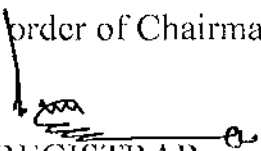


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. - 321/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1-	14/02/2023	<p>The appeal of Mr. Arif resubmitted today by Mr. Wajid Ali Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ with further direction to place on file the missing documents. Parcha Peshi is given to appellant/counsel for the date fixed.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>


Resubmitted with Remarks Regarding  
of objection of <sup>No</sup> 2 ~~(Provision)~~ letter

copy of departmental appeal/  
mercy is not available with  
appellant therefore under R-6 (Provision)  
of the KPK Service Tribunal  
Rules 1974, to way of objection  
Regarding the Production of  
documents

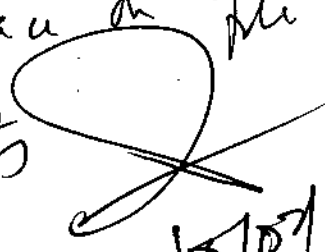
Dupri wajid Ali Ahmed  
19/11/2023

Sir,

The objection of this office and reply  
of counsel for the appellant is sub-itted for  
appropriate order, please.


  
30/11/2023

wajid ali-aw.

Let it be frank before  
the court as Pkt with packet  
direction to place on file the  
missing documents  
  
18/10/23

Sir,

The objection of this office and  
reply of counsel for the appellant is  
submitted for order please.

  
10/01/2023

Humble Chairman

7 days more  
per given but as  
last chance

13/1/23

No. 172

13/1/23

Re-submitted  
complete

after  
objection

19/01/2023

The appeal of Mr. Arif son of Pordil Khan r/o Tehkal Payan Tehsil and District Peshawar received today i.e. on 23.12.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- ✓ 1- Check list is not attached with the appeal.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Annexures of the appeal are unattested.
- ✓ 4- Address of respondent no. 3 is incorrect/incomplete.
- 5- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- ✗ 6- Copies of departmental appeal and mercy petition are not attached with the appeal.
- ✓ 7- Annexures of the appeal are not in sequence.
- 8- Appeal be paged marked according to the Index.
- 9- Copies of order dated 30/01/2018 & 25/5/2018 are illegible which may be replaced by legible/better one.

No. 3700 /S.T,

Dt 26/12 /2022

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Wajid Ali Adv. Pesh.

Re Submitted after Removal of  
Some objection but also  
Request of Extension of some  
Time due to appellant is out of  
Station  
Clerk of advocate.  
Wajid Ali Adv. Pesh.  
Dufm  
10/1/2023

14

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

Appeal No. 321 of 2023

Arif S/o Pordil Khan R/o Tehkal Payan Tehsil and District Peshawar.  
..... Appellant

**VERSUS**

- 1) Capital City Police Officer Peshawar.
- 2) Superintendent of Police Headquarter Peshawar.
- 3) Registrar Inspector General of Police KPK Peshawar.

..... Respondents

**INDEX**

S.No.	Description of documents	Annexure	Pages
1.	Memo of Appeal with verification		1-4
2.	Addresses of the parties		5
3.	Affidavit		6
4.	Condonation of delay		7-8
5.	Copy of revision petition	A	09
6.	Copy of order No. 432 dated 30/01/2018	B	10
7.	Copy of Disciplinary action	C	11
8	Copy of order dated 25/05/2018	D	12
9.	Copy of Charge Sheet	E	13
10.	Copy of Final show cause notice	F	14
11.	Copy of Departmental Appeal	G	15
12.	Copy of Medical Certificate	F	17
13	Wakalat Nama		

Through

  
Appellant

**Wajid Ai Khan**  
**Advocates High Court**  
**Peshawar**

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

Appeal No. 321 of 2022

Arif S/o Pordil Khan R/o Tehkal Payan Tehsil and District Peshawar.

..... Appellant

**VERSUS**

- 1) Capital City Police Officer Peshawar.
- 2) Superintendent of Police Headquarter Peshawar.
- 3) Registrar Inspector General of Police KPK Peshawar.

..... Respondents

**APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED ORDER DATED 21.11.2022 AND ORDER 25.05.2018 CCPO PESHAWAR WHEREBY RESPONDENT HAS STOP TWO INCREMENT AND ALSO AWARDED MINOR PUNISHMENT OF TWO YEARS APPROVED SERVICE ALONGWITH THE PERIOD OF ABSENCE IS LEAVE WITH OUT PAY WHICH THE APPELLANT IS AGGRIEVED FROM THE SAID ORDER.**

**Prayer:**

On acceptance of the instant service appeal the impugned order dated 21.11.2022 may kindly be set aside and kindly a more lenient view of the situation

of appellant be taken. (Copy of revision Petition is attached as Annexure-A).

**Respectfully Sheweth:**

**FACTS**

The appellant respectfully submits as under:

- 1) That the appellant is performing his duty in Police Line Peshawar with full devotion and hard work since long time in respondent Department and no complaint whatsoever has been made against the appellant.
- 2) That the appellant is appointed in the Quota of Sportsman Department of police and has completed all his initial training during the games.
- 3) That the respondent is selected for basic recruit training course schedule from 18/11/2017. The appellant has joined said course during year 2009 but unfortunately only "chalmaly" is left over. (Copy of order No. 432 dated 30/01/2018 is attached as Annexure-B).
- 4) That the appellant became serious illness and for this reason was absence from the said course. (Copy of disciplinary action is annexed as Annexure-C).
- 5) That appellant has informed his senior about his serious illness and get also permission of leave which badly ignored.

- 6) That appellant is attend his duty during his illness but his attendance has not maintain so the respondent has not adopt proper procedure and issued ex party and partial decision against the law. (Copy of order dated 25/05/2018 is attached as Annexure-D).
- 7) That without any show cause notice or any explanation or any due procedure the respondent is awarded to unfair punishment of forfeiting of two years approved service and alongwith increment. (Copy of show cause notice/Charge Sheet are attached as Annexure-E/F).
- 8) That the appellant has submitted the Departmental Appeal against the said order which is unfairly rejected due to which appellant his suffered irreparable loss so this reason was the appellant filed the instant Service Appeal before this Hon' able Tribunal inter alia on the following grounds. (Copy of Departmental Appeal and Medical certificate is attached as Annexure-G&H).

### **GROUND**

- A). That the impugned order dated 21/11/2022 is come under the definition of void order because it has been passed without fulfilling the codal formalities.
- B) That no opportunity of personal hearing and defense has been provided to the appellant.



- C) That no proper Departmental inquiry has been conducted against the appellant.
- D) That there is no illegality on part of the appellant and so concerned the charges mention in the charge sheet and statement of allegation as concocted, false and baseless hence denied.
- E) That any other will be raised at the time of arguments with the prior permission of this Hon' able court.

It is therefore most humbly prayed that on acceptance of the instant service appeal the impugned order dated 21.11.2022 may kindly be set aside and kindly a more lenient view of the situation of appellant be taken.

Any other remedy which this august tribunal deems fit that may also onward granted in favor of appellant.

Dated 10/01/2023

Appellant  
Through

Wajid Ali  
Advocate, High Court,  
Peshawar.

**Verification:**

Verified that the contents of the above appeal are true and correct to the best of my knowledge and belief.

Deponent

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

Appeal No. \_\_\_\_\_ of 2022

Arif S/o Pordil Khan R/o Tehkal Payan Tehsil and District Peshawar.

..... Appellant

**VERSUS**

- 1) Capital City Police Officer Peshawar.
- 2) Superintendent of Police Headquarter Peshawar.
- 3) Registrar Inspector General of Police KPK Peshawar.

..... Respondents

**ADDRESSES OF THE PARTIES**

**Appellant**

Arif S/o Pordil Khan R/o Tehkal Payan Tehsil and District Peshawar.

**Respondents**

- 1) Superintendent of Police Headquarter Peshawar.
- 2) Capital City Police Officer Peshawar.
- 3) Registrar Inspector General of Police KPK Peshawar.

Dated 22/12/2022

Appellant  
Through

  
Wajid Ali

Advocate, High Court,  
Peshawar.

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

Appeal No. \_\_\_\_\_ of 2022

Arif S/o Pordil Khan R/o Tehkal Payan Tehsil and District Peshawar.

..... Appellant

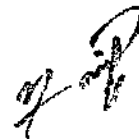
**VERSUS**

- 1) Capital City Police, Officer Peshawar.
- 2) Superintendent of Police Headquarter Peshawar.
- 3) Registrar Inspector General of Police KPK Peshawar.

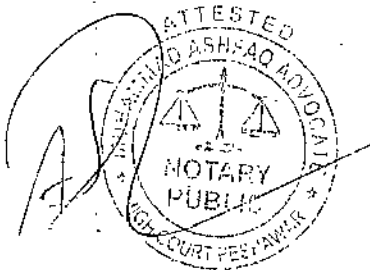
..... Respondents

**AFFIDAVIT**

I, Arif S/o Pordil Khan R/o Tehkal Payan Tehsil and District Peshawar do hereby solemnly and oath that the contents of the instant appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon' able Court.



Deponent



27 DEC 2022

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

Appeal No. \_\_\_\_\_ of 2022

Arif S/o Pordil Khan R/o Tehkal Payan Tehsil and District Peshawar.

..... Appellant

**VERSUS**

- 1) Capital City Police Officer Peshawar.
- 2) Superintendent of Police Headquarter Peshawar.
- 3) Registrar Inspector General of Police KPK Peshawar.

..... Respondents

**APPLICATION FOR CONDINATION OF DELAY**  
**IF ANY**

Respectfully Sheweth:

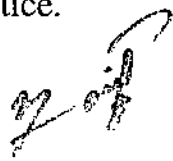
**Petitioner submits as under:-**

1. That the above mentioned appeal is filing before this Hon' able Court in which no date is fixed for hearing so far.
2. That the impugned order is void and illegal and no limitation run against the void orders because the impugned order has been passed without fulfilling the codal formalities.

3. That the impugned order is also void because it has been passed with retrospective effect.
4. That and no concerned the absence of the appellant it was not deliberate or intentionally but due to the reason mention in the above para.
5. That there is no number of precedents of the Supreme Court of Pakistan which provides that the cases shall be decided on merits rather than technicalities.
6. That there are many Judgment of the superior court as well as specific provision of service law that limitation has been counted from the date of communication/knowledge.
7. That the appellant filed a Service Appeal within time if any delay due the appellant request for condonation of delay.

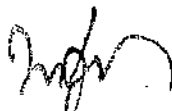
It is therefore, requested that the limitation period (if any) may kindly be condone in the interest of justice.

Dated: 22/12/2022

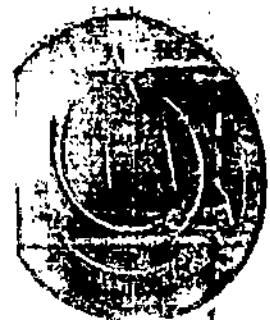


Appellant

Through



Wajid Ali Advocate  
High Court Peshawar



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

No. S/ 2804 /22, dated Peshwar the 21 / 11 /2022.

To : The Capital City Police Officer,  
Peshawar.

Subject: REVISION PETITION.

Memo:

The Competent Authority has examined and filed the revision petition submitted by FC Arif Khan No. 3580 of CCP/Peshawar, against the minor punishment of feature of 02 years approved service awarded by SP/HQrs; vide OB No. 432 dated, 30.01.2018; being badly time barred.

The applicant may please be informed accordingly.

  
21/11  
(AFSAR JAN)  
Registrar,

For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar

us

ORDER

This office order relates to the complaint of an enquiry against Regtull C. n. I. gh. Afif, who was posted to Peshawar on the allegation that he while posted in the said unit was deputed for Basic Recruit Training scheduled for 18.11.2017, but he failed to report for training & absented himself from the said basic training since 18.11.2017 till date without taking any leave.

In this regard, he was issued charge sheet on the basis of allegations. Inspector Razi Khan (RI Police Lines) was appointed as E.O. He conducted the enquiry proceedings & submitted his report that defaulter official did not produced any cogent reason regarding his absence & still absent from 18.11.2017 till date.

Upon the finding of E.O, he was issued final charge notice but he failed to receive the said notice or appear in this office as yet.

Note: On 26.11.2018, a fresh DD report of RI Khan was obtained. He reported that the said official was deputed for Recruit Training but he did not join the said course and was absent from 18.11.2017 till date.

In light of the recommendations of E.O & other reports available on record, the undersigned came to conclusion that the alleged official is guilty of this misconduct. He found unwilling and he will not become a good Police officer in the future. Therefore, he is hereby discharged from service under Police Rules 1221 with immediate effect. Hence, the period he remained absent from 18.11.2017 till date is treated without pay.

*T. Khan*  
SUPERINTENDENT OF POLICE  
HEADQUARTERS, PESHAWAR.

OB. NO. 432 / Dated 30/1/2018  
No. 317-23 /PA/SP/dated Peshawar the 30/1/2018

Copy of above is forwarded for information & records.

- ✓ Capital City Police Officer, Peshawar.
- ✓ DSP/HQrs, Peshawar.
- ✓ Budget Officer
- ✓ GAST, CRC & FMC along with complete departmental
- ✓ Officials concerned.

*For information*  
*12/11/18*

*scm/c.p.c.*  
*c.c.a.*  
*31/1/18*



OFFICE OF THE  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

TEL: 091-9210989  
FAX: 091-9212597

ORDER

This order will dispose of the appeal of Constable Aziz Khan No. 3580 who was awarded major punishment of discharge from service under PP-1231 by SP-IHQrs Peshawar vide O.R. No. 112 dated 30.01.2018.


2. The allegations levelled against him were that he while posted at Police Lines Peshawar was deputed to PIS Swat for Recruit Training Course scheduled from 18.11.2017 but he failed to report at the Training Centre and absented himself from the said training w.e.f 18.11.2017 till his dismissal i.e 30.1.2018 (Total 72 Days)

3. Proper departmental proceedings were initiated against him and Mr. Razi Khan, RI-Lines Peshawar was appointed as the enquiry officer. The enquiry officer conducted a detailed enquiry, and submitted his findings. The competent authority i.e SP-IHQrs issued him Final Show Cause Notice but he failed to submit his written reply within stipulated period. As such the competent authority awarded him the major punishment of discharge from service.

4. He was heard in person in O.R. The relevant record perused along with his explanation. During personal hearing he stated that the absence was not intentional rather it was due to typhoid. He also produced medical certificates in his defense.

5. Keeping in view the above circumstances, his 08 years and 9-months qualifying service at his credit, it is observed that the punishment awarded to the appellant is too harsh and is not commensurate with the misconduct. Therefore, a lenient view is taken and he is hereby re-instated into service. He is awarded the minor punishment of forfeiture of 02-years approved service. The period of absence is treated as leave without pay. Besides, he will also be under observations for a period of one year.

1830  
25-5-18

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

No. 688-93 /PA dated Peshawar the 25/05/2018

Copies for information and n a to the:-

1. SP-IHQrs: Peshawar.
2. BO/ CRC/FMC along with FM.
3. OASI for compliance about para-5 of the order
4. Official concerned.



قیمت 50 روپے	561824			
ایڈوکیٹ: <u>Majid Ali</u>		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل/ایسوسی ایشن نمبر: <u>752</u>				
رابطہ نمبر: <u>0301-590792</u>				

بعدالت جناب: محمد رفیق صاحب

منجانب: <u>عارف دلہ پسر دل</u>	دعویٰ:
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

**باعث تحریر آتکہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ آن مقام کیلئے واسطے پیروی اور جواب دہی کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں بردر خط کرنے کا اختیار ہوگا، نیز بصورت 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 اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بااختیارات حاصل ہوں گے اور اس کا ساتھ پر داخستہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانب 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



الرقوم:

الع  
الع  
مقام کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

محمد رفیق  
محمد رفیق  
محمد رفیق

tianviredamool19@gmail.com