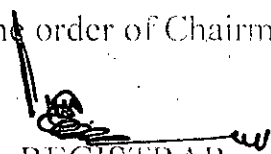


# FORM OF ORDER SHEET

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

Case No. - \_\_\_\_\_

720/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	30/03/2023	<p>The appeal of Mr. Ilyas Sardar presented today by Mr. Kabir Ullah Khattak 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 HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. 720 /2023

Ilyas Sardar Ex- Constable No.580

***VERSUS***


The Provisional Police Officer, Government of Khyber  
Pakhtunkhwa Peshawar & others

**INDEX**

S#	Description of Documents	Annexure	Pages
1.	Grounds of Petition.		1-6
2.	Affidavit.		7
3.	Addresses of parties		8
4.	Condonation of delay		9-11
5.	Copy of FIR	"A"	12
6.	Copy of BBA	"B"	13-14
7.	Copies of acquittal order	"C"	15-19
8.	Copy of dismissal order	"D"	20
9.	Copies of departmental appeal and rejection order.	"E & F"	21-24
10.	Wakalatnama		

  
APPELLANT

Through

  
Roeda Khan  
Advocate, High Court  
Peshawar.

Dated: 29/03/2023

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. 720 /2022

Ilyas Sardar Ex- Constable No.580 R/o Dir Payan  
District Dir Payan.

**Appellant**

***VERSUS***

1. The Provisional Police Officer, Government of Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer Region Saidu Sharif Swat.
3. District Police Officer Dir Lower.

**Respondents**

**APPEAL U/S-4 OF THE KHYBER**  
**PAKHTUNKHWA SERVICES TRIBUNAL ACT**  
**1974 AGAINST THE ORDER DATED 11/03/2021**  
**PASSED BY THE DISTRICT POLICE OFFICER**  
**DIR LOWER (RESPONDENT NO.3) WHEREBY**  
**THE APPELLANT WAS AWARDED MAJOR**  
**PENALTY OF DISMISSAL FROM SERVICE WITH**  
**RETROSPECTIVE EFFECT FROM THE DATE OF**  
**OCCURRENCE I.E 27.01.2021 AGAINST WHICH**  
**THE APPELLANT FILED DEPARTMENTAL**  
**APPEAL ON 15.03.2021 AGAINST THE ORDER**  
**DATED 11.03.2021 WHICH WAS REJECTED ON**  
**26.04.2021 WHICH HAS BEEN COMMUNICATED**  
**TO THE APPELLANT 06.03.20223 ON NO GOOD**  
**GROUND.**

Prayer:-

ON ACCEPTANCE OF THIS APPEAL THE  
IMPUGNED ORDERS DATED 21/03/2021 &  
26/04/2021 PASSED BY THE RESPONDENTS  
MAY VERY GRACIOUSLY BE SET ASIDE  
AND THE APPELLANT MAY KINDLY BE  
REINSTATED IN SERVICE WITH FULL  
BACK WAGES AND BENEFITS.

ANY OTHER RELIEF DEEMED  
APPROPRIATE IN THE CIRCUMSTANCES  
OF THE CASE NOT SPECIFICALLY ASKED  
FOR, MAY ALSO BE GRANTED TO THE  
APPELLANT.

Respectfully Sheweth,

1. That the Appellant joined his service in police department as constable at the year 2010. After appointment he was performing his duty with great Zeal, Zest and devotion, but unfortunately he was falsely involved in a criminal case F.I.R No.107 dated 13.10.2020 U/S 337 (i) 25D Act PS: Talash and as such the appellant involved in domestic problems due to the said criminal case and was unable to perform his duty with respondent department. (Copy of FIR is attached as annexure "A").

2. That the appellant was served a show cause notice on dated 16.02.2021 through police line Timergara, which has been properly replied by the Appellant whereby the appellant denied the allegation leveled against the appellant.
3. That the appellant has been filed bail before Arrest, which was later on confirm on 03.12.2020 by court of Additional Session Judge at Timergara Dir Lower. (Copy of bail before arrest order is attached as annexure "B").
4. That the investigation was completed and challan was submitted before the additional Session Judge Timargarah Dir Lower for trial of accused and ultimately the appellant has been acquitted in the instant case. (Copies of acquittal order is attached as annexure "C").
5. That the respondent department without the fulfilling the codal formalities and without providing opportunity of defence to the appellant, dismissal the appellant from service on 11.03.2021 with retrospective effect from the date of absence. (Copy of dismissal order is attached as annexure "D").

6. That the appellant submitted Departmental appeal on 15.03.2021 against the order dated 11.03.2021 which was rejected on 26.04.2021 on no good grounds, but the said rejection order has been communicated to the appellant on 06.03.2023. (Copies of departmental appeal and rejection order are attached as annexure "E & F").
7. That feeling aggrieved the Appellant prefers the instant service appeal before this Hon'ble Tribunal on the following grounds inter alia:-

**GROUNDS:-**

- A. That the impugned orders dated of dismissal from service of Appellant was passed on 01.03.2021 and the same was made enforceable with retrospective effect from 27.01.2021 in utter violation of law as the executive/departmental authority was not competent to pass such order with retrospective effect reliance in this respect can be placed on the judgment of August Supreme Court of Pakistan reported in 1985 SCMR- 1178 Citation-C 1996 SCMR-20 (Citation-C), PLD 2007 Supreme Court page-52 (Citation-F).

- B. That the absence of the appellant is not intentional nor deliberately but due to involvement of criminal case as well as domestic problems.
- C. That no charge sheet and statement of allegation has been issued or served / communicated to the appellant which is clear cut violation of rules-6(A-1) of Police rules 1975.
- D. That no departmental and regular inquiry has been conducted by the Respondent department and no chance of personal hearing has been provided to the appellant in this respect the appellant relied upon the judgment dated 2008 SCMR Page:1369.
- E. It is a well settled maxim no one can be condemned unheard because it is against the natural justice of law in this respect the appellant relied upon a judgment reported on 2008 SCMR page:678.
- F. That the impugned order is a void ab-initio order because it has been passed without fulfilling the codal formalities.

G. That any other ground not raised here may graciously be allowed to be raised at the time of arguments on the instant service appeal.

*It is therefore, most humbly prayed that on acceptance of this appeal the impugned orders dated 21/03/2021 & 26/04/2021 passed by the respondents may very graciously be set aside and the appellant may kindly be reinstated in service with full back wages and benefits.*

*Any other relief not specifically asked for may also graciously be extended in favour of the Appellant in the circumstances of the case.*

*Ilyas*  
APPELLANT

Through

*[Signature]*  
Kabir Ullah Khattak  
& *[Signature]*  
Roeda Khan  
Advocates, High Court  
Peshawar.

Dated: 29/03/2022

**NOTE:-**

As per information furnished by my client, no such like appeal for the same petitioner, upon the same subject matter has earlier been filed, prior to the instant one, before this Hon'ble Tribunal.

*[Signature]*  
Advocate.



- 7 -

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_/2023

Ilyas Sardar Ex- Constable No.580

***VERSUS***


The Provisional Police Officer, Government of Khyber  
Pakhtunkhwa Peshawar & others

**AFFIDAVIT**

I, Ilyas Sardar Ex- Constable No.580 R/o Dir Payan  
District Dir Payan, do hereby solemnly affirm and declare  
that all the contents of the instant appeal are true and  
correct to the best of my knowledge and belief and nothing  
has been concealed or withheld from this Hon'ble Court.

  
DEPONENT

***Identified by:***

  
Roeda Khan  
Advocate High Court  
Peshawar.

Dated:29-03-2023

- 83

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_/2023

Ilyas Sardar Ex- Constable No.580

***VERSUS***

The Provisional Police Officer, Government of Khyber  
Pakhtunkhwa Peshawar & others

**ADDRESSES OF PARTIES**

***PETITIONER.***

Ilyas Sardar Ex- Constable No.580 R/o Dir Payan  
District Dir Payan.

**ADDRESSES OF RESPONDENTS**

1. The Provisional Police Officer, Government of Khyber  
Pakhtunkhwa Peshawar.
2. Regional Police Officer Region Saidu Sharif Swat.
3. District Police Officer Dir Lower.

*Ilyas*

APPELLANT

Through



Roeda Khan  
Advocate, High Court  
Peshawar.

Dated: 29/03/2023

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_/2023

Ilyas Sardar Ex- Constable No.580

***VERSUS***

The Provisional Police Officer, Government of Khyber  
Pakhtunkhwa Peshawar & others

**APPLICATION FOR CONDONATION OF DELAY (if any)**

***Respectfully Sheweth,***

Petitioner submits as under:

1. That the above mentioned appeal is filing before this Hon'ble Tribunal in which no date is fixed for hearing so far.
2. That the Appellant joined his service in police department as constable at the year 2010. After appointment he was performing his duty with great Zeal, Zest and devotion, but unfortunately he was falsely involved in a criminal case F.I.R No.107 dated 13.10.2020 U/S 337 (i) 25D Act PS: Talash and as such the appellant involved in domestic problems due to the said criminal case and was unable to perform his duty with respondent department.

- 10 -
3. That the investigation was completed and challan was submitted before the additional Session Judge Timargarah Dir Lower for trial of accused and ultimately the appellant has been acquitted in the instant case.
  4. That the respondent department without the fulfilling the codal formalities and without providing opportunity of defence to the appellant, dismissal the appellant from service on 11.03.2021 with retrospective effect from the date of absence on the ground of absentee.
  5. That the appellant submitted Departmental appeal on 15.03.2021 against the order dated 11.03.2021 which was rejected on 26.04.2021 on no good grounds, but the said rejection order has been communicated to the appellant on 06.03.2023.
  6. That the said absentee is not intentionally nor deliberately but due to the reason mentioned in para No.2.

***Grounds:***

- A. That the impugned orders are void order and no limitation run against the void orders.
- B. That there are many judgment of the supreme court as well as specific provision of law that limitation has been counted from the date of communication.
- C. That there are number of precedents of the Supreme Court of Pakistan which provides that

the cases shall be decided on merits rather than technicalities.

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

  
Appellant

Through

Date : 29.03.2023

  
**Kabir Khan Khattak**

&   
**Roeda Khan**

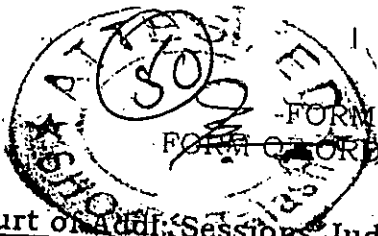
Advocates, High Court

Peshawar





(88)



FORM "A"  
FORM OF ORDER SHEET

B<sup>3</sup> (13)

Court of Sessions Judge, at Timergara Dir (L)

BAA# 166 /IV of 2020 Hassan Sardar etc. vs The state etc.

Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and s or counsel where necessary
1	2	3
Order #08	03-12-2020	<p>(1) سلطان/ملزمان بر عبوری ضمانت ہمراہ وکیل حاضر، متفیث بذریعہ چچا ہمراہ وکیل حاضر وکیل سرکار حاضر۔</p> <p>(2) سلطان/ملزمان حسن سردار اور الیاس سردار پسران بخت سردار سکن خٹ کھے تالاش، تحصیل تیرگرہ ضلع دیرپائین نے درخواست ہذا برائے حصول ضمانت قبل از گرفتاری بسلسلہ مقدمہ عدت نمبر 107 مورخہ 13.10.2020 جرائم زیر دفعات 337L(i) PPC, 25D Telegraph Act سے تالاش، گزاری۔</p> <p>(3) وکیل سلطان/ملزمان نے بدوران بحث موقف اپنایا کہ سلطان/ملزمان کو بدیتی سے مقدمہ ہذا میں ملوث کیا گیا ہے۔ مزید کہا کہ جرائم زیر دفعات 337L(i) PPC, 25D Telegraph Act ضابطہ فوجداری کے دفعہ 497 کے ممنوعہ شق میں نہیں آتے۔ نیز مقدمہ کراس ورژن کا ہو کر سائل/شریک ملزم حسن سردار نے بھی اپنی مجبوری کی بابت معافی پولیس کو بروئے نقل مد نمبر 36 روزنامہ</p>

7/12/20  
 (مختار احمد خان)  
 ایڈیشنل سیشن جج  
 دیرپائین  
 ۱۴-۱۲-۲۰۲۰

(continued)



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2

Order or Proceedings Date of Order or Proceedings Order or other Proceedings with Signature of Judge or Magistrate and s or counsel where necessary

1

2

3

03-12-2020

Continued>>  
Order #08

19.08.2020 رپورٹ کی ہے۔ اور اس بات کی تصدیق بعد از قلمبندی شہادت ہی ممکن ہے کہ کونسا فریق حبارج ہے اور کس پر حبارجیت کی گئی ہے۔ بدیں وجہ مقدمہ مزید تحقیق طلب ہے۔ درخواست سالکان / ملزمان منظور کرنے کی استدعا کی۔

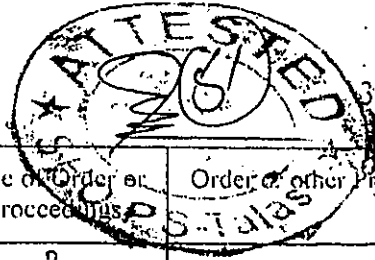
(4) برٹکس وکیل سرکار ہمراہ پرائیویٹ کونسل سلیم خان ایڈوکیٹ نے موقف اختیار کیا کہ سالکان / ملزمان کے خلاف براہ راست دعویٰ جاری ہے۔ میڈیکولیکل رپورٹ صفحہ 11 پر موجود ہے جو استغاثہ کے کیس کی تائید کرتی ہے۔ سالکان / ملزمان کو خصوصی کردار دیا گیا ہے۔ یہ بھی بیان کیا کہ مقدمہ ہذا میں معتمی پولیس نے دفعہ 34 ت۔ پ کا اندراج نہیں کیا ہے۔ مذکورہ دفعہ کے اندراج کی بھی استدعا کی۔ بدیں وجہ سالکان / ملزمان ضمانت قبل از گرفتاری کے حقداران نہ ہیں۔ لہذا درخواست سالکان / ملزمان حبارج کی جائے۔

(5) بحث سماعت شد و ریکارڈ ملاحظہ شد۔

(6) ریکارڈ سے عیاں ہے کہ سالکان / ملزمان اور مستغیث کے درمیان جھگڑا ہو کر دونوں فریق نے ایک ہی وقوعہ کے نسبت اپنی اپنی مجروحیت کی نسبت معتمی پولیس کو رپورٹ کی ہیں۔ مستغیث کی رپورٹ بشکل FIR نمبر 107 درج کی گئی ہے جبکہ سالکان / ملزمان کی رپورٹ بحسن سردار کی رپورٹ مجروحیت برائے نقل مد

70  
نفاذ و حجاز  
پولیس  
مقام تیمرگڑہ  
۰۳-۱۲-۲۰۲۰

90



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Date of Proceedings  
Order #07  
Date of Proceedings  
Order #08

Serial No of Order or Proceedings  
Date of Order or Proceedings  
Order or other Proceedings with Signature of Judge or Magistrate and or counsel where necessary

1 2 3

Continued  
Order #07

03-12-2020

نمبر 36 بر خلاف مستغیث معاذ وغیرہ درج کی گئی ہے۔ وقوعہ میں لاتوں، مکوں کے گزراتے ہونے کا ذکر کیا گیا ہے تاہم والد مستغیث پر ظاہری زخم نمایاں نہ ہے۔ عائد کردہ دفعات ضابطہ فوجداری کے دفعہ 497 کے ممنوعہ ثبوت میں نہیں آتے۔ مقدمہ کراس ورژن کا ہو کر مزید تحقیق طلب ہو کر سلطان / ملزمان ضمانت کے حقداران ہیں۔

مزید رہنمائی عدالتی نظیر P LD 2017 Supreme Court 730 سے حاصل کی گئی۔

(7) مذکورہ بالا حالات کی تناظر میں درخواست زیر غور بعرض ضمانت قبل از گرفتاری منظور کی جاتی ہے اور سلطان / ملزمان کو فراہم شدہ سہولت بروئے حکم نمبر 02 بحسبہ 15.10.2020 کی توثیق کی جاتی ہے۔

(8) مسل بعد از ترتیب و تکمیل کے داخل دفتر ہو۔

حکم سنایا گیا۔  
مورخہ 03-12-2020

ایڈیشنل سیشن جج تیرگرہ  
(نشار محمد عثمان)  
ایڈیشنل سیشن جج تیرگرہ

Continued  
Order #08

(15) "C" انڈکس

بعدالت جناب سول جج جوڈیشل مجسٹریٹ علاقہ قاضی دیر پائین بمقام

6-01-021

مقدمہ نمبر 50/2 تاریخ رجوعہ 6-10-021

سال 2022 تاریخ فیصلہ 27-01-022

مقدمہ علت نمبر 107 مورخہ 13/10/20 مورخہ 337(1) تھانہ ٹالاشی

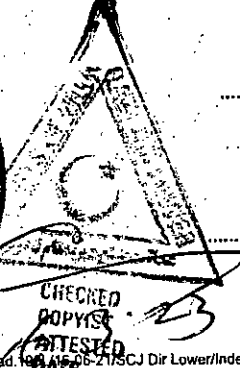
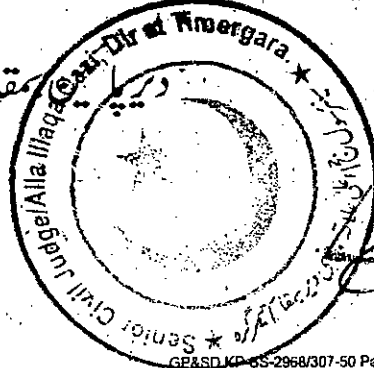
کروگر بنام حسین سید ارونیکہ

نمبر شمار	تفصیل کاغذات	صفحات	قطععات
1-	انڈکس، انڈر سٹیک، حکام، مقدمہ نمبر	1	12-
2-	درخواست، راضی نامہ، بیان، CNK	13	17-
3-	رہنما (جوڈیشل) 102/2022 سینٹ	18	90-
4-	وفات نامہ، سماعت	91	98-
	مثل مقدمہ کل (98-) قطععات پر مشتمل ہے۔		98-

تصدیق: ریکارڈ ہذا قواعد و ضوابط کے مطابق مرتب کیا گیا۔ اور درست حالت میں ہے۔  
نمبر 40

تاریخ 29-01-022

مقام نیوگڑی

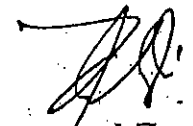
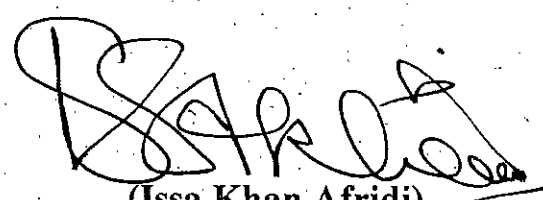


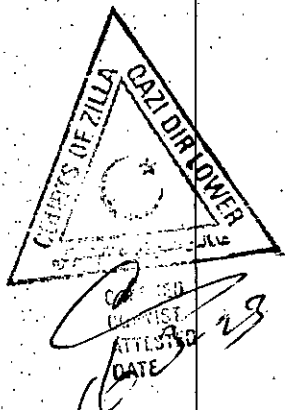
سول انفوجداری محرر Subhan Naqvi

(16)

**FORM "A"**  
**FORM OF ORDER SHEET**

IN THE COURT OF MUHAMMAD ZEESHAN UD DIN, CIVIL JUDGE/JUDICIAL MAGISTRATE/CJ-I, DIR LOWER AT TIMERGARA

Serial No. of Order of Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of Parties or Counsel where necessary.
1	2	3
Order No. 8	01/10/2021	<p>Consequent upon Order No. 3398-3405/D&amp;SJ Dir (L), dated 30/09/2021, the instant case is hereby forwarded today to the Court of Learned Senior Civil Judge (Admin)/AIQ, Dir Lower at Timergara.</p> <p><b><u>Announced</u></b> 01/10/2021</p> <p align="center">             (Muhammad Zeeshan Ud Din)            Civil Judge/Judicial Magistrate/IQ-I,            Dir Lower at Timergara         </p>
Order No. 9	01/10/2021	<p>The instant case file was transferred by Learned Civil Judge/Judicial Magistrate/IQ-I, Dir Lower at Timergara. Be registered in its relevant register. Prosecution, complainant and accused be noticed/summoned for <u>26 / 10 / 2021</u>.</p> <p><b><u>Announced</u></b> 01/10/2021</p> <p align="center">             (Issa Khan Afridi)            Senior Civil Judge (Admin)/MTMC/AIQ,            Dir Lower at Timergara         </p>



0-10  
26-10-021

App برائے سگار خان - سفینت خانہ - 2

ملزمان برصغانت خانہ - نوٹس نم

سفینت اگیزہ خورہ 021-11-6 کیسے

جاری ہو - گواہان استغاثہ اور والد

سفینت سے تعلق مندرہ کیسے طلب ہو -

*[Handwritten signature]*

NOTICE

0-11  
6-11-021

App برائے سگار خان - سفینت خانہ - ملزمان پر

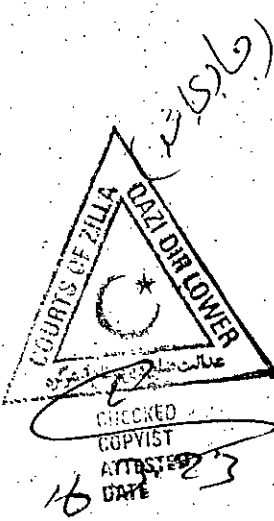
صحت خانہ - سفینت کو برائے شہداء جملہ برائے

شہادت لہینہ "زمنی خانہ" کے HHC کے

مذکورہ سگار خانہ سے تعلق مندرہ 13-11-021

کیسے طلب ہو -

*[Handwritten signature]*



0-12  
13-11-021

App برائے سگار خان - سفینت خانہ - ملزمان برصغانت خانہ

گواہان میں سے اسماعیل خان خانہ - وکلاء بارہ روم میں

پروٹیکشن میں مصروف باہمی ہے - بین و

شہادت کیسے طلب شد - بنایا گواہان کا

مندرجہ 22-11-021 کیسے طلب ہو -

*[Handwritten signature]*

اداریہ

(7)

(171)

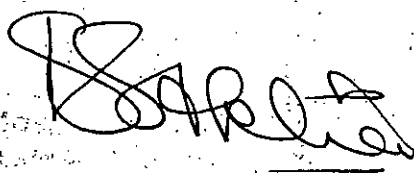
FORM "A"  
FORM OF ORDER SHEET  
Court of Senior Civil Judge/AIQ Dir Lower at Timergara

Case No. \_\_\_\_\_ of \_\_\_\_\_  
Title اسن سردار رحمان Vs سکار

Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3

0-13 22-11-21. App برائے سکار طفر - مستفید طفر - ملزمان برصحات طفر - گولہ منزل بھی طفر - گولہ سبیل و گل نواز طفر نہ ہے۔ بذریعہ نوٹس مورخ 27-11-21 کیلئے طلب ہو گیا ہے۔ اس برائے شہادت استقامت مارچ 2020 کو پیش ہو

*طافی سند*




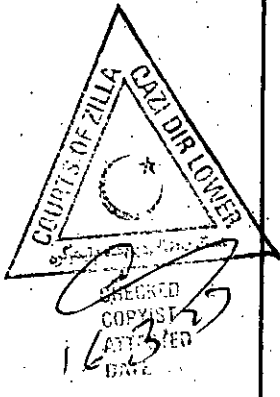
27-11-21. اندر میں صبر و ضبط آفٹانیا ہو ہے۔ اس برائے سکار طفر مورخ 12/12/21 کو پیش ہو۔

*اندر*


0-14 06-12-21. App برائے سکار طفر - مستفید طفر - ملزمان برصحات طفر - شہادت استقامت طفر نہ ہے۔ مستفید کو سونچ سے برکت کیلئے کہا انہوں نے پٹی پر جملہ پرائیویٹ شہادت طفر کریں۔ سکار گولہ سبیل و گل نواز طفر نہ ہے۔

*طافی سند*



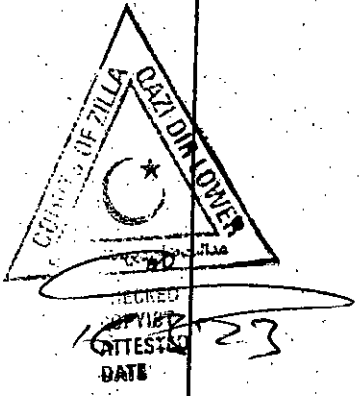


0-15 11-12-21 - App برائے سکار طفر - مستفید طفر - ملزمان برصحات طفر - جنرول شہادت طفر تاہم محمد یوسف ایڈووکیٹ طفر ہو کر فریضین کے مابین راہزن نام کیلئے جعلیت کیا جا کر دیا جاتی ہے۔ اس برائے راہزن نام عبورت جملہ پرائیویٹ گولہ سبیل و گل نواز طفر 23-12-21 کو پیش ہو۔



Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
0-16	23-12-21.	<p>App برائے سگار خان - منیت نذیرا وکیل خان - ملزمان          برحمانت ہمراہ وکیل خان - وکیل یوسف خان الجور          ثالث خان خان برائے منیت نذیرا نام مذہب          جعلیت طلب کیا گیا - دی جاگہ مل برائے          راجن نام لیسوری دیگر وکیل منیت جلم          پیرا گیسٹ شہادت فورہ 03/1/22 کو پیش کریں</p> <p><i>[Signature]</i>          Issa Khan Afridi          Senior Civil Judge (Admin) / MTMC          Dir Lower at Timergara</p>
0-17	03-1-22.	<p>App برائے سگار خان - منیت نذیرا وکیل خان - ملزمان          برحمانت خان - شہادت استغاثہ خان نہ - پیرا گیسٹ          گواہان نذیرا NBW فورہ 8-1-22 کیے طلب ہو۔</p> <p><i>[Signature]</i>          Issa Khan Afridi          Senior Civil Judge (Admin) / MTMC          Dir Lower at Timergara</p>
0-18	8-1-22.	<p>App برائے سگار خان - فریقین ہمراہ وکیل خان - ملزمان          خان برائے منیت نذیرا نام مذہب          کیا گیا - دی جاگہ پدایت شدہ گواہان نذیرا          پیرا گیسٹ راجن نام پیش کریں لیسوری دیگر جلم          پیرا گیسٹ شہادت فورہ 17-1-22 کو پیش کریں۔</p> <p><i>[Signature]</i>          Issa Khan Afridi          Senior Civil Judge (Admin) / MTMC          Dir Lower at Timergara</p>
0-19	17-1-22-	<p>App برائے سگار خان - منیت نذیرا وکیل خان - ملزمان          منیت نذیرا وکیل خان - ملزمان برحمانت خان          داخل ہو کر شامل مل شد - تمہیری راجن نام پیش کیا گیا -          درخواست منظور شد - مل برائے بیانات منیت و فریقین          27-1-22 کو برائے منیت نذیرا نام پیش ہو۔</p> <p><i>[Signature]</i>          Issa Khan Afridi          Senior Civil Judge (Admin) / MTMC          Dir Lower at Timergara</p>

16/1/22



FORM "A"

## FORM OF ORDER SHEET

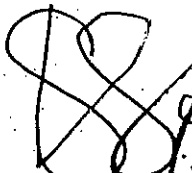
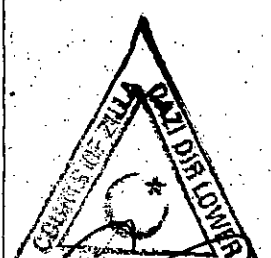
In the Court of Issa Khan Afridi SCJ (Admn)/MTMC Dir Lower at Timergara

State Vs Hasan Sardar etc

Serial No. of Order of Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of Parties or Counsel where necessary.
1	2	3
<p>Order No. 20</p> <p>COURTS OF ZILLA QAZI DIR LOWER</p> <p>CHECKED COPYIST ATTESTED DATE</p> <p>ATTESTED DATE</p>	<p>27-01-2022</p> <p>27-01-2022</p>	<p>APP Mr. Irfan for the state present. Complainant-injured Muhammad Maaz S/o Gul Nawaz and injured Gul Nawaz S/o Abdul Wakeel in person along with counsel present. Accused on bail along with counsel also present.</p> <p>The complainant-injured and injured named above have submitted compromise deed to the effect that they have compromised the matter with both the accused Hasan Sardar and Ilyas Sardar sons of Bakht Sardar in case FIR No. 107 dated 13-10-2020 u/s 337-L(i)/34 PPC, 25-D Telegraph Act PS Talash. To this effect joint statement of the complainant-injured and injured recorded before the court wherein they stated that they have forgiven the accused in the name of Almighty Allah and have got no objection if the accused are acquitted of the charges levelled against them. That complainant is aged below 18 years therefore, he was identified by his father (injured) Gul Nawaz. Copy of compromise deed is ExPA while copy of CNIC of the injured Gul Nawaz</p>



(10) = (191)

Serial No. of Order of Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of Parties or Counsel where necessary.
		<p>(father of the complainant) who is also injured in the case himself is ExPB.</p> <p>Hence, keeping in view the above circumstances, although, the offences u/s 25-D Telegraph Act is not compoundable, however, the complainant party has compromise with the accused in the principle offence, therefore, section 25-D Telegraph Act is merged. Moreover, the factum of above mentioned compromise has rendered conviction of the accused improbable in due course of trial even if all the PWs are examined. Moreover, in the light of judgment of Honourable Peshawar High Court (PLD 2016 Peshawar 26). The parties in this case too have decided to live in peace by forgetting their differences, then acquittal is the proper way despite the fact that the offenses are non compoundable.</p> <p>Therefore, on acceptance of the compromise, the accused Hasan Sardar and Ilyas Sardar sons of Bakht Sardar are hereby acquitted of the charges levelled against them u/s 249-A CrPC.</p> <p>Sureties of the accused are discharged of their liability of bail bonds. Case property, if any, shall be dealt with in accordance with law.</p> <p>Case file be consigned to record room after completion and compilation.</p> <p><u>Announced</u> 27-1-2022</p> <div style="text-align: right;">         (Issa Khan Afridi)        Senior Civil Judge (Admin)/AIQ/MTMC        Dir Lower at Timergara        27-01-2022     </div> <div style="text-align: center;">         CHECKED        COPYIST        ATTESTED     </div>

S.No: 378  
 Date of Application 16-3-23  
 Urgent Fee NIL  
 Revenue Fee \_\_\_\_\_  
 No of Pages 35/-  
 No of Word \_\_\_\_\_  
 Copying Fee 1/-  
 Total Fee 35/-  
 Date of Preparation 16-3-23  
 Date of Delivery 16-3-23  
 Signature [Signature]



"D" (20)

**OFFICE OF THE  
DISTRICT POLICE OFFICER  
DIR LOWER**

**ORDER**

1. This order will dispose of the departmental Show Cause Notice conducted against Constable Ilyas Sardar No.580, have rendered yourself liable to be proceeded under Rule 5(3) of the Khyber Pakhtunkhwa, Police Rules 1975 (amendments 2014) for following misconduct. That while he posted at Police Post Shidas of PS Lal Qilla you appear before the undersigned on 16-02-2021 in connection with absence/ suspension, the following irregularities were observed. Details are is under:-

- a. Prior to this he was absent from duty with effect from 11-01-2021 to 30-01-2021 total (21 days).
- b. He was transferred from Police Line Timergara to PP Shedas PS Lal Qilla on 27-01-2021.
- c. He departed for duty to PP Shidas vide DD No.54 dated 01-02-2021 but he intentionally failed to ensure his presence at new place of posting and did not join his duty.
- d. He disobedience of lawful command by not joining new place of duty i.e Shidas. This shows gross negligence, inefficiency and unprofessional attitude on his part

2. He was issued. Show Cause Notice No.23/EB dated 16-02-2021 through LO Police Line Timergara, the reply of which was received on 22-02-2021.

3. He was called in Orderly Room on 08-03-2021 for personal hearing and found unsatisfactory. Full opportunity was given to him to explain his position, but he failed to produced any cogent reason in his self defense nor satisfy the undersigned.

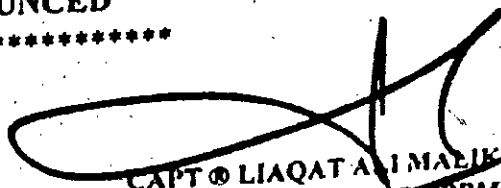
4. Therefore, I CAPT @ Laiqat Ali Malik (PSP/PPM), District Police Officer, Dir Lower in exercise of power vested under (E & D) Rules 1975 with amendment 2014. awarded him a Minor Punishment of "Dismissal" from Service from the date of his absence i. e 27-01-2021-, with immediate effect.

**ORDER ANNOUNCED**

\*\*\*\*\*

OB No. 290

Dated 11/03/2021

  
CAPT @ LIAQAT ALI MALIK  
(PSP/PPM)  
District Police Officer  
Dir Lower

No. 4902-06 /EB,

Copies submitted to the: -

1. Regional Police Officer, Malakand at Saidu Sharif, Swat.
2. Director Federal Investigation Agency KP Zone, Khyber Pakhtunkhwa, Peshawar.
3. Pay officer Local Office.
4. OHC Local Office.

11/03/2021 Timergara

2133  
22/5/2021

محکمہ سائنس و ٹیکنالوجی، ایف آئی اے، اسلام آباد

محکمہ سائنس و ٹیکنالوجی، ایف آئی اے، اسلام آباد  
13-03-2021  
FIA  
محکمہ سائنس و ٹیکنالوجی، ایف آئی اے، اسلام آباد

15/03/21

Handwritten notes and signatures in Urdu and English, including the name 'Eng. M. A. Qureshi'.

E.C.  
for Comments

Official stamp of the Ministry of Science and Technology, Islamabad.

Official stamp of the Director's Office, Lower at Islamabad, dated 22/07.

## بجضور جناب ریجنل پولیس آفیسر ملا کنڈ ریجن سید و شریف سوات

گزارش ہے کہ سائل سال 2010ء کو محکمہ پولیس میں بھرتی ہو کر سال 2021ء تک نہایت ایمانداری کے ساتھ ڈیوٹی انجام دیتا رہا۔ سال 2021ء میں سائل کو بحوالہ آرڈر نمبر 290 مورخہ 11.03.2021 کو بوجہ غیر حاضری محکمہ سے درخواست کیا گیا۔ سائل FIA پشاور میں تعینات تھا اور FIA سے سائل کا ٹرانسفر ضلع لوئر دیر ہو چکا ہے۔ چونکہ سائل اپنے خاندان کے ہمراہ پشاور میں رہائش پذیر تھا بدیں وجہ سائل غیر حاضر رہا۔ غیر حاضری کی بنیاد پر سائل کو محکمہ سے درخواست کیا گیا ہے۔ سائل انتہائی غریب خاندان سے تعلق رکھتا ہے۔ اور گھر کا واحد کفیل ہے۔

بذریعہ درخواست استدعا ہے کہ سائل محکمہ پولیس میں دوبارہ بحال کرنے کے احکامات صادر فرمائیں۔

سائل تاحیات دعا گور ہے گا۔

مورخہ 15/03/2021

العارض

سابقہ کانسٹیبل الیاس سردار نمبر 580 ضلع دیر پایان



OFFICE OF THE  
REGIONAL POLICE OFFICER, MALAKAND

SAIDU SHARIF SWAT.  
Ph: 0946-9240381-88 & Fax No. 0946-9240390  
Email: djmalakand@yahoo.com

CF (23)

3301  
18/5/21

ORDER:

This order will dispose of appeal of Ex-Constable Ilyas Sardar No. 580 of Dir Lower District for reinstatement in service.

Brief facts of the case are that Ex-Constable Ilyas Sardar No. 580 while posted to police post Shidas of Police Station Lal Qilla appear before the DPO, Dir Lower on 16/02/2021 in connection with absence / suspension. Prior to this he was remained absent from duty with effect from 16/02/2021 to 11/01/2021 (Total 21 days). He was transferred from Police Line Timergara to PP Shidas PS Lal Qilla on 27/01/2021. He departed for duty to PP Shidas vide DD No. 54 dated 01/02/2021 but he did not actually failed to ensure his presence at new place of posting and did not join his duty. He disobeyed the lawful command by not joining new place of duty i.e Shidas. This shows gross negligence, inefficiency and unprofessional attitude on his part. He was issued show cause notice No. 23/EB, dated 16/02/2021 through DPO Police Line Timergara the reply which was received on 22/02/2021. He was called in Orderly Room on 03/03/2021 for personal hearing and found unsatisfactory. Full opportunity was given to him to explain his position but he failed to produce any cogent reason in his self defense nor satisfy the DPO. Hence found guilty of the charges leveled against him, the District Police Officer, Dir Lower awarded him the punishment of dismission from service from the date of his absence 27/01/2021 with immediate effect vide O.B No. 290, dated 11/03/2021.

He was called in Orderly Room on 21/04/2021 and heard him in person. The appellant could not produce any cogent reason in his defence. Service record of the appellant shows that he had no good entries in his service, which clear cut show his inefficiency and disinterest in Police job. Hence his appeal for reinstatement is hereby dismissed by DPO.

Order announced

CF/EC/US/1

Abdul Qadir (PS)  
Regional Police Officer,  
Malakand Region, Saidu Sharif SWAT

District Police Officer,  
Dir Lower at Timergara

No. 5236/21

Dated 16-04-2021

Copy of above for information and necessary action to District Police Officer, Dir Lower with reference to his office Memo: No. 565/EC dated 26/03/2021. Service Roll, Fauji Mixal and complete enquiry file of the above named Ex-Constable are returned herewith for record in your office.

Handwritten notes and signatures at the bottom left of the page.

Better Copy

(241)

OFFICE OF THE  
**REGIONAL POLICE OFFICER MALAKAND**

Sedo Sharif Swat.

PH # 0946-9240381-88 & Fix No.0946-9240390

Email. digmalakand@yahoo.com

ORDER:

This Order will dispose of appeal of Ex-Constable Ilyas Sardar No.580 of Dir Lower of District for reinstatement in service.

Brief facts of the case or the Ex-Constable Ilyas Sardar No.580 while posted to police post Shidas of Police station Lala Qila appear before the DPO, Dir Lower on 16.02.2021 in connection with absence/suspension. Prior to this he was remind absent from duty with effect from 11.01.2021 to 31.01.2021 (Total 21 days). He was transferred from police line Timargarah to PPA shidas vide DD No. 54 dated 01.02.2021 but he intentionally failed to insure his presence at new place of posting in did not join his duty. He dis obedience and unprofessional attitude on his part. He was issued show cause notice No.23/EB dated 16.02.2021 through LO Police line Timargarah the reply which was received on 22.02.2021 he was called in orderly from on 03.03.2021 for personal hearing and found unsatisfactory. Full opportunity was giving to him to explain his position but he failed to produce any cogent reason in his self defence nor satisfy the DPO. Being found guilty of the charges leveled against him, the District Police Officer, Dir Lower awarded him major punishment of dismissal from service from the date of his absence 27.01.2021 with immediate effect vide QB No.290, dated 11.03.2021.

He was called in Orderly Room On 21/.04.2021 and heard him in person. The appellat could not produce any cogent reason in his defence. Service record of the appellat shows that he samed 39 had entry in his service. Which clear cut show his inefficiency and disinterest in Police job. Therefore uphold passed by District Police Officer, Dir Lower and his appeal for reinstatement service hereby filed.

Order announced

Abdul Ghafoor Afridi (PSP)

Regional Police Officer

Malakand Region, Saidu Sharif Swat

No.5226/E,

District Police Officer

Dated 26-04-221

Dir Lower Timargara

Copy of the information and necessary action to District Police Officer Dir lower with reference to this office memo No.5615/EC dated 26.03.2021 service role Foji Missal and complete inquiry file the above name Ex-Constable or returned herewith for record in your office.

# بعدالت ہمارے کمرٹین کروں سرور میں کمرٹین کروں



مورخہ

مقدمہ

دعویٰ

جرم

صفحہ 2 منجانب سائل

الکلیس سرور بنام ایس

## باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام پیش اور

کیلئے

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز صاحب موصوف کو راضی نامہ کرنے ق تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا محتاج ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکور با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ ہوں گے سب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

2023ء

ماہ مارچ

29

المرقوم

وہ العبد

Handwritten signature

العبد