-PPC PS Prang. This amounts to gross misconduct on your part and against the discipline of the force."

You are, therefore, required to submit your written defence within seven days of the receipt of this charge sheet to the Enquiry Officer committee, as the case may be.

Your written defence, if any, should reach the Enquiry Officer/Committee within the specified period, failing which it shall be presumed that have no defence to put in and in that case exparte action shall follow against you.

Intimate whether you desire to be heard in person.

A statement of allegation is enclosed.


SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

FINAL SHOW CAUSE NOTICE

① B 8



I Superintendent of Police, Headquarters, Capital City Police Peshawar, as competent authority, under the provision of Police Disciplinary Rules 1975 do hereby serve upon you, Constable Rahmat Ali No.500 the final show cause notice.

The Enquiry Officer, SDPO Faqirabad, after completion of enquiry proceedings, has recommended you for major punishment for you Constable Rahmat Ali No.500 as the charges/allegations leveled against you in the charge sheet/statement of allegations.

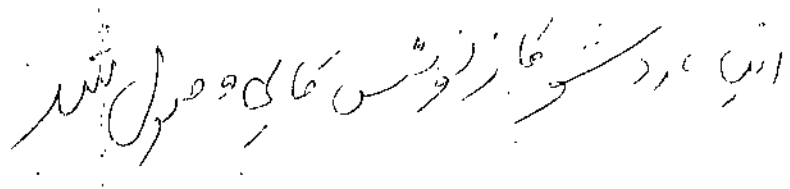
And whereas, the undersigned is satisfied that you Constable Rahmat Ali No.500 deserve the punishment in the light of the above said enquiry reports.

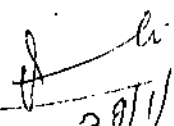
I, competent authority, have decided to impose upon you the penalty of minor/major punishment under Police Disciplinary Rules 1975 for involvement in criminal case.

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


SUPERINTENDENT OF POLICE
HEADQUARTERS, PESHAWAR 

No. 264 /PA, SP/HQrs: dated Peshawar the 15/11 /2016.
Copy to official concerned




20/1/16

(C) (9)

8

ORDER

This office order relates to the disposal of formal departmental enquiry against FC Rehmat Ali No.500 of CCP Peshawar, while posted at Traffic Warden, Peshawar involved in criminal case vide FIR No.327 dated 04.05.2015 u/s 411-PPC PS Prang (Charsadda).

In this regard, he was placed under suspension & issued charge sheet and summary of allegations vide No.264/E/PA/SP/H.Qrs, dated 15.12.2015. SDPO Faqirabad was appointed as Enquiry Officer. He conducted the enquiry proceedings and submitted following recommendations that:

- a. The defaulter official did not produce solid proof for his self defence regarding involvement in criminal case vide FIR No.327 dated 04.05.2015 u/s 411-PPC PS Prang, Dist. Charsadda.
- b. Constable Rahmat was already dismissed and re-instated in service due to involvement in FIR No.200 dated 5.04.2015 u/s 411-471 PS Mandani vide CCPO order No.3332-37 dated 13.07.2014.
- c. His persistent involvement in such cases needs to be discouraged.
- d. The pretext that he did know that vehicle was stolen can't be excused.

The E.O further recommended major punishment for the alleged officials vide Enquiry Report No 39/ST dated 12.01.2016.

Upon the finding of E.O, he was issued final show cause notice to which he received & replied. He was called heard in person but explanation found un-satisfactory.

Furthermore, O-II of the above mentioned case FIR No.327/2015 was called vide letter No.1218/PA dated 15.03.2016. SI/IO Ghaffar Ali PS Prang Investigation Wing Charsadda along with case file was appeared before the undersigned on 16.03.2016. He given written statement and stated that the case has been investigated & complete challan sent to court against the accused.

Upon which DSP Legal opinion was sought he opined that " the E.O is very much clear and point raised vide a,b,c & d are worth to be considered. Hence he agree with the recommendation of E.O, after hearing the accused Constable, enquiry may be disposed off."

In the light of recommendations of E.O, DSP Legal opinion & other material available on record, the undersigned came to conclusion that the alleged official found guilty of the charges of repeatedly involvement in criminal cases. It is worth mentioning that his conduct is being suspicious & not fit for Police Force. He does not deserve an iota of leniency to be retained in the force. Therefore, he is hereby dismissed from service under Police & Disciplinary Rules-1975 with immediate effect.


SUPERINTENDENT OF POLICE
HEADQUARTERS, PESHAWAR

OB. NO. 1036 / Dated 21/3 /2016

No. 1269-75/PA/SP / Dated Peshawar the 18/3 /2016

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

- ✓ Capital City Police Officer, Peshawar w/r to his office No.4829 dated 14.03.2016.
- ✓ DSP/HQrs, Peshawar
- ✓ Pay Office, OASI, CRC & FMC along-with complete departmental file.
- ✓ I/C Computer Cell
- ✓ Officials concerned.

گورنر جنرل ۲۰۰۹ء صوابت شمار

اپیل لہور میں بحالی کے سلسلے میں

غور

مورخہ ۱۷/۰۶/۰۹ کو جسٹس

جناب عالی! لڈیو جج صاحبہ نے اپیل کو بحالہ آڈریٹ نمبر

عالمگیرہ کر دیا گیا

جناب عالی اس کے خلاف اپیل لہور میں جسٹس صاحبہ کے ذریعہ دعوایہ جسٹس

جناب عالی! ایسٹریٹ انڈرائڈ سلسلہ مقدمہ نمبر 327 جس کا 411 مورخہ ۱۶/۰۵/۰۹ کا نمبر پٹنٹ شدہ ہے

گٹھی تھو جسٹس جناب ۵۴۵ کا پٹنٹ نے براہ راست ملنگ اسٹور دلا اصران سڈنہ لکھتے

ختم چاہیے کہ جو جاری کیا تھا۔

جناب عالی! FIR میں جو جاری ہے مجھ سے براہ راست تھو وہ اسٹور دلا اصران کے ملکیت ہے اور

میں لہور میں استعمال چونکہ میرے پوری کٹنگ کے بجائے تھو اور توہم کے اگلے دن

اسٹور دھو کٹنگ پٹنٹ میں لہور میں لے جانا تھا جس کے تمام کٹنگ سے پٹنٹ کے سب

پٹنٹ کر چکا ہوں

5 جناب عالی! جناب SHO بھانہ پرائمری کے عمل معلوما حاصل کر لینا اور اس پر عمل کرنا۔

احسان اللہ لکھنؤ مقدمہ درج کیا جبکہ بدوران گفتگو مقدمہ بالہ کے فرسٹ اسٹیج

محب مسعودی اسد تو قصور وار نہیں ہے۔

6 جناب عالی! قابل ذرا بات ہے۔ کہ شروع میں نہ تو مجھ پر مقدمہ درج کیا گیا اور جب

جناب ۵۵۲ صاحبے جاسر سے جب لاٹری کھیل کر تو اپنی زندگی بھری اسد تو قصور وار نہیں ہے

تقریباً ایک سال کا عرصہ گزارا گیا بعد اس کے شروع استعمال کرتے تھے مقدمہ میں دوبار

شامل بنا۔

7 جناب عالی! بالہ سے بد اور قابل ذکر ہے۔ کہ عدالتی حادہ کی بدوران مجھے محکمہ سے علیحدہ کر دیا گیا

حالانکہ وہی تھے ساری علیحدگی ثابت نہیں ہوئی ہے اور اشتباہ جملہ بدوران گفتگو

مجھے مقدمہ میں شامل کیا گیا ہے۔ اشتباہ اسی طرح سے عدالت سے اپنے لیے گناہی ثابت کر دینا

8 عدالتی مفید شدت کا لوزن مطابق محکمہ سے علیحدہ کر لیا گیا حکم جاری کرنا الفضا کے ذمہ میں نہیں

اور اس کے بدلے ان کے پاس سے بہ امر لکھنؤ میں سر جانا کہ اس نے ہرگز نہیں

9 جناب عالی! اشتباہ میں اس پر لکھنؤ دلائل کے لئے آئندہ 4,3,3 پتھورے (تاریخوں) میں مجھے

مقدمہ میں بری (بے گناہ) کر دیا جائیگا۔ کیونکہ مقدمہ میں میرے خلاف کوئی بھی شہد

(۱۵) لکھنا آپ صاحبان سے بذریعہ درخواست التجا کرتا ہوں کہ مسائل ایسے

نیابتِ غریب 3 بچوں کے بارے میں اور بیوی کے مسائل اور اس کی

علوہ میں کوئی ذریعہ مداخلت نہ کرے کہ بیوی کے معاملہ میں دراستوں سے

(۱۱) آپ صاحبان کے تفضل و جہت سے اپنی موجودہ حالت سے دلچسپی سے بیوی کا حکم
والہیں بنا جائے اللہ تعالیٰ حفیظہ مدبرہ حلوائے دنیا کو بہت سے صحیح سزا دی جائے

سیدنا عبدالرحیم والہیں اللہ تعالیٰ صحیح مجال فرمایا جائے

صاحبان کے لئے دعا گو ہوں

السلامت

رحمت خان 500 دلہنوں کے علم میں اس لئے تیار ہوں کہ

Date: 14-04-2016



OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR

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

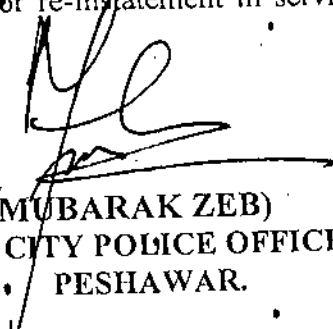
ORDER.

This order will dispose off departmental appeal preferred by ex-constable **Rehmat Ali No. 500** who was awarded the major punishment of **Dismissal** from service vide OB No. 1036 dated 17.3.2016 by SP/HQRs: Peshawar.

2- The allegations levelled against him were that the appellant while posted at Traffic Warden Peshawar was proceeded against departmentally on the charge of involvement in criminal case vide FIR No. 327 dated 4.5.2015 u/s 411 PPC PS Prang Distt: Charsadda.

3- Proper departmental proceedings were initiated against him and ASP-Faqirabad (Waseem Riaz Khan) was appointed as the E.O. who carried out a detailed enquiry and established the above allegations against him. On receipt of the findings of the E.O, the SP-HQRs Peshawar issued him a Final Show Cause Notice to which he replied. The same was perused and found unsatisfactory by the Competent Authority as such awarded him the above major punishment.

4- He was called in O.R. on 13.5.2016, and heard in person. Enquiry file was thoroughly examined. He was found in possession of stolen Motor Car No. RD-581 Islamabad at Interchange Check Post Motorway by SHO PS Prang. Besides, the appellant was previously dismissed from service on account of his involvement in such criminal cases. He is not fit for Police Force. He is just a stigma on the face of Police department. His retention in Police service is not justified. The order passed by SP-HQRs: is upheld. The appeal for re-instatement in service is rejected/filed.


(MUBARAK ZEB)
CAPITAL CITY POLICE OFFICER
13.5.16, PESHAWAR.

No. 1114-19 /PA dated Peshawar the 16/5 /2016.

Copies for information and n/a to the :-

- 1/ SP-HQRs:
- 2/ PO/OASI/CRC for making n. entry in his S.Roll.
- 3/ FMC encl: enquiry papers
- 4/ Official concerned.

اپنی تعمیراتی کاموں میں

گذشتہ سال کو جو اس آرڈر نمبر ۱۵۳۶ مورخہ ۱۷-۱۰-۱۹۷۶ اور

جناب عالی سے لکھے گئے ہیں۔

جناب عالی! اس کے خلاف اپنی تعمیراتی کاموں کے متعلقہ محکمہ کی طرف سے

۱۵۱۵۰۱۵۱۵ مورخہ ۱۵-۱۰-۱۹۷۶ کے تحت ۱۱/۱۱/۷۶

تعمیراتی کاموں کے متعلقہ محکمہ میں SHO پینٹنگ سے اس کے متعلقہ محکمہ کے

(۱) FIR مذکورہ میں جو اس کے متعلقہ محکمہ میں موجود ہے وہ اس کے متعلقہ محکمہ اور

جس کے متعلقہ محکمہ میں موجود ہے اس کے متعلقہ محکمہ میں موجود ہے اور اس کے متعلقہ محکمہ میں موجود ہے

(۲) جناب عالی! SHO پینٹنگ سے اس کے متعلقہ محکمہ میں موجود ہے اور اس کے متعلقہ محکمہ میں موجود ہے

(۳) جناب عالی! مقدرہ بالا کے متعلقہ محکمہ میں موجود ہے اور اس کے متعلقہ محکمہ میں موجود ہے

(۴) جناب عالی! D.P.P. جس کے متعلقہ محکمہ میں موجود ہے اور اس کے متعلقہ محکمہ میں موجود ہے

میں موجود ہے اور اس کے متعلقہ محکمہ میں موجود ہے اور اس کے متعلقہ محکمہ میں موجود ہے

(۵) جناب عالی! اس کے متعلقہ محکمہ میں موجود ہے اور اس کے متعلقہ محکمہ میں موجود ہے

جناب عالی! یہاں سے لکھنا چاہتا ہوں کہ مجھے کون سا ادارہ لکھنا چاہیے کہ وہ میری درخواست کو دیکھ کر اس کے بارے میں کوئی حکم دے سکے۔

جناب عالی! کسی پرائیویٹ کمپنی سے یہ لکھنا چاہتا ہوں کہ اس کے بارے میں کوئی حکم دے سکیں۔

جناب عالی! ایف ڈی آر کے بارے میں کوئی حکم دے سکیں۔

جناب عالی! ایف ڈی آر کے بارے میں کوئی حکم دے سکیں۔

جناب عالی! ایف ڈی آر کے بارے میں کوئی حکم دے سکیں۔

جناب عالی! ایف ڈی آر کے بارے میں کوئی حکم دے سکیں۔

جناب عالی! ایف ڈی آر کے بارے میں کوئی حکم دے سکیں۔

جناب عالی! ایف ڈی آر کے بارے میں کوئی حکم دے سکیں۔

Dated - 09/06/2016

الحارث

500



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

No. S/ 7289 /16, dated Peshawar the 15/11/2016.

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-Constable Rahmat Ali No. 500. The appellant was dismissed from service by SP/1Qrs: Peshawar vide OB No. 1036, dated 17.03.2016 on the charge of involvement in criminal case vide FIR No. 327 dated 04.05.2015 u/s 411 PPC PS Prang District Charsadda.

His appeal was rejected by Capital City Police Officer, Peshawar vide order Endst: No. 1114-19/PA, dated 16.05.2016.

Meeting of Appellate Board was held on 03.11.2016 wherein appellant was heard in person. During hearing petitioner contended that his wife was ill and he took car from his friend to take his wife to Hospital.

Petitioner was dismissed from service on the charge of involvement in criminal case vide FIR No. 327 dated 04.05.2015 u/s 411 PPC PS Prang District Charsadda. The record revealed that petitioner was earlier charge in identical nature of case which prove that petitioner was dealing in stolen property vehicles. Therefore, his petition is hereby rejected.

This order is issued with the approval by the Competent Authority.

N. J. P. 2016
(NAJEEB-UR-REHMAN BUGVI)
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

No. S/ 7290-96 /16.

Copy of the above is forwarded to the:

1. Capital City Police Officer, Peshawar.
2. SP/1Qrs: Peshawar.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/1Qrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/1Qrs: Khyber Pakhtunkhwa, Peshawar.
6. Office Supdt: E-IV CPO Peshawar.
7. Central Registry Cell, CPO.

16

انڈکس

1

بیتہ الت جناب حامد کمال صاحب جوڈیشل مجسٹریٹ اسول جج - 17 چارسدہ

نمبر مقدمہ 65 رجوعہ 2P
 4/16 فیصلہ 1/18
 1/18 قطعات 6/18
 بنام رحمت خان
 علت نمبر 393 مورثہ 26/18 جرم 411 تقاضہ لکھنوی

DEFO

| نمبر شمار | تعداد | نوعیت کاغذات |
|-----------|-------|--|
| | | انڈکس، آرڈر شیٹ، ضمانت نامہ پانے، فتویات CNIC |
| | | فارملے چارج، درخواست التماس |
| | | مٹل جوڈیشل 45 |
| | | 943-A CP |
| | | واضح ہو کہ کل (17) قطعات شامل مٹل ہو کر داخل دفتر شد |

4/4/2016

registr

3/5/16
 3/5/16

3-3
 2.7.2016
 اسرفان

Accused Asad and provision of section 241A will be complied with. ~~to~~ Asad accused be summoned through N.B.W.A

22.9.16

N12

11/15/16

Handwritten notes and signatures at the bottom right.

18

Handwritten notes in Urdu at the top of the page, including dates and names.



616
18

APP for the state present.
Accd: are, on bail present.
Order could not heard due
to rush of work. Adjourned.
To come up for order on
17.01.2018.

Handwritten signature and name: Hamid Kamal, CJ/Judicial, Charsadda

IN THE COURT OF HAMID KAMAL, JUDICIAL
MAGISTRATE-IV, CHARSADDA.

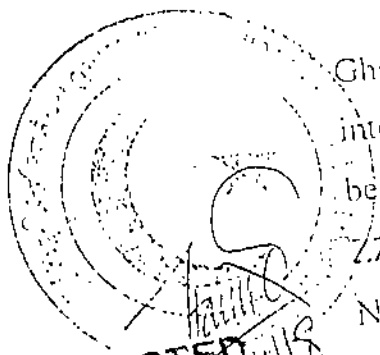
Case FIR No. 327 dated 02.06.2015 u/s 411 PPC of PS Prang.
State VS Rahmat Khan etc

ORDER-15
17.01.2018.

A.P.P for the State present. Accused facing trial Rahmat Khan and Asad alongwith their respective counsel present. Arguments already heard. Record perused.

My this order is aimed at to dispose of application filed by the accused/petitioners u/s 249-A Cr.P.C through their counsel Mr. Waris Khan advocate wherein they prayed for acquittal.

Briefly stated facts of the case are that on 04.05.2017, Ghafir Ullah SHO PS Prang during patrolling near Charsadda interchange at motorway check post intercepted the motorcar bearing registration No. RD 581/Islamabad bearing Chassis No. ZZE142-7407384, Engine No. 122-FE-1794 coming from Nisatta side. Driver Rahmat Khan failed to show registration documents of the motorcar on the query of police rather told that the motorcar is the ownership of his friend Asad and he would be in possession of registration documents. He further told that his



ATTESTED

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Examiner
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Courts of Distt & Sessions
Charsadda

(Continued)

ORDER-15

17.01.2018.

wife is suffering from cancer and he borrowed the motorcar from Asad for taking his wife for medical checkup to doctor. Motorcar being suspected one was taken into possession by the police u/s 523/550 Cr.P.C and Rahmat Khan was arrested u/s 54 Cr.P.C being potentially involved in cognizable offence. All the proceedings were reduced to daily diary No.22 dated 04.5.2015. Recovery memo and site plan also prepared on 04.5.2015. Rahmat Khan was produced before the court on the same day and date and he was released on bail by the then learned Illaqa Judicial Magistrate. Next day i.e on 05.5.2015, police applied for obtaining permission of inquiry u/s 156(3) Cr.P.C which was allowed and seven days time was granted to the police for ascertaining the real facts in respect of vehicle. On 14.5.2015 the then SHO PS Prang moved written application to District Public Prosecutor, Charsadda for obtaining his legal opinion wherein it was mentioned that motorcar being stolen property in case FIR No. 291 dated 03.5.2015 u/s 381-A PPC of PS New Town Rawalpindi has already been shifted vide order of the Worthy District & Sessions Judge, Charsadda dated 13.5.2015. It was also disclosed by the police that Rahmat Khan was in temporary possession of the vehicle and the vehicle is the ownership of Asad who despite service not joined the inquiry proceedings. The learned Dy: P.P gave opinion that police may register a criminal case u/s 411 PPC against Asad and if after registration of case the I.O reach to the conclusion that allegations against Rahmat Ali are baseless then the I.O can proceed against him according to law. On the Dy: P.P opinion dated 22.05.2015, police registered a criminal case vide FIR No. 327 dated 02.06.2015 u/s 411 PPC against accused Asad. During investigation the police also examined Rahmat Ali u/s 164 Cr.P.C, from whom possession the motorcar was recovered, who once again gave statement against accused Asad Ali. Accused Asad Ali was

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10 FEB 2018

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District & Sessions Judge
Charsadda



(Continued)
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6 admitted to bail on 16.09.2015 by the then learned ASJ-I, Charsadda. It is pertinent to mention that when accused Asad was on interim bail before arrest, he moved application to District Police Officer, Charsadda for fair inquiry which was marked to SP Investigation. Inquiry report consists of 04 pages including statement of witnesses shows that accused Asad has been exonerated and it was held that actual culprit is Rahmat Ali from whom possession the vehicle has been recovered. On 06.01.2016 APP, Charsadda gave opinion to police that as per inquiry report and last police diary accused Asad Khan has been held innocent and driver Rahmat Ali from whom vehicle was recovered has been held the actual accused, therefore, I.O is directed to proceed with the case against accused Rahmat Khan and it was also asked that if accused Asad is innocent then why his name has been placed in the column No.03 of the final report. Thereafter, accused Rahmat Khan moved BBA application which was declined. His regular bail was also declined by the then learned Judicial Magistrate-I, Charsadda, however, on 27.2.2016 he was released on bail by learned ASJ-I, Charsadda. Police submitted final report against accused Asad in the first instance wherein he was shown as absconder and then submitted supplementary challan. Similarly, final report in the first instance against accused Rahmat Khan was filed wherein he was show as absconder but later on supplementary challan has been submitted by police wherein his name appearing in column NO.03 but in custody. Both the accused during trial after compliance u/s 241-A Cr.P.C were charge sheeted but both claimed trial. During trial since framing of charge prosecution not able to produce a single witness against both the accused. Allegations against both the accused are restricted to section 411 PPC. In the instant case it seems that police has shown extra concession, favour, love & affection to both the accused. In the

ATTESTED

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 10 FEB 2018

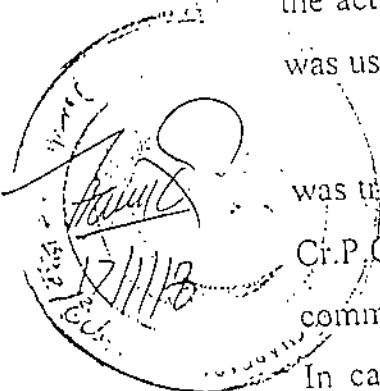
Examiner
 Copying Agency Branch
 Courts of Distt & Sessions, Charsadda

1/11/18

(Continued)

ORDER-15
17.01.2018.

first instance accused Rahmat Ali was exonerated without any genuine efforts of ascertaining his nexus with the vehicle. On the second instance accused Asad has been exonerated in the inquiry which is very strange to the scheme of Cr.P.C, because at that time criminal case was registered against accused Asad and except investigation police was having no administrative authority to hold inquiry. It is enough to acquit both the accused on findings of the police because allegations are of having mere possession of stolen property but during inquiry and investigation both the accused have not been held responsible in the manner that they were informed and aware of the fact that the vehicle is stolen property. Mere possession of any property which is stolen one without intent is not an offence. To prove that the person is in possession of stolen property and to attract the section 411 PPC to him, it is required that knowledge and intent upon the part of possessor is brought on file. In the instant case such knowledge and intention on the part of both the accused have not been brought on file. Rather both the accused have been extended benefit by declaring them innocence in the inquiry and investigation. Police failed to point out that who was the actual person who brought the vehicle from Punjab and who was using it being aware of the fact that it is stolen property.



Yet another legal aspect of the case i.e when the vehicle was transferred to Punjab why not the accused. In the scheme of Cr.P.C FIR can be registered either where the offence is committed or where the consequences of the offence are ensued. In case of theft when it is committed in one district and case property is recovered in another district the normal course is that case is registered against the person from whose possession the stolen property is recovered but when during investigation it is ascertained that from the person from whom possession the case property is recovered is actual person who committed the offence

ATTESTED

10 FEB 2018

Executive
Agency Branch
Dist & Sessions Judge
Chandigarh

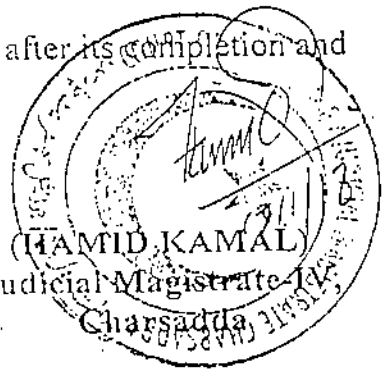
(Continued)
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then FIR u/s 411 PPC is cancelled and arrested accused is handed over to concerned police for the offence of actual theft. In the instant case strangely the case property has been transferred and shifted to Punjab in the actual case but no efforts seems on the part of police to ascertain that whether arrested accused also needs to be transferred to Punjab in the actual case of theft.

In the circumstances when the nature of allegations against both the accused are being in possession of stolen property but the same are not supported by any incriminating material or direct or circumstantial evidence then proving the charge against both the accused is impossible rather both have been treated with grace and favour by extending benefit and doubts in the inquiries and investigation. Fate of the case is very much open and crystal clear, even if the prosecution is allowed to lead evidence there is no hope of conviction of the accused, therefore, on the acceptance of application u/s 249-A Cr.P.C both the accused/petitioners are acquitted from the charges leveled against them. Their bail bonds stands cancelled and sureties are absolved from the liabilities of bail bonds. Case property has already been transferred to Punjab, which order is confirmed.

File be consigned to Record Room after its completion and compilation.

Announced
17.01.2018.



ATTESTED

10 FEB 2018

Examiner
Copying Agency Branch
of Dist & Sessions Judge
Charsadda

M/11

بسم اللہ الرحمن الرحیم

کارڈ نمبر 939
change

جدا

درود حضرت محمد ﷺ سے سوال کیا گیا۔

کتابت = B.A. میں سوال کیا گیا۔

دلیلیں سے سوال کیا گیا۔

جنا اب اس مسئلے پر سوال کیا گیا۔

کتابت میں سوال کیا گیا۔

درود سے سوال کیا گیا۔

جینل جنرل سے سوال کیا گیا۔

4.5.15 Dated کو لکھا گیا۔

17.3.016 partel کو لکھا گیا۔

جنا اب اس مسئلے پر سوال کیا گیا۔

جس کے بارے میں سوال کیا گیا۔

عدالت میں سے سوال کیا گیا۔

جنا اب اس مسئلے پر سوال کیا گیا۔

جس کے بارے میں سوال کیا گیا۔

اس مسئلے پر سوال کیا گیا۔

اب سے سوال کیا گیا۔

جینل جنرل سے سوال کیا گیا۔

کریڈٹ کے بارے میں سوال کیا گیا۔

پتہ

الکافور (پتہ) خان 555 سالیکہ پبلک سروس کمیشن

VAKALAT NAMA

NO. _____/20

IN THE COURT OF K.P.14 Services Tribunal, Peshawar

Rehmat Ali

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Police Deptt.

(Respondent)
(Defendant)

I/We, Rehmat Ali

Do hereby appoint and constitute **SYED NOMAN ALI BUKHARI and Uzma Syed Advocate High Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20

(Signature)
(CLIENT)

ACCEPTED

(Signature)
SYED NOMAN ALI BUKHARI
Advocate High Court Peshawar.

(Signature)
Mr. Asif Qureshi
~~Advocate High Court Peshawar.~~

Advocate High Court Peshawar.

VAKALAT NAMA

NO. _____/20

IN THE COURT OF KP Service Tribunal Peshawar

Rehmat Ali

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Police

(Respondent)
(Defendant)

I/We, Rehmat Ali

Do hereby appoint and constitute ***SYED NOMAN ALI BUKHARI AND UZMA SYED Advocate High Court Peshawar***, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated 1/8 /20

(Signature)

(CLIENT)

ACCEPTED

(Signature)
UZMA SYED

Advocate High Court Peshawar.

SYED NOMAN ALI BUKHARI
Advocate High Court Peshawar.

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No. 1152/2018.

Ex- Constable Rehmat Ali No.500 of CCP, Peshawar.....**Appellant.**

VERSUS

Capital City Police Officer Peshawar and others.....**Respondents.**

REPLY BY RESPONDENTS NO. 1,2& 3.

Respectfully Sheweth:-

PRELIMINARY OBJECTIONS:-

1. That the appeal is badly barred by law & limitation.
2. That the appeal is bad for mis-joinder and non-joinder of necessary and proper party.
3. That the appellant has not come to Hon'able Tribunal with clean hands.
4. That the appellant has no cause of action and locus standi to file the instant appeal.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant has concealed the material facts from Honorable Tribunal.
7. That the appeal is not maintainable being devoid of any merit.

REPLY ON FACTS:-

1. The appellant was appointed as constable in the year 2006 in the respondent department. The appellant has not a clean service record and was also previously dismissed from service on account of his involvement in criminal cases and contains 02 minor punishments on different occasions in his service. It is worth to mention here that the present Service Appeal is badly time barred. (copy of previous record annexure A)
2. Incorrect. In fact the appellant while posted as Traffic Warden Peshawar was proceeded departmentally on the charges of involvement in criminal case vide FIR No.327 dated 4.05.2015 u/s 411 PPC PS Prang Charsadda.
3. Incorréct. The appellant was involved himself in a criminal case vide FIR No.327 dated 04.05.2015 u/s 411 PPC PS Prang Charsadda. In this regard, he was issued Charge Sheet with Statement of Allegations. SDPO Faqirabad was appointed as Enquiry Officer. The Enquiry Officer during enquiry proceedings pointed out that previously he was also dismissed from service on account of involvement in such criminal cases. During the course of enquiry, the enquiry officer found the appellant guilty of the charges leveled against him. Upon the findings report of enquiry officer, he (Appellant) was issued final show cause notice, his reply was found unsatisfactory. After fulfilling all of codal formalities, he was awarded major punishment of dismissal from service by SP/HQrs:

Peshawar. (Copy of charge sheet, statement of allegations, enquiry report and Final Show Cause Notice are annexed as annexure "B" "C" "D" "E").

4. Incorrect. Proper departmental enquiry was conducted as per law/rules and the enquiry officer reported that charges leveled against the appellant were proved. The whole enquiry was conducted purely on merit and thereafter he was issued a final show cause notice, hence after fulfilling all the codal formalities he was awarded the major punishment of dismissal from service.(copy of departmental appeal, rejection order and mercy petition as annexure F,G,H)
5. Incorrect. The competent authority before imposing the major punishment had completed all codal formalities. The appellant filed departmental appeal, which was thoroughly processed and an ample opportunity of hearing was provided to appellant by appellate authority but appellant failed to defend himself with plausible/justifiable grounds, hence his appeal was rejected/failed. The punishment awarded to the appellant was found justified and lawful, therefore his mercy petition was rejected as no modification in the punishment was deemed fit/appropriate.
6. Para is totally incorrect and misleading. Court proceedings and departmental proceedings are two different entities and can run side by side. Acquittal in a criminal case would not lead to exoneration of a civil servant in departmental proceedings. His act brought a bad name for the entire force, hence he was awarded major punishment. As per record, the appellant was earlier charged in identical nature of case which proves that the appellant was dealing with stolen property vehicles.

That appeal of the appellant being devoid of merits and limitation may be dismissed on the following grounds:-

REPLY ON GROUNDS:-

- A) Incorrect. The appellant being a member of a disciplined force, committed gross misconduct, hence the punishment orders are just legal and have been passed in accordance with law/rules.
- B) Incorrect. The charges leveled against the appellant were proved, hence the punishment orders were passed in accordance with facts and rules. Acquittal in a criminal case would not ipso facto lead to exonerate Civil Servant in departmental proceedings.
- C) Incorrect. The appellant was treated as per law/rules and no article of Constitution of Pakistan has been violated by the replying respondents.
- D) Incorrect. . The appellant himself is responsible for the situation by committing gross misconduct. Furthermore, the appellant was earlier charged in identical nature of case which proves that the appellant was dealing with stolen property vehicles.
- E) Incorrect. The appellant was provided full opportunity of defense, but he failed to defend himself. After fulfilling of all the codal formalities he was awarded the major punishment under the rules. Detail reply is given in para ibid.

- F) Incorrect. The competent authority before imposing the major punishment had completed all codal formalities and an ample opportunity of self defense was provided to appellant, but he failed to prove his innocence.
- G) Charge sheet with statement of allegations was issued to him. Regular inquiry was conducted and thereafter a final show cause notice was served upon him, hence after fulfilling of all codal formalities, he was awarded the major punishment of dismissal from service under the rules.
- H) Incorrect. The appellant was treated as pr law/rules. He was provided full opportunity of defense, but failed to prove his innocence. He was found guilty hence awarded the punishment under the rules.
- I) Incorrect. The appellant being a member of a disciplined force committed gross misconduct. The charges leveled against him were stand proved, hence he was awarded the major punishment. Furthermore, acquittal from criminal cases cannot entitle him for reinstatement into service.
- J) Incorrect. The appellant was treated as per law/rules. The Punishment order passed by the competent authority is based on justifiable and genuine grounds, without any malafide intension, hence liable to be upheld.
- K) Respondents may also be allowed to raise additional grounds at the time of arguments please.

PRAYER.

Keeping in view the gravity of slackness, willful negligence and misconduct of appellant, it is prayed that appeal being devoid of merit and limitation may kindly be dismissed with cost please.

**Capital City Police Officer,
Peshawar.**

**Assistant: Inspector General of Police,
Establishment, Khyber Pakhtunkhwa,
Peshawar.**

**Superintendent of Police,
HQrs, Peshawar.**

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No. 1152/2018.

Ex- Constable Rehmat Ali No.500 of CCP, Peshawar.....Appellant.


VERSUS

Capital City Police Officer Peshawar and others.....Respondents.

AFFIDAVIT

We respondents No. 1 , 2 & 3 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and nothing has concealed/kept secret from this Honorable Tribunal.


Capital City Police Officer,
Peshawar.


Assistant: Inspector General of Police,
Establishment, Khyber Pakhtunkhwa,
Peshawar.


Superintendent of Police,
HQrs, Peshawar.

CHARGE SHEET

8

I, Superintendent of Police, Headquarters, Capital City Police Peshawar, as a competent authority, hereby, charge that Constable Rahmat Ali No.500 City Police Peshawar with the following irregularities.


"That you Constable Rahmat Ali No.500 while posted at Traffic Warden, Peshawar were involved in a criminal case vide FIR No.327 dated 04.05.2015 U/S 411-PPC PS Prang. This amounts to gross misconduct on your part and against the discipline of the force."

You are, therefore, required to submit your written defence within seven days of the receipt of this charge sheet to the Enquiry Officer committee, as the case may be.

Your written defence, if any, should reach the Enquiry Officer/Committee within the specified period, failing which it shall be presumed that have no defence to put in and in that case exparte action shall follow against you.

Intimate whether you desire to be heard in person.

A statement of allegation is enclosed.


SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

No. 39

18/12/018

(7)

DISCIPLINARY ACTION


I, Superintendent of Police, Headquarters, Capital City Police Peshawar as a competent authority, am of the opinion that Constable Rahmat Ali No.500 has rendered him-self liable to be proceeded against under the provision of Police Disciplinary Rules-1975.

STATEMENT OF ALLEGATION

"That Constable Rahmat Ali No.500 while posted at Traffic Warden, Peshawar was involved in a criminal case vide FIR No.327 dated 04.05.2015 U/S 411-PPC PS Prang. This amounts to gross misconduct on his part and is against the discipline of the force."

For the purpose of scrutinizing the conduct of said accused with reference to the above allegations an enquiry is ordered and SDPO F. Abad is appointed as Enquiry Officer.

2. The Enquiry Officer shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused officer, record his finding within 30 days of the receipt of this order, make recommendations as to punishment or other appropriate action against the accused.
3. The accused shall join the proceeding on the date time and place fixed by the Enquiry Officer.


SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

No. 264 /E/PA, dated Peshawar the 15/12 /2015

1. SDPO F. Abad is directed to finalize the aforementioned departmental proceeding within stipulated period under the provision of Police Rules-1975.

2. Official concerned

Steno

Constable

D.S.P. Faqirabad Circle
Peshawar.

Enquiry Report

Please refer to your office diary No.264 dated 15/12/2015.

Departmental enquiry against constable Rahmat Ali 500 posted as Traffic Warden Peshawar with respect to a criminal case vide FIR 327 dated 4-5-2015 u/s 411 PPC P.S Prang has been initiated . It was alleged that this act amounts to gross misconduct and against the discipline of force .

On the basis of above allegation he was charge sheeted and summary of allegation was handed over by the superintendent of Headquarter Peshawar. Undersigned was appointed as enquiry officer .

Procedure

Constable Rahmat No.500 was called, listened personally and his statement was recorded (enclosed). According to his statement he had borrowed the M/Car Reg RD-581 from his friend one Asad s/o Ihsan Ullah r/o Sheikh Abad Nisatta for taking his wife to the doctor and later it was found that the M/car was stolen from Rawalpindi vide Fir 291 dated 3-5-2015 u/s 381-A . FIR No.327 dt 4-5-2015 u/s 411P.S Parang was registered against Asad s/o Ihsan Ullah . Further he stated that in this regard enquiry already has been conducted and he has been re-instated in service after dismissal. (FIR Copy attached)

Findings are appended .

During inquiry it transpired that:

- Constable Rahmat No. 500 did not produce solid proof for his self defence regarding involvement in FIR 327 dt 4-5-2015 u/s 411PPC P.S Prang.
- Constable Rahmat was already dismissed and Re-Instated in service regarding involvement in FIR 200 dated 15-4-2015 u/s 411-471 P.S Mandani vide CCPO order No.3332-37 dated 13-7-2014. (copy attached)
- His persistent involvement in such cases needs to be discouraged.
- The pretext that he did know that vehicle was stolen can't be excused.

Recommendation

Keeping in view the above mentioned circumstances, undersigned recommends major punishment for constable Rahmat No.500.

(Waseem Riaz Khan)JSP

Assistant Superintendent of police

Faqirabad

12 / 11 / 2016

W/SP Headquarter : Peshawar.

No 39 /st

dated 12-01 /2016

Issue final show
cause notice.

Superintendent of Police
HQrs. Peshawar.

①

A

FINAL SHOW CAUSE NOTICE

I Superintendent of Police, Headquarters, Capital City Police Peshawar, as competent authority, under the provision of Police Disciplinary Rules 1975 do hereby serve upon you, Constable Rahmat Ali No.500 the final show cause notice.

The Enquiry Officer, SDPO Faqirabad, after completion of enquiry proceedings, has recommended you for major punishment for you Constable Rahmat Ali No.500 as the charges/allegations leveled against you in the charge sheet/statement of allegations.

And whereas, the undersigned is satisfied that you Constable Rahmat Ali No.500 deserve the punishment in the light of the above said enquiry reports.

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

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


SUPERINTENDENT OF POLICE
HEADQUARTERS, PESHAWAR

No. 264 /PA, SP/HQrs: dated Peshawar the 15/11 /2016.

Copy to official concerned

ایس ایڈیشنل سٹیبلشمنٹ آف ایف ڈی سی

A. li.
20/11/16

No 177-LB
29/3/2016
گورنر جنرل
پ.و. صحت شام

D 812 L

for comprehensive comments

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FOR CEO
25/3/16

| | | |
|---------|----------|---------|
| Doc No: | 9/4 | PA-CCPC |
| Date: | 25/03/16 | |
| Encl: | | |

اپیل لبرنز بحالی کے سلسلے میں

عنوان

1 جناب عالی! لڈز شہر کے سائل کو پولیس آڈریٹ نمبر 75-1269 مورخہ 18/03/16 کو محکمہ سے

FMC
Put up Record

علحدہ کر دیا گیا

7 Dy. Superintendent Police
CCP Peshawar
29/3/16

2 جناب عالی! اس کے خلاف اپیل بحالی کے سلسلے میں

3 جناب عالی! سائل کی آنوائزڈ مہلت سے مقدمہ نمبر 327 جبکہ 411 مورخہ 4/5/15 کے ساتھ پوزیشن شریعتی

تھی تو جس میں جناب ڈی ایچ او نے براہ راست ملزم اسد ولد اصمان کیلئے لکھی

ختم چار سہ کو جاری کیا تھا۔

4 جناب عالی! FIR میں جو جاری کیے گئے ہیں ان میں سے وہ اسد ولد اصمان کی ملکیت کے طور پر

میں لبرنز استعمال ہونے میں سے کسی ایک کے تعلق سے اور وقوع کے اگلے دن

اسٹول اور کتھر پتھال میں لبرنز علاج کے جاننا تھا جس کے تحت سے آنوائزڈ میں

پیشن کر چکا ہوں۔

(5) جناب عالی! جناب 340 نجف نے مکمل ملوفا حاصل کر کے اسد ذلہ

احسان اللہ حلف مقدمہ دیکھ لیا جبکہ بدوران تقش مقدمہ بالہ نے الفسٹین اشرا

بھجے مہدی اسد تو قصور دار کھیرے اور ہے

(6) جناب عالی! قابل ذرا بات ہے کہ شیخ سے نہ تو مجھ پر مقدمہ درج کیا گیا اور جب

جناب 556 صاحب جاسر سے جبے کے طلب کر کے تو انہوں نے بھی اسد تو قصور دیکھ

تقریباً آٹھ سال کا عرصہ گزر جا بعد اسد نے اشرا سبوح استعمال کر کے مجھے مقدمہ سے رو

سائل بنا

(7) جناب عالی! نکالے یہ اور قابل ذرا ہے کہ عدالتی کارروائی کے دوران مجھے محکمہ سے علیحدہ کر دیا

حالانکہ مجھے تیسری منزلت ثابت ہے اور انشاء اللہ جیلوچ بدوران تقش

مجھے مقدمہ سے سائل کیا گیا ہے انشاء اللہ اسو طرح سے عدالت سے اپنے لیے کیا بھی ثابت کر

(8) عدالتی فعلیہ شدت کا لوزن مطابق مجھ سے علیحدہ کر دیا گیا علم جاری کرنا الفسٹین ذلہ میں

اور کسی بد الزام کا سہ سے امر لفظ نہ کر جانا کہ اس نے صرگ بنا ہے

(9) جناب عالی! انشاء اللہ میں اپنی بعینہ دلائل کے لئے 4,303 پیسوں (چار ہزار) سے مجھ

مقدمہ میں بیرون (بے ڈناہ) کر دیا جائیگا۔ کیونکہ مقدمہ میں میرے حلف کے پتے بھی لکھے

(۱۵) لہذا آپ صاحبان سے بزرگوار درخواست التماس ہے کہ مسائل ایسے

بنائے غریب۔ 3. بچوں کا باپ۔ اور بچوں کی سیر کی طرف سے۔ اور انہوں نے

علوہ سیر کی طرف سے بزرگوار درخواست التماس ہے کہ مسائل ایسے

(۱۱) آپ صاحبان ان کی تفسیر و جوابات، اپنی بزرگوار درخواست التماس ہے کہ مسائل ایسے
والسیر بنا جائے۔ اگر عدالتی فیصلہ میری خلاف آتا تو بیشک مجھے سزا دی جائے
لہذا عدالتی حکم و ایسا آگے نہ بجالا کرنا چاہتا ہوں۔

خاصیت و عالیہ دیون کا

السلامت

رحمت خان 500 ولد شہزاد علی۔ ساکن ملتان تحصیل ضلع رحمانہ

0300 5897795 (0300 5995651 / 0313 9746343)

25/3/16

→



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

Phone No. 091-9210989

Fax No. 091-9212597

ORDER.

This order will dispose off departmental appeal preferred by ex-constable **Rehmat Ali No. 500** who was awarded the major punishment of **Dismissal** from service vide OB No. 1036 dated 17.3.2016 by SP/HQRs: Peshawar.

2- The allegations levelled against him were that the appellant while posted at Traffic Warden Peshawar was proceeded against departmentally on the charge of involvement in criminal case vide FIR No. 327 dated 4.5.2015 u/s 411 PPC PS Prang Distt: Charsadda.

3- Proper departmental proceedings were initiated against him and ASP-Faqirabad (Waseem Riaz Khan) was appointed as the E.O. who carried out a detailed enquiry and established the above allegations against him. On receipt of the findings of the E.O, the SP-HQRs Peshawar issued him a Final Show Cause Notice to which he replied. The same was perused and found unsatisfactory by the Competent Authority as such awarded him the above major punishment.

4- He was called in O.R. on 13.5.2016, and heard in person. Enquiry file was thoroughly examined: He was found in possession of stolen Motor Car No. RD-581 Islamabad at Interchange Check Post Motorway by SHO PS Prang. Besides, the appellant was previously dismissed from service on account of his involvement in such criminal cases. He is not fit for Police Force. He is just a stigma on the face of Police department. His retention in Police service is not justified. The order passed by SP-HQRs: is upheld. The appeal for re-instatement in service is rejected/filed.


(MUBARAK ZEB)

CAPITAL CITY POLICE OFFICER
13.5.16 PESHAWAR.

No. 1114-19 /PA dated Peshawar the 16/5/2016.

Copies for information and n/a to the :-

- 1/ SP-HQRs:
- 2/ PO/OASI/CRC for making n.entry in his S.Roll.
- 3/ FMC encl: enquiry papers
- 4/ Official concerned.

کہدے جتنا پگھلے ہیں صاحب

جینا ہی کی!

سائل نے اپنے وکیل صاحب سے نذر لقمہ موبائل و لکھائی

30/11/23

تو وکیل صاحب فون پر بتایا کہ ~~49/11/23~~ ~~06/11/23~~

مقابلہ ہے۔ ان میں سے کوئی بھی تاریخ ادا نہ کرے سائل

تصاریف و غائب رہے گا۔

العارض

محمد علی دلا شہزاد علی پور لکھنؤ

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present

Mr. Justice Nasir-ul-Mulk
Mr. Justice Tariq Parvez

Civil Petition No.170-P of 2012

(On appeal from the judgment dated 19.01.2012 passed by the KPK Service Tribunal, Peshawar in Service Appeal No.1758 of 2009.)

Govt. of KPK thr. Chief Secretary Works & Services Department & another
... Petitioners

... Respondent

Nazir Ahmad Khan

Vs.

For the petitioners : Mr. Laljan Khattak, AAG.


For the respondent : Mr. Ghulam Nabi, ASC.

Date of hearing : 17.01.2013.

ORDER

NASIR-UL-MULK, J. – The respondent who was appointed as Assistant Engineer in BS-17 on 23rd October, 1978 and retired in the same scale on 10th June, 2010. However, before his retirement he has filed Service Appeal on 7th October, 2009 for his promotion and by the impugned judgment dated 19th January, 2012, the KPK Service Tribunal allowed the appeal of the respondent and directed that his case for promotion to the next higher pay scale be placed before the Provincial Selection Board within a period of three months under intimation of the Registrar of the Tribunal. We are now informed that the case has not yet been placed before the Provincial Selection Board.

2. Learned Additional Advocate General states that the respondent's case for promotion was not earlier considered on account of six penalties imposed upon him from time to time since the year 2002. He however clarified that the respondent stood exonerated from those penalties on appeal either by the Department or Tribunal. This petition is liable to be

ATTESTED

Registrar,
Supreme Court of Pakistan,
Peshawar.

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

Restoration Application No: 68 /2020
APPEAL NO.1152/2018



Rehmat ALi

V/S

police Depttt:

**APPLICATION FOR RESTORATION OF APPEAL NO.
1152/2018 WHICH WAS DISMISSED ON DEFAULT VIDE
ORDER DATED 07.11.2019.**

RESPECTFULLY SHEWETH:


1. That the instant appeal No. 1152/2018 was filed before this Honorable Tribunal for re-instatement.
2. That the instant appeal was in preliminary stage and the case was fixed on 19.09.2019 with different appeal number and name. it is further added that the next date was not given to the appellant which is also evident from the casue list dated 19.09.2019. thereafter the appeal was untraced and after the efforts the appellant know that the case was fixed for 07.11.2019 and dismissed in default for want of prosecution on 07 .11.2019 . **(Copy of the cause lists and order is attached as annexure-A & B).**
3. That before the dismissed in default no notice was issued to the appellant despite that the date was not communicated to the appellant or his counsel. So without notice the appeal was dismissed in default is against the interest of justice.
4. That after getting knowledge of the same the appellant applied for the attested copy of order sheet dated 07.11.2019 on 27/02/2020. so after knowledge and receiving the order the application for restoration is well in time. So the delay if may be condoned.

5. That it is in the interest of justice that the appeal should be dealt on merit rather to dismiss on default because the valuable right of the appellant was involved.

It is therefore, most humbly prayed, that the instant appeal No. 1152/2018 may be restore on the acceptance of this application.

APPELLANT

Through:


(SYED NOMAN ALI BUKHARI)
ADVOCATE, HIGHCOURT
PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of application are true and correct to the best of my knowledge and belief.


DEPONENT



**LIST OF SB CASES FIXED BEFORE MR HAMID FAROOQ DURRANI(CHAIRMAN)
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

07/11/2019 (THURSDAY)

PRELIMINARY HEARING

| S.NO | APPEAL | APPELLANT NAME | DEPTT: | NEXT DATE |
|------|---------|----------------|-------------|-----------------------|
| 01 | 1037/19 | MUKHTIAR ALI | POLICE | Limine Dismissed |
| 02 | 629/19 | SABIRULLAH | INFORMATION | 18/12 A |
| 03 | 628/18 | M ZAKRIYA | EDU | 19/12 |
| 04 | 616/19 | MST SHAGUFTA | EDU | Default |
| 05 | 263/19 | GUL NAZ | EDU | 17/12 A |
| 06 | 394/18 | M HAYAT | HEALTH | 6/12 |
| 07 | 1001/19 | NOOR BADSHAH | POLICE | Limine / Dismissed |
| 08 | 1152/19 | REHMAT ALI | POLICE | Default |
| 09 | 1442/19 | Mst FAUZIA | EDUCATION | Limine / Disposed off |

EXECUTION PETITION

| S.NO | APPEAL | APPELLANT NAME | DEPTT | NEXT DATE |
|------|--------|------------------|--------|------------|
| 01 | 110/18 | M SHOAB | M & M | 18/12 |
| 02 | 168/19 | MST FATIMA | EDU | 21/12 8/11 |
| 03 | 244/19 | M NAUMAN | POLICE | 12/12 |
| 04 | 222/19 | MAZHAR JAN | POLICE | 12/12 |
| 05 | 156/19 | M AFZAL | EDU | 2/11 |
| 06 | 63/19 | NAYAB QURESHI | EDU | 9/12 |
| 07 | 130/19 | MST SHAHNAZ & 01 | EDU | 5/12 |
| 08 | 338/19 | Fazal Mayat Shah | EDU | 9/12 |

REPLY

| S.NO | APPEAL | APPELLANT NAME | DEPTT | NEXT DATE |
|------|---------|------------------|-----------|-----------------|
| 01 | 1288/19 | ADIL KHAN | EDU | 18/12 |
| 02 | 937/19 | M HASHIM QURESHI | JUDICIARY | 2/1/13 |
| 03 | 201/19 | HAFIZ ABDUL HAQ | EDU | 3/1/13 |
| 04 | 165/19 | M QASIM | HEALTH | 2/1/2013 |
| 05 | 206/19 | M YASIR | EDU | No Reply / 1/13 |
| 06 | 1418/19 | SAMJULLAH | POLICE | No Reply / 1/13 |
| 07 | 994/14 | SADIQ HUSSAIN | EDU | No Reply / 1/13 |
| 08 | 1456/18 | FAZAL GHUERAN | POLICE | No Reply / 1/13 |
| 09 | 298/19 | AESAR KHAN | EDU | 10/12 |
| 10 | 1007/19 | MST ZAINAB | EDU | 17/12 |
| 11 | | | | |

LIST OF SB CASES FIXED BEFORE MR HAMID FAROOQ DURRANI (CHAIRMAN)
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

19/09/2019 (THURSDAY)

PRELIMINARY HEARING

| S.NO | APPEAL | APPELLANT NAME | DEPTT: | NEXT DATE |
|------|---------|-------------------------------------|---------|-----------|
| 01 | 263/19 | GUL NAZ | EDU | 07/11 |
| 02 | 1152/12 | HASHMAT ALI | POLICE | |
| 03 | 394/18 | M.HAYAT | HEALTH | 07/11 |
| 04 | 1042/19 | YUNAS KHAN (B) | EDU | 18/11 |
| 05 | 1041/19 | ABDUL HAYE (A) | EDU | 12/11 |
| 06 | 1003/19 | IKRAM ULLAH (A) | REVENUE | 18/11 |
| 07 | 1001/19 | NOOR BADSHAH | POLICE | 07/11 |
| 08 | 939/19 | WAJAHAT HASSAN (Guaranteed to E.P.) | HEALTH | 15/10 |

EXECUTION PETITION

| S.NO | APPEAL | APPELLANT NAME | DEPTT | NEXT DATE |
|------|-------------------|--------------------------|----------------|-----------|
| 01 | 240/19 | BAHADAR ZAMIN | EDU | |
| 02 | 20/14 | AZMAT SHAHEEN (1) | EDU | 15/10 |
| 03 | 456/18 | MEHNAZ BIBI | EDU | consigned |
| 04 | 185/18 | NIGHAT SHAHEEN | EDU | 15/10 |
| 05 | 44/19 | BABAR KHAN | EDU | 15/10 |
| 06 | 206/18 | SAID KHAN BANGASH | POLICE | consigned |
| 07 | 40/19 | SALEEM KHAN | POLICE | 15/10 |
| 08 | 135/19 | JAMSHAD ALI | IRRIGATION | 15/10 |
| 09 | 01/19 | SHAHID ALI | DC | 15/10 |
| 10 | 225/18 | SABA MEEMONA | HEALTH | 15/10 |
| 11 | 403/19 | RIAZ AHMAD | POLICE | 15/10 |
| 12 | ORDER 55/13 | MIAN FAROOQ IQBAL | M&M | 10/10 |

REPLY

| S.NO | APPEAL | APPELLANT NAME | DEPTT | NEXT DATE |
|------|---------|----------------------|--------|-----------|
| 01 | 143/19 | M.USMAN | W.LIFE | 10/10 |
| 02 | 1486/18 | AMJID KHAN DBI | POLICE | 28/11 |
| 03 | 148/19 | IHSAN ULLAH | SMBR | 10/10 |
| 04 | 647/18 | SAJJAD AHMAD DBI | POLICE | 27/11 |
| 05 | 197/19 | AMJID ALI DBI | POLICE | 28/11 |
| 06 | 1490/18 | SYED MOHSIN SHAH DBI | FOREST | 28/11 |
| 07 | 1461/18 | KIFAYAT ULLAH DBI | EDU | 28/11 |
| 08 | 341/18 | KHURSHEED DBI | EDU | 28/11 |
| 09 | 1344/18 | USMAN KHAN DBI | FOREST | 28/11 |
| 10 | 212/19 | ADNAN ALI SHAH DBI | POLICE | 28/11 |
| 11 | 210/19 | KAMRAN DBI | POLICE | 28/11 |
| 12 | 172/19 | TAJ MUHAMMAD DBI | POLICE | 27/11 |
| 13 | 937/19 | MST KHURSHEED | EDU | 28/11 |
| 14 | 1127/19 | GHULAM ANBIA | EDU | 03/10 |
| 15 | 917/18 | M.AZIZULLAH | EDU | 03/10 |

Mustamir

①

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1152/2018

Mr. Rehmat Ali, Ex-Constable/No.500
Capital City Police, Peshawar.



(Appellant)

VERSUS

1. The Superintendent of Police Headquarters, KPK, Peshawar.
2. The Additional Inspector General Establishment for Inspector General of Police KPK, Peshawar.
3. The Capital City Police Officer, KPK, Peshawar.

(Respondents)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 18.03.2016 WHEREIN THE APPELANT WAS AWARDED MAJOR PENALTY OF DISMISSAL FROM SERVICE AND AGAINST THE ORDER DATED 16.05.2016 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED FOR NO GOOD GROUNDS AND AGAINST THE ORDER DATED 15.11.2016 WHEREBY THE REVIEW PETITION UNDER 11 (A) HAS BEEN REJECTED WITHOUT SHOWING ANY COGENT REASON.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 18.03.2016, 16.05.2016 AND 15.11.2016 MAY PLEASE BE SET ASIDE AND THE APPELANT MAY BE REINSTATED INTO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar



01.08.2019

Appellant with counsel present. Heard.

The appellant was awarded punishment of dismissal from service as a result of departmental inquiry vide order dated 18.03.2016. The departmental appeal as well as appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 filed by the appellant were rejected in the year 2016. The appellant has filed the present service appeal in the year 2018. Learned counsel for the appellant was confronted with the situation that the present service appeal is hopelessly time barred whereupon learned counsel for the appellant seeks adjournment for further assistance/further preliminary arguments. Adjourn. To come up for further preliminary arguments on 19.09.2019 before S.B

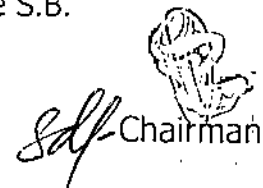

Member

19.09.2019

Counsel for the appellant present and requests for adjournment.

Learned counsel requests for adjournment to prepare arguments on the point of limitation.

Adjourned to 07.11.2019 before S.B.


Chairman

07.11.2019

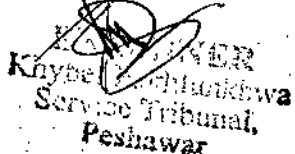
Nemo for appellant.

It is already past 1.15 P.M and despite repeated calls no one is in attendance on behalf of the appellant.

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


Chairman

Certified to be true copy


Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Announced:
07.11.2019

Date of Presentation of Application 27-2-2020
Number of Marks 800
Copying Fee 10-00
Urgent ✓
Total 10-00
Name of Candidate [Signature]
Date of Certificate 27-2-2020
Date of Delivery 27-2-2020