

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1946 /ST

Dated 22 / 11 / 2016

To


The D.P.O
Swat.

Subject: -

JUDGMENT

I am directed to forward herewith a certified copy of Judgement dated 9.11 .2016 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

S. No.	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	09.11.2016	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, CAMP COURT SWAT</u></p> <ol style="list-style-type: none"> 1. Appeal No. 891/2015, Khalid Khan, 2. Appeal No. 892/2015, Haidar Zaman, 3. Appeal No. 893/2015, Anwar Saddat Jan, <p style="text-align: center;">Versus Inspector General of Police, Khyber Pakhtunkhwa Peshawar and 2 others.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:</u></p> <p>Counsel for the appellants and Mr. Muhammad Zubair, Senior Government Pleader alongwith Khawas Khan, Sub Inspector for respondents present.</p> <ol style="list-style-type: none"> 2. This judgment shall dispose of the instant service appeal No. 891/2015 as well as service appeal No. 892/2015 titled "Haider Zaman Versus Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and 2 others" and service appeal No. 893/2015 titled "Anwar Saddat Jan versus Inspector General of Police, Khyber Pakhtunkhwa Peshawar and 2 others" as identical questions of facts and law are involved in the afore-stated service appeals. 3. Brief facts of the cases of the appellants are that appellants were inducted in police service and while serving so appellant Khalid Khan allegedly absented himself for 23 days, appellant Haider Zaman allegedly absented himself for 74 days and appellant Anwar Saddat Jan allegedly absented himself for 12 days and as such they were discharged from service under Rule 12.21 of Police Rules vide order dated 15.11.2007. Aggrieved from the said orders they preferred service appeals before this Tribunal which were

~~A~~
09.11.16

allowed vide judgment dated 26.03.2015, and their cases were remanded to the appellate authority for consideration and decision. Vide impugned orders dated 01.07.2015 communicated to the appellants on 27.07.2015 their appeals were rejected and hence the instant service appeals.

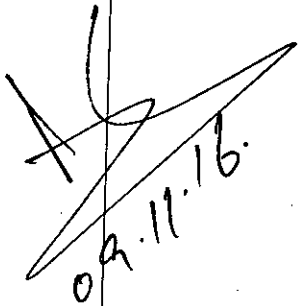
4. Learned counsel for the appellants has argued that neither any enquiry was conducted nor any opportunity of hearing was afforded to the appellants. That Rule- 12.21 of Police Rules was erroneously applied to the cases of the appellant and that despite directions of the Tribunal for extending similar treatment to the appellants in the mode and manners extended to constable Fazle Malik, the appellate authority failed to reinstate the appellants in service.

5. In support of his stance learned counsel for the appellant has placed reliance on case-laws reported as 1992-PLC(C.S)571 (Punjab Service Tribunal), PLD 1974-Supreme Court-393 and 2001-PLC (C.S)990 (Supreme Court of Pakistan).

6. Learned Senior Government Pleader has argued that the departmental appeals of the appellants were rightly rejected by the appellate authority. That the enquiry was not conducted as the appellants were discharged from service under P.R 12.21 as they showed cowardice. That the case of Fazle Malik was different from the cases of appellants and as such the appeals of the appellants are liable to dismissal.


7. We have heard arguments of learned counsel for the parties and perused the record.

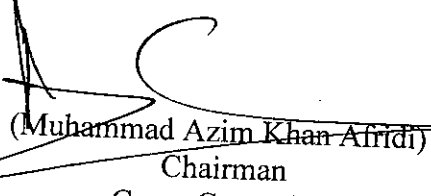
8. It is evident from the record that the appellants were not discharged from service as a result of any departmental enquiry and as such it is established that no regular enquiry whatsoever was conducted as required under the rules.


09.11.16.

9. The impugned orders dated 15.11.2007 would reveal that one Fazle Malik Constable No. 141 was also discharged from service in the same year in which the appellants were discharged and for the same reason i.e. alleged wilful absence. The said constable Fazle Malik preferred service appeal before this Tribunal which was decided vide judgment dated 15.06.2009 and while accepting the appeal the said Fazle Malik was reinstated in service with the directions to the respondents to conduct a proper enquiry within a period of 2 months from the date of receipt of this judgment.

10. Since the appellants are similarly placed civil servants as such we are constrained to accept the present appeals, set aside the impugned orders and direct the competent authority to reinstate the appellants in service where-after they may be subjected to departmental enquiry in the mode and manners prescribed by rules, if need be and within a period of 2 months from the date of receipt of this judgment. Issue relating to financial and other services benefits from the date of discharge from service till the date of reinstatement in service shall be subject to outcome of departmental enquiry. Parties are left to bear their own costs. File be consigned to the record room.


(Abdul Latif)
Member



(Muhammad Azim Khan Afridi)
Chairman
Camp Court, Swat.

09.11.16

ANNOUNCED
09.11.2016


3.2.2016

Appellant in person and Mr. Khawas Khan, SI (Legal) alongwith Mr. Ameer Qadir, GP for respondents present. Written reply submitted. The appeal is assigned to DB for rejoinder and final hearing for 2.8.2016 at Camp Court Swat.


Chairman
Camp Court Swat

02.08.2016

Appellant with counsel and Mr. Khawas Khan, S.I (Legal) alongwith Mr. Muhammad Zubair, Sr.GP for the respondents present. Rejoinder submitted. Due to non-availability of D.B arguments could not be heard. To come up for final hearing on 09.11.2016 before D.B at camp court, Swat.


Chairman
Camp court, Swat.

12.08.2015

Appellant Deposited
Security & Process Fee

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was initially discharged from service vide order dated 15.11.2007 on the allegations of wilful absence during the days of militancy in PATA. That after pursuing his case he finally preferred service appeal which was disposed of by this Tribunal vide judgment dated 26.3.2015 directing the Provincial Police Officer to provide opportunity of hearing to the appellant and disposed of his grievances in manners extended to similarly placed employees. That vide impugned final order dated 1.7.2015 the departmental appeal was rejected constraining the appellant to prefer service appeal on 4.8.2015.

That the alike treatment was not extended to the appellant despite directions of this Tribunal.

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 6.10.2015 at Camp Court Swat as the matter pertains to the territorial limits of Malakand Division.


Chairman


5.10.2015

None present for appellant. Mr. Khawas Khan, S.I (legal) alongwith Mr. Muhammad Zubair, Sr. GP for respondents present. Requested for adjournment. To come up for written reply/comments on 7.12.2015 before S.B at Camp Court Swat.


Chairman
Camp Court Swat

7.12.2015



Appellant in person and Mr. Khawas Khan, S.I (legal) with Assistant A.G for respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 3.2.2016 before S.B at Camp Court Swat.


Chairman
Camp Court Swat

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 891 /2015

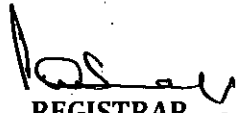
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	07.08.2015	<p>The appeal of Mr. Khaled Khan resubmitted today by Mr. Aslam Khan Khattak Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	10-8-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>12-8-15</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Khaled Khan Ex-Constable No. 12/RR received to-day i.e. on 04.08.2015 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures-A and G of the appeal are illegible which may be replaced by legible/better one.

No. 1156 /S.T,

Dt. 04/8 /2015


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Aslam Khan Khattak Adv. Pesh.

Re-Submitted after completion please.

ash
7.8.2015

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Appeal No. 891 of 2015

Khalid Khan, Ex-Constable No.15/RR Appellant


VERSUS

Inspector General of Police, KPK, Peshawar & others
..... Respondents

Index

S.No.	Description of documents	Annexure	Pages
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3.	Sickness of appellant's Son	"B"	9-12
4.	Departmental appeal	"C"	13
5.	Judgment dated 26/03/2015	"D"	14-16
6.	Impugned order dated 01/07/2015	"E"	17
7.	Reinstatement of 253 constables	"F"	18-24
8.	Judgment dated 15/06/2009	"G"	25-26
9.	Vakalat Nama	In original	

خالد خان
Dated 04/08/2015 Appellant
Through


Aslam Khan Khattak
Advocate, High Court,
Peshawar

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Appeal No. 891 of 2015

**K.W.F. Province
Service Tribunal**

Diary No. 935

Dated 04-8-2015

Khalid Khan, Ex-Constable No.15/RR
R/o Shontala Tehsil Samar Bagh, District Lower Dir.
... .. Appellant

VERSUS

- 1- Inspector General of Police, KPK, Peshawar
 - 2- Deputy Inspector General of Police, Kalakand Region, Saidu Sharif Swat.
 - 3- District Police Officer, Swat
- Respondents

u/s 4 of KPK Service Tribunal Act/1974

APPEAL AGAINST THE IMPUGNED ORDER
DATED 15/11/2007 VIDE ANNEXURE "A"
WHEREBY THE APPELLANT HAS BEEN
DISCHARGED FROM SERVICE FROM
24/10/2007 AND ALSO AGAINST THE FINAL
IMPUGNED ORDER DATED 01/07/2015 VIDE
ANNEXURE "E" COMMUNICATED ON
27/07/2015 WHEREBY DEPARTMENT
APPEAL HAS BEEN REJECTED.

Prayer;

On acceptance of appeal, the two impugned orders at Annexure A&E may be set aside and the appellant may be reinstated in service with all back benefit.

Handwritten signature and date: 4/8/15

Handwritten note: re-submitted to-CAJ and filed.

Handwritten signature and date: 7/8/15

Respectfully Sheweth;

The appellant respectfully submits as under;

- 1- That the appellant having been inducted in service on 10/05/2006.
- 2- That the appellant throughout his whole service has satisfactorily performed his duties to the entire satisfaction of his superior.
- 3- That the son of the appellant was seriously sick and the appellant with proper permission went to his home for his treatments vide Annexure "B".
- 4- That the appellant after his treatment of his son was not permitted by the terrorists to join his duty.
- 5- That the appellant has filed his departmental appeal on 02/03/2011 vide Annexure "C" and after expiry of 90 days has filed an appeal before this Hon'ble Tribunal which was disposed of on 26/03/2015 vide judgment at Annexure "D".
- 6- That the certified copy of the judgment dated 26/03/2015 was sent to respondent No.1 who rejected the appellant's departmental appeal vide impugned order dated 01/07/2015 at Annexure "E".

7- That the appellant has no other adequate remedy except to approach this Hon'ble Tribunal on an appeal for redressal of his grievances on the following grounds:

GROUND:

A- That the impugned order dated 15/11/2007 at Annexure "A" has been given retrospective effect which is patently an illegal order which cannot be given any effect to under the law.

B- That no charge sheet, summary of allegation and show cause notice has been served on the appellant, to this effect both the impugned order dated 15/11/2007 and 01/07/2015 are illegal and may be set aside. It is further submitted that no regular inquiry in the matter has been conducted which led to the conclusion that the charges levelled the appellant have not been proved. To this regard both the impugned orders are liable to be set aside.

C- That respondent No.2 has reinstated 253 constables in service from the date of their dismissal vide Annexure "F" and so the appellant also deserves the same treatment under the law.

D- That the charges of absence from duty is a petty misconduct and the discharge from service on such charges is an extremely a very harsh punishment which is not permissible under the law.

E- That Fazal Malik, Constable who was discharged from service under police Rules 12.21 vide impugned order dated 15/11/2007 at Annexure "A" has been reinstated by this Hon'ble Tribunal vide judgment dated 15/06/2009 at Annexure "G". So the appellant also deserves the same treatment under the law.

F- That the following constables who were discharged from service under PR 12.21 have also been reinstated in service as revealed from the list of 253 Constables who have been reinstated in service:-

S.No.	Designation	Name of Constable	S.No.
1.	Constable	Gohar Ali No.625	88
2.	Constable	Inam Ullah No.1145	169
3.	Constable	Rehmat Ali No.496	173
4.	Constable	Farman Ali No.217/RP	180

5.	Constable	Farhad Ali No.127	207
6.	Constable	Zia Ullah No.9/PR	222
7.	Constable	Sher Zaman No.1167	229

So the appellant may be given the same relief as per law.

G- That the appellant during his whole period of absence from duty was surrounded by the terrorists and was unable to report for duty.

H- That the two impugned orders dated 15/11/2007 and 01/07/2015 at Annexure "A&E" are illegal, malafide, without jurisdiction and without lawful authority and are liable to be set aside.

I- That the appellant seeks leave of this Hon'ble Tribunal to rely on additional grounds at the time of arguments.

It is, therefore, prayed that on acceptance of appeal, the two impugned orders dated 15/11/2007 at Annexure "A" and dated 01/07/2015 at Annexure "E" may be set aside and the appellant may be reinstated in service with all back benefits.

Dated 04/08/2015. *خالد خان*
Appellant
Through

aslam
Aslam Khan Khattak
Advocate, High Court,
Peshawar

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Appeal No. _____ of 2015

Khalid Khan, Ex-Constable No.15/RR... .. Appellant

VERSUS

Inspector General of Police, KPK, Peshawar & others
... .. Respondents

AFFIDAVIT

I, Khalid Khan, Ex-Constable No.15/RR R/o Shontala Tehsil Samar Bagh, District Lower Dir do hereby solemnly affirm and state on oath that the impugned order dated 01/07/2015 was communicated to me on 27/07/2015. The above statement is true and correct to the best of my knowledge and belief and nothing wrong has been stated by me in the matter



خالد خان
DEPONENT

BETTER COPY

ORDER

The following under three years constables are hereby discharged from service under police Rules 12,21 from the dates noted against their names for the will-full absence from the duty in the high emergency in the District. They were called to the report but or account of cowardice failed to report. They are discharged from the date of absence.

- 1- Const: Fazal Malik No.143 / RR with effect from 02/11/2007
- 2- Const: Syed Ihsanullah No.1465 with effect from 31/10/2007
- 3- Const: Farman Ali No.217/RR with effect from 03/11/2007
- 4- Const: Inamullah No.1145 with effect from 06/11/2007
- 5- Const: Ziaullah No. 9/RR with effect from 4/11/2007
- 6- Const: Khalid Khan No.15/RR with effect from 24/10/2007

District Police Officer, Swat

OB No: 184
Dated 15/11/2007

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ast

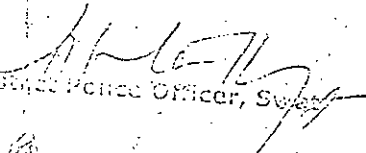
Annexure A

3

ORDER

The following under Three years Constables are hereby discharged from service under police Rules 12.21 from the dates noted against their names for the will-full absence from the duty in the high emergency in the District. They were called to the report but on account of cowardice ~~did not~~ to report. They are discharged from the date of absence.

1. Const: Fazal Malik No. 147/RR with effect from 2.11.2007
2. Const: Syed Insanullah No. 1459 with effect from 31.10.2007
3. Const: Farnan Ali No. 217/RR with effect from 3.11.2007
4. Const: Inmaullah No. 1145 with effect from 5.11.2007
5. Const: Ziaullah No. 9/RR with effect from 4.11.2007
6. Const: Khlid Khan No. 15/RR with effect from 24.10.2007


District Police Officer, Sui

OR No 154
25.10.11 2007

ATTESTED



Anneexure B

Treatment at Home:

گھر پر علاج

- 1/2 Oxidol Soap
 - Syz FL agy
 - Syz Vomulux
 - Syz CP S

TAB: CIPROQUINE
250/500mg

Cap: Sante
20mg

Tab/Syz: BISMOL

TEHSIL HEAD QUARTER HOSPITAL
 SAMAR BAGH
 MEDICAL UNIT

Dr. Iqbal Hussain
 M.B.B.S.
 F.C.P.S (I) (Medicine)

Pt. Name: محمد علی Admission No: 1801/126
 F/Name: محمد علی Age: 17 Sex: Male
 D/A: 22/10/07 D/D: 26/10/07
 Address: Mirpur

Diagnosis: G.F

Condition At Discharge: Satisfactory

(#)
(9)

TESTED
ad

Investigation:

HB - 9.6 1"

- TLC 9700

Wc R/E N.A.D

Treatment at Hospital:

all 10

710 505

- inj Oxidol 500mg
Ciproquinolone

- inj granulato
1/2 710 505

- OR S

Inj: Clavox 1G/500/250

Tab: Ciproquin

Cap: Sante

OUT-DOOR PATIENT'S TICKET

Institution: T-H-Q Samarbhaj
District: DIR



Yearly OPD No. 59406

Name: محمد علي
Father's/Husband's Name: N/A
Age: _____ Sex: _____ Address: مكة
Health Problem/Diagnosis: BE E ARI
Patient Seen By: _____

Date(s)	History/Clinical Findings/Action Taken
5-11-07	- In isolation CC - 10" - by referral of Dr. [Signature] - by Antial (C) [Signature]
	- [Signature]

OUT-DOOR PATIENT'S TICKET

Institution: T-H-Q Samarbhaj
District: DIR



Yearly OPD No. 61337

Name: محمد علي
Father's/Husband's Name: _____
Age: _____ Sex: _____ Address: مكة
Health Problem/Diagnosis: Rec. H, URI, GF, Fever
Patient Seen By: Partial Response to previous medication

Date(s)	History/Clinical Findings/Action Taken
15-11-07	Ref B chld of DHQH. TMG for expert investigations and management and admission
15-11-07	

(10)

ATTESTED
[Signature]

Institution: T.H.O. Samarbhaga
 District: DIL

Yearly OPD No. 60119

Name: M. G. S. /
 Father's/Husband's Name: _____
 Age: _____ Sex: _____ Address: Vijay
 Health Problem/Diagnosis: LRTI & Pyrexia
 Patient Seen By: _____

Date(s)	History/Clinical Findings/Action Taken
8-11-07	R - <u>Sym methyl 250</u> " " - <u>Sym Alant 60</u> " " - <u>Sym Febrol (10)</u> " "

- Sym mucomyg
 " "
Op

OUT-DOOR PATIENT'S TICKET

Institution: T.H.O. Samarbhaga
 District: DIL

Yearly OPD No. 60735

Name: M. G. S. /
 Father's/Husband's Name: _____
 Age: _____ Sex: _____ Address: Vijay
 Health Problem/Diagnosis: Renal GB. cough
 Patient Seen By: _____

Date(s)	History/Clinical Findings/Action Taken
13-11-07	R - <u>21. Omis 22</u> - <u>24. Oxidil 1gm (7)</u> " " " " - <u>3. Gaseil 250 (5)</u> " " " " - <u>6. Sigmil</u> " " " " - <u>ORL (10)</u> " " " "

ad

12

GS&PD. NWFP. 75FS.50000P. Of 100--15-1-2003-(34)

Medical No:2

No:

06/20

Rs. 5/-

OUT-PATIENTS DEPARTMENT D.H.O. T/Gara

NAME

G83206

YEARLY NO

DATE

22 JUN 2007

16ms

40 Lm - Since 2007
vaidy - nvr

Ad
CR

DLT
R/B

FACE VALUE RUPEES 5/-

GS&PD. NWFP. 75FS.50000P. Of 100--15-1-2003-(34)

Medical No:2

No:

06

Rs. 5/-

OUT-PATIENTS DEPARTMENT D.H.O. T/Gara

NAME

YEARLY NO

152654

DATE

10 JUN 2007

FACE VALUE RUPEES 5/-

R. Spp Folw

17/11

Spp Tepran

10/11

Spp Aceflogly

17/11

h

حکومت جناب ڈی آئی جی صاحب صلح سہولت بلا لنگہ ڈیویشن

Annexure

محلہ اہل بکراہ بحالی ملک زمت

(13)

بمقتبہ سابقہ تقایا جات

مناجات عالی

گزارش ہے کہ میں ملک زمت سے بحورفہ $\frac{15}{2007}$

مرفعات کیا گئے ہوں۔ اب میں بوجہات ذیل بحالی
کے استدعا کرتا ہوں۔

مناجات

(۱) یہ کہ بوجہ گذشتہ نشیمنی اور طالبان کے دباؤ

کیوجہ سے سائل ڈیوٹی پر حاضر نہ ہو سکا جبکہ

دوسرے ساتھی بحالی کے لیے حاضر ہوئے۔ تو اصول

مساوات کی بنیاد پر مجھے بھی بحالی کیا جائے۔

(۲) یہ کہ سائل انتہائی عزیز اور شریف خاندان

سے تعلق رکھتا ہے۔ اور سائل کا کنبہ ۱۵ افراد پر

مشتمل ہے۔ اور سائل کے علاوہ اور کوئی ذریعہ معاش

نہیں ہے۔

(۳) یہ کہ سائل ایک زوجہ اور میراث پاس ہے۔

لہذا استدعا ہے کہ سائل کو اپنی ملازمت

پر بحالی کا حکم بمعہ سابقہ تقایا جات صادر فرمایا

جاسکے۔

غلامرضا

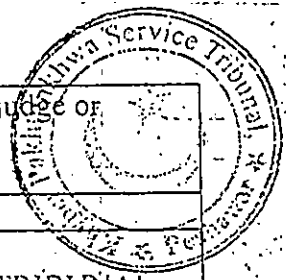
آئی فوٹو فرما کر خاندان سابقہ کانسٹیبل نمبر ۱۵

سالہ شونٹالہ تحصیل شمر باغ صلح کوٹر ڈیویشن

$\frac{3}{2007}$

ATTACHED

Annexure 14



Sr. No.	Date of order/ proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3.
	26.03.2015	<p align="center"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></p> <p align="center">Service Appeal No. 1188/2011 Khalid Khan Versus Inspector General of Police, KPK Peshawar etc.</p> <p align="center"><u>PIR BAKHS SHAH</u> - Counsel for the appellant (Mr. Aslam Khan Khattak, Advocate) and Mr. Muhammad Jan, GP with Khawas Khan, SI (Legal) for the respondents present.</p> <p>2. The appellant Khalid Khan Ex-Constable No. 15/RR, Anwar Sadat Jan, Ex-constable No. 31/RR, and Haider Zaman, Ex-constable No. 12/RR were discharged from service by way of the impugned orders passed by the District Police Officer, Swat on the ground of their absence from duty. Having failed to get relief from the departmental appeal, they have filed service appeals No. 1188/2011, 1189/2011, & 1190/2011 respectively before this Tribunal under Section 4 of the Service Tribunal Act, 1974.</p> <p>3. Arguments heard and record perused.</p> <p>4. The learned counsel for the appellant submitted that the appellants are of Malakand Division which was in the grip of tumultuous situation at the relevant time, as a result whereof performance of duty for the police officials was not possible in the circumstances which resulted into sacking of hundreds of officials including the present</p>

ATTENDED

Khalid Khan
Service Tribunal
Peshawar

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appellants. It was further submitted that to address the issue a committee was constituted as a result whereof almost 253 employees were reinstated per list provided by the learned counsel for the appellant. That the appellant could not make appearance before the committee within the stipulated period. It was further submitted that no opportunity of personal hearing was provided, no charge sheet or show cause notice was served on the appellants and no enquiry conducted against the appellants, therefore, the impugned orders are unlawful and not maintainable. The learned counsel for the appellant prayed that the impugned orders may be set aside and the appellants may be reinstated into service with all back benefits.

5. The learned Government Pleader resisted the appeal on the ground that the appeals are time barred. It was further submitted that as the appellants were on probation, therefore, they were rightly discharged from service under Rule 12.21 of Police Rules.

6. The Tribunal heard the learned counsel for the parties at length and perused the record with their assistance.

7. The legal aspect of the case would be as to whether the appellants could be discharged under the Police Rules in the presence of the overriding Khyber Pakhtunkhwa Removal from Service (Special Powers) Ordinance, 2000 in

ATTACHED
BY
RESISTED

ATTACHED

which penalty of discharge is not one of the penalty given in the list of penalties. This being so, we have seen the list available on the file dated 30.11.2010, which shows that almost 253 police officials were reinstated into service.

8. After hearing the learned counsel for the parties as well as perusal of the record, the Tribunal is of the view that the case of the appellants on factual side are at par with those who were reinstated into service. Hence, without going deep into discussion at this stage, the Tribunal is of the considered opinion to remit the cases for consideration of the respondent No. 1 (Provincial Police Officer) to provide opportunity of hearing to the appellants so that their allegation of discrimination that they have not been treated at par with other employees who have been reinstated in service, may be addressed. The appeals are disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
26.03.2015.

Sd/- Mr. Bahadur Shah
Member
Sd/- Abdul Latif
Member

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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Date



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

Annexure E

(17)

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 Khalid Khan No. 15/RR of Range Reserve District Swat against the Punishment order i.e discharge from service against the appellant by DPO/Swat vide his order Book No. 184 dated 15.11.2007.

In the light of recommendations of Appeal Board meeting held on 18.06.2015, 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.

As per decision of the KPK Service Tribunal, Peshawar dated 26.03.2015, the said Ex-official was heard in detail. Record perused. The said official was discharge from service by DPO/Swat under Police Rules 12.21 on the charge of absence from duty in the high emergency in district Swat. At the time of discharge from service, the total service of the said Ex-official was 1 ½ years and earned 02 half entitlements during short period of service. The said Ex-official failed to offer any reason for his absence from duty during the time when his services were needed most in the district.

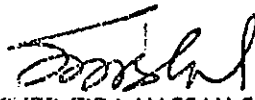
Keeping in view the above facts and his desertion from duty, his appeal is rejected.
Order announced in the presence of appellant.

Sd/-
NASIR KHAN DURRANI
Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

No. 8579-85/E-IV dated Peshawar the 01/07/2015

Copy of above is forwarded to the:-

1. Deputy Inspector General of Police, Malakand Region, Swat.
2. District Police officer, Swat. The Service Roll, Fauji Missal and Departmental Enquiry file of above named Ex-Constable are returned herewith for record in your office.
3. Examiner Khyber Pakhtunkhwa Service Tribunal Peshawar w/r to decision dated 26.03.2015.
4. PSO to IGP/Khyber Pakhtunkhwa Peshawar.
5. AIG/Legal CPO Peshawar w/r to his report dated 22.05.2015. the original file is also returned herewith.
6. PA to Addl: ICP/HQrs Khyber Pakhtunkhwa, Peshawar.
7. PA to DIG/HQrs Khyber Pakhtunkhwa, Peshawar.


(S. FID) FIDA HASSAN SHAH
A/S/Establishment
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

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ORDER

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WHEREAS as Per the approval of the provincial Police officer , Khyber Pukhtunkhwa a Committee constituted vide this office No 9871-77/E dated 16/11/2010 , headed by DPO.Swat to reconsider cases of personnel dismissed during militancy.

AND WHEREAS the Committee has after thorough deliberation and scrutiny of the relevant record submitted it findings vide No14732/E dated 29/11/2010 where in 253 personnel being recommended for reinstatement of service.

NOW THEREFORE as per the approval of the Provincial Police Officer, the following personnel by the committee are hereby reinstated in service with effect from the date of their dismissal. The period during which they remained out of service after dismissal and the period of their absence will be treated as leave without pay.

S:NO	Name and No.
1	Ex- Constable Bahader Khan No. 1322
2	Ex-HC Said Rehman No. 582
3	Ex- Constable Muhammad Saeed No. 1543
4	Ex- Constable Fida Hussain No. 751
5	Ex- Constable Zia-ud-din No. 1581
6	Ex- Constable Sami Ullah No. 103
7	Ex- Constable Sadiq Akbar No. 340
8	Ex- Constable Ayaz Ali No. 1482
9	Ex- Pas Haiz Ali No. 315 (Shaheed Son)
10	Ex- Constable Farman Ali No. 757
11	Ex- Constable ShafiUllah No. 298
12	Ex- Constable Sher Ali Khan No. 443
13	Ex- Constable Shabir Hussain No. 1421
14	Ex- Constable Sharafat Khan No. 776
15	Ex- Constable Fazal Anwar No. 1091
16	Ex- Constable Asmat Ali No. 1304
17	Ex Constable Niaz Mohd No. 622
18	Ex Constable Abdul Wadud No. 151
19	Ex- Constable Muhammad Shoaib No. 112/RR
20	Ex- Constable Shah Hussain No. 1257
21	Ex- HC Abdul Wali Khan No. 378
22	Ex- Constable Nasser-ud-din No. 1415
23	Ex- Constable Ajmal Khan No. 1524

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64 Ex- Constable Majid Niaz No. 1456
Ex- Constable Ali Muhammad No. 1456

24	Ex- Constable Gul Faraz Khan No. <i>Butler copy</i>
25	Ex- Constable Fazal Wadood No. 1238
26	Ex- Constable Sultanat Khan No. 556
27	Ex- Constable Bakht Nawab No. 141/RR
28	Ex- Constable Saeed Ullah No. 1043
29	Ex- Constable Nasir Ali No. 1074
30	Ex- Constable Zahoor Ahmad No. 1038
31	Ex- Constable Said Akbar No. 1118
32	Ex- Constable Muhammad Ali No. 1850
33	Ex- Constable Falak Zeb No. 953
34	Ex- Constable Adalat Khan No. 1254
35	Ex- Constable Malak Zada No. 953
36	Ex- Constable Zahoor Ahmad No. 165/RR
37	Ex- Constable Akhtar Ali No. 49
38	Ex- Constable Shakir Hussain No. 290
39	Ex- Constable Akbar Ali No. 1306
40	Ex- Constable Akber Ali No. 1528
41	Ex- Constable Zoor Muhammad Khan No. 549
42	Ex- Constable Muhammad Alam No. 512
43	Ex- Constable Amir Khatam No. 30
44	Ex- Constable Naseer Ullah Khan No. 1428
45	Ex- Constable Muhammad Zor Khan No. 371
46	Ex- Constable Hayat Muhammad Khan No. 143
47	Ex- Constable Subhan Ullah No. 186/RR
48	Ex- Constable Asad Ullah Jan No. 1226
49	Ex- Constable Rasheed Khan No. 33/RR
50	Ex- Constable Habib-ur-Rehman No. 205/RR
51	Ex- Constable Abdullah No. 885
52	Ex- Constable Niaz Ali Shah No. 130/RR
53	Ex- Constable Sher Alam Khan No. 144/RR
54	Ex- Constable Said Mehmood Jan No. 615
55	Ex- Constable Muhammad Shoaib No. 645
56	Ex- Constable Ajab Khan No. 172
57	Ex- Constable Tariq No. 1534
58	Ex- Constable Karim Ullah Khan No. 608
59	Ex- Constable Shafi Ullah No. 1506
60	Ex- Constable Bashir Ahmad No. 1457
61	Ex- Constable Izzat Mohammad No. 1244
62	Ex- Constable Shehzada No. 364
63	Ex- Constable Umar Zaib No. 1448
64	Ex- Constable Majeed Khan No. 81

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65	Ex- Constable Shamsheer Khan No. 508
66	Ex- Constable Sabz Ali Khan No. 1447
67	Ex- Constable Bakhhtawar Khan No. 1251
68	Ex- Constable Bacha Wali Khan No. 1434
69	Ex- Constable Rasheed Ahmad No. 1791
70	Ex- Constable Muhammad Siyar Ali Khan No. 463
71	Ex- Constable Adalat Khan No. 275
72	Ex- Constable Mian Said Parvez No. 275
73	Ex- Constable Jahan Parvez No. 293
74	Ex- Constable Rehmat Ali No. 927
75	Ex- Constable Abdul Hameed No. 206
76	Ex- Constable Bakht Ullah No. 92
77	Ex- Constable Shokat Ali No. 1371
78	Ex- Constable Zikriya No. 42
79	Ex- Constable Zahir Ahmad No. 1450
80	Ex- Constable Said Ahmad Khan No. 917
81	Ex- Constable Bakht Zarin No. 1694
82	Ex- Constable Riaz Muhammad No. 1467
83	Ex- Constable Zahid Ullah No. 1394
84	Ex- Constable Bakht Namroz No. 667
85	Ex- Constable Mian Said Gul No. 344
86	Ex- Constable Hidayat Ullah No. 335
87	Ex- Constable Umar Rehman No. 728
88	Ex- Constable Gohar Ali No. 625
89	Ex- Constable Said Azam No. 42/RR
90	Ex- ASI Aman Khan
91	Ex- Constable Najib Ullah No. 1481
92	Ex- Constable Atta Ullah No. 1514
93	Ex- Constable Feroz Khan No. 961
94	Ex- Constable Ubaid Ullah No. 190
95	Ex- Constable Akbar Bacha No. 582
96	Ex- Constable Sher Alam No. 996
97	Ex- Constable Muhammad Ayaz No. 488
98	Ex- Constable Anwar-Ul-Haq No. 572
99	Ex- Constable Muhammad Iqbal No. 369
100	Ex- Constable Gohar Ali No. 642
101	Ex- Constable Rizwan Ullah No. 1454
102	Ex- Constable Yousaf Khan No. 350
103	Ex- Constable Farooq No. 13
104	Ex- Constable Muhammad Shoaib No. 1528
105	Ex- Constable Ali Muhammad No. 1456

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106	Ex- Constable Mumtaz Ali No. 62	<i>Bakhtaj</i>
107	Ex- Constable Shah Wali-Kha. No. 1502	
108	Ex- Constable Mian Khaliq-Jan No. 383	
109	Ex- Constable Luqman Ali No. 95	
110	Ex- Constable Jehan Ali No. 195	
111	Ex- Constable Musharaf Khan No. 1113	
112	Ex- Constable Amir Muhammad No. 176/RR	
113	Ex- Constable Alam Khan No. 1078	
114	Ex- Constable Sher Shah No. 862	
115	Ex-Constable Amjad Ali No. 1044	
116	Ex- Constable Sher Ali Khan No. 1353	
117	Ex- Constable Iftikhar No. 554	
118	Ex- Constable Bakht Akbar No. 1288	
119	Ex- Constable Taj Muhammad No. 1111	
120	Ex- Constable Alam Badshah No. 1196	
121	Ex- Constable Liaqat Ali No. 225	
122	Ex- Constable Liaqat Ali No. 253	
123	Ex- Constable Azam Khan No. 1427	
124	Ex- Constable Habib Ullah No. 1446	
125	Ex- Constable Yar Badshah No. 933	
126	Ex- Constable Nadar Shah No. 468	
127	Ex- Constable	
128	Ex- HC Asghar Khan No. 31	
129	Ex- Constable Ali Rasheed No. 1480	
130	Ex- Constable Fazal Rehman No. 784	
131	Ex- Constable Bakhtaj No. 1329	
132	Ex- Constable Ibrar Hussain No. 420	
133	Ex- Constable Zafar Alam No. 653	
134	Ex- Constable Muhammad Raifq No. 1633	
135	Ex- Constable Sajjad Khan No. 1518	
136	Ex- Constable Umar Khitaab No. 1109	
137	Ex- Constable Ahmad Ali No. 1318	
138	Ex- Constable Rehmat Ali No. 175	
139	Ex- Constable Iqbal Hussain No. 1486	
140	Ex-Constable Rehmat Ullah No. 1466	
141	Ex- Constable Ayaz Ahmad No. 320	
142	Ex- Constable Sadiq No. 1470	
143	Ex- Constable Shafiq-ur-Rehman No. 851	
144	Ex- Constable Bashir Ahmad No. 1377	
145	Ex- Constable Liaqat Ali No. 1345	
146	Ex- Constable Aziz - Ul - Hassan No. 1170	

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147	Ex- Constable Zakir Hussain No. 308
148	Ex- Constable Midrar Ullah No. 533
149	Ex- Constable Muslim Khan No. 198/RR
150	Ex- Constable Zafar Ali Shah No. 74
151	Ex- Constable Najib Ullah No. 1439
152	Ex- Constable Rahim Khan No. 571
153	Ex- Constable Azam Khan No. 45
154	Ex- Constable Mian Said Bacha No. 1362
155	Ex- Constable Hazral Azam No. 1570
156	Ex- Constable Irfan ud Din No. 1549
157	Ex- Constable Sher Hassan Khan No. 685
158	Ex- Constable Muhammad Rafiq No. 131/RR
159	Ex- Constable Mian Said Farooq No. 333
160	Ex- Constable Muhammad Tahir No. 1703
161	Ex- Constable Bahadur Nawab Khan No. 1635
162	Ex- Constable Amir Khan No. 1604
163	Ex- Constable Sami Ullah No. 1588
164	Ex- Constable Muahamma Q. um No. 1688
165	Ex- Constable Muhammad Asif Khan No. 1393
166	Ex- Constable Asmat Ali No. 1723
167	Ex- Constable Farhad Ali No. 1761
168	Ex- Constable Mian Said Ghani No. 1689
169	Ex- Constable Inam Ullah No. 1145
170	Ex- Constable Umar Farooq No. 1677
171	Ex- Constable Israr Ahmad No. 1622
172	Ex- Constable Amal Khan No. 1569
173	Ex- Constable Rehmat Ali No. 496
174	Ex- Constable Zara War No. 134
175	Ex- Constable Anwar Ullah No. 1666
176	Ex- Constable Bakht Karam No. 1800
177	Ex- Constable Anwar Ali No. 1574
178	Ex- Constable Aziz Ullah Khan No. 1591
179	Ex- Constable Hazrat Bilal No. 1776
180	Ex- Constable Fannan Ali No. 217/RR
181	Ex- Constable Muhammad Alam Khan No. 1774
182	Ex- Constable Asghar Mian No. 1720
183	Ex- Constable Abdullah No. 1661
184	Ex- Constable Muhammad A. .i No. 971
185	Ex- Constable Said Sami Ullah No. 1600
186	Ex- Constable Samin Khan No. 1724

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188	Ex- Constable Hayat Ali No. 1614
189	Ex- Constable Liaqat Ali Khai No. 1414
190	Ex- Constable Yaqub Khan No. 1601
191	Ex- Constable Fannan Ali No. 1069
192	Ex- Constable Rehmat Zaib No. 1679
193	Ex- Constable Fayaz Ali No. 914
194	Ex- Constable Wali Ahmad No. 841
195	Ex- Constable Barkat Ali Khan No. 190/RR
196	Ex- Constable Nazir Mahmood No. 1771
197	Ex- Constable Mohim Bacha No. 1608
198	Ex- Constable Muahammad Kashif No. 1579
199	Ex- Constable Nisar Ahmad No. 1565
200	Ex- Constable Fazal Haq No. 1589
201	Ex- Constable Ajab Khan No. 1553
202	Ex- Constable Shah Ali Yar Khan No. 1645
203	Ex- Constable Hazrat Ali No. 1797
204	Ex- Constable Zia Ullah No. 104/RR
205	Ex- Constable Naeem Iqbal No. 1716
206	Ex- Constable Amjid Ali No. 1624
207	Ex- Constable Farhad Ali No. 127
208	Ex- Constable Hazrat Usman No. 1691
209	Ex- Constable Umar Zaman No. 160/RR
210	Ex- Constable Zafar Ali No. 159
211	Ex- Constable Saeed Ullah No. 1513
212	Ex- Constable Sher Bahadar Shah No. 211/RR
213	Ex- Constable Arif Ali Shah No. 828
214	Ex- Constable Fazal Ahad No. 1647
215	Ex- Constable Abdur Rehman No. 1607
216	Ex- Constable Muhammad Ikram No. 240
217	Ex- Constable Inayat Ullah No. 1665
218	Ex- Constable Sajid Ullah No. 1672
219	Ex- Constable Karim Ullah No. 1788
220	Ex- Constable Umar Muhammad No. 1361
221	Ex- Constable Nawab Rehman No. 1664
222	Ex- Constable Zia Ullah Khan No. 9/RR
223	Ex- Constable Qayum Khan No. 1586
224	Ex- Constable Imran Ali No. 531
225	Ex- Constable Nisar Ali No. 1623
226	Ex- Constable Riaz Ali No. 1559
227	Ex- Constable Haider Ali No. 1667
228	Ex- Constable Badshah Muhammad No. 142/RR

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229	Ex- Constable Sher Zaman No. 1167	<i>Best copy</i>
230	Ex- Constable Muhammad Jan No. 1708	
231	Ex- Constable Mian Gul Bacha No. 1696	
232	Ex- Constable Saif Ullah No. 1769	
233	Ex- Constable Zahir Ullah No. 1644	
234	Ex- Constable Parveez Khan No. 65/RR	
235	Ex- Constable Muhammad Naeem No. 1746	
236	Ex- Constable Fazal Bacha No. 605	
237	Ex- Constable Barkat Ali No. 1312	
238	Ex- Constable Amir Zeb No. 1787	
239	Ex- Constable Kalim Ullah Jan No. 1656	
240	Ex- Constable Zia-ur-Rehman No. 1694	
241	Ex- Constable Muhammad Alam, No. 1730	
242	Ex- Constable Fazal Hayat No. 1658	
243	Ex- Constable Hazrat Nawaz Khan No. 721	
244	Ex- Constable Ikram Ullah No. 1606	
245	Ex- Constable Tariq Rahim No. 1782	
246	Ex- Constable Wali Khan No. 212/RR	
247	Ex- Constable Abdali Khan No. 188/RR	
248	Ex- Constable Muhammad Parvez No. 63/RR	
249	Ex- Constable Muhammad Zahid No. 71/RR	
250	Ex- Constable Sardar Ali No. 45/RR	
251	Ex- Constable Luqman No. 95	
252	Ex- Constable Bahadar Ali No. 4688/RR	
253	Ex- Constable Sher Afzal No. 4388/RR	

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Order Announced

SDI
(QAZI JAMIL-UR-REHMAN)
Deputy Inspector General of Police,
Malakand Region, Saidu Sharif, Swat.

No. 10214-1615

Dated: 30-11-2010

Copy for information and necessary action to the:-

1. Provincial Police Officer, Khyber pukhtoon awa, Peshawar.
2. District Police Officer, Swat.
3. Superintendent of Police, FRP, Swat.

Muhammad F
P.O. **(18)**

ORDER

WHEREAS as per the approval of the Provincial Police Officer, Khyber Pukhtunkhwa a Committee had been constituted vide this office No: 9871-77/E dated 16/11/2010, headed by DPO Swat to reconsider the cases of the personnel dismissed during militancy.

AND WHEREAS the Committee has, after thorough deliberations and scrutiny of the relevant record, submitted its findings vide No: 14732/E dated 29/11/2010 wherein 253 personnel have been recommended for reinstatement in service.

NOW THEREFORE as per the approval of the Provincial Police Officer, the following personnel recommended by the Committee are hereby reinstated in service with effect from the date of their dismissal. The period during which they remained out of service after dismissal and the period of their absence will be treated as leave without pay.

S.No.	Name and No.
1.	Ex-Constable Bahader Khan No. 1322
2.	Ex-HC Mian Said Rehman No.582
3.	Ex-Constable Muhammad Saeed No. 1543
4.	Ex-Constable Fida Hussain No. 751
5.	Ex-Constable Zia-u-din No.1581
6.	Ex-Constable Sami Ullah No. 103
7.	Ex-Constable Sadiq Akbar No. 340
8.	Ex-Constable Ayaz Ali No. 1482
9.	Ex-FASI Ijaz Ali No.315 (Shaheed Son)
10.	Ex-Constable Farman Ali No.757
11.	Ex-Constable Shafiullah No. 298
12.	Ex-Constable Sher Ali Khan No. 443
13.	Ex-Constable Sabir Hussain No. 1421
14.	Ex-Constable Sharafat Khan No. 776
15.	Ex-Constable Fazal Anwer No. 1091
16.	Ex-Constable Asmat Ali No. 1304
17.	Ex-Constable Niaz Muhd No. 822
18.	Ex-Constable Abdul Wadod No. 151
19.	Ex-Constable Muhammad Shoaib No 112/RR
20.	Ex-Constable Shah Hussain No. 1257
21.	Ex-HC Abdul Wali Khan No. 378
22.	Ex-Constable Naseer-Un-din No.1415

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23: Com Ajmal Khan 1524

24.	Ex-Constable	Gul Faraz Khan No. 1512
25.	Ex-Constable	Fazal Wadood No. 1238
26.	Ex-Constable	Sultanat Khan No. 556
27.	Ex-Constable	Bakht Nawab No. 141/RR
28.	Ex-Constable	Saeed ullah No. 1043
29.	Ex-Constable	Nasir Ali No. 1074
30.	Ex-Constable	Zahoor Ahmad No. 1038 ✓
31.	Ex-Constable	Said Akbar No. 1118
32.	Ex-Constable	Muhammad Ali No. 1850
33.	Ex-Constable	Falak Zeb No. 887
34.	Ex-Constable	Adalat Khan No. 1254
35.	Ex-Constable	Malak Zada No. 953
36.	Ex-Constable	Zahoor Ahmad No. 165/RR
37.	Ex-Constable	Akhtar Ali No. 49
38.	Ex-Constable	Shakir Hussain No. 290
39.	Ex-Constable	Akbar Ali No. 1305
40.	Ex-Constable	Akber Ali No. 1528
41.	Ex-Constable	Zoor Muhammd Khan No. 549
42.	Ex-Constable	Muhammad Alam No. 512
43.	Ex-Constable	Amir Khatam No. 30
44.	Ex-Constable	Naseer-ullah Khan No. 1428
45.	Ex-Constable	Muhammad Zeb Khan No. 371
46.	Ex-Constable	Hayat Muhd Khan No. 143
47.	Ex-Constable	Subhan ullah No. 186/RR ✓
48.	Ex-Constable	Asad-ullah Jan No. 1226
49.	Ex-Constable	Rasheed Khan No. 33/RR
50.	Ex-Constable	Habib-ur- Rehman No. 205/RR
51.	Ex-Constable	Abdullah No. 885
52.	Ex-Constable	Niaz Ali Shah No. 130/RR
53.	Ex-Constable	Sher Alam Khan No. 144/RR
54.	Ex-Constable	Said Mehmood Jan No. 615
55.	Ex-Constable	Muhammad Shoab No. 645
56.	Ex-Constable	Ajab Khan No. 172
57.	Ex-Constable	Tariq No. 1534
58.	Ex-Constable	Karim Ullah Khan No. 608
59.	Ex-Constable	Shafi Ullah No. 1506
60.	Ex-Constable	Bashir Ahmad No. 1457
61.	Ex-Constable	Izzat Mond No. 1244
62.	Ex-Constable	Shehzada No. 364
63.	Ex-Constable	Umar Zaib No. 1448
64.	Ex-Constable	Majeed Khan No. 81

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65.	Ex-Constable Shamsheer Khan No. 508
66.	Ex-Constable Sabz Ali Khan No. 1447
67.	Ex-Constable Baktawar Khan No. 1251
68.	Ex-Constable Bacha Wali No. 1434
69.	Ex-Constable Rasheed Ahmad No. 1791
70.	Ex-Constable Muhd Sher Ali Khan No. 463
71.	Ex-Constable Adalat Khan No. 275
72.	Ex-Constable Mian Said Parvez No. 752
73.	Ex-Constable Jahan Parvez No. 293
74.	Ex-Constable Rehmat Ali No. 927
75.	Ex-Constable Abdul Hameed No. 206
76.	Ex-Constable Bakht Ullah No. 92
77.	Ex-Constable Shokat Ali No. 1371
78.	Ex-Constable Zikriya No. 421
79.	Ex-Constable Zahir Ahmad No. 1450
80.	Ex-Constable Said Ahmad Khan No. 917
81.	Ex-Constable Bakht Zarin No. 1694
82.	Ex-Constable Riaz Muhammad No. 1467
83.	Ex-Constable Zahid Ullah No. 1394
84.	Ex-Constable Bakht Namroz No. 667
85.	Ex-Constable Mian Said Gul No. 344
86.	Ex-Constable Hidayat Ullah Khan No. 335
87.	Ex-Constable Umar Rehman No. 728
88.	Ex-Constable Gohar Ali No. 625
89.	Ex-Constable Said Azam No. 42/RR
90.	Ex-AS: Aman Khan
91.	Ex-Constable Najib Ullah No. 1481
92.	Ex-Constable Atta Ullah No. 1514
93.	Ex-Constable Feroz Khan No. 961
94.	Ex-Constable Ubaid Ullah No. 190
95.	Ex-Constable Akbar Bach No. 852
96.	Ex-Constable Sher Alam No. 996
97.	Ex-Constable Muhammad Ayaz No. 488
98.	Ex-Constable Anwar-ul-Haq No. 572
99.	Ex-Constable Muhammad Iqbal No. 369
100.	Ex-Constable Gohar Ali No. 642
101.	Ex-Constable Rizwan Ullah No. 1454
102.	Ex-Constable Yousaf Khan No. 350
103.	Ex-Constable Farooq No. 13
104.	Ex-Constable Muhammad Shoaib No. 1528
105.	Ex-Constable Ali Muhammad No. 1456

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106.	Ex-Constable Mumtaz Ali No. 62
107.	Ex-Constable Shah Wali Khan No. 1502
108.	Ex-Constable Mian Khaliq Jar No. 383
109.	Ex-Constable Luqman Ali No. 95
110.	Ex-Constable Jehan Ali No. 195
111.	Ex-Constable Musharaf Khan No. 1113
112.	Ex-Constable Amir Muhammad No. 176/RR
113.	Ex-Constable Alam Khan No. 1078
114.	Ex-Constable Sher Shan No. 862
115.	Ex-Constable Amjid Ali No. 1044
116.	Ex-Constable Sher Ali Khan No. 1359
117.	Ex-Constable Iftikhar No. 564
118.	Ex-Constable Bakht Akbar No. 1288
119.	Ex-Constable Taj Muhd. No. 1111
120.	Ex-Constable Alam Badshah No. 1196
121.	Ex-Constable Liaqat Ali No. 225
122.	Ex-Constable Liaqat Ali No. 253
123.	Ex-Constable Azam Khan No. 1427
124.	Ex-Constable Habib Ullah No. 1446
125.	Ex-Constable Yar Badshah No. 933
126.	Ex-Constable Nadar Shah No. 468
127.	Ex-Constable Nazir Muhd No. 1379
128.	Ex-IC Asghar Khan No. 31
129.	Ex-Constable Ali Rasheer No. 1480
130.	Ex-Constable Fazal Rehman No. 784
131.	Ex-Constable Bakhtaj No. 1329
132.	Ex-Constable Ibrar Hussein No. 420
133.	Ex-Constable Zafar Alam No. 653
134.	Ex-Constable Muhd Rafiq No. 1633
135.	Ex-Constable Sajjad Khan No. 1518
136.	Ex-Constable Umar Khitab No. 1109
137.	Ex-Constable Ahmad Ali No. 1318
138.	Ex-Constable Rehmat Ali No. 175
139.	Ex-Constable Iqbal Hussain No. 1486
140.	Ex-Constable Rehmat-Ullah No. 1466
141.	Ex-Constable Ayaz Ahmad No. 320
142.	Ex-Constable Sadiq No. 1470
143.	Ex-Constable Shafiq-ur-Rehman No. 851
144.	Ex-Constable Bashir Ahmad No. 1377
145.	Ex-Constable Liaqat Ali No. 1345
146.	Ex-Constable Aziz-ul-Hassan No. 1170

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147.	Ex-Constable Zakir Hussain No. 308
148.	Ex-Constable Midrarullah No. 533
149.	Ex-Constable Muslim Khan No. 198/RR
150.	Ex-Constable Zafar Ali Shah No. 74
151.	Ex-Constable Najib Ullah Khan No.1439
152.	Ex-Constable Rahim Khan No. 571
153.	Ex-Constable Azam Khan No.45
154.	Ex-Constable Mian Said Bacha No. 1362
155.	Ex-Constable Hazrat Azam No. 1570
156.	Ex-Constable Irfan Ud Din No. 1549
157.	Ex-Constable Sher Hassan Khan No. 685
158.	Ex-Constable Muhd Rafiq No. 131/RR
159.	Ex-Constable Mian Said Farooq No. 333
160.	Ex-Constable Muhammad Tahir No. 1703
161.	Ex-Constable Bahadur Nawab Khan No. 1635
162.	Ex-Constable Amir Khan No. 1604
163.	Ex-Constable Sami Ullah No. 1588
164.	Ex-Constable Muhammad Qasim No. 1688
165.	Ex-Constable Muhd. Asif Khan No. 1393
166.	Ex-Constable Asmat Ali No. 1723
167.	Ex-Constable Ferhad Ali No. 1761
168.	Ex-Constable Mian Said Ghani No. 1689
169.	Ex-Constable Inam Ullah No. 1145
170.	Ex-Constable Umar Farooq No. 1677
171.	Ex-Constable Israr Ahmad No. 1622
172.	Ex-Constable Amal Khan No. 1569
173.	Ex-Constable Rehmat Ali No. 496
174.	Ex-Constable Zara War No. 134
175.	Ex-Constable Anwar Ullah No. 1666
176.	Ex-Constable Bakht Karam No. 1800
177.	Ex-Constable Anwar Ali No. 1574
178.	Ex-Constable Aziz Ullah Khan No. 1591
179.	Ex-Constable Hazrat Bilal No. 1776
180.	Ex-Constable Farman Ali No. 217/RR
181.	Ex-Constable Muhd Alam Khan No. 1774
182.	Ex-Constable Asghar Mian No. 1720
183.	Ex-Constable Abdullah No. 1661
184.	Ex-Constable Mohammad Azim No. 971
185.	Ex-Constable Said Samiullah No.1600
186.	Ex-Constable Samin Khan No. 1724
187.	Ex-Constable Salman Bashar No. 1575

23

188.	Ex-Constable Hayat Ali No. 1614
189.	Ex-Constable Liaqat Ali Khan No. 1414
190.	Ex-Constable Yaqub Khan No. 1601
191.	Ex-Constable Farman Ali No. 1069
192.	Ex-Constable Rehmat Zaib No. 1679
193.	Ex-Constable Fayaz Ali No. 914
194.	Ex-Constable Wali Ahmad No. 841
195.	Ex-Constable Barkat Ali Khan No. 190/RR
196.	Ex-Constable Nazir Mahmood No. 1771
197.	Ex-Constable Mohim Bacha No. 1608
198.	Ex-Constable Muhd. Kashif No. 1579
199.	Ex-Constable Nisar Ahmad No. 1565
200.	Ex-Constable Fazal Haq No. 1589
201.	Ex-Constable Ajab Khan No. 1553
202.	Ex-Constable Shah Ali Yar Khan No. 1645
203.	Ex-Constable Hazrat Ali No. 1797
204.	Ex-Constable Zia Ullah No. 104/RR ✓
205.	Ex-Constable Naeem Iqbal No. 1716
206.	Ex-Constable Amjid Ali No. 1624
207.	Ex-Constable Farhad Ali No. 127
208.	Ex-Constable Hazrat Usman No. 1691
209.	Ex-Constable Umar Zaman No. 160/RR
210.	Ex-Constable Zafar Ali No. 159
211.	Ex-Constable Saeed Ullah No. 1513
212.	Ex-Constable Sher Bahadar Shah No. 211/RR
213.	Ex-Constable Arif Ali Shah No. 828
214.	Ex-Constable Fazal Ahmad No. 1647
215.	Ex-Constable Abdur Rehman No. 1607
216.	Ex-Constable Muhammad Ikram No. 240
217.	Ex-Constable Inayat Ullah No. 1665
218.	Ex-Constable Sajid Ullah No. 1672
219.	Ex-Constable Karim Ullah No. 1788
220.	Ex-Constable Umar Muhammad No. 1361
221.	Ex-Constable Nawab Rehman No. 1664
222.	Ex-Constable Zai Ullah Khan No. 9/RR ✓
223.	Ex-Constable Qayum Khan No. 1586
224.	Ex-Constable Imran Ali No. 531
225.	Ex-Constable Nasir Ali No. 1623
226.	Ex-Constable Riaz Ali No. 1559
227.	Ex-Constable Haider Ali No. 1667
228.	Ex-Constable Badshah Muhammad No. 142/RR

ATTENDED

229.	Ex-Constable Sher Zamari No. 1167
230.	Ex-Constable Muhammad Jan No. 1708
231.	Ex-Constable Mian Gul Bacha No. 1696
232.	Ex-Constable Saif Ullah No. 1769
233.	Ex-Constable Zahir Ullah No. 1644
234.	Ex-Constable Parveez Khan No. 65/RR
235.	Ex-Constable Muhammad Naeem No. 1746
236.	Ex-Constable Fazal Bacha No. 605
237.	Ex-Constable Barkat Ali No. 1312
238.	Ex-Constable Amir Zeb No. 1787
239.	Ex-Constable Kalim Ullah Jan No. 1656
240.	Ex-Constable Zal-ur-Rehman No. 1694
241.	Ex-Constable Muhammad Alam No. 1730
242.	Ex-Constable Fazal Hayat No. 1658
243.	Ex-Constable Hazrat Nawaz Khan No. 721
244.	Ex-Constable Ikram Ullah No. 1606
245.	Ex-Constable Tariq Rahim No. 1782
246.	Ex-Constable Wali Khan No. 212/RR
247.	Ex-Constable Abdal Khan No. 188/RR
248.	Ex-Constable Muhammad Parvez No. 63/RR
249.	Ex-Constable Muhammad Zahid No. 71/RR
250.	Ex-Constable Sardar Ali No. 45/RR
251.	Ex-Constable Luqman No. 95
252.	Ex-Constable Bahadar Ali No. 4688/FRP ✓
253.	Ex-Constable Sher Afzal No. 4388/FRP ✓

0365-2451613 *Cue 30*

Order announced.

J. Jamil
(QAZI JAMIL-UR-REHMAN)
 Deputy Inspector General of Police,
 Malakand Region, Saidu Sharif, Swat.
 SAIF

No. 102/14/1613

Dated 30/11/2010.

Copy for information and necessary action to the:-

1. Provincial Police Officer, Khyber Pukhtoonkhwa, Peshawar.
2. District Police Officer, Swat.
3. Superintendent of Police, F&P, Swat.

STED

Annex G
25

BETTER COPY

BEFORE THE NWFP SERVICE TRIBUNAL, PESHAWAR

Appeal No.777/2008

Date of Institution.....31/05/2008

Date of decision15/06/2009

Fazal Malik, Ex-Constable No.141/RP, Resident of Barikot, Tehsil Kalkot District Dir Upper. (Appellant)

VERSUS

- 1- Inspector General of Police, NWFP, Peshawar
- 2- Deputy Inspector General of Police, Malakand Region, Saidu Sharif Swat
- 3- District Police Officer, Swat. (Respondents)

Appeal against the impugned order dated 15/11/2007 whereby the appellant has been discharged from service and also against the impugned order dated 25/02/2008 conveyed on 06/05/2008 whereby his representation for reinstatement in service with all back benefits has been dismissed.

Mr. Aslam Khan Khattak,
Advocate For appellant

Mr. Zahid Karim Khalil
Addl: Government Pleader, For Respondents

Mr. Justice (R) Salim Khan
Mr. Bismillah ShahChairman
Member

JUDGMENT

Justice (R) Salim Khan Chairman: - The appellant contended that he was inducted as Constable on 16/06/2006. He received a message from home about serious illness of his mother on 2.11.2007. He attended his mother from 04/11/2007 to 15.11.2007. On his return, he was informed that he has been discharged from service vide impugned order dated 15.11.2007.

2- The respondents contested the appeal. They contended that the service of the appellant have been disposed of in accordance with police Rule 12(21).

3- We heard the arguments and perused the record. *as*

4- No regular inquiry has been conducted against the appellant. Though discharge from service Under Rule 12(21) of the police Rule

ATTESTED

impugned penalty. But the service of the appellant stood terminated with the impugned order. The appellant had the natural right of notice to him before action, and the charge had to be proved in the circumstances of the denial of the appellant and regular inquiry must have been held to determine factual basis of allegations required to be proved in accordance with law. This issue has been repeatedly clarified by the judgments of the August Supreme Court of Pakistan. Non holding of proper inquiry in such circumstances has been declared violation of principle of natural justice. Termination of services of a person without affording an opportunity of hearing to him, is against the principles of natural justice.

5- In the light of the above, we accept the present appeal, set aside the impugned order dated 15.11.2007 and 25.02.2008 and directed the official respondents to reinstated the appellant into his service, being a civil servant. They may issue a notice to the appellant with charge sheet and statement of allegation and, if need be, conduct a proper inquiry against the appellant within a period of two months from the date of receipt of this judgment, and in accordance with the rules. They shall, thereafter, decide about financial and other service benefits of the appellant from the date of discharge from his service to the date of his reinstatement in service. The parties are left to bear their own costs.

Announced
15.06.2009

Sd/-

Justice (R) Salim Khan

Chairman

Sd/-

Bismiallah Shah Member

ATTESTED

as

Submitted to
Copy

Appeal No. 12/2008

Date of Institution: 31.5.2008
Date of Decision: 15.6.2009

Akbar Khan
Assistant Advocate
High Court, Dir (L)

Yousaf Malik, Ex-Constable No. 141/RF, Resident of Barkot, Tehsil Kalat District, Kalat (A)

VERSUS

- 1. Inspector General of Police, NWFP Peshawar.
- 2. Deputy Inspector General of Police, Malakand Region, Swat (Respondents)
- 3. District Police Officer, Swat.

APPEAL AGAINST THE IMPUGNED ORDER DATED 15.11.2007 WHEREBY THE APPELLANT HAS BEEN DISCHARGED FROM SERVICE AND SO AGAINST THE IMPUGNED ORDER DATED 25.2.2008 CONVEYED ON 06.5.2008 WHEREBY HIS REPRESENTATION FOR REINSTATEMENT IN SERVICE WITH 1/2 BACK BENEFITS HAS BEEN DISMISSED.

MIR ASLAM KHAN KHATTAK,
Advocate
MR. DAVID KARIM KHALIL,
Att. Government Pleader,
MR. JUSTICE (R) SALIM KHAN,
MR. SAJJAD ULLAH,

For appellant
For respondents
CHAIRMAN
MEMBER

JUDGMENT

JUSTICE (R) SALIM KHAN, CHAIRMAN: The appellant contended that he was inducted as Constable on 16.6.2006. He received a message from his mother about serious illness of his mother on 2.11.2007. He attended his mother from 4.11.2007 to 15.11.2007. On his return, he was informed that he has been discharged from service vide impugned order dated 15.11.2007.

The respondents contested the appeal. They contended that the grievances of the appellant have been disposed of in accordance with Police Rule 12(21).

We heard the arguments and perused the record.

ATTESTED
as

No regular inquiry has been conducted against the appellant. The discharge from service under Rule 12(21) of the Police Rules is not a

ed penalty, but the service of the appellant stood terminated with the impugned order. The appellant had the natural right of notice to him before action, and the charge had to be proved in the circumstances of the denial of the appellant's regular inquiry must have been held to determine factual basis of allegations required to be proved in accordance with law. This issue has been repeatedly clarified by the judgments of the August Supreme Court of Pakistan. Non holding of proper inquiry in such circumstances has been declared violation of principles of natural justice. Termination of services of a person without affording an opportunity of hearing to him, is against the principles of natural justice.

5. In the light of the above, we accept the present appeal, set aside the impugned order dated 15.11.2007 and 25.2.2008 and direct the official respondents to reinstate the appellant into his service, being a civil servant. They may give a notice to the appellant with charge sheet and statement of allegations and, if need be, conduct a proper inquiry against the appellant within a period of two months from the date of receipt of this judgment, and in accordance with the rules. They shall, thereafter, decide about financial and other service benefits of the appellant from the date of discharge from his service to the date of his reinstatement in service. The parties are left to bear their own costs.

ANNOUNCED.
15.06.2009

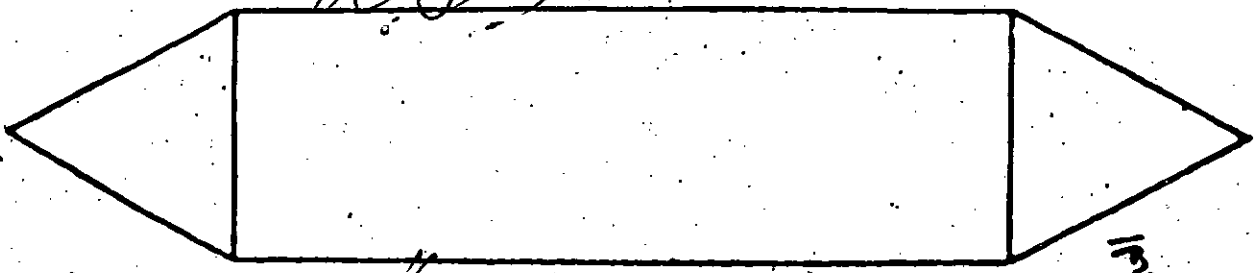
Justice B. J. Ijaz
Chief Justice
Chief Justice
Chief Justice

RECORDED IN NO. 1019 OF 2009
JUDGE
15.06.2009

ATTESTED
as

10/7/09
10
10

بعد الت
خط سروسز ڈیپارٹمنٹ



واللہ اعلم

فلاخوان بنام ۱۹۲۲

سروسز ایس

باعث تحریر انکم

مقدم
مقدم
دعوی
جزم

مقدم مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب وہی دیکل
کارروائی متعلقہ آن مقام کے لئے اسلم خان فیکلٹی اور ڈیو کوکے
مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوت کو مقدم کی کل کارروائی کا کامل اختیار ہوگا نیز
دیکل صاحب کو کرنے راضی نامہ و تقررات فیصلہ برحسب دیے جواب وہی اور اقبال دعویٰ اور
بصورت دیگر کرنے اجراء اور دوسری چیک زور پر اور مرضی دعویٰ اور درخواست جزم کی تصدیق
زراہیں پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا دیگر کیگرفز یا اپیل کی برآمدگی اور مرضی
نیز دائر کرنے اپیل نگرانی و نگرانی و پیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت مقدم مذکور
کے کل یا جزوی کارروائی کے واسطے اور دیکل یا اختیار قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جلد مذکورہ بالا اختیارات حاصل ہو جائے گا اور اس کا ساختہ
پداختہ منظور و قبول ہوگا۔ و دوران مقدمہ میں جو فریڈ و ہر جائز اتوائے مقدمہ کے سبب سے ہوگا۔
اسکے مستحق دیکل صاحب موصوت ہوں گے۔ نیز بقایا و خرچہ کی ذمہ داری کرنے کا بھی اختیار ہوگا۔ اگر
کوئی تاریخ پیش مقام دورہ پر ہو یا عد سے باہر ہو تو دیکل صاحب پابند نہ ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا ذکات نامہ لکھ دیا کہ سند رہے۔

واللہ اعلم

المترجم

فلاخوان

بمقام سروسز کے لئے منظور ہے۔

Attested & accepted
[Signature]

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 891/2015

Khalid Khan (Appellant)

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and
others Respondents

Subject:- **COMMENTS OF BEHALF OF RESPONDENTS**

Respectfully Shewith:

Preliminary Objections:-

- a) That the appeal has not been based on facts.
- b) That the appeal is not maintainable in the present form.
- c) That the appeal is bad for non-joinder and mis-joinder of necessary parties.
- d) That the appellant is estopped by his own conduct to file the appeal.
- e) That the appeal is barred by law and limitation.
- f) That the appellant has not come to the Honorable Tribunal with clean hands.
- g) That the appellant has got no cause of action and local standi.

FACTS:

1. Para No. 1 is correct.
2. Para No. 2 is incorrect because he remained absent from his duty for 23 days during insurgency in his whole 1 years 05 months service.
3. Para No. 3 is incorrect, appellant, did not apply for any leave, nor informed his superior officer and absented himself from duty on his own despite of the high emergency in the district, and he showed cowardness and disinterest in the lawful duty, and never joined his duty.
4. Para No. 4 is already discussed above.
5. Para No. 5 is correct to the extent that the appellant filed a departmental appeal but was rejected / filed because the appellant was not interested in his duty and absented himself willfully without taking permission/leave from his high ups. Rest of Para pertains to the decision of Tribunal, in compliance of which respondent No. 1 provided proper opportunity of personal hearing, but appellant failed to prove his innocence hence, his appeal was rejected vide order dated 01-07-2015, which is quite legal.
6. Para No. 6 is already explained in Para No. 4.
7. That appeal of appellant being devoid of merits may kindly be dismissed, on the following grounds.

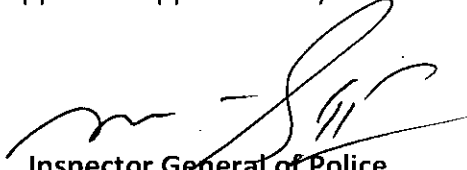
GROUND:


- A. Incorrect, the punishment order is lawful and in accordance with law/rules.

- B. As per record the appellant remain absent from his duty with effect from 24-10-2007 to 15-11-2007, which is established from the attached record therefore, there was no need of proper enquiry.
- C. Incorrect, the case of appellant is on different footing, the appellant was not interested in his duties. At the time of discharge the total service of the appellant was 1 ½ years. Furthermore, he showed cowardness during high emergency in the district.
- D. Incorrect, the punishment order is legal. The appellant being a member of a disciplined force does not deserve any leniency, at the when. He was on probation.
- E. Para pertains to Court decision however the case of appellant is on different footing.
- F. Para pertains to record, however the case of appellant is not similar to those officials.
- G. Incorrect, the appellant being a member of a disciplined force showed cowardness and absented himself from his lawful duty during high emergency in the district.
- H. Incorrect, the punishment orders are lawful, in accordance with law/rules hence liable to be upheld.
- I. That respondent also seeks permission of this Honorable Tribunal to raise additional grounds at the time of arguments.

It is therefore, requested that the appeal of appellant may be dismissed

with cost.


Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 01)


Deputy Inspector General of Police,
Malakand Division, Saidu Sharif Swat
(Respondent No. 02)


District Police Officer, Swat
(Respondent No. 03)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. 891/2015

Khalid KhanAppellant

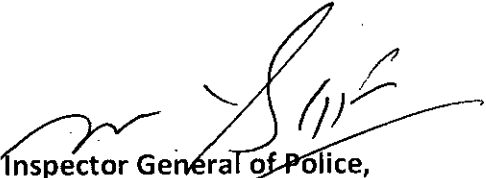
VERSUS


Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and
others


Respondents

POWER OF ATTORNEY

We, the undersigned No. 01 to 03 do hereby appoint Khawas Khan SI Legal Swat as Special representative on our behalf in the above noted appeal. He is authorized to represent us before the Tribunal on each and every date fixed and to assist the Govt: Pleader attach to Tribunal.


Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 01)


Deputy Inspector General of Police,
Malakand Division, Saidu Sharif Swat
Regional Police Officer,
Respondent No. 02
Malakand, at Saidu Sharif Swat.


District Police Officer, Swat
(Respondent No. 03)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. 891/2015

Khalid Khan.

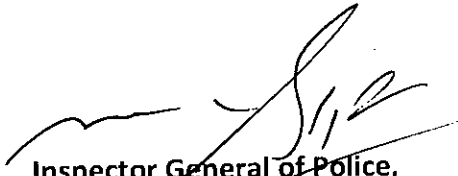
Appellant


VERSUS

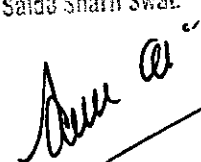
1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar & others Respondents

AFFIDAVIT

We, the above respondents do hereby solemnly affirm on oath and declare that the contents of the appeal are correct/true to the best of our knowledge/behalf and nothing has been kept secret from the honorable Service Tribunal Khyber Pakhtunkhwa, Peshawar.


Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 01)


Deputy Inspector General of Police,
Malakand Division, Saidu Sharif Swat
(Respondent No. 02)
Malakand, at Saidu Sharif Swat.


District Police Officer, Swat
(Respondent No. 03)

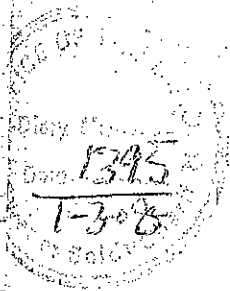
کالہان

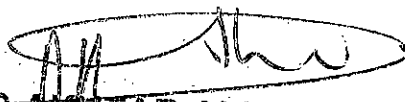
ORDER:

My this order will dispose of the Appeal of Ex-Constable Khalid Khan No. 15/RR against the order of District Police Officer Swat, wherein he had been dismissed from service.

Brief fact of the case are that Ex-Constable Khalid Khan No.15/RR had been enrolled as Constable with effect from 16/06/2006. He had undergone recruit course at Police Training College Hangu and have to further go for training in accordance with Police Rules 19.4 and 19.5. Therefore, he was ordered to stay at Police Line. In the meanwhile, the whole of Swat had been in the grip of terrorist attacks and Law Enforcing Agencies have been ordered to repel attacks and bring peace. As a member of Police Force he was under obligation and oath to protect life and property and not leave the post without prior permission. The perused file and past events, wherein Police Lines had always been targeted, suggest that the accused official considered escape as better part of valour. He instead of upholding his oath, exhibited cowardice and deserted the Police Lines. His conduct clearly establish he was unlikely to become a good Police official, therefore the District Police Officer had rightly discharged him from service.

I therefore dismiss instant the appeal and uphold the order of District Police Officer Swat issued vide OB No. 184 dated 15/11/2007.




(SYED AKHTAR ALI SHAH)
PSP, PPM, QPM
Deputy Inspector General of Police,
Malakand Region, Saidu Sharif, Swat.
(S)25/02/2008

No. 788 /E,
Dated 27/2 /2008.

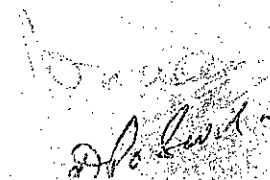
Copy to District Police Officer Swat alongwith the service record of the above named Ex-Constable.

As S-Rall
E-Maxel

OB/E/088

OB NO 47
dt: 12-3-2008

for m. Jaffer the
Ex-Consti after making entry in
his s.r.





Annexure E

(17)

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

15/RR

This order is hereby passed to dispose off departmental appeal under Rule 11-a of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-Constable Khalid Khan No. 15/RR of Range Reserve District Swat against the Punishment order i.e discharge from service against the appellant by DPO/Swat vide his order Book No. 184 dated 15.11.2007.

In the light of recommendations of Appeal Board meeting held on 18.06.2015, 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.

In pursuance of the KPK Service Tribunal, Peshawar dated 26.03.2015, the said Ex-official was heard in detail. Record perused. The said official was discharge from service by DPO/Swat under para 12.21 on the charge of absence from duty in the high emergency in district Swat. At the time of discharge from service, the total service of the said Ex-official was 1 ½ years and earned 33 bad character during short period of service. The said Ex-official failed to offer any reason for his absence from duty during the time when his services were needed most in the district.

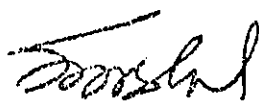
Keeping in view the above facts and his desertion from duty, his appeal is rejected.
Order announced in the presence of appellant.

Sd/-
NASIR KHAN DURRANI
Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

To 23.29.85 /E-IV dated Peshawar the 01/07/2015

Copy of above is forwarded to the:-

1. Deputy Inspector General of Police, Malakand Region, Swat.
2. District Police officer, Swat. The Service Roll, Fauji Missal and Departmental Enquiry file of above named Ex-Constable are returned herewith for record in your office.
3. Examiner Khyber Pakhtunkhwa Service Tribunal Peshawar w/r to decision dated 26.03.2015.
4. P50 to IGP/Khyber Pakhtunkhwa Peshawar.
5. AIG/Legal CPO Peshawar w/r to his report dated 22.05.2015. the original file is also returned herewith.
6. PA to Addl. ICP/HQrs Khyber Pakhtunkhwa, Peshawar.
7. PA to DPO/HQrs Khyber Pakhtunkhwa, Peshawar.


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

Annexure

ORDER

The following under Three years Constables are hereby discharged from service under police Rules 12.2 from the dates noted against their names for the will-full absence from the duty in the high emergency in the District. They were called to the report but on account of cowardice ^{failed} to report. They are discharged from the date of absence.

1. Const: Fazal Malik No. 147/RR with effect from 2.11.2007
2. Const: Syed Insanullah No. 11459 with effect from 31.10.2007
3. Const: Farman Ali No. 217/RR with effect from 3.11.2007
4. Const: Inmaullah No. 1145 with effect from 5.11.2007
5. Const: Ziaullah No. 9/RR with effect from 4.11.2007
6. Const: Khlid Khan No. 15/RR with effect from 24.10.2007

[Signature]
District Police Officer, Swat

CC No. 184

15-11-07

15-11-07

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Appeal No.891/2015

*Khalid Khan, Ex-Constable and others
Appellant*

VERSUS

*Inspector General of Police, KPK,
Peshawar and others
Respondents*

APPELLANT'S REJOINDER

Respectfully Sheweth:

Preliminary objections:

That none of the objections raised by the respondents are sustainable.

FACTS:

1- Needs no comments

2- Incorrect. That the appellant's absence from duty for 23 days absence was beyond his control and the penalty imposed upon is extremely harsh which is not sustainable under the law

3&4 Incorrect. Paras 3&4 of appeal are correct and its replies are incorrect.

5- That the appellant's departmental appeal has incorrectly been rejected because the appellant's

absence from duty was beyond his control. It is further submitted that the departmental authorities did not implement the decision of this Hon'ble Tribunal which is also contempt on their part and they are liable to be punished.

6&7 Incorrect. Para No.6&7 of appeal are correct and its replies are incorrect.

GROUNDS:


A to H- Grounds A to H of appeal are correct and its replies are incorrect.

I- That the respondents have not treated the appellant alike 253 Constables and so both the impugned orders at annexure A&E are liable to be set aside and the appellant deserves reinstatement with full back benefits under the law

It is, therefore, prayed that on acceptance of the appeal and rejoinder, the two impugned orders at annexure "A&E" may be set aside and the appellant may be reinstated in service with all back benefits.

Dated 3rd /07/2016

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Appellant
Through


Aslam Khan Khattak
Advocate, Peshawar

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Appeal No.891/2015

*Khalid Khan, Ex-Constable and others
Appellant*

VERSUS

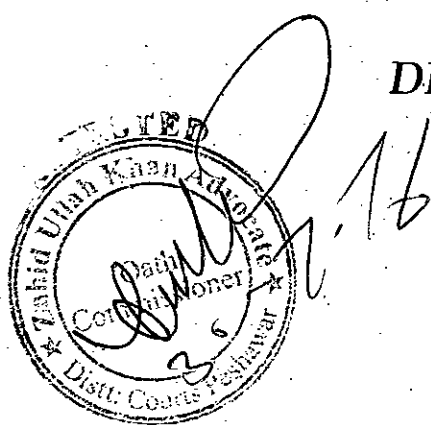
*Inspector General of Police, KPK,
Peshawar and others
Respondents*

AFFIDAVIT

I, Khalid Khan, Ex-Constable do hereby solemnly affirm and state on oath that all contents of appeal and rejoinder are true and correct to the best of my knowledge and belief and nothing wrong has been stated by me in the matter.

خالد خان

DEPONENT



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Appeal No.891/2015

Khalid Khan, Ex-Constable and others
Appellant

VERSUS

Inspector General of Police, KPK,
Peshawar and others
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BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Appeal No.891/2015

Khalid Khan, Ex-Constable and others
Appellant

VERSUS

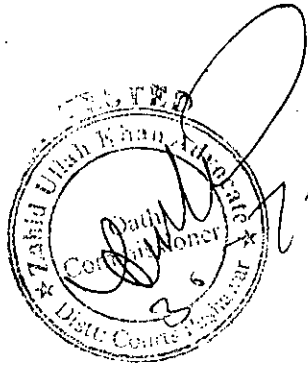
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خالد خان

DEPONENT



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It is, therefore, prayed that on acceptance of the appeal and rejoinder, the two impugned orders at annexure "A&E" may be set aside and the appellant may be reinstated in service with all back benefits.

Dated 30/07/2016

اسلام خان
Appellant
Through

aslam
Aslam Khan Khattak
Advocate, Peshawar