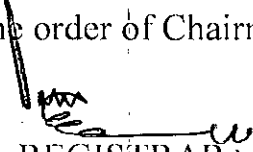


# FORM OF ORDER SHEET

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

Case No.- 564/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/03/2023	<p>The appeal of Mr. Bilal Ahmad presented today by Malik Noor Muhammad Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ Parcha Peshi is given to appellant/counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

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

Service Appeal no 569/2023

Bilal Ahmad ..... (Appellant)

**VERSUS**

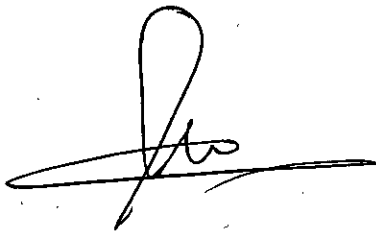
District Police Officer, Khyber & Another ..... (Respondents)

INDEX

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1.	Memo of Appeal		1-3
2.	Affidavit		4
3.	Addresses of the parties		5
4.	Dismissal order Dated 20/10/2021	A	6
5.	Viva notification Dated 22 Sep 2021	B	7
6.	Departmental appeal with post office documents	C	8 to 15
7.	Wakalat Nama	-	16
8.	Total	-	16

Dated ~~14/3/2023~~ 2023

14-3-023



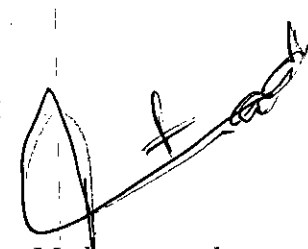
Appellant

Through

Malik Noor Muhammad

Khan Advocate

Cell No 03139215655



**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**Service Appeal no 564/2023

Bilal Ahmad S/O Said Alam R/O Sohbat Dhand Shalobar Road Bara

District Khyber .....(Appellant)

**Verses**

1. District Police Officer, Khyber
2. Capital City Police Officer
3. Inspector General Of Police Khyber Pakhtunkhwa  
Peshawar .....(Respondents )

APPEAL UNDER SECTION 04 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974,  
AGAINST THE IMPUGNED ORDER DATED 20/10/2021, VIDE WHICH THE APPELLANT  
WITHDRAWN FROM SERVICE.

**PRAAYER IN APPEAL**

On the acceptance of this appeal the impugned order dated 20/10/2021 May  
graciously be set aside & the respondents may kindly be directed to reinstate the appellant  
of his job with all back benefits.

**Respectfully Sheweth:-**

1. That the appellant was working as a constable in District Police Khyber and always service the department diligently, honestly, efficiently and up to the entire satisfaction of his superiors. There is no iota of complaint from all four corners against the appellant at any forum rather the services rendered by the appellant were always appreciated by the high-ups of the department.
2. That the appellant served with zeal devotion and excellent tracks record, moreover, appellant belonged to a respectable family .
3. That, the following allegations were leveled against the appellant the above mentioned was informed time and against through his mobile and also through local police station but the above name candidate neither came for joining his duty nor giving his statement for resign,  
**(Withdrawal order attached as annexure A)**



4. The, said allegations are false and frivolous and do not bear the merits of the Case, hence are liable to be Set aside, Moreover, before join the policy department appellant has already got admission in FATA university (FR) Kohat (2017 FU-POISC-16) hence when appellant approached for to take leave for join his last research/thesis and got BS degree, his request departmentally rejected verbally, however absentia occurred but absentia was not intentionally but for the complete education carrier moreover article 4 of constitution of Pakistan also pointed, that right of individual to be dealt with in accordance with law. Further-more appellant neither gave any resign nor any application for resign (Signature, Thumb impression) in connection of resign, it is totally based on Mala-fine intention that appellant gave resign (viva notification attached as annexure B).
5. That, the competent authority without realizing the actual facts of the case and without hearing the appellant, withdrawa the appointment of major punishment withdrawal appellant, without unveiling the real facts of the case.
6. That, appellant has not deal according to Khyber Pakhtunkhwa Police rules 1975 (with amendments 2014),
7. That, the impugned withdrawal order is thoroughly in derogation to the principle of natural justice and equity.
8. That, appellant has unilaterally been withdrawal from service by District police officer Khyber, without fulfillment legal/codal formalities i.e. Charge Sheet, summary of allegation, Regular inquiry, show cause Notice and personal hearing on the Sloe basis of absentia.
9. That, the impugned order dated: 20/10/2021 is illegal, unlawful and has been passed without appreciating the real facts of the Case and even without participating the appellant into departmental proceedings hence, is liable to be set aside.
10. That, the appellant was not called for personal hearing and was condemned unheard while violating the Latin Maxin Audi Aitrem Partem. This impugned order was passed in haste during the absence of the 10-A of Constitution of Islamic Republic of Pakistan 1973.
11. That, it was primary duty of the authority to prove the allegation holding a regular enquiry has been held by the Honorable tribunal and Supreme Court of Pakistan in many cases i.e. PLD 2008 Sc 451, 1997 SCMR 1543. No. enquiry was held in the case of appellant.

3.

4. That, feeling aggrieved from the Supra mentioned episode i.e. the order of District police officer Khyber, Appellant Approached for departmentally appeal to CCPO,IGP, to reinstate the appellant but no response received to the appellant to dig out the real facts of the case, Justice, and reinstate the appellant.(departmental appeals with post office documents are attached as annexure C)
5. That, the appellant has been deprived from his bread and butter to himself and his family, which is against the provisions of Constitution of Islamic republic of Pakistan 1973.

**GROUND:**

- A. That the appellant has not been treated in accordance with law hence rights Secured & guaranteed under the law badly violated.
- B. That that the competent authority has passed the impugned order in Mechanical manner & the same is perfunctory as well as non-speaking & also against the basic principle of administration of justice, therefore, the impugned order is not tenable under the law.
- C. That the impugned order is suffering from legal infirmities & as such the same is bad in law.
- D. That the appellant is jobless since the imposition of illegal penalty of remove of service.
- E. That the appellant seeks the permission of this Honorable tribunal to rely on additional grounds at the hearing of this appeal.

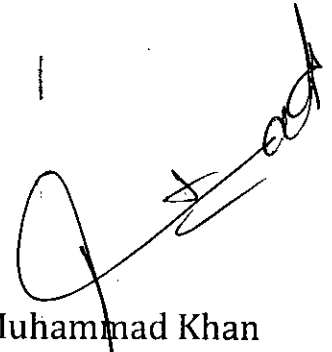
**PRAYER:-**

It is therefore humbly prayed that on acceptance of this appeal the impugned order date 20/10/2021 may be set aside & the appellant may kindly be reinstated into service with all back benefits.

Dated: / /2023

Appellant

Through  
Malik Noor Muhammad Khan  
Advocate, Peshawar.



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

Service Appeal no \_\_\_\_/2023

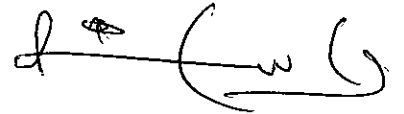
Bilal Ahmad ..... (Appellant)

**VERSUS**

District Police Officer, Khyber & others ..... (Respondents)

**AFFIDAVIT**

I, Bilal Ahmad S/o Said Alam R/o Sohbat Dhand, Shalobar Road Swatabad Bara, District Khyber, do hereby solemnly affirm and declare on oath that the contents of the Service Appeal true & correct to the best of my knowledge and belief and nothing has been concealed from his Honorable court.



Deponent

**BEFORE THE HONORABLE KHYBER PAKHTOONKHWA SERVICE  
TRIBUNAL PESHAWER**

Service Appeal no\_\_\_\_/2023

Bilal Ahmad ..... (Appellant)

**VERSUS**

District Police Officer, Khyber & other ..... (Respondents)

**ADDRESSES OF THE PARTIES APPELLANT**

Bilal Ahmad S/o Said Alam R/o Sohbat Dhand, Shalobar Road Swatabad  
Bara District Khyber.

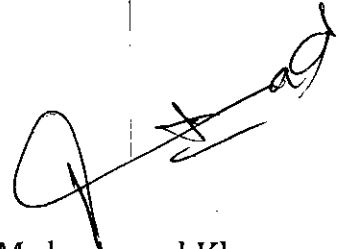
**Respondents**

1. District Police Officer, Khyber.
2. Capital City Police Officer at Peshawar.
3. Inspector General of Police Khyber Pakhtunkhwa Peshawar.

Dated: / /2023

Appellant

Through  
Malik Noor Muhammad Khan  
Advocate, Peshawar.





OFFICE OF  
THE DISTRICT POLICE OFFICER  
KHYBER



ORDER

Mr. Bilal Ahmad s/o Said Alam r/o Sohbat Dhand Shalobar Road Swatabad Bara, District Khyber has been enlisted as Constable (BPS-07) in District Police Khyber vide Order No.1950-57/OASI-Khyber, dated 28.06.2019. The above mentioned was informed time and time through his mobile No.03339000088 and also through local Police Station but the above named candidate neither came for joining his duty nor giving his statement for resign.

Therefore his enlistment order is hereby withdrawn

*Sami*  
DISTRICT POLICE OFFICER  
KHYBER

No. 4523-81 /OHC-Khyber, dated 20/10 /2021.

Copy of above is forwarded for information to the:-

1. W/ Inspector General of Police, Khyber Pakhtunkhwa, Peshawar for information please.
2. Addl: Inspector General of Police HQRS: KPK, Peshawar.
3. Dy: Inspector General of Police HQRS: KPK, Peshawar.
4. AIG/Establishment KPK, Peshawar.
5. Capital City Police Officer, Peshawar.
6. Deputy Superintendent of Police HQRS: Khyber.
7. Pay Officer, Khyber.
8. CRC/FMC





**Department of Political Science  
FATA UNIVERSITY, FR KOHAT**

**Notification**

**Date: September 22, 2021**

It is for the information of all concerned that Viva Voce examination of the following students has been scheduled on October 01, 2021 at 10:00 in the office of the HoD Political Science. All the concerned students are directed to clear all their outstanding dues before appearing in the viva examination.

S.No	Name	Registration No
1.	Muhammad Anees	2016-FU.Pol.sc-01
2.	Bilal Ahmad	2017-FU.Pol.sc-16
3.	Shahryar	2017-FU.Pol.sc-20
4.	Alyab Rehman	2017-FU.Pol.sc-24
5.	Abdur Rehman	2017-FU.Pol.sc-29
6.	Kamran Khan	2017-FU.Pol.sc-32

**HoD Political Science**

8

**BEFORE THE CAPITAL CITY POLICE OFFICER, PESHAWAR**

**SUBJECT: DEPARTMENTAL APPEAL AGAINST THE  
IMPUGNED ORDER NO.4573-81/OHC KHYBER,  
DATED: 20.10.2021 PASSED BY DISTRICT  
POLICE OFFICER KHYBER.**

---

**Respected sir,**

It is submitted as under:-

1. That, the appellant humbly beg to submitted before your goo-self, that, the appellant was working as a Constable in District Police Khyber and always service the department diligently, honestly, efficiently and up to the entire satisfaction of his superiors. There is no iota of complaint from all four corners against the appellant at any forum rather the services rendered by the appellant were always appreciated by the high-ups of the department.
2. That, the appellant served with zeal devotion and excellent tracks record, moreover, appellant belonged to a respectable family.
3. That, the following allegations were leveled against the appellant the above mentioned was informed time and again through his mobile and also through local police station but the above name candidate neither came for joining his duty nor giving his statement for resign,(**order attached with**).
4. **The, said allegations are false and frivolous and do not bear the merits of the Case, hence, are liable to be Set aside, Moreover, before join the police department appellant has already got admission in FATA university (FR) Kohat (2017-FU-POISC-16) hence when appellant approached for to take leave for join his last research/thesis and got BS Degree, his request departmentally rejected verbally, however absentia occurred but absentia was not intentionally but for the complete education carrier moreover article 4 of constitution of Pakistan also pointed, that right of**

4

**individual to be dealt with in accordance with law. Furthermore appellant neither gave any resign nor any application for resign (Signature, Thumb impression) in connection of resign, it is totally based on malafide intention that appellant gave resign (Viva notification attached).**

5. That, the competent authority without realizing the actual facts of the Case and without hearing the appellant, has imposed major punishment dismiss from service, without unveiling the real facts of the case.
6. That, appellant has not dealed according to Khyber Pakhtunkhwa Police rules 1975 (with amendments 2014) (Section 05to09). (Rules attached with).
7. That, the impugned dismissed order is thoroughly in derogation to the principle of natural justice and equity.
8. That, appellant has unilaterally been dismissed from service by Superintendent of Police Operation, without fulfillment legal/codal formalities i.e Charge Sheet, summary of allegation, Regular inquiry, show Cause Notice and personal hearing on the Sole basis of absentia, Authorities attached (1988 PLC /CS) 379, 1988 PLC (CS) 872).
9. That, the impugned order dated: 20/10/2021/ is illegal, unlawful and has been passed without appreciating the real facts of the Case and even without participating the appellant into departmental proceedings hence, is liable to be set aside.
10. That, the appellant was not called for personal hearing and was condemned unheard while violating the Latin Maxim Audi Aitrem Partem. Thus impugned order was passed in haste during the absence of the appellant without hearing the version of the appellant and against Article 10-A of Constitution of Islamic republic of Pakistan 1973.
11. That, it was the primary duty of the authority to prove the allegation holding a regular enquiry has been held by the Honorable tribunal and Supreme Court of Pakistan in many cases i.e PLD 2008 Sc 451, 1997 SCMR 1543. No. enquiry

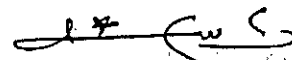
10  
was held in the Case of appellant (Authorities attached with).

12. That, according to Judgment of Supreme Court of Pakistan No. (CP 24772201P) employees of Police can file their departmental appeal any time before High ups. Authority attached with).
13. That, feeling aggrieved from the Supra mentioned episode i.e the order of **Superintendent of Police Operation**, the appellant approaching before your Honor to dig out the real facts of the case, Justice, and reinstate the appellant.
14. That, the appellant has been deprived from his bread and butter to himself and his family, which is against the provisions of Constitution of Islamic republic of Pakistan 1973, hence, a magnanimous view of the matter may kindly be taken.

**PRAYER:**

In view of nutshell of back drop, it is most respectfully prayed that while accepting the appeal in hand, the impugned order dated: 20-10-2021 passed by District Police Officer Khyber may kindly be set aside and the appellant may kindly be reinstated into his service.

I have the Honor to be  
Respected Sir,



Your, Most obedient  
Servant, Ex-Constable  
**Bilal Ahmed**  
S/o Said Alam  
R/o Sohbat Dand Shalobar  
Road Swatabad, Bara  
District Khyber  
Mob: 0333-9000088

**BEFORE THE INSPECTOR GENERAL OF POLICE, PESHAWAR**

**SUBJECT: DEPARTMENTAL APPEAL AGAINST THE  
IMPUGNED ORDER NO.4573-81/OHC KHYBER,  
DATED: 20.10.2021 PASSED BY DISTRICT  
POLICE OFFICER KHYBER.**

---

**Respected sir,**

It is submitted as under:-

1. That, the appellant humbly beg to submitted before your goodness, that, the appellant was working as a Constable in District Police Khyber and always service the department diligently, honestly, efficiently and up to the entire satisfaction of his superiors. There is no iota of complaint from all four corners against the appellant at any forum rather the services rendered by the appellant were always appreciated by the high-ups of the department.
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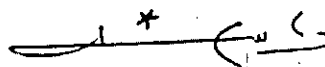
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14. That, the appellant has been deprived from his bread and butter to himself and his family, which is against the provisions of Constitution of Islamic republic of Pakistan 1973, hence, a magnanimous view of the matter may kindly be taken.

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I have the Honor to be  
Respected Sir,



Your, Most obedient  
Servant, Ex-Constable  
**Bilal Ahmed**  
S/o Said Alam  
R/o Sohbat Dand Shalobar  
Road Swatabad, Bara  
District Khyber  
Mob: 0333-9000088

604

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uninsured letters of not more than  
the initial value of the postage.  
Post Office or on which no  
acknowledgement is due.

Rs. Ps.

RGL74485518

130

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addressed to \_\_\_\_\_

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\* Write here "letter", "postcard", "packet" or "parcel"  
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If insured

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acknowledgement is due.

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with the word "insured" before it when necessary.




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Insurance fee Rs. \_\_\_\_\_ Ps. \_\_\_\_\_ (in words) } Weight } Kilo  
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Name and  
address  
of sender

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If insured.


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بار کونسل / ایسوسی ایشن نمبر: <u>BC18-1149</u>				
رابطہ نمبر: <u>0313-9215885</u>				
MNMG@gmail.com				

بعدالت جناب:

منجانب: <u>ایڈوکیٹ</u>	دعویٰ:
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

### باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ  
 آن مقام ایڈوکیٹ عدالت کے لئے مقدمہ مندرجہ عنوان کے لئے مقدمہ مندرجہ عنوان کو پیش کر کے  
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو  
 راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق  
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز  
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی  
 کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب  
 مقرر شدہ کو کوئی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داخیت منظور و قبول ہوگا  
 دوران مقدمہ میں جو خرچہ ہر جانہ اتوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے  
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المقوم: 29/05/2024  


ایڈوکیٹ ایڈوکیٹ

مقام: پشاور کے لیے منظور ہے۔

وکالت نامہ کی فونو کالی ناقابل قبول ہوگی۔

ایڈوکیٹ  
ایڈوکیٹ  
ایڈوکیٹ