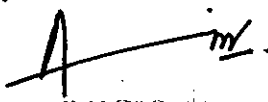


FORM OF ORDER SHEET

Court of _____

Appeal No. 1263/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01/06/2023	<p>The appeal of Mr. Naveed Khan presented today by Mr. Muhammad Iqbal Safi Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 05-06-2023.</p> <p>By the order of Chairman  REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL

PESHAWAR

Service Appeal No. 1263 / 2023

Naveed Khan

VERSUS

Government of Khyber Pakhtunkhwa and others

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Appellant

Through

(Mohammad Iqbal Safi)

Advocate High Court

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR

Service Appeal No 1263 /2023

Naveed Khan S/o Wali Khan (Ex-Constable), Police Station Baizai,
District Mohmand Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar
2. Inspector General of Police, Khyber Pakhtunkhwa
3. Regional Police Office (RPO), Mardan
4. District Police Officer (DPO), District Mohmand

..... Respondents

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE ORIGINAL ORDER DATED 29/11/2022 WHEREBY APPELLANT HAS BEEN DISCHARGED FROM SERVICE ON THE BASIS OF WILLFUL ABSENCE AND DEPARTMENTAL APPEAL HAS BEEN REJECTED THROUGH APPELLATE AND REVISIONAL ORDERS DATED 30/03/2023 AND 08/05/2023 & TO SET-ASIDE ALL THE IMPUGNED ORDERS AND TO REINSTATE THE APPELLANT WITH ALL BACK BENEFITS

Prayer: On acceptance of the instant appeal, the impugned original order Dated: 29/11/2022, appellate and revisional orders Dated: 30/03/2023 & 08/05/2023 passed by the Respondent No.03 and Respondent No.02 respectively may kindly be set-aside and appellant may kindly be re-instated into service from the date of discharge with all back and consequential benefits

The appellant is pleased to beseech before this Honorable Court as under;

1. That the appellant was initially appointed as "Khasadar" on 09/12/2016 based on Shaheed Quota in erstwhile FATA, Mohmand Agency. (Copy of appointment order is attached as F/A)
2. That the appellant always remained obedient and performed his duties with profound dedication and sedulous approach.
3. That after merger, the status and stature of the appellant was changed from Khasadar to Constable (Belt No. 2912) and performed his duties in Police Station Baizai in District Mohmand.
4. That the stroke of misfortune hit the appellant on 29/11/2022 when he was discharged form service on the basis of alleged absence. (Copy of Discharge dated 29/11/2022 is attached as F/B)
5. That the appellant, in fact, went abroad i.e UAE due to the certain unavoidable circumstances as one of his elder brother was seriously sick and injured having dilapidated health condition due to a road accident on 25/08/2022.
6. That it is indispensable to submit that before proceeding abroad, the appellant preferred an application whereby granting of leave was requested based on the scenario explained above to the competent authority on 26/09/2022. (Copy of application is attached as F/C)
7. That immediately after the return of the appellant on 23/01/2023, he went to the concerned duty place on the very next day i.e. 24/01/2023 whereby he was informed that he has been discharged from service because of the reason of "Proceeding abroad without permission". The appellant was also handed-over, on that very day i.e.24.01.2023, the impugned order issued on 29/11/2022.
8. That the appellant filed departmental appeal to Respondent No. 03 i.e Regional Police Office (RPO) Mardan which was rejected on 30/03/2023. (Copy of Departmental Appeal and Rejection is attached as F/D)
9. That the appellant also filed revision under rule 11-A to respondent No. 02 i.e. Worthy IGP KP which was also rejected on 08/05/2023 on the sole ground of being time barred. (Copy of Revision and rejection is attached as F/E)
10. That having been aggrieved from all the impugned orders the appellant has no option but to file the instant appeal for his reinstatement in service with

all back benefits since his discharge from service on the following grounds inter-alia:

GROUNDS:

- A.** That the impugned order of discharge from service is illegal and unlawful unequivocally a void order, not covered by the relevant rules and it is settled principal of law that a void order carries no weightage at all.
- B.** That the word "Discharge" is alien and naïve to the relevant applicable rules keeping in view the probity that under the mandate of rule 12.21, a person can be discharged due to inefficiency at any time within three years of enrollment (Probation Period), hence the impugned order is not sustainable in the eyes of law as the appellant has been on the Police pay roll since 2016.
- C.** That furthermore, the word discharge is also alien to E&D Rules, 2011 and other applicable laws and rules, which rendered the impugned order void ab initio.
- D.** That to conduct regular inquiry is a delicate phenomenon and also *sine qua non* for imposition of major penalties. In the case in hand, the appellant has been condemned unheard as no show-cause, statement of allegations, personal hearing etc has been provided. Furthermore, in the case of absence from duty, a detailed procedure has been introduced in E&D Rules, 2011 wherein publication in newspaper as well as opportunity for resumption of duties in shape of notices to be sent on the house address, but the appellant has not been extended the aforementioned opportunities which comes under the ambit of procedural impropriety, hence not tenable.
- E.** The procedure laid down in the Police Rule has not been adopted in case of absence. However, In case of absence by police official and to impose major penalty of discharged from service, the procedure laid down in Rule-9 has not been adopted. Hence, the impugned order is liable to be set at naught.
- F.** That the order passed by the worthy RPO seems to be without any lawful backing because of the reason that the impugned order of discharge from service was communicated to the Appellant when he reached back to Pakistan and the appeal against which was filed timely. Secondly, the order of discharge from service is naïve and *non-est* in the service law, hence, such order is a void one and it is a judicial cliché that void order carries no limitation issue and no limitation runs against the void order, hence, the interpretation of the worthy RPO and IGP qua the impugned discharge order is misconceived. Furthermore, the Honorable Supreme Court of Pakistan held in case reported as PLD 2008 SC 663 (b) that "When the basic

order is without lawful authority and void ab initio, then the entire superstructure raised thereon falls on the ground automatically". Furthermore, the impugned rejection order passed by the worthy IGP is also questionable on the ground that revision has also not been decided on merit but on limitation issue, which is untenable in the eye of law.

- G. That the bona fide of the Appellant is crystalline from this fact that as and when he reached to Pakistan, he immediately went to the duty place where he was communicated an impugned order on 24.01.2023.
- H. That the impugned order passed by the worthy IGP qua revision petition also doesn't hold any water because there was no issue of limitation because the appellant has timely filed appeal as well as the revision within the time-frame enunciated by the statute, and it is also true that void order is always *non-est* and having no limitation at all.
- I. That all the impugned orders are outcome of haste and having no legal backing, hence, need to be set-aside.
- J. That this Hon'ble Tribunal has got the exclusive jurisdiction to entertain the instant appeal.

PRAYER:

In light of the foregoing submissions, the instant appeal may kindly be accepted in terms as prayed for in the heading of the instant appeal

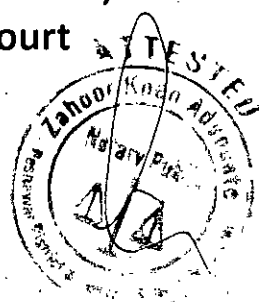
Dated: 01/06/2023

Appellant .

Through

(Mohammad Iqbal Safi)

(Mian Muhammad Imran)
Advocates High Court



Affidavit: I, Naveed Khan, s/o Wali Khan Constable (2912) do hereby solemnly affirm and declare on oath that the contents of the accompanied appeal is true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable court

Naveed Khan
Deponent

5

4

4111	WAHELO	KACHKOOL	KHSDR 01	01.01.1978	01.02.2003	173215271243	FC 07	Shahed Quota
661723	MOHAMMAD ASIF	SALIM	KHSDR 01	01.01.1991	05.02.2010	2142005760304	FC 07	Shahed Quota
458921	INAYAT WALI SHAH	TAJ MOHAMMAD	KHSDR 01	15.07.1990	05.02.2017	2142027132159	FC 07	Shahed Quota
580464	FAZALI REHMAN	SAZ KHAN	KHSDR 01	01.01.1993	05.08.2009	2140174624935	FC 07	Shahed Quota
422489	ZIA UD DIN	MOHAMMAD ZAMAN	KHSDR 01	01.01.1995	07.04.2011	1710277315695	FC 07	Shahed Quota
505821	MOHAMMAD YUNAS	SHEHZAD GUL	KHSDR 01	01.01.1990	08.03.2009	2140305636731	FC 07	Shahed Quota
50274628	NIJAZ MOHD	NAWAB KHAN	KHSDR 01	01.01.1997	08.03.2010	2140311699567	FC 07	Shahed Quota
50283385	ARZOMAND	LAL MOHO	KHSDR 01	27.03.1995	08.03.2016	2140787987257	FC 07	Shahed Quota
543327	ADNAN KHAN	MOHD JAN	KHSDR 01	01.01.1985	08.03.2016	2140423115567	FC 07	Shahed Quota
50197820	ZAVAR HUSSAIN	MOHAMMAD SHAHIQ	KHSDR 01	01.07.1997	08.04.2010	2140238123357	FC 07	Shahed Quota
615450	CHAIJAN KHAN	MOHAMMAD SHAHIQ	KHSDR 01	06.11.1997	02.04.2014	1610179930423	FC 07	Shahed Quota
50317605	MILAZ KHAN	QAMAR GUL	KHSDR 01	12.03.1997	05.09.2011	2140527210853	FC 07	Shahed Quota
654424	SAMIULLAH	ASAD KHAN	KHSDR 01	17.03.1997	09.12.2016	1730163132697	FC 07	Shahed Quota
50317608	MUSARAK SHAH	NAMROZ KHAN	KHSDR 01	13.11.1993	09.10.2011	2140571216095	FC 07	Shahed Quota
50317611	WASIO KHAN	JABAR SHAH	KHSDR 01	01.07.1975	08.12.2016	1710235257271	FC 07	Shahed Quota
567394	MUPAD KHAN	INAMULLI HAQ	KHSDR 01	01.01.1995	05.12.2016	1730175253567	FC 07	Shahed Quota
567938	BOUR RAUF	WAZIR MOHAMMAD	KHSDR 01	01.07.1983	09.02.2011	1710149294997	FC 07	Shahed Quota
577330	BASHIR KHAN	BACHA KHAN	KHSDR 01	01.07.1980	09.02.2011	2140111949455	FC 07	Shahed Quota
577332	SAEED MOHAMMAD	SALIM KHAN	KHSDR 01	01.07.1991	09.02.2011	2140251150105	FC 07	Shahed Quota
50350192	NAVEED KHAN	SALIM KHAN	KHSDR 01	01.07.1990	09.02.2013	2140205515403	FC 07	Shahed Quota
656379	AHIZAD ALI	WALI KHAN	KHSDR 01	14.08.1996	09.12.2016	1730110756501	FC 07	Shahed Quota
498748	WISAL KHAN	MEHMOOD KHAN	KHSDR 01	01.01.1990	10.01.2012	1610156250289	FC 07	Shahed Quota
450787	MOHAMMAD NAWAZ	KACHKOOL	KHSDR 01	01.01.1990	10.03.2010	2140558831983	FC 07	Shahed Quota
50176201	IMTIJAZ KHAN	HIDAYATULLAH	KHSDR 01	01.07.1985	10.04.2009	2140730465213	FC 07	Shahed Quota
50196253	MUSA KHAN	UMAR DIN	KHSDR 01	01.07.1990	10.05.2013	2140517678975	FC 07	Shahed Quota
50196254	LUQMAN KHAN	AJANI KHAN	KHSDR 01	05.08.1991	10.07.2014	2140245863713	FC 07	Shahed Quota
571642	LIAQAT KHAN	AJANI KHAN	KHSDR 01	01.01.1996	10.07.2014	2140219234767	FC 07	Shahed Quota
50197791	AFTAB	HASSAN KHAN	KHSDR 01	01.07.1981	09.03.2011	2140111947941	FC 07	Shahed Quota
50197810	HAMZAR	AJMAL	KHSDR 01	01.01.1991	10.09.2014	2140298270647	FC 07	Shahed Quota
50197815	UZAIR	IKHTIAR KHAN	KHSDR 01	01.01.1982	10.09.2014	2140234156757	FC 07	Shahed Quota
107097	HADIA KHAN	NAUSHAD	KHSDR 01	01.07.1985	10.09.2014	2140235768511	FC 07	Shahed Quota
50186260	BILAL AHMAD	ZARIF KHAN	KHSDR 01	01.01.1982	10.11.1999	2140234132475	FC 07	Shahed Quota
50286740	WARIIS KHAN	SAID HASSAN	KHSDR 01	15.02.1992	11.05.2013	2140717824355	FC 07	Shahed Quota
50286741	AJMIAD KHAN	SHAH NAWAZ KHAN	KHSDR 01	01.01.1992	12.05.2016	2140242705353	FC 07	Shahed Quota
		RAHAM DAD	KHSDR 01	01.01.1992	12.05.2016	2140222705363	FC 07	Shahed Quota

ATTESTED

As Officer
d/Ghalanzi

Assistant Commissioner
Upper Merindri District

District



OFFICE OF THE
DISTRICT POLICE OFFICER
MOHMAND

Email: dpomohmand@gmail.com



0924-290179



0924-290056

ORDER

This order will dispose of departmental proceedings initiated against **Constable Naveed Khan No. 2912** with the allegation that the official while posted to Police Station Baizai remained absent from his duties vide DD No. 19 dated 25-09-2021 and it was learnt that the official has been proceeded abroad without seeking permission from the high ups, thus the official was placed under suspension vide OB No. 1862 dated 10-10-2022 and accordingly charge sheeted vide Endst. No. 2203-05/PA dated 10-10-2022 and **Mr. Rokhan Zeb SP Investigation** Mohmand was pointed as enquiry officer. After proper process of enquiry the official has been held responsible and was recommended for punishment under Section 12-21 of the Police Rules for his undisciplined act (Proceedings abroad without permission).

Based on the above, I, **Sajjad Ahmad Sahibzada** District Police Officer, **Mohmand**, being the competent authority and in exercise of powers vested in me under Rules 12-21 of the Police Rules 1934 and as per recommendation of Enquiry Officer, hereby orders the Discharge of Constable Naveed Khan No. 2912 from Police Services with immediate effect.

Order Announced
28-11-2022

(Sajjad Ahmad Sahibzada)
District Police Officer,
Mohmand

OB No. 2001

Dated 29/11/2022

No. 3115-19 /PA

Dated Mohmand, the 29 /11/2022.

Cc:

- The Regional Police Officer, Mardan for favor of information, please.
- The SP Investigation, Mohmand.
- EC/PA/PO/FMC/OBC
- Official concerned.

ATTACHED

Ex-Pakistan Leave درخواست برائے حکم نے جھٹی /

صاف عالی

سائل ذیل عرض اسماں ہے -

- 1) یہ کہ سائل فیلچ فیصد میں بیڑی لویس سٹیشن سے بطور کانسٹیبل اسماں خدمات ادا کر رہا ہے۔
- 2) یہ کہ سائل کا لڑا بھائی دبئی میں خدمت نزدوری کرتا ہے اور حال میں اس نے دبئی میں ایکسٹرنٹ کیا ہے جس میں وہ سہ ماہی رہے اور اس کی تیاری دار کی کٹنگ کوئی مناسب بندہ وہاں پر موجود ہے اسلئے سائل کو ایمر جس میں اسے عالی کی تیاری دار کی کٹنگ دینی جانا پڑ رہا ہے تاکہ وہ دوبارہ رہے باؤں پر گھر پر سکے۔ لہذا آپ کے احسان سے سہ ماہی دار نے درخواست ہے کہ سائل کو کھانا معایت فرمائے تاکہ سائل اپنے ذمے بھائی کی ذمے بھال کر سکے ہم سہ ماہی آئے کٹنگ دعا تو اس کے شکر ہے۔

[Signature]

الگارہ نور خان کانسٹیبل (2912)

موقع 26/09/2022

ATTESTED

To

The Worthy Regional Police Officer (RPO),
Mardan Division, Khyber Pakhtunkhwa

Subject: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER DATED:
29/11/2022 WHEREBY THE APPELLANT HAS BEEN DISCHARGED
FROM SERVICES WITH IMMEDIATE EFFECT

Respected Sir,

1. That the appellant was initially appointed as Khasadar on 09/12/2016 based on Shaheed Quota in erstwhile Mohmand Agency: (Appointment order is attached)
2. That the appellant always performed his duties with profound dedication and sedulous approach.
3. That after the merger, the status and stature of the appellant was changed from Khasadar to Constable (No: 2912) and performed his duty in Police Station Baizai in District Mohmand.
4. That the stroke of misfortune hit the appellant on 29/11/2022 when he was discharged from service with the allegation of absence from duties without seeking permission from competent authority and proceeded abroad.
5. That the appellant, in fact, proceeded abroad i.e UAE due to certain unavoidable circumstances as one of his elder brother was seriously sick and injured having dilapidated health condition due to road accident on 25/08/2022.
6. That it is indispensable to state that before proceeding abroad, the appellant preferred application whereby granting of leave was requested based on the scenario explained above to the competent authority on 26/08/2022.
7. That immediately after the return of the appellant on 23/01/2023, he went to the concerned duty place on the very next day i.e 24/01/2023 whereby he was informed that he has been discharged from service because of the reason of "Proceeding abroad without permission". The appellant was also handed-over on that very day the impugned order which was issued on 29/11/2022.

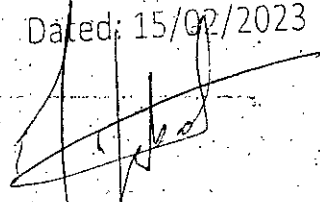
TESTE

8. That the impugned order is unequivocally a void order, not covered by the relevant rules and it is settled principle of law that a void order carries no weight at all.
9. That the word "Discharged" is alien and naïve to the relevant applicable rules keeping in view the probity that under the mandate of rule of 12.21, a person can be discharged due to inefficiency at any time within three years of enrollment (Probation Period), hence the impugned order is not sustainable in the eye of law as the appellant has been on the Police roll since 2016.
10. That the applied Police Rules i.e. 1934 has already been become redundant/repealed after the introduction of law of 2014.
11. That furthermore, the word discharge is also alien to E&D Rules, 2011 hence-void ab initio.
12. That to conduct inquiry is a delicate phenomenon and also sine quo non for imposition of major penalties. In the case in hand, the appellant has been condemned unheard as no show-cause, statement of allegations, personal hearing etc has been provided. Furthermore, in the case of absence from duty, a detailed procedure has been introduced in E&D Rules, 2011 which is in shape of notices to be sent on the house address, but the appellant has not been extended the aforementioned opportunities which comes under the ambit of procedural impropriety, hence not tenable.

Therefore, in light of the above submissions, the undersigned requests that the appellant kindly be reinstated into service with all back benefits, including recalling/withdrawal/setting aside of the impugned order. Dated 29/11/2022 whereby the appellant has been discharged from duties.

Appellant

Dated: 15/02/2023



ATTESTED

(Naveed S/O Wali Kh
Constable (2912
Police Station Bai
District Mohmar

ORDER.

This order will dispose-off the departmental appeal preferred by Ex-Constable Naveed Khan No. 2912 of Mohmand District against the order of the then District Police Officer, Mohmand, whereby he was awarded major punishment of discharge from service vide OB: No. 2001 dated 29.11.2022. The appellant was proceeded against departmentally on the allegations that he while posted at Police Station Baizai remained absent from his lawful duty vide daily diary No. 19 dated 25.09.2021 till date of his discharge without any orders of the competent authority.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Superintendent of Police Investigation, Mohmand was nominated as enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his report to the then District Police Officer, Mohmand concluding therein that the delinquent Officer has proceeded abroad without any leave/prior permission of the competent authority and was found guilty for the misconduct and recommended for major punishment as per Police Rules, 1934 Chapter-12 Rule-21.

In light of recommendations of Enquiry Officer, the delinquent Officer was discharged from service vide OB: No. 2001 dated 29.11.2022 by the then District Police Officer, Mohmand.

Feeling aggrieved from the order of the then District Police Officer, Mohmand, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 22.03.2023.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations leveled against the appellant have been proved beyond any shadow of doubt. As he has bitterly failed to produce any cogent reason to justify his absence because the same clearly depicts his casual and lethargic attitude towards his official duties. The very conduct of appellant is unbecoming of a disciplined Police Officer. The appellant approached this forum at a belated stage by filing the instant appeal which is time barred by 02 months and 17 days without advancing any cogent reason regarding such delay. Moreover, he could not present any cogent justification to warrant interference in the order passed by the competent authority.

Keeping in view the above, I, Muhammad Ali Khan, PSP Regional Police Officer, Mardan, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit as well as time barred by 02 months and 17 days.

Order Announced.


Regional Police Officer,
Mardan.

ATTESTED

No. 1954 /ES, Dated Mardan the 30/03 /2023.

Copy forwarded to District Police Officer, Mohmand for information and necessary w/r to his office Memo: No. 261/Legal dated 23.02.2023. His service record is returned herewith.

To

The Worthy Inspector General of Police (IGP);
Khyber Pakhtunkhwa

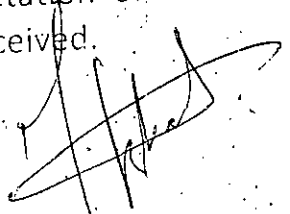
Subject: 11-A PETITION AGAINST THE IMPUGNED ORDER DATED: 30/03/2023 WHEREBY THE APPEAL OF THE APPELLANT HAS BEEN DISMISSED BY THE WORTHY RPO, MARDAN DIVISION AS WELL AS THE IMPUGNED ORDER DATED: 29/11/2022 WHEREBY THE APPELLANT HAS BEEN DISCHARGED FROM SERVICE

Respected Sir,

1. That the appellant was initially appointed as Khasadar on 09/12/2016 based on Shaheed Quota in erstwhile Mohmand Agency. (Appointment order is attached)
2. That the appellant always performed his duties with profound dedication and sedulous approach.
3. That after the merger, the status and stature of the appellant was changed from Khasadar to Constable (No: 2912) and performed his duty in Police Station Bajzai in District Mohmand.
4. That the stroke of misfortune hit the appellant on 29/11/2022 when he was discharged from service with the allegation of absence from duties without seeking permission from competent authority and proceeded abroad. (Copy of Discharge is attached)
5. That the appellant, in fact, proceeded abroad i.e UAE due to certain unavoidable circumstances as one of his elder brother was seriously sick and injured having dilapidated health condition due to road accident on 25/08/2022.
6. That it is indispensable to state that before proceeding abroad, the appellant preferred application whereby granting of leave was requested based on the scenario explained above to the competent authority on 26/08/2022.
7. That immediately after the return of the appellant on 23/01/2023, he went to the concerned duty place on the very next day i.e 24/01/2023 whereby he was informed that he has been discharged from service because of the reason of "Proceeding abroad without permission". The appellant was also handed-over on that very day the impugned order which was issued on 29/11/2022.

ATTESTED

8. That the impugned order is unequivocally a void order, not covered by the relevant rules and it is settled principle of law that a void order carries no weight at all.
9. That the word "Discharged" is alien and naïve to the relevant applicable rules keeping in view the probity that under the mandate of rule of 12.21, a person can be discharged due to inefficiency at any time within three years of enrollment (Probation Period), hence the impugned order is not sustainable in the eye of law as the appellant has been on the Police roll since 2016.
10. That the applied Police Rules i.e 1934 has already been become redundant/repealed after the introduction of law of 2014.
11. That furthermore, the word discharge is also alien to E&D Rules, 2011 and other applicable laws and rules, hence void ab initio.
12. That to conduct inquiry is a delicate phenomenon and also sine quo non for imposition of major penalties. In the case in hand, the appellant has been condemned unheard as no show-cause, statement of allegations, personal hearing etc has been provided. Furthermore, in the case of absence from duty, a detailed procedure has been introduced in E&D Rules, 2011 wherein publication in newspapers as well as opportunity for resumption of duties in shape of notices to be sent on the house address, but the appellant has not been extended the aforementioned opportunities which comes under the ambit of procedural impropriety, hence not tenable.
13. That it is indispensable to submit that the Appellant preferred appeal to the worthy RPO Mardan Division on 15/02/2023 against the impugned discharged order Dated: 29/11/2022 which was dismissed on 30/03/2023.
(Copy of the Appeal to RPO & Rejection of Appeal is attached)
14. That the Order passed by the worthy RPO seems to be without any lawful backing because of the reason that the impugned order of discharge from service was communicated to the Appellant when he reached back to Pakistan and the appeal against which was filed timely. Secondly, the order of discharge from service is naïve and non-est in the service law; hence, such order is a void one and it is a judicial cliché that void order carries no limitation issue and no limitation runs against the void order, hence, the interpretation of the worthy RPO qua the impugned discharge order is misconceived.


ATTESTED

15. That the bona fide of the Appellant is crystalline from this facet that as and when he reached to Pakistan, he immediately went to the duty place where he was informed about his discharge from service.

16. That both the impugned orders are outcome of haste and having no legal backing, hence, need to be set-aside.

Therefore, in light of the above submissions, the impugned order Dated: 29/11/2022 whereby the Appellant has been discharged from service as well as the impugned order Dated: 30/03/2023 passed by the worthy RPO Mardan Division may kindly be set-aside and the Appellant may kindly be reinstated into service with all back benefits.

Appellant

Dated: 11/04/2023

(Naveed S/O Wali Khan)
Constable (2912)
Police Station Baizai
District Mohmand


ATTESTED



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar.

14

No. SI 1206 /23, dated Peshawar the 8/5/2023.

The Regional Police Officer,
Mardan.

Subject:- REVISION PETITION.

Re:

The Competent Authority has examined and filed the revision petition submitted by Ex-Constable Naveed Khan No. 2912 of Mohmand District Police against the award of discharge from service, awarded by DPO Mohmand, vide OB No. 2001, dated 1.2.2022, being badly time barred.

The applicant may please be informed accordingly.

(Signature)
8/5/23




(AFSAR JAN)

Registrar,

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

(Signature)
8/5/2023

(Signature)
ATTESTED

قیمت 50 روپے	76345			
ایڈوکیٹ:		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل / ایسوسی ایشن نمبر: 13-4213				
رابطہ نمبر: 03339577770				

بعدالت جناب: خلیل پختونخواہ سرور ایسوسی ایشن

مخائب: Appellant	دعویٰ: Service Appeal
	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 میاں محمد عمران ایڈووکیٹ کیلئے میاں محمد عمران ایڈووکیٹ کے اختیار وکیل مقرر 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 وہی جملہ مذکورہ با اختیار حاصل ہوں گے اور اس کا ساختہ پر داخستہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے 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

الرقوم: 01/06/2023
 PESHAWAR BAR ASSOCIATION
 خیبر پختونخواہ

نوٹ: اس وکالت نامہ کی ذمہ داری ناقابل قبول ہوتی ہے
 سریف بادشاہ لاکھ پور
 نوٹ: اس وکالت نامہ کی ذمہ داری ناقابل قبول ہوتی ہے

Attested and Accepted

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