

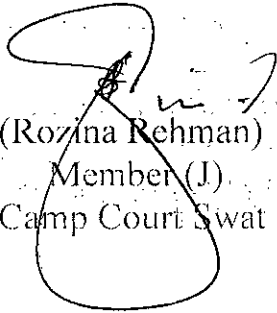
"Sangeen Vs. Police Department"

07.03.2023 Nemo for appellant.

Case was called time and again but none appeared on behalf of appellant till rising of the Bench. As such the instant service appeal stands dismissed in default for non-prosecution. No order as to costs. File be consigned to the record room.

Announced

07.03.2023



(Rozina Rehman)  
Member (J)  
Camp Court Swat

02.01.2023

Nemo for appellant.

*Counsel was informed  
Served telephonically on  
20-1-23*

Preceding date was adjourned on Reader note, therefore, notices be issued to appellant and his counsel for the next date. Adjourned. To come up for preliminary hearing on 06.02.2023 before S.B at camp court Swat.

SCANNED  
KPST  
Peshawar



(Rozina Rehman)  
Member (J)  
(Camp Court Swat)

6<sup>th</sup> Feb, 2023

Learned counsel for the appellant present and seeks time to prepare the case. Last chance is given to the appellant to advance preliminary arguments on the next date. To come up for preliminary hearing on 07.03.2023 before S.B at camp court Swat.



(Kalim Arshad Khan)  
Chairman  
Camp Court Swat

7<sup>th</sup> Feb, 2023

Learned counsel for the appellant present.

Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the case. Last chance is given to argue the case on the next date. To come up on 07.03.2023 before S.B at camp court Swat.



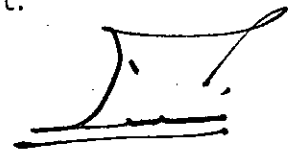
(Kalim Arshad Khan)  
Chairman  
Camp Court Swat

SCANNED  
KPST  
Peshawar

06.10.2022

Nemo for the appellant.

On previous date, notices were ordered to be issued to the appellant as well as his counsel for today's date, however on perusal of the case file, it transpired that notices have not been issued, therefore, explanation in this respect be called from the Muharrar. Notice be issued to the appellant as well as his counsel through registered post and to come up for preliminary hearing on 09.11.2022 before the S.B. at Camp Court Swat.



(Salah-Ud-Din)  
Member (J)  
Camp Court Swat

10<sup>th</sup> Nov, 2022

Due to public holiday on account of Allama Iqbal Day, the case is adjourned to 05.12.2022 for the same as before.

**SCANNED**  
**KPST**  
**Peshawar**



Reader

5.12.2022

Tour is hereby cancelled, therefore the case is adjourned to 2.1.2023 for the same as before.

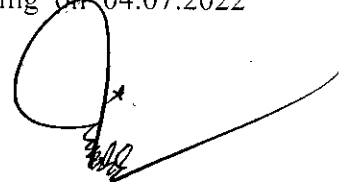


Reader

09.06.2022

Clerk to counsel for the appellant present.

On the call of Khyber Pakhtunkhwa Bar Council, District Bar Association is observing strike today, therefore, learned counsel for the appellant did not appear before the court. Adjourned. To come up for preliminary hearing on 04.07.2022 before the S.B at camp court Swat.



(Mian Muhammad)  
Member (E)  
Camp Court Swat

04.07.2022

Nemo for appellant.

Notice be issued to appellant/counsel for 02.08.2022 for preliminary hearing before S.B at Camp Court, Swat.



(Rozina Rehman)  
Member (J)  
Camp Court, Swat

7.9.22

*due to Samir's vacation the case is adjourned to 7-9-22 for the same.*



07.09.2022

Nemo for the appellant.

Previous date was changed on the strength of Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel through registered post and to come up for preliminary hearing on 06.10.2022 before the S.B at Camp Court Swat.






(Salah-Ud-Din)  
Member (J)  
Camp Court Swat

Form- A

## FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 18 /2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06/01/2022	<p>The appeal of Mr. Sangeen Khan presented today by Mr. Shahid Ali Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to touring S. Bench at Swat for preliminary hearing to be put up there on <u>9.5.2022</u></p> <p style="text-align: right;">CHAIRMAN</p>
	09.05.2022	<p>Due to non-availability of the Bench, the case is adjourned to 10.05.2022 for the same as before.</p> <p style="text-align: right;"> Reader</p>
	10.05.2022	<p>Nemo for the appellant.</p> <p>Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel through registered post and to come up for preliminary hearing on 09.06.2022 before the S.B at Camp Court Swat.</p> <p style="text-align: right;"> (Salah-Ud-Din) Member (J) Camp Court Swat</p>

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR  
CHECK LIST**

Case Title: Sangeen Khan vs DPO

S.#	Contents	Yes	No
1.	This appeal has been presented by: _____		
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	✓	
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?	✓	
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D.A.G?	✓	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?	✓	
16.	Whether appeal contains cuttings/overwriting?		✓
17.	Whether list of books has been provided at the end of the appeal?	✓	
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether Security and Process Fee deposited? on		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on		
26.	Whether copies of comments/reply/rejoinder submitted? on		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:

Sangeen Khan

Signature:

[Signature]

Dated:

06/01/2022

BEFORE THE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA AT PESHAWAR

Service Appeal No 18 -M of 2022

Sangeen Khan ..... (Appellant)


VERSUS

District Police Officer Swat and others..... (Respondents)

INDEX

S #	Description	Annexure	Pages #
1.	Appeal with certificate	---	1-5
2.	Addresses of the parties	---	6
3.	Affidavit	---	7
4.	Copy of impugned order 07/10/2013	A	8
5.	Copies of department appeal	---	9-10
6.	Copies of relevant record	---	11-13
7.	Wakalatnama	---	14

Appellant  
Through Counsel

  
SHAHID ALI

Advocate, High Court

Office: Gunbat Maira, Mingora, Swat

Cell No: 03339482465

(1)

BEFORE THE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA AT PESHAWAR

Khyber Pakhtunkhwa  
Service Tribunal

Service Appeal No. 18 -M of 2022

Diary No. 18

Dated 06/01/2022

Sangeen Khan son of Akbar Jan (Ex-Constable No. 2872,  
District Swat), resident of Mohallah Niymat Khel, Hazara,  
Tehsil Kabal, District Swat.

.....Appellant

VERSUS

1. District Police Officer, Swat at Gulkada.
2. Regional Police Officer / Deputy Inspector General  
Malakand Division at Saidu Sharif, Swat.
3. DSP City Circle Swat at P.S Mingora (Inquiry Officer)
4. Inspector General of Police Govt. of Khyber Pakhtunkhwa at  
Peshawar.....Respondents

SERVICE APPEAL UNDER SECTION 4, OF  
THE KPK SERVICE TRIBUNAL ACT, 1974,  
AGAINST THE IMPUGNED ORDER DATED  
07/10/2013, WHEREBY THE APPELLANT HAD  
BEEN DISMISSED FROM SERVICE WHEREBY THE

APPELLANT FILED THE DEPARTMENTAL  
APPEAL BEFORE THE RESPONDENT NO. 2 BUT  
THE FATE OF THE SAID DEPARTMENTAL  
APPEAL HAS NOT BEEN DECIDED YET.

Filed to-day

Registrar

6/1/2022



PRAYER IN APPEAL

On acceptance of this service appeal the order passed by Respondent No. 1 be declared as illegal, against law, void ab-initio by setting aside the same and the appelland may be reinstated on service with all back benefits.

Any other relief which is proper in the instant circumstances of the case and not specifically prayed for may also be granted in favour of the appelland.

Respectfully Sheweth,

- 1) That the appelland is initially recruited as constable in police department and from the date of appointment the appelland performed his duties honestly, devotedly upto the entire satisfaction of the high ups.
- 2) That the respondent No. 1 issued charge sheet to the appelland and same was marked to respondent No. 3 for conducting inquiry but the respondent No. 3 without summing the appelland, run one way traffic and submitted his finding report to the respondent No. 1. It is pertinent to mention here that the charge sheet and other documents are in the possession of respondent No .1 for which the appelland submitted application for granting and for placing / annexing with instant service appeal but the respondent No.1 totally ignored. So, the respondent

No. 1 may kindly be directed to produce the same before this Hon'ble Court at the time of submitting written reply. (copies of application is attached)

- 3) That respondent No.1 without giving property opportunity of hearing awarded major punishment i.e. dismissal from the service. (copy of impugned order dated 07/10/2013 is annexure "A")
  
- 4) That aggrieved from the order of respondent No. 1 the appellant filed departmental appeal before the respondent No.2 but it is pertinent to mentioned here that the fate of departmental appeal has not been decided yet by respondent No.2. (copy of department appeal is annexure B)
  
- 5) That aggrieved from the orders of respondents the appellant approaching this Honorable Tribunal for the redressal of his grievances, hence the instant service appeal on the following ground inter alia.

**GROUNDS:-**

- a. That the impugned order is void ab-initio, illegal, against the law, without lawful authority.

- b. That the inquiry so conducted against the appellant is illegal and against the law, and no rules have been followed.
- c. That the appellant has not been given opportunity of hearing as per law and rules.
- d. That the appellant has not been afforded opportunity to appear inquiry and to cross examine the witnesses.
- e. That no shows cause notice and charge sheets has been given to the appellant.
- f. That the appellant has not been given opportunity personal hearings before passing the impugned office order.
- g. That the impugned order is arbitrary, unilateral, and whimsical.
- h. That some other important grounds may be argued at the time of arguments with the prior permission of this Honorable Tribunal.

Therefore in view of the above submissions, it is most humbly prayed that on acceptance of this appeal the order passed by Respondent No.1 dated 07/10/2013 be declared as illegal,

against law, void ab-initio by setting aside the same and the appellant may be reinstated on service with all back benefits.. Any other relief which is proper in the instant circumstances of the case and not specifically prayed for may also be granted in favour of the appellant.

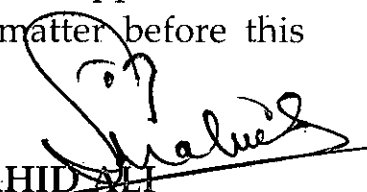
  
Appellant

Through Counsel

  
**SHAHID ALI**  
Advocate, High Court

CERTIFICATE:

(As per directions of my client) No such like Appeal earlier has been filed by the appellants on the subject matter before this Honorable Court.

  
**SHAHID ALI**  
Advocate, High Court

6

BEFORE THE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA AT PESHAWAR

Service Appeal No \_\_\_\_\_ -M of 2022

Sangeen Khan .....(Appellant)

VERSUS

District Police Officer Swat and others..... (Respondents)

ADDRESSES OF THE PARTIES

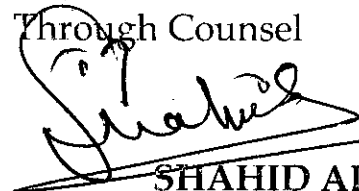
APPELLANT

Sangeen Khan son of Akbar Jan (Ex-Constable No. 2872, District Swat), resident of Mohallah Niymat Khel, Hazara, Tehsil Kabal, District Swat.

Respondents

1. District Police Officer, Swat at Gulkada.
2. Regional Police Officer / Deputy Inspector General Malakand Division at Saidu Sharif, Swat.
3. DSP City Circle Swat at P.S Mingora (Inquiry Officer)
4. Inspector General of Police Govt. of Khyber Pakhtunkhwa at Peshawar.

Appellant  
Through Counsel



**SHAHID ALI**  
Advocate, High Court

7

BEFORE THE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA AT PESHAWAR

Service Appeal No \_\_\_\_\_ -M of 2022

Sangeen Khan .....(Appellant)

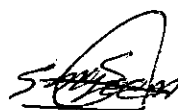
VERSUS

Govt. of Khyber Pakhtunkhwa & others..... (Respondents)

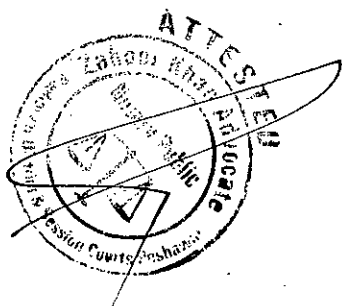
AFFIDAVIT

I, Sangeen Khan son of Akbar Jan (Ex-Constable No. 2872, District Swat), resident of Mohallah Niymat Khel, Hazara, Tehsil Kabal, District Swat, do hereby solemnly affirm and declare on oath that the contents of the above titled Appeal is true and correct to the best of my knowledge and belief.

DEPONENT



Sangeen Khan



ORDER

This order will dispose off the departmental enquiry against Constable Sangeen No.2872 who absented himself from his lawful duties without prior permission or leave vide D.D. No.73 w.e.f. 03-10-2012 to date.

He was issued Charge Sheet alongwith Statement of Allegations and DSP/City Swat was deputed as Enquiry Officer. The Enquiry Officer conducted proper departmental enquiry against the delinquent Officer and recorded the statements of all concerned officers. He provided ample opportunity to the delinquent officer to present justification for his absence from lawful duties. After conducting proper departmental enquiry, the Enquiry Officer submitted his findings wherein he recommended the delinquent officer for Major Punishment. Consequently he was issued Final Show Cause Notice with the direction to submit his reply within seven days of the receipt of Final Show Cause Notice. He was called in Orderly Room for several times but he did not appear to present plausible defense for his absence from duties.

Having perused his Service Record, it was patently evident that the delinquent officer Constable Sangeen No.2872 is addicted to habitual absenteeism and is not interested to continue his service. For his unlawful absence from duties he has been dismissed from service vide O.B. No.143, dated 07-10-2013. Foregoing in view the undersigned is of considered opinion that there are no chances that Constable Sangeen No.2872 can become an efficient Police Officer. His further retention in the service is bound to affect the discipline of the entire force. In exercise of the powers vested in the undersigned in Rules 2 (iii) of Police Disciplinary Rules-1975, I, Sher Akbar S.St. P.S.P. District Police Officer, Swat as a competent authority am constrained to award him the punishment of dismissal from service from the date of his absence.

  
District Police Officer, Swat.

O.B. No. 163  
Dated 7/10 /2013.

\*\*\*\*\*

C.T.C

  
Shalid Adil  
District Police Officer Swat  
Count

23.7.13

بھضور جناب ڈپٹی انسپکٹر جنرل صاحب محکمہ پولیس ملاکنڈ ریجن سیدوشریف سوات۔

اپیل بدیں مراد کہ سائل کو بوجہ غیر حاضر بروئے حکم OB No.163 مورخہ 07/10/2013  
برخواست کیا گیا ہے سائل خواہستگار ہے کہ سائل کی اپیل منظور فرما کر سائل کو حسب سابق جملہ مراعات  
سمیت بحال کرنے کا حکم صادر فرمایا جائے۔

جناب عالی! سائل ذیل عرض رساں ہے۔

(۱) یہ کہ سائل ضلع سوات ڈسٹرکٹ پولیس میں بحیثیت کانٹریبل تعینات ہوا۔ اور

سائل نے بطریقہ احسن اپنی ڈیوٹی سرانجام دی ہے اور افسران بالا کو کبھی بھی  
کوئی شکایت کا موقع فراہم نہیں کیا ہے۔

(۲) یہ کہ سائل بدوران ڈیوٹی غیر حاضر ہوا تھا جسکی پاداشت میں سائل کو برخاست

کیا گیا ہے لیکن سائل کی غیر حاضری قصداً عمدانہ تھی بلکہ سائل نجی گھریلو انتہائی  
Serious مسائل کی وجہ سے اپنی ڈیوٹی پر بروقت حاضر نہیں ہوا تھا۔

(۳) یہ کہ سائل اپنے خاندان کا واحد کفیل اور سربراہ ہے اور مذکورہ مسائل سائل ہی

نے از خود تصفیہ کرنے تھے اس وجہ سے سائل غیر حاضر ہوا تھا۔

(۴) یہ کہ سائل عہد کرتا ہے آئندہ حکام بالا کو کسی قسم کی شکایت کا موقع فراہم نہیں

کریگا۔

(۵) یہ کہ سائل پولیس میں اپنی خدمات پیش کرنے کے خاطر انتہائی شوق سے بھرتی

ہوا ہے۔



CTC



(۵) یہ کہ سائل انتہائی غریب خاندان سے تعلق رکھتا ہے اور سائل کی تنخواہ سے

پورے خاندان کی کفالت ہوتی ہے۔ اور کوئی دوسرا ذریعہ معاش نہ ہے۔ جبکہ

سائل اپنے خاندان کا سربراہ ہے اور سائل کی تنخواہ ہی سے سائل اپنی اور اپنے

اہل و عیال کی کفالت کرتا ہے۔

07  
13  
2013

صو اظ

لہذا استدعا ہے کہ بمنظوری اپیل ہذا حسب مستدعیہ سائل کو حسب

سابق بمعہ جملہ مراعات اپنی ڈیوٹی سرانجام دینے کا حکم صادر فرمایا

جائے تو سائل بمعہ اہل و عیال تاحیات دعا گورہیگا۔

عریض

سنگین خان سابقہ کنسٹیبل نمبر 2872

CTC

بخدمت جناب DPO صاحب ضلع سوات

درخواست بمراء عطائیگی مکمل مسل انکواری نقولات از سائل / سنگین خان

جناب عالی! حسب ذیل عرض ہے۔

(۱) یہ کہ سائل ضلع سوات ڈسٹرکٹ پولیس میں بحیثیت کانٹریبل تعینات ہوا۔ اور سائل نے بطریقہ احسن اپنی ڈیوٹی سرانجام دی ہے اور افسران بالا کو کبھی بھی کوئی شکایت کا موقع فراہم نہیں کیا ہے۔

(۲) یہ کہ سائل بدوران ڈیوٹی غیر حاضر ہوا تھا جسکی پاداشت میں سائل کو برخاست کیا گیا ہے لیکن سائل کی غیر حاضری قصداً غمداً نہ تھی بلکہ سائل نجی گھریلو انتہائی Serious مسائل کی وجہ سے اپنی ڈیوٹی پر بروقت حاضر نہیں ہوا تھا۔

(۳) یہ کہ سائل کو مکمل مسل انکواری کے نقولات درکار ہے۔

لہذا استدعا ہے کہ بمنظوری درخواست ہذا حسب استدعا عنوان




درخواست احکامات صادر فرمائی جائے۔

7/12/2012 مورخہ


عریضہ

سائل / سنگین خان سابقہ کنٹریبل نمبر 2872

CTC

 <p>بار کونسل نمبر: 5540-14          بار ایسوسی ایشن نمبر:          رابطہ نمبر: 0346-5182779</p>	<p>سرینمبر: 9143</p>   <p>ڈسٹرکٹ بار ایسوسی ایشن سوات</p>
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عدالت جناب: سروس ٹریسٹریبل / کسٹومرز کورٹ / گل کورٹ سوات

<p>منجانب: سائل / پیشینہ</p>  <p>منگلین خان</p>	<p>دعویٰ اور خواست: سروس اسٹریبل</p> <p>علت نمبر:          مورخہ:          جرم:          تھانہ:</p>
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**بابت تحریر آئیکہ**

منجانب: پیشینہ - منگلین خان ولد انس خان  
 سکتہ حملہ نفخت عیال سوارہ شخص اسٹریبل سوات


مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے برائے پیروی مقدمہ

آن مقام گل کورٹ سوات کیلئے شہادت لکھی: امیر ولد دھانی کورٹ کو مقرر کر کے  
 اقرار کیا جاتا ہے، کہ صاحب موصوف کو مقدمہ کی کل کارروائی کو کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ  
 کرنے و تقرر ثالث کرنے، دعویٰ، جواب، دعویٰ، اقبال، دعویٰ، اور درخواست برائے سرسنگی مقدمہ، منسوخی ڈگری  
 یکطرفہ، اجراء و پیروی کرنے کا مختار ہوگا نیز دائر کرنے اپیل نگرانی، نظر ثانی و پیروی کرنے کا مختار ہوگا۔ اور مقدمہ  
 مذکورہ کیلئے کل وقتی یا جزوی کارروائی کیلئے کسی دیگر وکیل یا مختار قانون کو اپنے ہزارہ یا اپنے بجائے تقرر کا اختیار ہوگا  
 اور صاحب مقرر شدہ کو بھی جملہ مذکورہ اختیارات حاصل ہوں گے، اور اس کا ساختہ و پرداختہ منظور قبول ہوگا، بدوران  
 مقدمہ جو خرچہ و ہر جانہ کسی بھی نسبت سے حاصل ہوگا، وہ وکیل موصوف وصول کرنے کا حقدار ہوگا، کوئی تاریخ پیش  
 مقام مذکورہ بالا سے باہر ہو، تو وکیل صاحب پیروی مقدمہ کرنے کے پابند نہ ہوں گے، مقدمہ کسی عدالت میں بعدم  
 پیروی خارج ہونے یا ڈگری یکطرفہ ہونے کے صورت میں وکیل صاحب ذمہ دار نہیں ہوں گے،

لہذا وکالت نامہ لکھ دیا کہ سندر ہے

مقام گل کورٹ سوات کے لئے منظور ہے۔

Accepted  
By A.C.C.

  
ایڈوکیٹ دستخط:

المقوم: