


FORM OF ORDER SHEET

Court of _____

Appeal No. 1224/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/05/2023	<p>The appeal of Mr. M.Wajid Mehmood received today by registered post through Mr. Muhammad Arshad Khan Tanoli Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE CHAIRMAN KP SERVICE TRIBUNAL

PESHAWAR.

A. NO. 1224/23

M. Wajid Mehmood LHC No.767, Police Station Bakot, Tehsil & District
Abbottabad.

...APPELLANT

V E R S U S

Government of Khyber Pakhtunkhwa and others

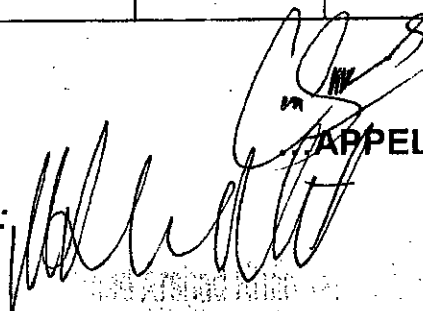
...RESPONDENTS

SERVICE APPEAL

INDEX

S.No.	Description of Document	Annexure	Page No.
1.	Service Appeal alongwith Verification and Affidavit	--	1-7
2.	Copy of impugned order	"A"	8
3.	Copy of Departmental appeal	"B"	9
4.	Copy of rejection order	"C"	10
5.	Vakalat Nama	--	11

Through Counsel:


APPELLANT

Dated:- _____/2023

(MUHAMMAD ARSHAD KHAN TANOLI)
Advocate Supreme Court of Pakistan,
Abbottabad

- 1 -

BEFORE THE CHAIRMAN KP SERVICE TRIBUNAL
PESHAWAR.

Wajid Mehmood LHC No.767, Police Station Bakot, Tehsil & District
Abbottabad.

...APPELLANT

V E R S U S

1. Government of Khyber Pakhtunkhwa through Secretary Home and
Tribunal Affairs, Peshawar.
2. Provincial Police Office (IGP) Khyber Pakhtunkhwa, Peshawar.
3. Regional Police Office Hazara Region Abbottabad.
4. District Police Officer (DPO) Abbottabad.

...RESPONDENTS

SERVICE APPEAL

SERVICE APPEAL U/S 4 OF KP SERVICE
TRIBUNAL ACT 1974 FOR DECLARATION TO
THE EFFECT THAT RESPONDENT NO.4
IMPOSED PUNISHMENT OF REVERSION FROM
HEAD CONSTABLE TO TIME SCALE
CONSTABLE WITH IMMEDIATE EFFECT VIDE

IMPUGNED ORDER DATED 01.03.2023 AND
SIMILARLY, DEPARTMENTAL APPEAL OF THE
APPELLANT AGAINST THE IMPUGNED ORDER
HAS BEEN REJECTED VIDE ORDER NO. 10093/E
DATED 24.05.2023, WHICH IS PERVERSE,
DISCRIMINATORY, AGAINST THE LAW AND HAS
BEEN PASSED WITHOUT CONDUCTING
INQUIRY. HENCE THE IMPUGNED ORDER
01.03.2023 AND REJECTION ORDER DATED
24.05.2023 ARE LIABLE TO BE SET-ASIDE.

PRAYER:-

ON ACCEPTANCE OF THE INSTANT
SERVICE APPEAL, IMPUGNED ORDER DATED
01.03.2023 AND 24.05.2023 MAY BE SET-ASIDE
AND RESPONDENTS MAY BE DIRECTED TO
RESTORE RANK OF HEAD CONSTABLE OF THE
APPELLANT WITH ALL SERVICE BACK
BENEFITS. ANY OTHER RELIEF WHICH THIS
HON'BLE TRIBUNAL DEEM APPROPRIATE IN
THE CIRCUMSTANCES OF THE CASE MAY
ALSO BE ALLOWED TO THE APPELLANT.

Respectfully Sheweth,

The facts forming the background of the instant service appeal are arrayed as under:

1. That, the appellant was serving as Head Constable and was posted at Muslimabad Check Post District Abbottabad and the appellant served the department with due diligence, devotion and dedication and left no stone unturned in the smooth functioning of the Department.
2. That when respondent No.4 visited Muslimabad barrier on 26.02.2023 at that vary time, appellant was eating food inside the Check Post cabin. The appellant met with respondent No.4 on the barrier but even then respondent No.4 reverted the appellant from rank of head constable to time scale constable with immediate effect vide impugned order dated 01.03.2023. **(Copy of impugned order is annexed as annexure "A")**
3. That feeling aggrieved the appellant filed a departmental Appeal against the impugned order to respondent No.3 on 28.03.23 and the said respondent rejected the appeal of appellant

vide order dated 24.05.2023. (Copy of Departmental appeal is annexed as Annexure "B") rejection order is attached as Annexure "C")

Hence, the service appeal is filed inter-alia on the following grounds:

GROUNDS:-

- a) That, the appellant was present at Muslimabad barrier on 26.02.2023 when respondent No.3 paid surprise visit. As stated above, the appellant was eating food in the cabin of Check Post. But even than due to the reason best known to the respondent No.4 was illegally shown absent from the check post which is against the fact.
- b) That respondents' department reverted the appellant to rank of head constable to time scale constable with immediate effect without issuing show cause notice, statement of allegation and conducted proper inquiry which is not maintainable in the eyes of law.
- c) That when law prescribed a thing which is to be done in a particular manner that must be

done in that manner and not otherwise. It is further submitted that before imposition of punishment whether minor or major, proper inquiry is sine qua non for awarding the punishment as mentioned above but no inquiry, show cause notice, statement of allegations was issued prior to imposition of punishment.

- d) That the punishment of reversion against the appellant is based on whims and wishes of the respondents. Therefore, impugned order are nullity in the eyes of law.
- e) That the appellant has served for a period of 16 years and illegally has been reverted from Head Constable to the constable. Besides, the punishment awarded to the appellant is against principle of natural justice, good governance, therefore the respondent No.4 awarded punishment to the appellant due to no fault on the part of the appellant.
- f) That the matter relates to the term and conditions of service. Thereafter, Hon'ble tribunal has jurisdiction to entertain the service appeal of the appellant under Article 212 of

the Constitution of Islamic Republic of Pakistan 1973.

- g) That the service appeal is well within the time of limitation.

PRAYER:

It is prayed therefore humbly prayed that on acceptance of the instant Service Appeal, impugned order dated 01.03.2023 and 24.05.2023 may be set-aside and respondents may be directed to restore rank of head constable of the appellant with all service back benefits. Any other relief which this Hon'ble Tribunal deem appropriate in the circumstances of the case may also be allowed to the appellant.

... APPELLANT

Through Counsel:

Dated:- _____/2023

(MUHAMMAD ARSHAD KHAN TANOLI)
Advocate Supreme Court of Pakistan,
Abbottabad

VERIFICATION:-

Verified that the contents of the instant **Service Appeal** are true and correct to the best of our knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.

Dated:- _____/2023

... APPELLANT

-7-

BEFORE THE CHAIRMAN KP SERVICE TRIBUNAL
PESHAWAR.

Wajid Mehmood LHC No.767, Police Station Bakot, Tehsil & District
Abbottabad.

...APPELLANT

V E R S U S

Government of Khyber Pakhtunkhwa and others

...RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, Wajid Mehmood LHC No.767, Police Station Bakot, Tehsil & District
Abbottabad, Appellant, do hereby solemnly affirm and declare on Oath
that the contents of instant **Service Appeal** are true and correct to the best
of my knowledge and belief and that nothing has been concealed from this
Hon'ble Tribunal.

Dated:- _____/2023


...APPELLANT



Ewls

767

OFFICE OF THE DISTRICT POLICE OFFICER ABBOTTABAD

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atdpolice@gmail.com

202

ORDER

Annex-A

P-8

This office order will dispose-off summary proceedings against HC Wajid No. 767. On 26-02-2023 the undersigned paid surprised visit at Muslimabad Barrier, where he was found absent from official duty without prior permission of competent authority. He being responsible miserably failed to observe the nature of job and no official was present on the barrier as this is the main district entrance/exit point. Several instruction/ directions were conveyed in this regard but no compliance was made. His this negligent act showed high degree of negligence, disobedience, slackness in performance of official duty and gross misconduct on his part under the E& D rules.

Therefore, in exercise of the powers vested in the undersigned under Police Disciplinary Rules-1975 (amended 2014) section 5 (2 & 5), I, Umar Tufail PSP, District Police Officer, Abbottabad, as a competent authority, am constrained to award him the punishment of Reversion from Head Constable to time scale constable with immediate effect.

Order announced.

District Police Officer
Abbottabad

CC:-

1. Pay Officer, DPO Office Abbottabad.
2. EC & OASI DPO Office.
3. OB Clerk for necessary action.

OB - NO - 59
01 - 3 - 23

Attested

M. Arshad Khan Tanoli
Asst. of Police
at ATA

محفوظ جناب ڈی جی صاحب صوبہ ایجنسی (ایس ایم)

A-9

7965

28/3/23

کریپل بحالی سروسز ورکنگ HC - ڈیپارٹمنٹ

For m/a & detailed comments vide order of the file at file No. 28/3

کریپل انیل سرفن خدمت سے

(1) سائل جناب سے زبیر ساید پٹوڑ HC ایسی ڈیپارٹمنٹ ایجنسی (ایس ایم) میں طرز بقدرت سے سرائیام دے رہا ہے۔ ورنہ 26/2/2023 کو مسیری ڈیپارٹمنٹ شفٹ انچارج مع نفی مسلم آباد جیک یوسٹا قحی۔ کمرات قریب 11:25 بجے میں مع نفی دورہ کیا۔ موجودہ ایجنسی میں کھانا کھا رہے تھے۔ جناب DPo صاحب نے ملازم کو جی کیا جو ہم کو جی سے موجود ڈیپارٹمنٹ ملازمان دورہ تھے دورہ انچارج صاحب کو معطل کر دیا۔

(2) دورہ دو دن بعد ماسیوائٹ میسرے جو انوں دورہ انچارج صاحب کو معاف کر کے بحال کر دیا گیا اور تھے ورنہ 21/3/2023 - 08 بجے جناب DPo صاحب نے بین سزائیں ٹھکانہ (1) ایک ایگزیٹسٹ سٹاپ دے کر ایجنسی میں رکھ دیا۔ دورہ تمام سیکل کر دیا ہے۔

(3) جو کس میسرے ساتھ نا انصافی ہے دورہ میں نے سزائی تقوالت کے طور پر 23/3/2023 جنرل جناب DPo صاحب میں ایک خبر سزائی دے جو اسٹیشن سزائی ہے مگر تا حال تھے نقل و حرکت بھی نہیں دی جا رہی۔

(4) میں نے یہ غریب ماتحت ملازم ہوں۔ میسرے چھوٹے چھوٹے بیج جس میں میسرے حقوق کے سوال ہے میسرے ساتھ انصافی فلور یا جانور۔ میسرے بحالی بحیثیت HC دورہ سروسز ڈیپارٹمنٹ کی بحالی حکم صادر فرمایا جاوے۔

سائل - مرنو او ایڈیٹر 767/2023 فیصلہ تھا نہ کوئی ایسی کی یاد - 28.03.2023

Handwritten signatures and stamps, including a circular stamp with text 'M. Am...' and '28/3'.

Annex-c. P-10



OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

0992-9310021-22

0992-9310023

pohazara@gmail.com

NO: 10093 / E DATED 24/05/2023

ORDER

This order will dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by Constable Wajid Mehmood No. 767 of District Abbottabad against the punishment of " *reversion from Head Constable to time scale Constable*" awarded by District Police Officer Abbottabad vide OB No. 59, dated 01-03-2023.

Brief facts leading to the punishment are that the appellant while posted at Muslimabad Barrier, during surprise visit of DPO Abbottabad on 26-02-2023 he was found absent from official duty without obtaining prior permission from his senior miserably failed to observe the nature of job and no official was present on the barrier as this is the main District entrance and exit point.

After receiving his appeal, comments of District Police Officer, Abbottabad were sought and examined/perused. The undersigned called the appellant in OR on 23-05-2023 and heard him in person, where he has been given reasonable opportunity to defend himself against the charges, however he failed to advance any justification in his defense. Thus, the disciplinary action taken by the competent authority seems genuine and the appeal is liable to be dismissed. Therefore, in exercise of the powers conferred upon the undersigned under Rule 11-4 (a) of Khyber Pakhtunkhwa Police Rules, 1975 (amended 2014) the instant appeal is hereby *filed/rejected* with immediate effect.

TAHIR AYUB KHAN (PSP)
Regional Police Officer,
Hazara Region, Abbottabad.

Copy forwarded to DPO, Abbottabad for information and necessary action w/r to his office Memo: No. 2735/PI, dated 03-03-2023. Service record alongwith fauji missal containing enquiry file of the appellant is returned herewith for record.

M. Arshad Khan
Taher ASK
AFD

کورٹ فیس
قیمتی

وکالت نامہ

Service Tribunal KPK Peshawar

Govt of KPK etc نام: Muhammad Waqid

Appellant

Service Appeal

باعث تحریر آئندہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کارروائی متعلقہ آس مقام

Abbottabad Muhammad Arshad Khan Tanoli ASC

at AID
کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کارروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پر داخستہ مجھ کو منظور قبول ہوگا۔ دوران مقدمہ جو خرچ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد استجارت ناش بصرہ مفلسی کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المقوم:

Abbottabad مقام:

Muhammad Arshad
Khan Tanoli - ASC of Peshawar
at Abbottabad

767/191
محمد ارشد خان تانولی