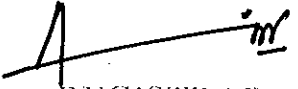


# FORM OF ORDER SHEET

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

**Appeal No.** 1286/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/06/2023	<p>The appeal of Mr. Abid Shah presented today by Mr. Kashif Iqtidar Khalil Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>09-06-2023</u>.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>



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

Service appeal No:- 1286 /2023

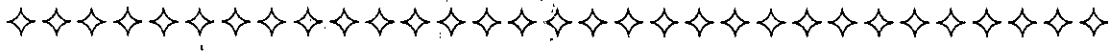
Abid Shah S/o Mohabat Shah R/o Koki Khel, Sher Khan Khel, Shah Zaman Kallay, Jamrud District Khyber.

..... Appellant

**Versus**

1. Inspector General of Police, Khyber Pakhtunkhwa at Khyber Road Peshawar.
2. Chief Capital Police Officer (CCPO) AT Police Lines Peshawar.
3. District Police Officer (DPO) District Khyber.

..... Respondents



APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974 AGAINST THE ACT OF THE RESPONDENT NO. 02, WHEREBY WHILE REINSTATING THE TERMINATED SERVICES OF THE APPELLANT VIDE IMPUGNED DEPARTMENTAL ORDER DATED 26-04-2023, THE PERIOD OF ABSENCE OF THE APPELLANT FROM THE DUTY IS TREATED AS OUT OF SERVICE AND LEAVE WITHOUT PAY, AS ILLEGAL, UN-LAWFUL, UN-PRECEDENTED, UN-PRESCRIBED, UN-USUAL, UN-JUST, UN-FAIR THEREFORE

UN-SUSTAINABLE IN THE EYE OF LAW HAVING NO LEGAL EFFECT.

*Respectfully Sheweth:-*

*Facts:-*

Appellant most humbly submits as below:

1. *That Appellant proud to join the respondent department as Constable in the era of 2011 and since than, was performing his duties with zeal and zest, rather all the abilities & capabilities to the utmost satisfaction of the superior authorities.*

2. *That unfortunately Appellant unfairly booked in the consistent FIRs detailed as below*

(i) *FIR No. 38 U/s 302/324/34 PPC*

(ii) *FIR No. 39 U/s 342/395 PPC*

(iii) *FIR No. 9 U/s 506/34 PPC with 15AA*

(iv) *FIR No. 84 U/s 324/353 PPC with 7ATA with 3/4 EXPL/427/15AA/188/148/149*

*(Copies of the above Court Orders are subsequently annexed herewith as annexure A-1 to A-4 respectively).*

3. *That since in the above alleged chronic offences, Appellant was engaged by the complainant party with ulterior motives and gross malafide intention therefore for to set the legal treatment to save the skin of his own, Appellant remained absconder for the reasonable time, **HOWEVER** in this respect departmental proceedings initiated by the office of Respondent No. 03 against the Appellant by serving Show Cause and Final Show Cause Notices which certainly not received due to absconsion and not replied.*
4. *Precisely to the core facts that the Respondent No. 03 vide impugned Order dated 07-05-2021, announced Major Punishment of dismissal from services with immediate effect to the Appellant. (Copy of the dismissal order of the Appellant passed by respondent No. 03 is annexed as annexure "B").*
5. *That when Appellant faced the above cases registered in shape of the above FIRs, it is pleasant to mention here that Appellant sought his release on bail via orders passed by*

this Hon'ble Court and remaining case is settled through patch up.

6. That thereafter Appellant approached to Respondent No. 02 by challenging the impugned departmental order passed by Respondent No. 03 regarding Major Punishment of dismissal from service, while filing proper Departmental Appeal before the Respondent No. 02 being Appellate Authority. (Copy of the Departmental Appeal is annexed as annexure "C").
  
7. That Respondent No. 02 vide its impugned order but not impugned enough, reinstate the services of the Appellant by intervening the impugned order of lower departmental authority of Respondent No. 03 but with the effect that the Leave without Pay. (Copy of the impugned order of Respondent No. 02 dated 26-04-2023 is annexed as annexure "D").
  
8. That aggrieved with the findings of Respondent No. 02 to the extent of impugned order of Leave without Pay, Appellant

*lacking with any kind of further legal remedy available to him under the law but to invoke original Appellate Jurisdiction of this Hon'ble Court inter alia on the following grounds amongst other.*

**Grounds:-**

- A. *That the Appellant has not been treated in accordance with law hence his rights secured and guaranteed under the law are badly violated.*
  
- B. *That the impugned order of the Respondent No. 02 to the extent of considering absence of the Appellant as Leave without Pay is un-recognized by law, against the principle of fundamental rights enshrined in the Supreme document of the Country i.e. Constitution of Islamic Republic of Pakistan 1973.*
  
- C. *That the impugned order to the extent of charged on the Appellant treating the absent era as Leave without Pay is un-precedented, un-prescribed, against the norms of justice,*

*having no legal effect in the eye of law, therefore ineffective on the very legal rights of the Appellant.*

D. *That the impugned order to the extent of treating the absence of Appellant Leave without Pay is the gross contradiction and negate of the very same order whereby all the legal excuses are accepted by Respondent No. 02 as per Departmental Appeal and while reinstating the Appellant acknowledged the facts of the Appellant but apart from the above mercy, the further impugned order to the extent of Leave without Pay is unmatched.*

E. *That the Appellant seeks leave of this Hon'ble Court to take additional grounds at the time of arguments.*

*It is, therefore, most humbly prayed that on acceptance of this writ petition while declaring the act of the respondent standing the Appellant as Leave without Pay in the impugned order of the Respondent No. 02 dated 24-04-2023 is illegal, un-lawful, in-alternative the respondents may please be directed to consider the status of*



*the Appellant and release all the absence period salaries throughout.*

*Any other remedy deems proper and appropriate may please be granted to the Appellant by this Hon'ble Court.*

Dated:- /06/2023

Appellant

Through:-

*[Handwritten Signature]*  
**Counsel**

8

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

Service appeal No:- \_\_\_\_\_ -P/2023

Abid Shah  
..... Appellant

**Versus**

I.G.P KPK & others  
..... Respondents

**AFFIDAVIT**

*I, Abid Shah S/o Mohabat Shah R/o Koki Khel, Sher Khan Khel, Shah Zaman Kallay, Jamrud District Khyber (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 Court.*

Identified by

DEPONENT

CNIC No:- 21202-5269863-5

Cell No:- 0301-8972267

Counsel

(9)

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

Service appeal No:- \_\_\_\_\_ -P/2023

Abid Shah  
..... Appellant

**Versus**

I.G.P KPK & others  
..... Respondents

**ADDRESSES OF PARTIES**

**APPELLANT**

Abid Shah S/o Mohabat Shah R/o Koki Khel, Sher Khan Khel, Shah Zaman Kallay, Jamrud District Khyber.

**RESPONDENTS**

1. Inspector General of Police, Khyber Pakhtunkhwa at Khyber Road Peshawar.
2. Chief Capital Police Officer (CCPO) AT Police Lines Peshawar.
3. District Police Officer (DPO) District Khyber.

Dated:- /06/2023

Appellant

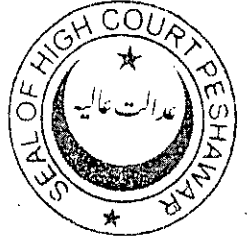
Through:-



**Counsel**

90

**JUDGMENT SHEET  
IN THE PESHAWAR HIGH COURT,  
PESHAWAR**  
(Judicial Department)



**Cr.M.B.A.No.2651-P of 2022.**

Date of hearing: 07.11.2022.

Mr.Hussain Ali, advocate for the petitioner.

Mr.Mujahid Ali Khan, AAG for the State.

M/s Fahim Akhunzada and Faizan,  
advocates for the complainant.

**JUDGMENT**

**LAL JAN KHATTAK, J.-** Petitioner

Abid Shah has applied to this court for his release on bail in case FIR No.38 dated 08.02.2021 under Sections 302/324/34 PPC of Police Station Jamrud, Khyber.

2. Complainant Muhammad Hanif on 08.02.2021 reported to the local police in the Civil Hospital Jamrud to the effect that on the day of occurrence he, his brother Ishfaq, cousin Naeemullah and Yasir were present in Tedi bazar where petitioner Abid Shah, Sharafat and Wajid came there and started firing at them with which they escaped unhurt whereas with the fire shots of the petitioner his brother Ishfaq was hit and died. Motive for committing the crime

*gan*

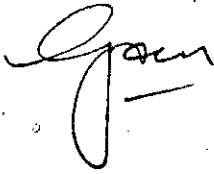
**ATTESTED**  
EXAMINER  
Peshawar High Court

(11)

was stated to be dispute over landed property. On arrest, petitioner applied for his release on bail, which was declined to him, hence, the instant petition.

3. Arguments heard and record gone through.

4. Learned counsel for the petitioner did not argue the case on merit rather sought bail of the petitioner on medical ground. This court on 10.10.2022 had ordered for constitution of a Standing Medical Board to ascertain the petitioner's ailment. Director General, Health Services complied with the ibid order by constituting the Medical Board which examined the petitioner and opined as under:-



"The Standing Medical Board is of the opinion that patient is known case of FAI to abdomen and chest. He remained admitted in RMI and civil hospital. He sustained injuries to liver and lungs. Developed respiratory distress and tracheotomy was done and he remained on ventilator, in ICU. Developed renal failure for which multiple sessions of Hemodialysis were done. Ventilator was weaned off 02 weeks back. Currently he is weak emaciated urinary catheter in situ and deep

**ATTESTED**  
**EXAMINER**  
Peshawar High Court

(12)

infected bed sores on sacral area. He is still admitted in Jamrud Hospital. Currently he is not stable and the recovery make take long time".

5. Report ibid shows that condition of the petitioner is not stable and that his recovery would take a long time. According to the report of the Standing Medical Board, once petitioner was on Ventilator in ICU and he has also developed bed sores on sacred area.

6. No doubt, petitioner has been assigned the role of effective firing at the deceased but for his unstable physical condition it would not be proper to keep him behind the bars albeit in Civil Hospital Jamrud where necessary and needed medical facilities are not available. Besides, in Jamrud Civil Hospital where the petitioner is kept for undergoing medical treatment, the government would depute security officials for keeping watch on him on which heavy expenditures would be incurred and that too for long time which aspect of the case too cannot be overlooked.

*Gaur*

ATTESTED  
EXAMINER  
Peshawar High Court

03

7. Keeping in view the precarious physical condition of the petitioner in light of the medical report so submitted by the Standing Medical Board, this petition is allowed and consequently the petitioner is admitted to bail subject to his furnishing bail bonds in the sum of Rs.100,000/- with two sureties each in the like amount to the satisfaction of learned trial court.

*Lal Jan*  
JUDGE

**Announced.**

**07.11.2022.**

Sadiq Shah CS (SB) (Hon'ble Mr. Justice Lal Jan Khattak)

CERTIFIED TO BE TRUE COPY

EXAMINER  
Peshawar High Court, Peshawar  
Authorized Under Article 8, 7 of  
the Qanoon-e-Shahadat Act 1984

03 JUN 2023

86539  
 Date of Presentation of Application ..... 31-05-2023  
 No of Pages ..... 8-1  
 Copying fee ..... 32-00  
 Total ..... 03-06-2023  
 Date of Preparation of Copy ..... 03-06-2023  
 Date of Delivery of Copy ..... 03-06-2023  
 Approved By ..... *[Signature]*

(14)

STATE VERSUS ABID SHAH & OTHERS.

Case No. 672 of the year 2021.

ORDER No. 15

20.05.2023

APP Fakhr-e-Alam for State present. Accused 1. Abid Shah 2. Imran Khan and 3. Hayat Khan on bail present, whereas the accused Noor Asghar is absent and stated dead by the present accused.

The present accused stated at the bar that compromise has been affected between both the accused parties and submitted the compromise deed. They further recorded their joint statement wherein they stated that the accused Noor Asghar has been away and a genuine compromise has been affected between the parties and endorsed the compromise deed as EX.PA. Be placed on file. Record perused. Notice u/s 249-A Cr.P.C given to the state in today.

Notice to the learned APP is given given in today that why the accused be not acquitted under section 249-A Cr.P.C.

Arguments heard and record carefully perused.

Perusal of the record shows that the accused above have been booked by the complainant Niaz Muhammad Khan ASI Police Station Jamrud in case FIR No. 09 dated: 13.01.2021, U/S 506/34-PPC and 15 AA, registered at the Police Station Jamrud, Khyber.

It is evident from record that the complainant is not the eye witness of the occurrence. No empties have been recovered from the place of occurrence. Furthermore, no specific role has been attributed to the accused respectively. None of the accused has been charged another for commission of the alleged offense. Last but not the least both the accused parties have patched up the matter amicably outside the court.

Resultantly, there is no chance of conviction of accused even if prosecution is allowed to produce its entire evidence. The permission to record evidence against the present accused would amount to futile exercise and the ultimate fate of the trial would be at the acquittal of the accused. Therefore, the accused 1. Abid Shah 2. Imran Khan and 3. Hayat Khan are hereby acquitted from the charges leveled against them in the instant FIR/case. Their sureties are discharged from their liabilities of bail bonds. It is also pertinent to mention here that as the accused Noor Asghar has been passed away, therefore, proceedings against him are hereby abated. Case property if any be dealt in accordance with law.

File be consigned to the Record Room after its due completion and compilation.

ANNOUNCED  
20.05.2023

**ATTESTED**

2023  
(Examiner)  
Session Court Khyber

MUHAMMAD RAFIQ KHAN  
Judicial Magistrate-I, Jamrud, Khyber.



8

15

IN THE COURT OF MUHAMMAD JUNAID ALAM, JUDICIAL  
MAGISTRATE, JAMRUD, DISTRICT KHYBER

O -----14  
16/09/2022

APP for the state present. Complainant Fayaz present along with the counsel. Accused Wahid Shah s/o Mahabat Shah on bail present while the accused Abid Shah is in custody not present due to admission in hospital for treatment in case FIR No.39 dated 09-02-2021 u/s 342, 395, 412 PPC PS Jamrud.

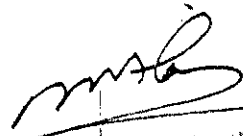
Record perused.

Perusal of case file transpired that complainant had patched up the matter with the accused facing trial and submitted compromise Ex-PA wherein he stated to have patched up the matter with accused in this respect his separate statement has been recorded. In the compromise deed wherein he reiterated his stance to have patched up the matter with accused facing trial and expressed no objection on their acquittal in the instant case because of suspicion. Complainant ID Card is Ex.PB.

It is further stated that though offence is non-compoundable but the expression of suspicion by the complainant against the accused permits for consideration of compromise even in suchlike offence. Even otherwise, there seems no probability of conviction of accused in the light of above mentioned circumstances and to proceed further will be

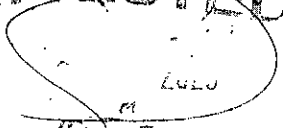
wastage of precious time of the Court.

Hence, in the light of the above discussion this Court is an ample power to u/s 249(A) Cr.PC to acquit the accused at any stage. Therefore, the accused facing trial namely Wahid Shah is acquitted from the

  
Muhammad Junaid Alam  
Judicial Magistrate  
Jamrud, Khyber

ATTESTED

LULU

  
Lulu  
Session Court Khyber

9

16

charges leveled against him while the accused namely Abid Shah in custody be also acquit from the charges levelled against him and release if not involve in any other case. Sureties of the accused are absolved from the liability of bail bonds.

NBW against Abid Shah cancelled.

File be consigned to record room after its completion and compilation and scanning.

Announced  
16.09.2022

MUHAMMAD JUNAID ALAM  
JMIC-I, Jamrud  
KHYBER  
Muhammad Junaid Alam  
Civil Judge (S) District Magistrate  
Jamrud, Khyber

CERTIFIED TO BE TRUE COPY

(Signature)  
Copying Agency Civil Court  
Khyber

26-6-22

No.	947
Dated of Application	6/6/22
Name of Applicant	Urooj Wahid
Word / Pages	1600 - 4/23
Fee	1000/-
Signature of Copyist	[Signature]
Date of Preparation	6/6/22
Date of Delivery	6/6/22

(17)

4

Order No.15  
24.09.2022

Accused exempted. Mr. Irshad Ullah learned Sr. PP for state present and he again requests for adjournment to put in court the challan against accused Abid Shah on the next date for the reason that the other co-accused have already been acquitted and opinion is being sought as to whether challan for trial or application for withdrawal of case be submitted along with the challan. So, the very last opportunity is granted with the direction that it must positively be put in court for the date fixed. File to put up for submission of challan for 05-10-2022.

Announced  
24.09.2022

*(Signature)*  
(Muhammad Adil Khan)  
Judge, ATC-III, Peshawar

Order No.16  
05.10.2022

Accused exempted. Mr. Irshad Ullah learned Sr. PP for state present and submits supplementary challan against accused Abid Shah. He is on bail; be summoned for the date fixed and file to put up for 12/10/2022.

Announced  
05.10.2022

*(Signature)*  
(Muhammad Adil Khan)  
Judge, ATC-III, Peshawar

Order No.17  
12.10.2022

Accused exempted. Mr. Irshad Ullah learned Sr. PP for state present. Learned counsel for both the accused present and he also submits an exemption application for accused Abid Shah being admitted in hospital, supported with medical certificate. Supplementary challan against accused Abid Shah also received and placed on record. Learned counsel for accused also through memo of appearance requests for adjournment to submit power of attorney on next date on behalf of accused Abid Shah.

Learned PP for state also submit an application for the discharge / withdrawal from the prosecution against the accused Abid Shah u/s 494 Cr.P.C r/w 4C(II) and all the enabling provisions of the Prosecution Act.

ATTESTED

*(Signature)*

READER

ANTI-TERRORISM COURT-III  
PESHAWAR

*(Signature)*  
12-10-2022

Continued  
Order No.17  
Dated  
12.10.2022

So, notice is given to the other side for the date fixed. Accused Abid Shah is exempted till further orders with the direction to the counsel to produce the Wakalat Nama on his behalf on next date. All the PWs be summoned along with case property, if any, except I.O for 17-10-2022.

Announced  
12.10.2022

*(Signature)*  
(Muhammad Adil Khan)  
Judge, ATC-III, Peshawar

Order No.18  
17.10.2022

Accused Saqib Shah is exempted. Mr. Irshad Ullah learned Sr. PP for state and learned counsel for the accused present. Learned counsel for the accused also submits Wakalat Nama on behalf of accused Abid Shah; placed on file.

On previous date, learned PP for state submitted an application for the discharge / withdrawal from the prosecution against the accused Abid Shah u/s 494 Cr.P.C r/w 4C(I) and all the enabling provisions of the Prosecution Act. The application is conceded by the defense.

The perusal of the record reveals that though the accused was named in the FIR directly but was not arrested at the spot and the prosecution put in court the case against the arrested accused, who after conclusion of the trial were got acquitted vide judgment dated 13-01-2022.

The learned PP for the state also submitted that in *li-mine* the appeal is dismissed vide order dated 18-05-2022 and there is no prospect of the success of the case of the prosecution against accused Abid Shah.

So, in the circumstances, by allowing the application of the prosecution u/s 494 Cr.P.C r/w 4C(II) and all the enabling provisions of the Prosecution Act, accused Abid Shah is discharged. He is on bail, his sureties are also absolved from the liability of bonds.

PW Karam Elahi Inspector present and examined as PW-6. Learned Sr. PP for state abandoned PWs Qeemat Gul Khan Inspector, Noor Ullah SHO and Zia Ullah SI being unnecessary. All the remaining PWs be

~~ATTACHED~~

READER

ANTI-TERRORISM COURT-III  
PESHAWAR

*(Signature)*  
ATC-III, Peshawar

(19)

OFFICE OF THE  
DISTRICT POLICE OFFICER  
KHYBER



ORDER

Constable Abid Shah of Police Station Jamrud remained involved in criminal activities charged in FIR # 38, u/s 302/324/34 PPC, FIR # 39, u/s 6342/395 PPC, FIR # 09, u/s 506/15AA/34 PPC & FIR # 81, u/s 324/353/7ATA/3/4 Exp/427/15AA/188/148/149 registered at Police Station Jamrud consequent upon which the undersigned being a competent authority under Police Rules 1975 issued a Show Cause Notice with the opportunity to be heard in person which the defaulter official did not avail.

In reply of the Show Cause notice the defaulter constable failed to submit any cogent reason/reply regarding the allegations leveled against him consequently a Charge Sheet with Summary of Allegations was issued on 31/03/2021 and DSP/Mrs Khyber was assigned as Inquiry Officer.

The Enquiry Officer in his finding report stated that the defaulter Constable is not interested in submitting any reply in his defense and not appeared before the enquiry officer & recommended for major punishment. After which the defaulter constable was issued a Final Show Cause Notice by the undersigned with an opportunity to be heard in person. In reply of the Final Show Cause Notice issued vide this office No. 1055/PSO-Khyber, dated 14/04/2021, the defaulter constable failed to submit neither any reply nor he appeared before this office against the allegation leveled against him. It was also learned during the course of inquiry that the defaulter constable has been declared as absconder in cases registered against him.

Keeping in view the recommendations of the Enquiry Officer & available record and taking an ex-parte action, the Constable Abid Shah is hereby awarded a major punishment of Dismissal from service with immediate effect.

  
DISTRICT POLICE OFFICER,  
KHYBER

No. 1308 /PSO Khyber, dated Khyber

07 105 /2021.

Copies to all concerned for further necessary action.

To

(20)

Eminent,  
Chief Capital Police Officer (CCPO),  
At Peshawar.

Subject:

APPEAL AGAINST THE ORDER PASSED BY WORTHY OFFICE OF DISTRICT POLICE OFFICER (DPO) KHYBER, IN WHICH WITH THE SINGLE STROKE OF PRONOUNCEMENT OF THE IMPUGNED ORDER, WITHOUT APPRECIATING THE LEGALLY CONCRETE AND WELL ESTABLISHED CIRCUMSTANTIAL AND FACTUAL WELL REASON BEHIND THE SAME, THE SERVICES OF THE APPLICANT ARE RELINQUISHED AS DISMISSED FROM SERVICE WHILE AWARDDING MAJOR PUNISHMENT.

Respected Sir,

It is most humbly submitting as below;

Precisely to the facts that appellant joined the esteem Police Department in the era of 2011 and served the parent department with zeal and zest, with all his abilities & capabilities, but due to curse of fate, appellant falsely been charged in the.

- i. FIR No.38 u/s 302/324/34 PPC,
- ii. FIR No.39 u/s 342/395 PPC
- iii. FIR No.9 u/s 506/34 PPC with 15AA
- iv. FIR No.84 u/s 324/353 PPC with 7ATA with 3/4  
EXPL/427/15AA/188/148/149

in the police station Jamrud District Khyber. In this respect the show cause notices as initial notice and thereafter final Show Cause Notice duly referred in the impugned order of dismissal of series of appellant, bearing No.1055/PSO-Khyber, dated: 14.04.2021, were served to the appellant but due to the absconious in the above criminal cases, just for the purpose to safe the skin (which is permissible under the law and not recognize such while trial the case on merit), appellant remained unable to trace the above both show cause notices, therefore the question of personal hearing was also remained unresolved due to the same facts.

(21)

**FURTHERMORE**, it is notable that in the above cited clause-iv case, according to the competent court order, the appellant been discharged from criminal liability however the citation-i & iii, the appellant has been pleased to release on bail by Honorable Peshawar High Court, Peshawar. Remaining citation-ii, there is a patch up has been effected between the parties.

It is settled that according to the apex courts decisions made in the plethora of findings in such like cases that no one can be punished without the finalization of the conviction order passed by the final court, it is settled that the impugned order is required to be strictly intervene in the appellate jurisdiction.

It is therefore, most humbly requested that in the light of the above, the impugned order passed by worthy DPO Khyber dated: 14.04.2021, about the dismissal from services order of the appellant may very kindly please be revisit and re-evaluate under the circumstances elaborated "herein" above, wherein no liability whatsoever is set upon the appellant, therefore the case of the reinstatement of the services of the appellant is clear enough, hence hope so.

Appellant

*AB Shah*

**ABID SHAH**

Constable,

At Police Station Jamrud.

Cell: 0301-8972267

To

(22)

Eminent,  
Chief Capital Police Officer (CCPO),  
At Peshawar.

Subject:

**ADDITIONAL APPLICATION WITH THE APPENDED  
APPEAL OF SEEKING THE REINSTATEMENT OF  
SERVICES, FOR CONDONATION OF THE DELAY SO  
ACCRUED TILL DATE IN FILING OF THE INSTANT  
DEPARTMENTAL APPEAL**

Respected Sir,

It is settled by superior courts of Pakistan in its consistent judgments that limitation question would be governed as a mixed question of law and fact and where there is a right, the limitation cannot be run in special circumstances, so whatever delay has yet been accrued for filing of the appended appeal, is required to be dealt under the above principle of law, therefore it is hoped that the appended main appeal of the appellant would not be dealt on the basis of its limitation and would be decided on merit beyond the limitation.

It is therefore, most humbly requested that the delay in filing of the appeal of reinstatement of appellant may very kindly please be condoned in the best interest of justice.

Appellant

*Abid Shah*

**ABID SHAH**  
Constable,  
At Police Station Jamrud.  
Cell: 0301-8972267





(23)

OFFICE OF THE  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

ORDER.

This order will dispose of the departmental appeal preferred by Ex-Constable Abid Shah s/o Mohabat Shah, who was awarded the major punishment of "Dismissal from service" under KP PR-1975 (amended 2014) by DPO Khyber vide order No. 1308/PSO, dated 17.05.2021.

2- Short facts leading to the instant appeal are that the defaulter Constable was proceeded against departmentally on the charges of his involvement in criminal cases vide FIRs No. 38, w/s 302/324/34-PPC, No. 39, w/s 342/395-PPC, No. 09, w/s 506/15AA/34 PPC & No. 84, w/s 324/353/7ATA/ 427/15AA/188/148/149-PPC Police Station Jamrud District Khyber.

3- He was issued proper Charge Sheet and Summary of Allegations by DPO Khyber. The DSP/HQr: Khyber was appointed as inquiry officer to scrutinize the conduct of the accused official. The inquiry officer after conducting proper inquiry submitted his findings in which he was recommended for major punishment. The competent authority in light of the findings of the enquiry officer issued him Final Show Cause Notice to which he replied but the same was found was unsatisfactory, hence awarded the above major punishment.

4- He was heard in person in O.R and the relevant record along with his explanation perused. During personal hearing the appellant stated that he was falsely been implicated in the said FIRs by his opponent party in order to finish his service. He pleaded that he is innocent in the matter and requested for reinstatement in service. Keeping in view his contention his appeal for reinstatement in service is hereby accepted. The punishment order of DPO Khyber issued vide order No. 1308/PSO, DPO Khyber dated 07.05.2021 is hereby set aside. He is hereby reinstated in service with immediate effect. The period of absence and out of service is treated as leave without pay.

No.	963
Date	26-4-2023

(MUHAMMAD IJAZ KHAN) PSP  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

No. 1907-11 /PA, dated Peshawar the 26/04 2023

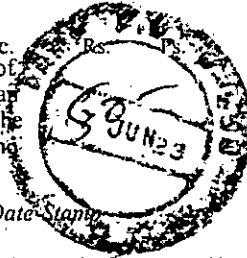
Copies for information and necessary action to the:-

1. District Police Officer Khyber, along with complete inquiry file.
2. DSP/HQrs Khyber.
3. Accountant & OASI Khyber.
4. Official concerned.

No. 1553

RGL116901846

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.



(24)

Received a registered\* addressed to

*[Handwritten signature]*

Date-Stamp

**SERVICE TRIBUNAL**

\*Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary. Initials of Receiving Officer

Insured for Rs. (in figures) *[Handwritten]* (in words) *[Handwritten]*

Insurance fee Rs. Ps. (in words) Weight Kilo Grams

Name and address of sender

P KPK & others

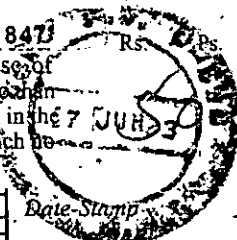
.....Respondents

AKHTUNKHWA  
FILLING OF

No. 1554

RGL116901847

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.



NS  
S  
T

Received a registered\* addressed to

*[Handwritten signature]*

Date-Stamp

\*Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary. Initials of Receiving Officer

Insured for Rs. (in figures) *[Handwritten]* (in words) *[Handwritten]*

Insurance fee Rs. Ps. (in words) Weight Kilo Grams

Name and address of sender

Police, Khyber

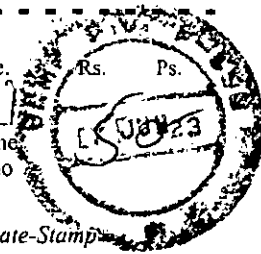
and Peshawar.

(CCPO) AT Police

No. 1555

RGL116901848

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.



Received a registered\* addressed to

*[Handwritten signature]*

Date-Stamp

Resp.

\*Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary. Initials of Receiving Officer

Insured for Rs. (in figures) *[Handwritten]* (in words) *[Handwritten]*

before insurance fee Rs. Ps. (in words) Weight Kilo Grams

you are Name and address of sender

District Khyber.

a Service Appeal

Services Tribunal,

Service Appeal.

Dated:- /06/2023

Appellant

Through:-

*[Handwritten signature]*

Counsel

قیمت  
50 روپے

77086



ایڈویٹ: کاسٹ آف افسرار علی

بار کونسل/ ایسوسی ایشن نمبر: BE-14-5259

رابطہ نمبر: 0332-9080660

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

سرور ستر ایل

بعدالت جناب:

منجانب: عابد سہ

دعویٰ: سرور ستر ایل

علت نمبر: 7

مورخہ:

جرم:

تھانہ:

بنام  
16 KPK ETC

### باعت تحزیر آئکہ

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

آن مقام پشاور کیلئے کاسٹ آف افسرار ایل کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی 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 کاروائی 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 اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا احد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

الرقوم: 07/06/2023

العبد عبد الرحمن HTO

وکیل منظر کے لیے منظور ہے

شمارہ 2

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

Kasim Farid Kasim Farid Advocate for Plaintiff

Wahid Shah

کامیاب در محبت سے کوئی نہیں لکھتا ہے