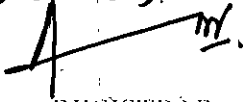


Form-A

FORM OF ORDERSHEET

Court of _____

Case No. 1188/2023


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1.	26.05.2023	As per direction of the Worthy Chairman the present appeal is fixed for preliminary hearing before Single Bench at Peshawar on <u>30-05-2023</u> .  REGISTRAR

The appeal of Mr. Akbar Khan son Maveez Khan ex-police r/o Gul Bagh District Hango received today i.e. on 11.05.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of departmental appeal is not attached with the appeal which may be placed on it.
- 2- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal.

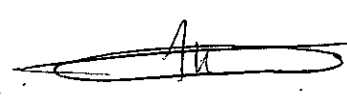
No. 1406 /S.T.

DL 12/5 /2023.

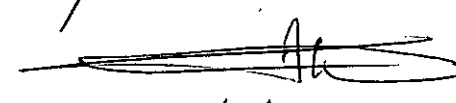

FOR REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Muhammad Ilyas Orakzai Adv.
High Court Peshawar.

Note, - Dear Sir, Annexure 1 is missed from the appellant, but the appellant authority did not deny the appeal of the appellant, further more annexures 2 were not handed over to the appellant, hence this note and appeal re-submitted today i.e. 16.5.2023.


16/5/2023

Note, - Dear Sir the above mentioned deficiency at Serial No. 1 is duly attached along with its better copy and re-submitted today on 25/5/2023

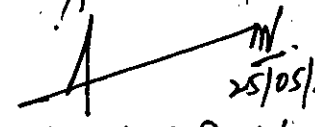

25/5/2023

Sir,
The objection no. 2 of this office still stands. The reply of learned counsel for the appellant is submitted for appropriate orders, please.

Hon'ble Chairman

Be fixed before the Bench


29/5/23


25/05/23
Assistant Registrar

service with all back benefits with such other relief as may deemed fit in the circumstances of the case may also be granted in favour of the appellant.

Respectfully Sheweth:-

1. *That the appellant was appointed as Police Constable in the year, 2007 at District Hangu, since then he was performing his duties with full devotion and honesty and he rendered 15 years services to the department.*
2. *That the appellant was absent from his duty due to sudden illness, that's why he does not report to his high-ups, because the doctors advices complete bad rest for three weeks, so the absence of the appellant was not intentional one, but he absent from his duty due to the above reason.
(Copy of medical receipts are attached as annexure "A")*
3. *That the respondent No 4 without conducting regular inquiry in a very short spin of time, dismissed the appellant from his service vide impugned office order No 4941-43/EC dated 05/09/2022. (Copy of impugned dismissal order is attached as annexure "B").*
4. *That against the impugned dismissal order, appellant submitted a departmental appeal before respondent No 3, which was too reject vide impugned office order No*

18245/EC dated 20/12/2022. (Copy of appellate order dated 20/12/2022 is attached as annexure "C").

5. That the appellant once again aggrieved from both the impugned orders of respondents No 3 & 4 dated 05/09/2022 & 20/12/2022, submitted revision application to respondent No 2 on 19/01/2023, which is un-responded upto now. (Copy of revision application is attached as annexure "D").
6. That now the appellant highly aggrieved from the above action of respondents, knock the doors of this Honourable Tribunal by filing the instant Service Appeal inter alia on the following grounds:-

Grounds:-

- A. That the impugned dismissal orders DATED 05/09/2022 & 20/12/2022 of respondents No 3 & 4 are illegal void, unlawful, without lawful authority and ineffective upon the rights of appellant, hence need to be set aside.
- B. That the impugned orders of respondents No 3 & 4 are illegal non speaking order, ambiguous as the appellant was not served with any show cause notice nor proper/regular inquiry was conducted, so the appellant was condemned unheard.

- C. That the impugned order of respondent No 4 was passed retrospectively, which is illegal, against the law void ab-initio, as the executive/departmental authority has no power to pass the order with retrospective effect on this score alone, both the impugned orders of respondents No 3 & 4 are liable to be set aside.
- D. That prior to the issuance of impugned dismissal order no meaning full /purpose full chance of personal hearing was granted to the appellant, the impugned order is against the principles of natural justice.
- E. That the impugned orders are in violation of Section 24-A of General Clause Act as the competent authority has failed to site any reason or justification in the said order.
- F. That it is well established principles of natural justice enshrined in the precedents of superior courts as well that where the competent authority is going to impose any penalty etc the regular inquiry to that effect is necessary.
- G. That the appellant was not willfully absent from his duties, but his absence was due to illness.
- H. That during his entire long service period i.e. 15 years, the appellant performed his duties with full devotion and honesty

(5)

and no single complaint etc have been filed against the appellant in this regard the appellant's punishment in the shape of dismissal from service is very harsh and major one, hence liable to be set aside.

- I. That the instant appeal is within time and this Honourable Tribunal has the jurisdiction to entertain the instant appeal.*
- J. That any other grounds will be raised at the time of arguments with kind permission of this Honourable Tribunal.*

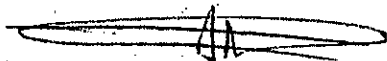
It is, therefore, humbly prayed that on acceptance of this Appeal, both the impugned dismissal orders dated 05/09/2022 & 20/12/2022 passed by respondents No 3 & 4 may kindly be set aside and the appellant may kindly be reinstated in service with all back benefits with such other relief as may deemed fit in the circumstances of the case may also be granted in favour of the appellant.

Any other remedy which deems fit by this Honourable Tribunal may also be granted in favour of appellant.

Dated:- 11/05/2023

Through:-

Appellant



Muhammad Ilyas Orakzai
Advocate High Court
Peshawar.

6

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.

Service Appeal No:- _____ -P/2023.

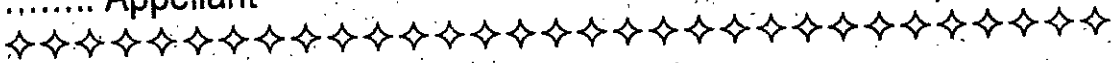
Akbar Khan

Versus

Govt: of KP & others

..... Appellant

..... Respondents



AFFIDAVIT

I, Akbar Khan S/o Maveez Khan R/o Mohallah Gul Bagh,

Tehsil & District Hangu, (The appellant) do hereby solemnly

affirm and declare on oath that the contents of this accompanying

Service Appeal are true and correct to the best of my knowledge

and belief and nothing has been concealed from this Honourable

Tribunal.

Identified by

DEPONENT

CNIC No:- 14101-0949183-1

Cell No:- 0333-5019441

Muhammad Ilyas Orakzai
Advocate High Court
Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

Service Appeal No:- _____/2023

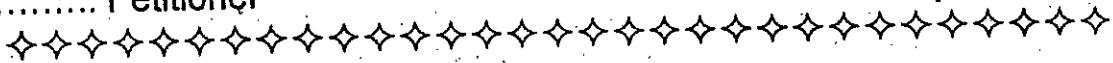
Akbar Khan

Versus

Govt: of KPK & others

..... Petitioner

..... Respondents



ADDRESSES OF PARTIES

APPELLANT

Akbar Khan S/o Maveez Khan, Ex- Police Constable, R/o Gul Bagh,
Tehsil & District Hangu.

RESPONDENTS

1. Government of Khyber Pakhtunwa, through Secretary Home, Civil Secretariat, Peshawar.
2. Inspector General of Police, Khyber Pakhtunkhwa, Central Police Office, Peshawar.
3. Regional Police Officer, Kohat Region, Kohat.
4. District Police Officer, District Hangu.

Dated:- 11/05/2023

Through:-

Appellant

Muhammad Ilyas Orakzai
Advocate High Court
Peshawar.

⑧ Annex-A

SFK DHQ HOSPITAL HANGU PATIENT TICKET



CRP No. 2732

Date 28/5/22

Name _____

Ullah

Age _____

Sex _____



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for
Breast*

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ATTESTED

[Signature]

SFK DHQ HOSPITAL HANGU
PATIENT TICKET

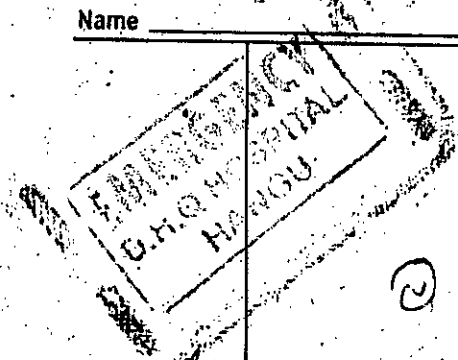


CRP No. 288

Date 5-6-2022

Name U. B. N. /

Age 34 Sex M



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one week

ATTESTED

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10

SFK DHQ HOSPITAL HANGU
PATIENT TICKET

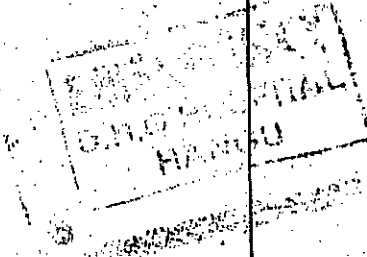


CRP No. 819

Date 13-6-22

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one week
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TESTED

[Signature]



P/No 413704

11 Annex-B

OFFICE OF THE
DISTRICT POLICE OFFICER,
HANGU
Tel: 0925-623878 Fax 0925-620135

ORDER

This order is passed on the departmental enquiry against Constable Akbar Khan No. 424 while posted at Police Post City Hangu under the Khyber Pakhtunkhwa Police Rules 1975 (Amendment 2014).

Brief facts of the case are as under:-

- i. Constable Akbar Khan No. 424 while posted at Police Post City (Rescue-15), Hangu has absented himself from official duty with effect from 28.05.2022 to till date without any leave or prior permission vide DD No. 06, dated 28.05.2022 of Police Post City, Hangu.
- ii. His above this act shows his disinterest, negligence and amount to gross misconduct on his part.

He was served with charge sheet and statements of allegations vide this office No. 29/EC, dated 06.06.2022, to which he submitted his reply to the DSP HQrs. Hangu who was appointed as Enquiry Officer to conduct departmental enquiry against him. After completion of enquiry, the Enquiry Officer submitted finding vide his office No. 876/DSP HQ; dated 23.06.2022 in which the defaulter Constable Akbar Khan No. 424 was summoned for further proceedings into the matter. He was heard in person by providing full cross examination opportunity in his self defence. In due course of enquiry, no reasonable response regarding his prolong absence from 28.05.2022 to 17.06.2022 could be given by the alleged Constable in his self defence thus, held him guilty for the charges leveled against him therefore, the enquiry officer recommended him for awarding a minor punishment, but the undersigned was not agreed with his finding.

Consequently, Final Show Cause Notice was issued to him vide No. 135/EC, dated 21.07.2022 to which he submitted his reply and was found unsatisfactory.

Subsequently, he was called in orderly room on 31.08.2022 and heard in person, but he failed to submit any plausible reply in his self defence.

Keeping in view of above and having gone through available record, the undersigned has arrived at the conclusion that defaulter Constable Akbar Khan No. 424 has deliberately absented himself from lawful duty showing ib discipline manner, gross misconduct, irregularities, and non-professionalism, which

ATTESTED

2/8/22
7/9/22

indicates that he was not interested to serve further in a disciplined force. Since, in such circumstances his retention in Police Department is burden on public exchequer, therefore, I, Asif Bahader, (PSP), District Police Officer, Hangu in exercise of the powers conferred upon me under the Rules, ibid, dispense with general proceedings and awarded him a major punishment of Dismissal from Service from the date of his absence.

Order Announced.

OB No. 340

Dated 5/19/2022

DISTRICT POLICE OFFICER,
HANGU

OFFICE OF THE DISTRICT POLICE OFFICER, HANGU.

No. 4941-43 /EC, dated Hangu, the 06/09/2022

Copy of above is submitted to the Regional Police Officer, Kohat Region, Kohat for favour of information, please.

- 2. Pay Officer, EC, Reader & OASI for necessary action.

DISTRICT POLICE OFFICER,
HANGU

Asif Bahader

For info

4/9/22

ATTESTED

12/10/2022

بابت پتھری ٹیسٹ رزلٹ رپورٹ -

محمد امجد علی بابت بحالی سروس -

تاریخ

مقامی طور پر قیام پذیر رہنے والے مریضوں کو وفاق کے تحت طبی معائنہ اور طبی معائنہ کے بعد طبی رپورٹیں جاری کی جاتی ہیں۔

یہاں پر طبی معائنہ کی بہت سے شکایات آ رہی ہیں کہ خواہاں ہے۔ حاملہ کا پرنا تھی آ رہا ہے اور دیگر علامات کے ساتھ

مقامی طور پر قیام پذیر رہنے والے مریضوں کو وفاق کے تحت طبی معائنہ اور طبی معائنہ کے بعد طبی رپورٹیں جاری کی جاتی ہیں۔

نہیں۔ یہاں پر طبی معائنہ اور طبی معائنہ کے بعد طبی رپورٹیں جاری کی جاتی ہیں۔

تاریخ

بابت پتھری ٹیسٹ رزلٹ رپورٹ -

محمد امجد علی

تاریخ

بابت پتھری

05/10/2022

بابت پتھری ٹیسٹ رزلٹ رپورٹ -

CNIC No: 34101-0942163-1

Mobile No: 0333-5019441

محمد امجد علی

محمد امجد علی

(Better Copy)

12/11/11

جناب ریجنل پولیس آفیسر کوہاٹ، ریجن کوہاٹ

عنوان: محکمانہ اپیل بابت بحالی سروس

جناب عالی!

گزارش کی جاتی ہے کہ سائل کو بعد از مکمل ہونے محکمانہ انکوائری محکمہ پولیس سے برخاست کیا گیا ہے۔

سائل برخاستگی کی بابت محکمانہ اپیل کرنے کا خواہاں ہے۔ سائل کا برخاستگی آرڈر و دیگر کاغذات سے متعلقہ ہمراہ درخواست ہدائف ہیں۔

استدعا ہے کہ سائل کی التجاء منظور فرما کر سائل کی برخاستگی کی بابت محکمانہ اپیل منظور فرما کر سائل کی سروس بحالی کے احکامات صادر فرمائیں۔

سائل تاحیات دعا گو احسان مند رہے گا۔

عین نوازش ہوگی

العارض

سابقہ کنشیل اکبر خان نمبر 424 ضلع و ضلع ہنگو

CNIC No. 14101-0949183-1

Mobile No. 0333-5019441

ICE DEPTT:

KOHAT REGION

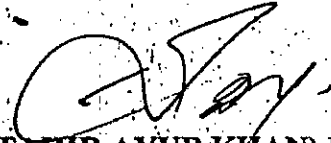
ORDER.

This order will dispose of a departmental appeal, moved by the Ex-Constable Akbar Khan No. 424 of district Hangu against the punishment order, passed by DPO Hangu vide OB No. 340, dated 05.09.2022 whereby he was awarded major punishment of dismissal from service on the allegations of long absence from lawful duty without any leave or prior permission from his seniors.

He preferred appeal to the undersigned, upon which comments were obtained from DPO Hangu and his service record was perused. He was also heard in person in Orderly Room held in this office on 20.12.2022. During hearing the appellant did not advance any plausible explanation in his defense to prove his innocence.

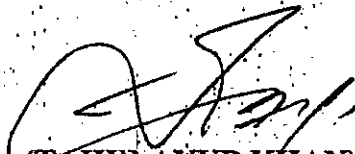
I have gone through the available record which indicates that the allegations leveled against the appellant have been proved and the same have also been established by the E.O in his findings. The appellant has indifferent service record which shows his disinterest in official job. Therefore, in exercise of the powers conferred upon the undersigned, his appeal being devoid of merits is hereby rejected.

Order Announced
20.12.2022.

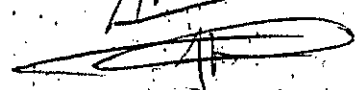

(TAHIR AYUB KHAN) PSP
Region Police Officer,
Kohat Region.

No. 18245 /EC, dated Kohat the 21/12 /2022.

Copy to District Police Officer, Hangu for information and necessary action w/r to his office Letter No. 7561/LB, dated 14.12.2022. His Service Record is returned herewith.


(TAHIR AYUB KHAN) PSP
Region Police Officer,
Kohat Region.

ATTESTED



عنوان :- محکمانہ اپیل بابت بحالی سروس

جناب عالی!

گزارش کی جاتی ہے کہ سائل کو بعد از مکمل ہونے محکمانہ انکوائری محکمہ پولیس سے درخواست کیا گیا ہے۔ سائل
برخاستگی کی بابت محکمانہ اپیل کرنے کا خواہاں ہے۔ سائل کا برخاستگی آرڈر دیگر کاغذات متعلقہ ہمراہ درخواست ہذا الف ہیں۔
استدعا ہے کہ سائل کی التجا منظور فرما کر سائل کی برخاستگی کی بابت محکمانہ اپیل منظور فرما کر سائل کی سروس بحالی کے
احکامات صادر فرمائیں۔ سائل تاحیات دُعا گو اور احسان مند رہے گا۔

عین نوازش ہوگی۔

تحریر:- 19.01.2023

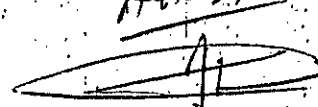
العارض

اکبر خان
سابقہ کنشیل اکبر خان نمبر 424 تحصیل ضلع ہنگو۔

CNIC No. 14101-0949183-1

Mobile No. 0333-5019441

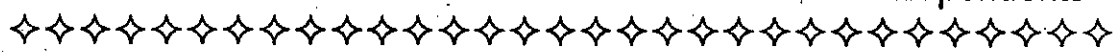
ATTESTED



BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

Service Appeal No:- _____/2023

Akbar Khan **Versus** Govt: of KPK & others
..... Petitioner Respondents



NOTICE UNDER RULE 11 OF KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL RULES 1974 FOR FILLING OF
SERVICE APPEAL.

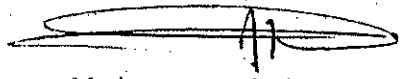
To

1. Government of Khyber Pakhtunwa, through Secretary Home, Civil Secretariat, Peshawar.
2. Inspector General of Police, Khyber Pakhtunkhwa, Central Police Office, Peshawar.
3. Regional Police Officer, Kohat Region, Kohat.
4. District Police Officer, District Hangu.

Respected Sir

Please take notice that I am going to file a Service Appeal before the Honourable Khyber Pakhtunkhwa Services Tribunal, Peshawar, you are hereby informed regarding the filing of Service Appeal.

Dated:- 11/05/2023

Through:- 
Appellant
Muhammad Ilyas Orakzai
Advocate High Court
Peshawar.

WAKALAT NAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.

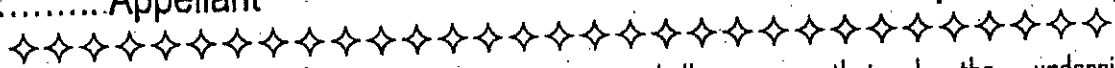
Service Appeal No:- _____ -P/2023

Akbar Khan **Versus**

Govt: of KP & others

.....Appellant

.....Respondents



KNOW ALL to whom these presents shall come that I the undersigned appoint:

Muhammad Ilyas Orakzai & Muhammad Shabir Khalil, *Advocates High Court, Peshawar* (herein after called the advocate;

to be the Advocate for the Akbar Khan S/o Maveez Khan R/o Mohallah Gul Bagh, Tehsil & District Hangu, (The appellant) in the above mentioned case, to do all the following acts, deeds and things or any of them, that is to say :

- 1) To act and plead in the above mentioned case in this court or any other Court in which the same may be tried or heard in the first instance or in appeal or review or execution or in any other stage of its progress until its final decision.
- 2) To sign, verify and present pleadings, appeals, cross-objections, petitions for execution, review, revision, withdrawal, compromise or other petition or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of said case in all its stages.
- 3) To withdraw or compromise in the said case or submit to arbitration any difference or dispute that shall arise touching or in any manner relating to the said case.
- 4) To receive money and grant receipts therefore and to do all other acts and things which may be necessary to be done for the progress and the course of the prosecution of the said case.
- 5) To engage any other Legal practitioner authorizing him to exercise the power and authorities hereby conferred on the Advocate whenever he may think fit to do so.

AND I hereby agree to ratify whatever the Advocate or his substitute shall do in the promises.

AND I hereby agree not to hold the Advocate or its substitute responsible for the result of the said case and in consequence of his absence from the court when the said case is called up for hearing

AND I hereby that in the event of the whole or any part of the fee agreed by me to be paid to the Advocate remaining unpaid, He shall be entitled to withdraw from the prosecution of the said case until the same is paid.

IN WITNESS WHEREOF I hereunto set my hand to these presents the contents of which have been explained to and understood by me, this 08 day of 05 2023

Accepted By

Muhammad Ilyas Orakzai,

Advocate High Court, Peshawar.

Bar Council No:- BC-10-3471

CNIC No:- 14101-0798923-7

Cell No:- 0333-9191892

Email: ilyasadvocate12@gmail.com

Signature/ thumb impression of party / parties.

Akbar Khan S/o Maveez Id.

(ex - Police constable)

R/o Gul Bagh, Tehsil

and Dist: Hangu

(Appellant)