

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

**SERVICE APPEAL NO. 433/2015**

Date of institution ... 07.05.2015  
Date of judgment ... 06.11.2017

Wajid Khan S/o Wali Khan Ex-Constable No. 3130  
R/o Muhallah Landi Arbab Manakrao District Peshawar.

... (Appellant)

**VERSUS**

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.
3. Superintendent of Police Headquarters, Peshawar.

... (Respondents)

APPEAL UNDER SECTION-4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974  
AGAINST THE ORDER DATED 15.07.2014 WHEREBY  
THE APPELLANT WAS DISMISSED FROM SERVICE.

Mr. Safdar Iqbal Khattak, Advocate.

.. For appellant.

Mr. Ziaullah, Deputy District Attorney

.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI

.. MEMBER (JUDICIAL)

MR. GUL ZEB KHAN

.. MEMBER (EXECUTIVE)

**JUDGMENT**

**MUHAMMAD AMIN KHAN KUNDI, MEMBER: -** This appeal

has been filed under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 15.07.2014 whereby the appellant was dismissed from service on the allegation of absence <sup>from</sup> of duty with effect from 29.03.2012 till the date of his dismissal from service. The appellant also filed departmental appeal but the same was rejected on 27.10.2014, thereafter the appellant also filed review petition before the Inspector General of Police Khyber Pakhtunkhwa on

10.11.2014 for reinstatement in service but the same was also dismissed vide order dated 17.04.2015 hence, the present service appeal on 07.05.2015.

2. Learned counsel for the appellant contended that the appellant was serving in Police Department. It was further contended that departmental proceeding was initiated against the appellant on the allegation of his absence from duty but neither charge sheet was framed nor proper inquiry was conducted nor any show cause notice was served upon the appellant. It was further contended that neither an opportunity of personal hearing was provided nor the opportunity of defence was provided to the appellant therefore, the order of dismissal of the appellant from service is illegal and liable to be set-aside.

3. On the other hand, learned Deputy District Attorney Mr. Ziaulla opposed the contention of learned counsel for the appellant and contended that the appellant was serving in police department and during service he remained absent from duty since 29.03.2012 till the date of his dismissal from service i.e. 15.07.2014. It was further contended that a proper charge sheet and statement of allegation were framed and after conducting proper inquiry final show cause notice was also issued to the appellant but the appellant remained absent from duty for a period of more than two years without any permission of the competent authority, therefore, <sup>in</sup> he was rightly dismissed from service and prayed for dismissal of appeal.

4. We have heard the arguments of learned counsel for the parties and gone through the record available on file.

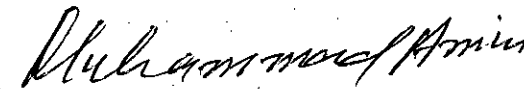
5. Perusal of the record reveals that the appellant was serving in Police Department and during service he remained absent from duty for the reason best know to him. The record further reveals that the appellant has also admitted his absence from duty in paragraph-F in his service appeal and has stated that he

*M. Amin*  
*6.11.2017*

remained absent due to some unavoidable reason i.e enmity. The record further reveals that he remained absent from duty for more than two years without permission of the competent authority even he had not submitted any application for leave. Meaning thereby that the appellant was willfully absent from duty for a period of more than two years therefore, we see no merits in the appeal and the same is <sup>is</sup> thereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
06.11.2017

  
(GUL ZEB KHAN)  
MEMBER

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

06.11.2017

Counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney for the respondents also present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of three pages placed on file, we see no merits in the appeal and the same is thereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

06.11.2017

  
(GUL ZEB KHAN)  
MEMBER

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

07.02.2017

Clerk to counsel for the appellant and Mr. Muhammad Jan, GP alongwith Mr. Muhammad Raziq, H.C for respondents present. Clerk to counsel for the appellant requested for adjournment. Request accepted. To come up for arguments on 27.03.2017 before D.B.

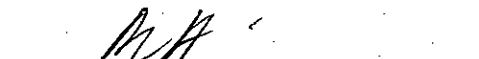
  
(ASHFAQUE TAJ)  
MEMBER

  
(MUHAMMAD AAMIR NAZIR)  
MEMBER

22.05.2017

Counsel for the appellant and Mr. Kabir Ullah Khattak Assistant AG for the respondent present. Counsel for the appellant submitted fresh Waklath Nama and requested for adjournment. Adjourned. To come up for arguments on 21.08.2017 before D.B.

  
(Gul Zeb Khan)  
Member

  
(Muhammad Amin Khan Kundi)  
Member

21/8/2017

Appellant in person and Mr. Muhammad Adeel Butt, AAG for the respondents present. Due to non-availability of DB, case to come up for argument on 6/11/2017 before DB.

  
Reader

29.02.2016


Appellant in person and Mr. Abdur Raziq, Head Constable alongwith Addl: A.G for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 2.6.2016.

  
Member

02.06.2016

Counsel for the appellant and Addl: AG for respondents present. Rejoinder not submitted and requested for further time for submission of rejoinder. To come up for rejoinder and arguments on 28.9.16 before D.B.

  
MEMBER

  
MEMBER

28.09.2016

Counsel for the appellant and Mr. Ziaullah, GP for respondents present. Rejoinder submitted and requested for adjournment. To come up for arguments on 7.2.2017 before D.B.

  
Member

  
Chairman

29.05.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Constable when dismissed from service on the ground of wilful absence vide impugned order dated 15.07.2014 regarding which he preferred departmental appeal which was rejected on 27.10.2014 where-after he preferred another appeal to the IGP which was also rejected on 07.04.2015 and hence the present service appeal on 07.05.2015.

That no show cause notice was ever issued to the appellant nor statement of allegation was ever served and that the appellant was condemned un-heard.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 26.08.2015 before S.B.

  
Chairman

26.08.2015

Counsel for the appellant present. Security and process fee not deposited. Requested for further time. The same be deposited within a week, where-after notices be issued to the respondents for written reply/comments for 23.11.2015 before S.B.

  
Chairman

23.11.2015

Appellant with counsel and Addl: A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 29.2.2016 before S.B.

  
Chairman



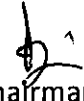
Appellant Deposited  
Security & Process Fee



Form- A  
FORM OF ORDER SHEET

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

Case No. 433/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	13.05.2015	<p>The appeal of Mr. Mr. Wajid Khan resubmitted today by Mr. Safdar Iqbal Khattak Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p> REGISTRAR 13/5/15</p>
2		<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>15-5-2015</u></p> <p> CHAIRMAN</p>
3	15.05.2015	<p>None present for appellant. Notice to counsel for the appellant be issued for preliminary hearing for 29.5.2015 before S.B.</p> <p> Chairman</p>




The joint appeal of Mr. Wajid Khan son of Wali Khan Ex-Constable No. 3130 received to-day i.e. on 07.05.2015 is incomplete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 days:

- 1- Annexures of the appeal may be annexed serial wise as mentioned in the memo of appeal.
- 2- Appeal may be page marked according to the index.
- 3- 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.
- 4- Copies of orders dated 11.7.2014 and 17.4.2015 are illegible which may be replaced by legible/better one.
- 5- Annexures of the appeal may be attested.

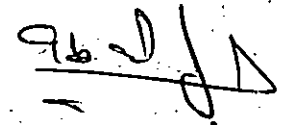
No. 686 /S.T.

Dt. 8/5/2015

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Safdar Iqbal Khattak Adv. Pesh.

Re-submitted to remove the objections no. 1, 2, 4 & 5 is removed, but the objection no. 3 is not removed because, no charge sheet, show cause notice etc were served upon the appellants.



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No 433 2015

Wajid Khan s/o Wali Khan Ex-Constable No 3130 R/O Muhallah Landi  
Arbab Manakrao District Peshawar.....Appellant

Versus

Inspector General of Police Khyber Pakhtunekhwa, Peshawar and two  
opthers.....Respondents

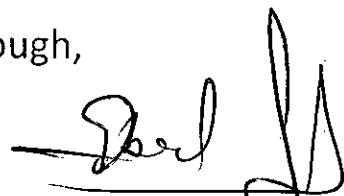
**I N D E X**

S.No	Description of documents	Annexure	Page No
1	Memo of appeal		1-4
2	Application for condonation of delay		4-A
3	Copy of CNIC		5
4	Copy of Card		6
5	Copy of FIR		7
6	Copy of order dated 15.7.2014		8
7	Copy of the application and order dated 27.10.2014		9-10
8	Copy of the application and order dated 17.04.2015		11-12
9	Copy of Jirga Decision		
10	Wakalatnama		

Appellant

Through,

Dated 06.05.2015



Safdar Iqbal Khattak

Advocate, Peshawar

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No 433 2015

**E.W.P. Province  
Service Tribunal**

Diary No 465

Dated 07-5-2015

Wajid Khan s/o Wali Khan Ex-Constable No 3130 R/O Muhallah Landi Arbab  
Manakrao District Peshawar.....**Appellant**

Versus

1. Inspector General of Police Khyber Pakhtunekhwa, Peshawar.
2. Capital City Police Officer, Peshawar.
3. Superintendent of Police Headquarters, Peshawar.....**Respondents**

Appeal under section 4 of Khyber Pakhtunekhwa Service Tribunal Act 1974 against the order dated 15.07.2014 whereby the appellant was dismissed from the service.

**Filed to-day**  
*[Signature]*  
**Registrar**  
7/5/15

**Prayer in Appeal,**

***On acceptance of this Appeal, the Order dated 15.07.2014 passed by the Respondent No 3 may kindly be set-aside, and the appellant may very graciously be Re-instated in his service with all back benefits.***

**De-submitted**  
*[Signature]*  
13/5/15

Respectfully Sheweth,

1. That the appellant is law abiding citizen and permanently residing in Peshawar.(Copy of the CNIC is attached)
2. That the appellant was appointed as Constable on 30.05.2008 in the Respondents department, in this regard copy of card of Capital City Police was issued to the Appellant.(Copy of the card is attached)
3. That the appellant performing his duty regularly in the police station West Cant Peshawar, but suddenly/accidentally the appellant was charged in FIR, due to this the appellant was unable to perform his duty for some time.(Copy of the FIR is attached)
4. That during this period the appellant informed the respondents department regarding the aforesaid situation and request for leave.
5. That suddenly and without issuing any show cause notice etc. the respondent No 3 issued the impugned order No. OB. No 2248 dated 15.07.2014, whereby the appellant was dismissed from service.(Copy of the order dated 15.07.2014 is attached)
6. That the appellant filed departmental appeal before the Respondent No 2 which was decided vide order dated 27.10.2014. (Copy of the application and order is attached)
7. That the appellant was also field departmental representation for Re-instatement before the Respondent No 1 which was dismissed vide order dated 17.04.2015 and maintained the order of the respondent No. 3. (copy of the order dated 17.04.2015 is attached)

8. That the appellant is aggrieved from the orders dated 15.07.2014, 27.10.2014 and 17.4.2015 and come to this Hon, ble Tribunal inter alia on the following grounds.

**Grounds**

- a. That the impugned order dated 15.07.2014 regarding the dismissal from the service of the appellant, and subsequently orders of the Respondents No 1 & 2 are incorrect based on malafide intention, against the facts, circumstances of the case and against the principal of naturel justice.
- b. That the order passed by the respondent No 3 is highly illegal and unlawful.
- c. That the appellant performed his duty regularly and was efficient and punctual constable of police during his service. It is pertinent to mentioned here that there is no complaint whatsoever on the entire service.
- d. That prior to passing the impugned order dated 15.07.2014 no charge sheet and show cause notice were served upon the appellant.
- e. That no enquiry against the appellant was conducted and if any enquiry was conducted that would be one sided inquiry, because the appellant was not served with any sow cause notice nor any explanation has been called from appellant nor any statement of allegation was sent to him and as such the appellant was condemned unheard.
- f. That the absence of the appellant from his service was not deliberate and intentional but due to some urgent and unavoidable reason i.e. enmity.(copies are attached)

- g. That the appellant was appointed on 30.05.2008 and joined his duty vide daily dairy. And since that he has served the department to the entire satisfaction of all concerns and superior and there is no complaint against him.
- h. That any other grounds will be taken at the time of arguments with the kind permission of this Hon,ble Tribunal.

It is therefore, humbly prayed that on acceptance of this appeal, this Hon, ble Tribunal may kindly be set aside the impugned order dated 15.07.2014, passed by the respondent No.3, and order dated 27.10.2014, passed by the Respondent No. 2, and order dated 17.04.2015, passed by the Respondent No. 1, and the appellant may very graciously be reinstated into his service with all back benefits.

*Wajid Khan*

**Appellant**

**Dated 06.05.2015**

**Through,**

*Safdar Iqbal Khattak*

**Safdar Iqbal Khattak  
Advocate, Peshawar**

**Affidavit**

I, Wajid Khan s/o Wali Khan Ex-Constable No 3130 R/O Muhallah Landi Arbab Manakrao District Peshawar, do hereby solemnly affirm and declare that contents of the appeal are true and correct to the best of my knowledge and belief in nothing has been concealed from this Hon, ble court.

*Wajid Khan*  
**DEPONENT**



*Identified by  
-g.  
Safdar Iqbal Khattak  
Advocate, P-*

4-A

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No \_\_\_\_\_ 2015

Wajid Khan s/o Wali Khan Ex-Constable No 3130 R/O Muhallah Landi Arbab  
Manakrao District Peshawar.....Appellant

Versus

Inspector General of Police Khyber Pakhtunehwa, Peshawar and two  
others.....Respondents

**Application for condonation of delay**

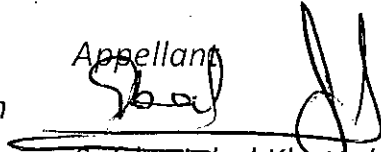
**Respectfully Sheweth,**

1. That the captioned appeal is being filed in which no date of hearing has yet been fixed.
2. That the appeal of the appellant is timebarred due to the emnity, in this regard the appellant cannot filed the appeal against the impunged order before this Hon,ble Tribunal.
3. That delay of the filling of appeal is not deliberaely nor intentionally but due to the aforsaid reason.
4. That it is always held by the supreme court that the case be decided on merits nor technicalities.

It is therefore humbly prayed that on acceptance of this application if any delay on the part of the appellant may kindly be condoned and decided on merits.

Through

Appellant

  
Sajdar Iqbal Khattak

Advocate, Peshawar



دستخط مال کارڈ

دستخط مال کارڈ

حکومت پاکستان

قومی شناختی کارڈ

17301-7663178-1

نام: واحد خان

جنس: مرد

والد کا نام: ولی خان

شناختی علامت: کوئی نہیں

تاریخ پیدائش: 01/01/1985



امتیاز تاجوز

دستخط جسٹس جنرل

Handwritten signature in Urdu script, likely reading "امتیاز تاجوز".





شناختی نمبر: 17301-7668178-1 نانیدان نمبر: S01P16

موجودہ پتہ: محلہ لنڈی ارباب، منگراؤ ڈاکخانہ خاص، تحصیل و ضلع پشاور

شناختی نمبر 13785563824

سستقل پتہ: ایہ



تاریخ اجراء: 18/07/2014 تاریخ سرج: 18/07/2024

گمشدہ کارڈ ملنے پر ترقیبی لیٹر بکس میں ڈال دیں





(6) I. . .  
**CAPITAL CITY POLICE PESHAWAR**

Name: MAJID TAJAN

Rank: SP. IN. 1130

Date of Issue: 17/05/2008

Valid Upto: \_\_\_\_\_



Issuing Authority \_\_\_\_\_

Authentic Signature \_\_\_\_\_



Handwritten signature and scribbles in the bottom right corner.

**IDENTITY CARD**  
**CAPITAL CITY POLICE PESHAWAR**

Height: 5-9" Blood Gp: .....

N.I.C. No.: 

1	7	3	2	1	7	6	8	9	4	7	1
---	---	---	---	---	---	---	---	---	---	---	---

I.D. Mark: .....

1. This card is non transferable and is the Property of Government of Pakistan.
2. In the event of loss, report immediately to the nearest Police Station and the issuing authority giving original number of the card
3. Finder of the card please give its in the nearest Police Station



ENC 23  
ORDER

This office order relates to the disposal of formal departmental enquiry against Constable Wajid No.3130 of Capital City Police Peshawar on the allegations that he while posted at PS West Cantt: absented himself from lawful duty w.e.f 29.03.2012 till date without taking permission or leave.

In this regard, he was issued charge sheet and summary of allegations vide No.670/E/PA/SP/H.Qrs, dated 23.07.2012. SDPO City-II was appointed as Enquiry Officer. He conducted the enquiry and submitted his report that defaulter official is not interested in his official duty. The E.O further recommended major punishment for the defaulter official vide Enquiry Report No.136/ST dated 06.02.2014.

Upon the finding of Enquiry Officer, he was issued final show cause notice & delivered him on home address through local Police PS Bhanamari. According to the report of local Police PS Bhanamari, the defaulter official has been shifted to some where due to enmity. He also failed to submit his explanation within stipulated period of 07-days or appear before this office as yet.

On 09.07.2014, the report of MM PS West Cantt was obtained. He reported that the said official is still absent from duty from 29.03.2012 till date.

In the light of recommendations of E.O & other material available on record, the undersigned came to conclusion that the alleged official found guilty of prolong/deliberate absence. Therefore, he is hereby dismissed from service under Police & Disciplinary Rules-1975 with immediate effect. Hence, the period he remained absent from 29.03.2012 till date is treated without pay.

  
SUPERINTENDENT OF POLICE  
HEADQUARTERS, PESHAWAR

OB. NO. 2248 / Dated 15-7 /2014

No. 2825-32/PA/SP/dated Peshawar the 11-7 /2014

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

- ✓ Capital City Police Officer, Peshawar.
- ✓ SP, Cantt Peshawar
- ✓ DSP/HQrs, Peshawar.
- ✓ Pay Office, OASI, CRC & FMC along-with complete departmental file.
- ✓ Officials concerned.

Accepted  
9/6/2014

out 3  
3  
2014

(Better Copy)

Order

This office order relates to the disposal of formal departmental enquiry against constable Wajid Khan No 3130 of capital city police peshawar on the allegation that he while posted at PS west cantt absented himself from lawful duty w.e.f. 29.3.2012 till date without taking permission or leave.

In this regard he was issued charge sheet and summary of allegation vide No.670/E/PA/SP/H.Qrs dated 23.7.2012 SDPO city-ii was appointed as inquiry officer. He conducted the enquiry and submitted his report that defaulter official is not interested in his official duty. The E.O further recommended major punishment for the defaulter official vide enquiry Report No. 136/ST dated 6.2.2014.

Upon the finding of the enquiry officer he was issued final showcause notice and delivered him on home address through local police Bhanamari,. According to the report of local police the defaulter official has been shifted to some where due to emnity. He also failed to submit his explanation within stipulated period of 7 days or appear before this office as yet.

On 09.7.2014 the report of MM PS West cantt was obtained. He reported that the said official is still absent from duty from 09.03.2012 till date.

In light of recommendations of E.O & other material available on record, the undersigned came to the conclusion that the alleged official found guilty of prolong/deliberate absence. Therefore, he is hereby dismissed from service under police & Disciplinary Rules-1975 with immediate effect. Hence the period he remained absent from 29.3.2012 till date is treated without pay.

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SUPERINTENDENT OF POLICE  
HEADQUARTERS, PESHAWAR

(9)

## بخدمت جناب سی سی پی او پشاور

جناب عالی!

مودبانہ گزارش ہے کہ سائل 30.05.2008 کا بھرتی شدہ ہے سائل بوجہ غیر حاضری بحوالہ OB نمبر 2248 مورخہ 15.07.2014 کو نوکری سے برخاست کیا گیا ہے۔ سائل تھانہ غربی آپریشن سٹاف میں تعینات تھا کہ سابقہ عداوت کی بناء پر خاندانی دشمنی بن گئی۔ جس میں سائل کی زندگی کو شدید خطرہ لاحق ہو اور سائل نے دشمنی کی وجہ سے سرکاری نوکری کرنے سے قاصر رہا۔ سائل کے خاندان کا راضی نامہ علاقہ مشران نے کیا ہے سائل ایک غریب گھرانے سے تعلق رکھتا ہے سائل گھر کا واحد کفیل ہے اور دوبارہ نوکری کرنے کا خواہشمند ہے۔

آپ صاحبان سے استدعا ہے کہ سائل کو اپنی نوکری پر دوبارہ بحال کرنے کا حکم صادر فرما کر مشکور فرمائیں

عین نوازش ہوگی

ارض

آپکا تابع فرمان (ساتھ) کنشیل و اجد خان نمبر 3130 ڈسٹرکٹ پشاور

دستخط درخواست کنندہ

درخواست کنندہ کا موبائل نمبر: 0311-1407128

(جملہ کاغذات ہمراہ لف ہے۔)

دستخط

ORDER

10

This order will dispose off departmental appeal of ex-constable **Wajid Khan No. 3130** who was awarded the major punishment of **Dismissal** from service under PR 1975 vide OB No. 2248 dated 15.7.2014 by SP/HQRs: Peshawar, on the charge of deliberate absence for a long time from lawful duty w.e.f. 29.3.2012 to 15.7.2014 (**Total 2-years, 3-months and 16-days**) from PS West Cantt:

Proper departmental proceedings were initiated against him and DSP/City-II was appointed as the E.O. On receipt of findings of the E.O, he was issued FSCN which was delivered at his home address for service, but it was reported that he had shifted to some unknown place and his whereabouts were not known. As such the Competent Authority awarded him above major punishment.

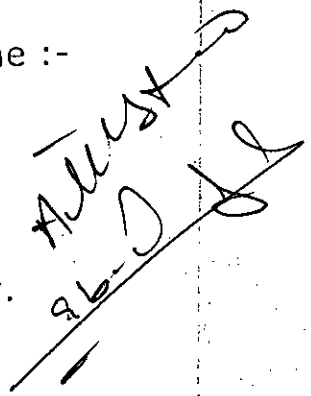
The relevant record was perused along with his explanation. He was also heard in person in OR on 23/10/2014 but he could not defend himself. The allegations stand proved against him. He deserves no leniency. The order of SP-HQRs: is upheld and his appeal for re-instatement in service is rejected/filed.

  
**CAPITAL CITY POLICE OFFICER,  
PESHAWAR.**

No. 2036-41/PA dated Peshawar the 27.10. 14

Copies for information and n/a to the :-

- 1/ SP-HQRs: Peshawar
- 2/ PO/ OASI
- 3/ CRC along with S.Roll for making n/entry.
- 4/ FMC along with FM.
- 5/ Official concerned.

  
27-10-14



بخدمت جناب انسپکٹر جنرل آف پولیس خیبر پختون خواہ

جناب عالی!

سائل حسب ذیل عرض رساں ہے

- ۱۔ یہ کہ سائل 30.05.2008 کو محکمہ پولیس میں بھرتی ہوا۔
- ۲۔ یہ کہ سائل غیر حاضر بحوالہ OB نمبر 2248 مورخہ 15.07.2014 کو نوکری سے برخاست کیا گیا ہے۔
- ۳۔ یہ کہ سائل کی خاندانی دشمنی چلی آرہی تھی اور سائل کو مختلف شدید قسم کی دھمکیاں مل رہی تھی جس سے سائل کی زندگی کو کافی خطرات لاحق تھے۔
- ۴۔ یہ کہ سائل نے CCP صاحب کو بھی بحال نوکری درخواست گزاری جو کہ مورخہ 27.10.2014 کو نمبر 41-2036 کو خارج فرمائی گئی۔ (فصل آڈر CCP صاحب ہر لف ہے)۔
- ۵۔ یہ کہ اب علاقہ مشران کی وجہ سے راضی نامہ طے پاچکا ہے۔
- ۶۔ یہ کہ سائل ایک محنت کرنے والا شخص ہے اور ایک غریب گھرانے سے تعلق رکھتا ہے جو کہ گھر کا واحد کفیل ہے۔ لہذا آپ صاحبان سے استدعا ہے کہ سائل کو اپنی نوکری پر دوبارہ بحال کرنے کے امکانات صادر فرمائیں جائیں۔ عین نوازش ہوگی۔

ارض

آپکا تابع فرمان (سابقہ) کنشیل و اجد خان نمبر 3130 ضلع پشاور۔

الرقوم 10/11/2014

مثنیٰ موبائل نمبر 0311-1407128

کنشیل  
اجد خان



12

9

OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
CENTRAL POLICE OFFICE, PESHAWAR

ORDER

This order is hereby passed to dispose off departmental appeal under Rule 11-a of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-Constable Wajid Khan No. 3130 of CCP, Peshawar against the Punishment order i.e dismissed from service passed against the appellant by SP/HQrs CCP, Peshawar vide his order Book No. 2248 dated 15.07.2014.

In the light of recommendations of Appeal Board meeting held on 05/03/2015, the board examined the enquiry in detail & other relevant documents. It revealed that the appellant was served with Charge Sheet/Statement of Allegations and punishment order was announced on the basis of reply to the Charge Sheet and Statement of Allegations.

The appellant was also heard in person. The board rejected his appeal as he was absented himself from duty for 02 years, 03 months & 16 days.

Order announced in the presence of appellant.

Sd/-

**NASIR KHAN DURRAM**  
Inspector General of Police,  
Khyber Pakhtunkhwa  
Peshawar.

No. 4752-61 /E-IV dated Peshawar the 17/11/2015

Copy of above is forwarded to the:-

1. Capital City Police Officer, Peshawar. The service Roll, Fauji Missal and Enquiry File of the above named official are returned herewith.
2. PSO to IGP/Khyber Pakhtunkhwa Peshawar.
3. PA to Addl: IGP/HQrs Khyber Pakhtunkhwa, Peshawar.
4. PA to DIG/HQrs Khyber Pakhtunkhwa, Peshawar.

*Must  
9/11/15*

(**SYED FIDA HASSAN SHAH**)  
AIG/Establishment  
For Inspector General of Police,  
Khyber Pakhtunkhwa Peshawar.

(Be the Y Copy) (12)

## Order

This order is hereby passed to disposed of departmental appeal under rule-11 of khyber pakhtunkhwa police rule 1975 submitted by Ex-Constable Wajid Khan No 3130 of CCP, Peshawar against the punishment order i.e dismissal from service passed against the appellant by SP/HQrs CCP, Peshawar vide his order Book No 2248 dated 15.07.2014.

In light of recommendations of appeal board meeting held on 05.03.2015, the board examined the enquiry in detail and other relevant documents. It revealed that the appellant was served with charge sheet/statement of allegation and punishment order was announced on the basis of of reply to the charge sheet and statement of allegation.

The appellant was also heard in person. The board reject his appeal as he was absented himself from duty for 02 years 03 months & 16 days.

NASIR KHAN DURRANI  
IGP, KP Peshawar

*Handwritten signature and initials*  
AUGUST  
2015

بسم اللہ الرحمن الرحیم

فیصلہ جرگہ: ہم جرگہ ممبران نے جو بھی فیصلہ کیا ہے اللہ تعالیٰ کو حاضر ناظر سمجھ کر یہ فیصلہ کیا ہے۔

فریق اول: جناب گل وغیرہ فریق دوم: امجد بابو وغیرہ

فریقین کے مابین قریبی رشتہ داری یعنی زمین کے حساب پر ایک دوسرے کے ساتھ تنازعہ پیدا ہوا۔ فریق اول کی طرف سے اس دشمنی میں شاہد ولد احسان قتل ہوا۔ جبکہ فریق دوم کی طرف سے جلات ولد بنات قتل ہوا۔ دشمنی کے دوران انسانی لوگ قتل و زخمی ہوئے۔ بعد ازاں فریقین کے درمیان ایک جرگہ منعقد ہوا۔ جو کہ ایک سال تک جرگہ رہا اور کافی تحقیقات اور تگ و غور اور درجنوں نشستوں کے بعد یہ فیصلہ کیا۔ جرگہ کا آغاز مسیحا حاجی اسلام اللہ و مثل خان اور حاجی نور الہی نے اس کہا ہے کہ فریقین کے گھروں میں جا کر فریقین جرگہ کرنے کی درخواست کی جو کہ فریقین نے ان تین اشخاص پر اعتماد کیا اور مبلغ دس دس لاکھ روپے بطور ضمانت جمع کئے۔ اس کے بعد ثالثان فریقین سے دو دو آدمی جرگہ کے لئے مانگے جو کہ فریقین کی طرف سے فریق اول نے ملک عرفان اور محمد یونس اور فریقین دوم کی طرف سے حاجی لائق شاہ اور حاجی عبدالرؤف شامل ہوئے۔ ان جرگہ ممبران نے کافی سوچ و بچار اور تحقیقات کے بعد اس نتیجے پر پہنچے کہ چونکہ فریقین قریبی رشتہ دار ہے اور جرگہ ممبران کے مناسب سمجھا کہ فریقین کے درمیان ایسا ہو جائے۔ جو کہ مستقل طور پر آئندہ کے لئے منقطع اور محکم ہو۔ چونکہ فریقین کے درمیان دشمنی ناپا فہمی کا نتیجہ تھا۔ اسلئے جرگہ ممبران ان کے درمیان صلح اور بھائی چارے کے بنیاد پر فیصلہ کیا۔ جرگہ ممبران نے مناسب سمجھا کہ اپنے آقاؤں کو بالائے تہاتک رکھ کے ایک دوسرے کا احترام کریں اور ایک دوسرے کے گھر میں اپنے آپ کو ملامت کریں۔ تاکہ آئندہ کسی کے لئے ان کے درمیان ہاتھ مارنے کا موقع نہ ملے۔ لہذا جرگہ ممبران نے متفقہ طور پر کیا جو کہ درجہ ذیل ہے۔ یہ کہ اس جرگہ کے سلسلے میں جو کہ بے گناہ لوگ قتل و زخمی ہوئے مناسب سمجھا کہ ان کا بھی فیصلہ کیا جائے۔ لہذا ثالثان و جرگہ ممبران نے ان لوگوں سے فردا فردا ملاقاتیں کی اور ان کے بھی فیصلہ کیا۔ کہ آئندہ کے لئے ان دونوں فریقین میں سے کسی پر کسی قسم کی دعویداری یا مطالبہ نہیں کریں گے۔

Amir  
9/10/13

جرگہ ممبران نے ان کے درمیان مسلح و بھائی چارے کی بنیاد پر فیصلہ کیا۔ جرگہ ممبران نے فیصلہ مندرجہ ذیل ترتیب سے کیا کہ اس میں بے گناہ لوگ قتل و زخمی ہوئے تھے جس میں جرگہ نے مناسب سمجھا کہ ان سے ساتھ بھی فیصلہ ہو جائے۔ جرگہ ممبران فردا فردا ہر قتل و زخمی کا فیصلہ کیا جسکی ذمہ داری تمام تر جرگہ ممبران نے اپنے سرلی اور ان کا راضی نامہ کر دیا۔ جرگہ کے دوران کچھ غلطیاں فریقین سے سرزد ہوئی۔ جس پر جرگہ ممبران نے ایکشن لے کر ہر فریق کو ان کی غلطیاں گنوا تے۔

1. امجد نے کئی بار جرگہ ثالثان کو حراساں کیا۔
  2. جرگہ ممبران کے اجازت کے بغیر جائیداد فروخت کی جو کہ متنازعہ تھی۔
  3. جرگہ کے خلاف ورزی امجد نے کی چونکہ ایک جرگہ کو ضمانت اور اختیار دیا تھا اور دوسرا جرگہ کے دوران جناب گل کو بھجوایا۔ اس پر جرگہ ممبران نے امجد کو متفقہ طور پر 6 لاکھ جرمانہ کیا۔
  4. جناب گل نے جرگہ کے وجودگی میں امجد پر آواز کیا اور اس کے جائیداد کو بند کر دیا۔ مناسب تھا کہ وہ جرگہ سے رجوع کرتا۔ اس پر جرگہ ممبران نے متفقہ طور پر مبلغ 5 لاکھ جرمانہ کیا۔
  5. بابونور حسین عرف چیسے وغیرہ نے جرگہ ثالثان سے ضمانت کی رقم لے کر واپس نہیں کیا۔ جس پر 10 لاکھ روپے جرمانہ کیا۔
  6. احسان وغیرہ نے اپنے دشمنی کے دوران انسانی لوگوں کو قتل و زخمی کیا۔ جس کی بنا پر ممبران و ثالثان نے متفقہ طور پر ان کو 13 لاکھ روپے جرمانہ کیا۔
- مزید یہ کہ آئندہ کے لئے کسی کے جائیداد میں مداخلت یا آواز کرنا قطعاً بند ہوگا۔ کوئی بھی فریق اپنے جائیداد کو بنانے میں ایک دوسرے کے حیا کا احترام کریں گے۔ مزید اور کہ اس سے پہلے جائیداد کا جو متنازعہ تھا۔ ایک دوسرے کو انتحالات کریں گے۔ ہم دونوں فریقین سے اس بات کی توقع کرتے ہیں کہ ہمارے اس فیصلے کا احترام

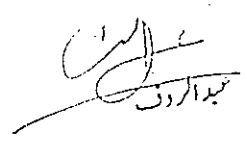
Atul  
دستخط

کرتے ہوئے ایک دوسرے کا احترام کریں اور کسی قسم کا کینہ بخش اور عداوت ایسٹ دلوں سے نکال کر اللہ تعالیٰ کو حاضر ناظر جان کر اس پر عمل درآمد کریں گے۔ جرگہ ممبران نے مناسب سمجھا کہ فیصلے کے بعد ایک دوسرے کی دعوت کا اہتمام کریں گے اور جرگہ ممبران کے ساتھ ایک دوسرے کے گھروں میں جا کر اپنی رشتہ داری کا ثبوت دیں گے جرگہ ممبران نے یہ بھی فیصلہ کیا کہ فریقین ایک دوسرے کے ساتھ عدالت پٹوار خانے نکالنے وغیرہ جہاں بھی ضرورت پڑے اس فیصلے کی روح سے جہاں بھی جس فریق کی بھی ضرورت پڑے ایک دوسرے کے ساتھ عدالتی مقدمات کے خاتمے کے لئے جائیں۔ چونکہ وقت کی کمی کی وجہ سے اور سابقہ جرگہ ممبران کی عدم موجودگی کی وجہ سے یہ جائیداد کا فیصلہ اس راضی نامہ کے بعد اسی جرگہ کی ذمہ داری میں ہے کہ انکار یہ بتایا مقبر اور خوبی سر انجام پا کر پایہ تکمیل کو پہنچے۔

467-5  
محمد یونس

  
ملک عرفان اللہ

فریق اول  
جرگہ ممبران

  
عبدالرحمن


حاجی لائق شاہ  
صدر عدالت

فریق دوم

شہنشاہ  
شہنشاہ

حاجی نور الہی  
حاجی اسلام اللہ  
ملک 201

جرگہ ثالثان

ساجد ولد وی خان  


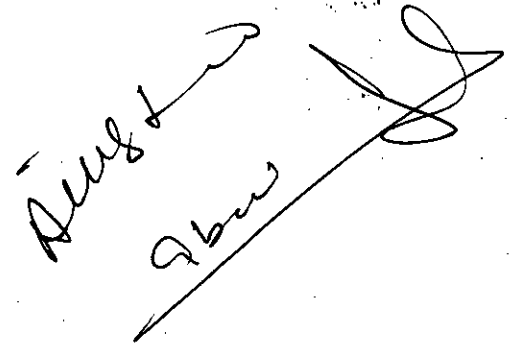
جناب گل سجاد احسان اللہ  
جناب گل سجاد احسان اللہ

فریق اول

لورٹھیں

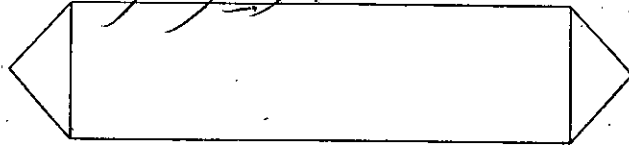
میاں نور بالو  
حصص کی

فریق دوم  
احمد  
احمد

  
ساجد

بعدالت صبر طحو خوا کسویں نر سوہو نزل

6



Appellant

کراچی 2015ء پنجاب

مورخہ

مقدمہ

دعویٰ

جرم

واجر فان

### باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ /  
 آن مقام کے لیے سندھ کی عدالت کے لیے  
 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 پر حلف دیئے جواب دہی اور اقبال دعویٰ اور  
 بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی  
 اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت  
 مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے  
 تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے  
 اور اس کا ساختہ پر داختم منظور قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے  
 سبب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں  
 گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

Appellant واجر فان وکل وکل

Accepted 20/5/15

اللہ اعلم

Safdar Hussain  
Advocate

الع د گ الع

کے لئے منظور ہے۔

مقام

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

**Service Appeal No.433/2015.**

Wajid Khan Ex- Constable No.3130 CCP Peshawar.....Appellant.

**VERSUS.**

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.
3. Superintendent of Police, HQrs, Peshawar. ....Respondents.

**Reply on behalf of Respondents No. 1, 2, & 3.**

**PRELIMINARY OBJECTIONS.**

1. That the appeal is badly time barred.
2. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
3. That the appellant has not come to this Hon'able Tribunal with clean hands.
4. That the appellant has no cause of action.
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 this Hon'ble tribunal has no jurisdiction to entertain the appeal.

**FACTS:-**

- (1) Para No 1 is not related, hence needs no comments.
- (2) Para No 2 pertains to record, hence needs no comments.
- (3) Para No 3 is correct to the extent that the appellant willfully absented himself from duty without any prior permission.
- (4) Para No 4 is incorrect. In fact the appellant did not inform his high ups regarding the situation nor applied for leave.
- (5) Para No. 5 is correct to the extent that the appellant willfully absented himself from his lawful duty w.e.f 29.03.2012 till 15.07.2014 Total (02 Years ,03 Months and 16 days, from P.S West Cantt. In this regard, he was issued charge sheet and summary of allegations vide No 6710/E/PA/SP/Hqrs dated 23.07.2012 and SDPO city was appointed as E.O. The E.O after completing inquiry recommended him for



major punishment. Upon the finding of E.O the appellant was issued FSCN and delivered him on home address through local police Bhana Mari, but according to the report of local police the defaulter official was shifted to some unknown place and his whereabouts were not known to anyone. Hence he failed to submit his reply to FSCN. After fulfilling all codal formalities, he was awarded major punishment of dismissal from service vide OB NO 2248 dated 15.07.2014 by SP/Hqrs Peshawar.(copies annexed as "A","B"and "C")

- (6) Para No 6 is correct to the extent that the appellant filed a departmental appeal before the appellate authority but was rejected/ filed because the charges leveled against him were stand proved.
- (7) Para No 7 is correct to the extent that appellant filed an appeal before the replying respondent No 1 but was rejected because he remained absent for about 02 Years,03 Months and 16 days without taking permission / leave. However second departmental appeal is not allowed under law.
- (8) That appeal of the appellant being devoid of merits may kindly be dismissed on the following grounds.

**GROUND:-**

- (A) Incorrect. The impugned orders are in accordance with Law/Rules.
- (B) Incorrect. The impugned order is legal and lawful.
- (C) Incorrect. The Appellant is a habitual absentee from his lawfull duty and he remained absent for about 02 years, 03 months and 16 days without taking permission / leave.
- (D) Incorrect. The appellant was issued charge sheet and summary of allegations .
- (E) Incorrect. A proper inquiry was conducted against him by SDPO city. He was issued show cause notice and summary of allegations. The appellant failed to appear before the E.O.
- (F) Incorrect. In fact the appellant absented himself willfully without taking any leave/ permission from his high ups.
- (G) Para pertains to record, as per para's above.

(H) Respondents also seek permission of this Honorable Tribunal to raise additional grounds at the time of arguments.

**PRAYER.**

It is therefore most humbly prayed that in light of above facts and submissions, the appeal of the appellant being devoid of merits and legal footing, may kindly be dismissed with cost.



**Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar.**



**Capital City Police Officer  
Peshawar.**



**Superintendent of Police  
HQs, Peshawar.**

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

**Service Appeal No.433/2015.**

Wajid Khan Ex- Constable No.3130 CCP Peshawar.....Appellant.


**VERSUS.**

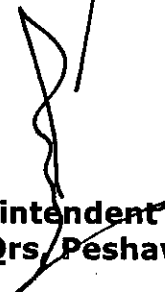
1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.
3. Superintendent of Police, HQrs, Peshawar. ....Respondents.

**AFFIDAVIT.**

We respondents 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.

  
**Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar.**

  
**Capital City Police Officer  
Peshawar.**

  
**Superintendent of Police  
HQrs, Peshawar.**

10 M/11/11

اپوزیشن کو جواب دینا  
میں نے جواب دیا ہے  
27 مارچ 2012

**DISCIPLINARY ACTION**

I, Superintendent of Police, Headquarters, Capital City Police Peshawar as a competent authority, am of the opinion that Constable Wajid No.3130 has rendered him-self liable to be proceeded against under the provision of Police Disciplinary Rules-1975

**STATEMENT OF ALLEGATION**

"That Constable Wajid No.3130 while posted at PS West Cantt: Peshawar absented himself from duty w.e.f. 29.03.2012 till date without taking permission or leave. 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 - Hashim Nagri 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. 670 /E/PA, dated Peshawar the 23/07 /2012

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

2. Official concerned

(11)

309  
270 12

**CHARGE SHEET**

270-12  
365-13  
635  
36-  
672

I, Superintendent of Police, Headquarters, Capital City Police Peshawar, as a competent authority, hereby, charge that Constable Wajid No.3130 of Capital City Police Peshawar with the following irregularities.

"That you Constable Wajid No.3130 while posted at PS West Cantt: Peshawar were absent from duty w.e.f 29.03.2012 till date without taking permission or leave. This amounts to gross misconduct on your part and is 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.

*[Signature]*  
SUPERINTENDENT OF POLICE,  
HEADQUARTERS, PESHAWAR

From:- The Deputy Superintendent of Police,  
City II Circle Peshawar.

To:- The Superintendent of Police,  
Headquarter, Peshawar.

No:- 136 /ST, Dated Peshawar the 6 / 2 /2014.

Subject:- **ENQUIRY AGAINST CONSTABLE WAJID NO.3130**

Kindly refer to your office Memo: No.670/E-PA dated 23.07.2012.

**Charges/Allegations:-** This is a departmental enquiry against Constable Wajid No.3130 of PS W/Cantt: Peshawar, on the allegations that he while posted to PS W/Cantt: Peshawar he absented himself from duty w.e.f. Vide D.D No.17 dated 29.03.2012 to till date (Total 672-days) without any permission/leave from his seniors.

The absent Const: Wajid No.3130 was Charge Sheeted W/SP-Headquarter and the undersigned was appointed as enquiry officer.

**Grounds:-** I conducted enquiry into the matter, the constable was called time and again. The Statement of the Muharrir PS W/Cantt: MASI namely Israr Khan and MASI PS Daudzai namely Wajid were recorded on phone. He stated that the defaulter constable have already absented from duty. He is not interested in his duty.

**Findings:-** Being E.O I come to the conclusion that Constable Wajid No.3130 is not interested in his official duty any more. The absence is also very huge that is 672 days without any permission. It is therefore comes under the ambit of misconduct and against the discipline of the force. The charges leveled against him are proven. The record and above statement are all goes against him and he found guilty. Hence he is recommended for major punishment if approved.

Submitted Please.

Issue Final  
Show Const notice

Superintendent of Police  
HQs: CCP Peshawar.  
23/4/14

(Aslam Nawaz)  
Sub-Divisional Police Officer  
Peshawar.

②

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**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 WAJID NO. 3130 the final show cause notice.

The Enquiry Officer, Mr. ASLAM NAWAZ, after completion of enquiry proceedings, has recommended for major punishment for you Constable WAJID NO. 3130 as the charges/allegations leveled against you in the charge sheet/statement of allegations.

And whereas the undersigned is satisfied that you Constable WAJID NO. 3130 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 absence willfully performing duty away from place of posting.

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. 670 /PA, SP/HQrs: dated Peshawar the 24/4 /2014.  
Copy to official concerned

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

Wajid Khan

.....Appellant

**VERSUS**

Provincial Police Officer and others

.....Respondents

**REJOINDER ON BEHALF OF THE APPELLANT.**

Himbly Sheweth,

Preliminary objections raised by the respondents in there reply are general in nature hence denied.

**OBJECTION ON FACTS:-**

1. Para 1 need no reply.
2. Para 2 need no reply.
3. Para 3 need no reply, but the appellant was not willfully absented from service.
4. Para No. 4 is incorrect, in fact the appellant informed his high up regarding the incident, and to this effect the appellant to fulfill all the legal requirements.



5. Para No. 5 needs no reply to the extent that the appellant informed the respondents / his high up regarding his absence time mentioned in the para, and rest of the para is incorrect, hence denied, in fact no charge sheet, no statement of allegation etc were served upon the appellant and the impugned order has been passed by the respondents which is totally illegal, unlawful, and it is well settled law and the superior courts always held in various judgments, that no one can be condemned unheard.

6. Para No. 6 to 8 needs no reply.

**OBJECTIONS ON GROUNDS:-**

A. Para A is incorrect, the impugned order is totally illegal and without lawful authority.

B. Para B is incorrect, hence denied detail reply given in the above para.

C. Para C is totally incorrect, baseless, hence denied. In fact the appellant informed his high ups through verbally as well as through mail, regarding his absence.

D. Para D is incorrect, no charge sheet and statement of allegation were served upon the appellant and passed the impugned order, which is totally illegal and is against the law and facts.

E. Incorrect, hence denied, detail reply given in the above para.

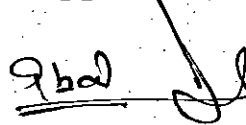
F. Para F is incorrect, hence denied.

G. Needs no reply.

It is therefore, humbly prayed that on acceptance of this rejoinder the impugned orders may kindly be set aside and the appellant may kindly be reinstated in his with all back benefits.

Through

Appellant




**SAFDAR IQBAL KHATTAK**

Advocate, High Court,  
Peshawar.

**AFFIDAVIT**

I, do hereby solemnly affirm and declare on oath that all the contents of instant **REJOINDER** are true and correct to the best of my knowledge and belief and nothing has been concealed or misstated from this Honourable Tribunal.

**DEPONENT**

10		89036
ایڈوکیٹ: <u>P. Athar</u>		پشاور بار ایسوسی ایشن، خیبر پختونخواہ
بار کونسل ایسوسی ایشن نمبر: _____		
رابطہ نمبر: _____		

Service Tribunal Peshawar

بعدالت جناب:

منجانب:	دعویٰ:
وامد خان	علت نمبر:
بنام	مورخہ:
ولیں	جرم:
	تھانہ:

**بابت تحریر آنگہ**

(مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ

آن مقام محمد علیہ رومانیہ خان، لہٹان منظر 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 بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری 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 با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخستہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 22-5-17

المقام: پشاور

نوٹ: اس وکالت نامہ کی نوٹ کو کافی تا قابل قبول ہوگی۔

Accepted  
by  
Proceed  
Dha

وامد خان