

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 358/2013

SCANNED
KPS,
Peshawar

BEFORE: MR. KALIM ARSHAD KHAN, ... CHAIRMAN
MISS FAREEHA PAUL ... MEMBER(E)

Shakir Ullah S/O Saadullah R/O Kharsha Banda Tehsil and District
Hangu. (Appellant)

Versus

1. The Provincial Police Officer, Government of Khyber Pakhtunkhwa,
Peshawar.
2. The Regional Police Officer/Commandant Police Training College,
Hangu at Kohat.
3. The Deputy Commandant PTC/District Police Office, District Hangu.
4. The District Police Officer, Kohat. (Respondents)

Mr. Ashraf Ali Khattak,
Advocate

For appellant

Mr. Muhammad Riaz Khan Paindakhel,
Assistant Advocate General

For respondents

Date of Institution..... 11.02.2013
Date of Hearing..... 30.11.2022
Date of Decision..... 07.12.2022

JUDGEMENT

FAREEHA PAUL, MEMBER (E): The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 15.07.2009 whereby the appellant was dismissed from service with the prayer as follows:-



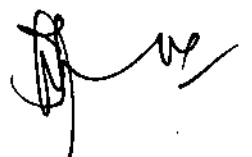
“On acceptance of the instant appeal, the impugned order dated 15.07.2009 may very graciously be declared as void, void ab-initio, illegal, unlawful, without any lawful authority alongwith the order on the departmental appeal as well as the respondents concerned may be directed to provide the appellant all necessary documents relating to the case.”

2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant served in the respondent department as Drill Master for almost 18 years. On 10.05.2008, when he was posted at RTW, Kohat, he was telephonically informed by his wife about the serious condition of his daughter who was suffering from kidney disease. There was no male in the family to handle the situation, therefore, the appellant's presence was must to get his daughter examined through a medical consultant for which he submitted an application for 15 days leave to his high ups and on their assurance for granting leave, he went straight to Islamabad where his daughter was lying on bed at PIMS. After one week, the appellant telephonically approached the Centre (RTW) Kohat and asked about the fate of his leave application. He was informed that his application had not been allowed and he was marked absent from duty. Being father, it was not possible for him to leave his ailing daughter at death bed, therefore, after her discharge from hospital, he immediately approached the Centre (RTW) Kohat in order to resume his duty but he was not allowed to do so and departmental proceedings were initiated against him. Charge sheet alongwith statement of allegations was served upon him which was duly replied.



Inquiry was conducted and on the basis of recommendation of enquiry officer, the appellant was dismissed from service on 14.07.2009. Feeling aggrieved he preferred departmental appeal before respondent No. 1 as well as other high ups and was assured of positive response but it was not done and he was not reinstated. He made several requests time and again to the concerned office to grant him the documents relating to departmental inquiry against him but was denied. Having no other adequate remedy, the appellant preferred Writ Petition No. 14/2012 before the Honourable Peshawar High Court, Peshawar which was disposed off vide order dated 21.03.2012 with directions to the respondent No. 1 to decide the appeal/representation of the appellant within fifteen days. When the respondent No. 1 failed to comply with the order of Honourable Peshawar High Court, the appellant filed a COC Petition No. 261-P/2012 which was disposed off vide order dated 09.12.2012 with the observation that the respondent was not guilty of the contempt of court, with the further observation that the case was cognizable by the Provincial Services Tribunal and if the petitioner could make out a case on points of law & facts, he might approach the Tribunal in the prescribed manner. After that the appellant again preferred an application for providing the copy of order passed on his departmental representation but it was not responded; hence the present service appeal.

3. Respondents were put on notice who submitted written replies/comments on the appeal. We have heard the learned counsel for the



appellant as well as the learned Assistant Advocate General for the respondents and perused the case file with connected documents in detail.

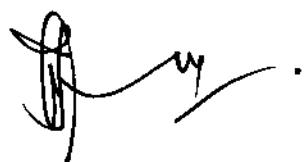
4. Learned counsel for the appellant after presenting the case in detail contended that the appellant was awarded major penalty of removal from service on the allegation of unauthorized absence from duty which was not deliberate and willful but was due to the valid reason of serious illness of his daughter who was admitted in hospital. He further contended that no regular inquiry was conducted which was mandatory under the law in case of awarding major penalty of removal from service. According to him, if any inquiry was conducted, the appellant was not allowed to participate in its proceedings and that it was conducted at the back of the appellant. He further contended that the authority to which the appellant submitted application for leave was appointed as inquiry officer who recommended the appellant for penalty on malafide intention and that impugned order was passed by an authority who was not competent to do so. Learned counsel for the appellant further contended that the appellant was at the verge of retirement and served the department for almost 18 years and a harsh view had been taken against him, despite the fact that in response to the office notice No. 118/PA dated 10.04.2009, the appellant requested for compulsory retirement. Learned counsel for the appellant requested that the appeal might be accepted as prayed for.

5. The learned Assistant Advocate General while rebutting the arguments of learned counsel for the appellant stated that the appellant



absented himself from his lawful duty vide daily dairy No. 26 dated 11.05.2008 and that he did not prefer any application for leave nor sought any permission of the high ups and hence neglected his lawful duty. He further stated that the appellant had disclosed in his representation that he remained for 8/9 months at Wah Cantt Rawalpindi for the treatment of his daughter which showed that he absented himself willfully and as a result thereof departmental proceedings were initiated against him. The charge sheet and statement of allegations were issued to him. Further a show cause notice was served upon him vide No. 118/PA, dated 10.04.2009. Since the absence period of the appellant had crossed the limits and needed to be dealt with in accordance with law, hence a senior officer was appointed as inquiry officer, who conducted the inquiry on the basis of which the appellant was dismissed from service. The learned AAG requested that the appeal might be dismissed with cost.

6. Record presented before the bench shows that disciplinary action was initiated against the appellant by issuing him a charge sheet and statement of allegations on 10.04.2009. An inquiry was conducted, report of which, dated 29.04.2009, is available with the appeal. According to that report, the appellant absented himself from duty w.e.f. 11.05.2008. The same report says that it is evident that he is facing domestic problems and he cannot continue his service and that he has categorically made request in his statement to be compulsorily retired. A response of the appellant, without any date, to a notice dated 10.04.2009 of DIG/Commandant, Police Training



College, Hangu, is available with the appeal in which he had requested for compulsory retirement in view of his ailing daughter and his inability to continue his service/duty.

7. Although the appellant, in his service appeal states that he was absent or on leave for only 20 days, but another document attached with the appeal in response to the order dated 08.07.2009, indicates that the appellant remained in Wah Cantt for the treatment of his daughter for 8-9 months, a fact admitted by the appellant himself before the Inspector General of Police, Khyber Pakhtunkhwa.

8. After going through the details of the case and the above discussion, the instant appeal is allowed to the extent of setting aside the impugned order dated 15.07.2009. The respondents are directed to consider the request of the appellant that he made for his compulsory retirement while responding to the order of disciplinary action dated 10.04.2009 and issue the necessary order of compulsory retirement of the appellant from that date. Parties are left to bear their own costs. Consign.

9. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 07th day of December, 2022.*


(KALIM ARSHAD KHAN)
Chairman


(FARZEHA PAUL)
Member (E)

Service Appeal No. 358/2013

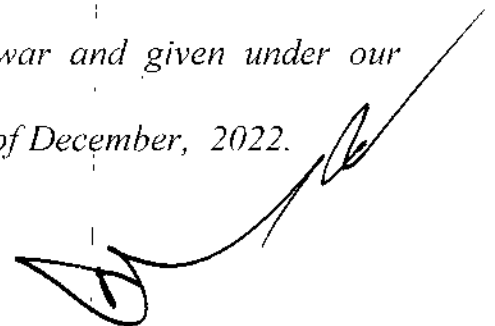
07th Dec 2022

Mr. Ashraf Ali Khattak, Advocate for the appellant present. Mr.

Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present. Arguments heard and record perused.

2. Vide our detailed judgement containing 06 pages, the instant appeal is allowed to the extent of setting aside the impugned order dated 15.07.2009. The respondents are directed to consider the request of the appellant that he made for his compulsory retirement while responding to the order of disciplinary action dated 10.04.2009 and issue the necessary order of compulsory retirement of the appellant from that date. Parties are left to bear their own costs. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 07th day of December, 2022.*



(KALIM ARSHAD KHAN)
Chairman



(FARLEHA PAUL)
Member (E)

20.09.2022

Appellant in person present. Mr. Fazle Mabood, Inspector (legal) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents.

Appellant again requested for adjournment on the ground that his counsel is not available today due to some domestic engagement. Last opportunity given. Adjourned. To come up for arguments on 30.11.2022 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

30th Nov. 2022

Mr. Ashraf Ali Khattak, Advocate for appellant present.
Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Arguments heard. To come up for order on 07.12.2022 before this D.B.



(Fareeha Paul)
Member (E)

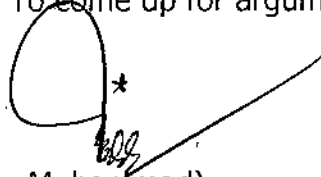


(Kalim Arshad Khan)
Chairman

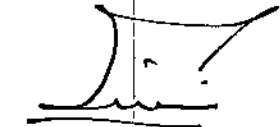
14.09.2022

Mr. Ashraf Ali Khattak, Advocate for the appellant present. Mr. Fazal Mabood, Inspector alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Learned counsel for the appellant again sought adjournment on the ground that brief of the appeal is not available with him. The appeal in hand pertains to the year 2013 and requires timely disposal, therefore, learned counsel for the appellant shall positively ensure his presence and addressing of arguments on the next date. Last opportunity given. Adjourned. To come up for arguments on 16.09.2022 before D.B.



(Mian Muhammad)
Member (E)




(Salah-Ud-Din)
Member (J)

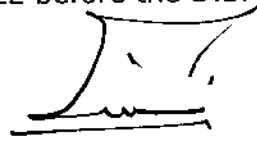
16.09.2022

Mr. Ashraf Ali Khattak, Advocate for the appellant present. Mr. Fazal Mabood, Inspector alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested that co-counsel was also representing the appellant in the instant appeal, therefore, some time may be granted to him to trace out the file. Last opportunity given. Adjourned. To come up for arguments on 20.09.2022 before the D.B.



(Mian Muhammad)
Member (E)

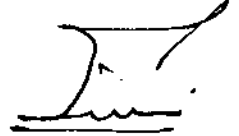


(Salah-Ud-Din)
Member (J)

19.05.2022

Ms. Uzma Syed, Advocate for the appellant present. Mr. Fazal Mabood, Inspector alongwith Mr. Muhammad Rasheed, District Attorney for the respondents present.

Learned Member (Judicial) Ms. Rozina Rehman is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 18.07.2022 before the D.B.



(Salah-ud-Din)
Member (Judicial)

18.07.2022

Nemo for parties.

Kabir Ullah Khattak, learned Additional Advocate General present.

On the preceding date, Miss Uzma Syed Advocate was marked present on behalf of the appellant. Today, she informed the Tribunal that she was never engaged by the appellant in the instant appeal and that her Wakalat Nama is also not available and that her presence in the order sheet was marked inadvertently. In this view of the matter, both the parties be put on notice for 14.09.2022 for arguments before D.B.



(Fareeha Paul)
Member(E)



(Rozina Rehman)
Member (J)

S.A No. 358/2013

26.10.2021

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Perusal of the file reveals that comments on behalf of the respondents have been submitted in the office, which has been placed on file. Copy of the same handed over to learned counsel for the appellant, who sought time for submission of rejoinder. Adjourned. To come up for rejoinder as well as arguments on 26.11.2021 before the D.B.



(MIAN MUHAMMAD)
MEMBER (E)




(SALAH-UD-DIN)
MEMBER (J)

26.11.2021

Counsel for the appellant present.

Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

Learned Member Executive (Mr. Atiq-ur-Rehman Wazir), is on leave, therefore, case is adjourned. To come up for arguments on 22.02.2022 before D.B.



(Rozina Rehman)
Member (J)

22.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 19.05.2022 for the same as before.



Reader.

Tribunal ignored the necessity of attendance of appellant in person who throughout in the previous dates pursued his appeal through counsel or his clerk. Therefore, it would be a proper course, if notice was given to the appellant for personal appearance particularly keeping in view the random conduct of his counsel. Notwithstanding the fact that the restoration application has been filed with inordinate delay but explanation of the appellant/petitioner about random conduct of his counsel and also noted herein above, justifies that the application was presented with sufficient cause, to file this application within time. Consequently, this application is accepted, the appeal is restored.

As the appeal was dismissed for non prosecution at the stage of preliminary hearing, therefore, the same is admitted for regular hearing, subject to the point of limitation pending for arguments during the regular hearing when the reply of the respondents is received. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 26.10.2021 before the D.B.

Appellant Deposited
Security Process Fee

47/21


Chairman

10.06.2021


Counsel for the petitioner and Mr. Muhammad Adeel Butt, Addl. AG alongwith Fazal Mabood, Inspector for the respondents present.

Appeal No. 358/2013 as preferred by the petitioner was instituted in office of the Tribunal on 11.02.2013. On 13.02.2013 the same was entrusted by the Worthy Chairman to Single Bench for preliminary hearing. When the case came up for hearing on 27.03.2013, learned counsel for the petitioner was not present and adjournment was sought by his clerk and the case was adjourned to 14.05.2013. On the said date, the point of maintainability of appeal emerged and pre-admission notice was issued to the respondents for 19.06.2013. From the said date till 28.04.2015, the Tribunal had nowhere marked personal attendance of the petitioner but he sometimes was represented by his counsel without any progress in proceedings and sometimes, clerk of the counsel got adjournment in absence of counsel. Ultimately, the appeal was dismissed for non-prosecution on 28.04.2015.

Obviously, it was the bad luck of the appellant that he engaged an advocate to protect his valuable rights who never contributed in progress of proceedings in the appellant's case. How the petitioner was dealt with by his counsel, need not to be mentioned here because the petitioner himself has given detail of his conduct in the application. Although none was present for the appellant on 28.04.2015 when the order of dismissal of appeal for non-prosecution was passed yet the

30.11.2020

Neither applicant nor anyone else representing him has appeared at the moment i.e 12:28 P.M despite having been called time and again. No one on behalf of respondents is also available at the moment, therefore, applicant as well as respondents be noticed for 24.02.2021 before S.B.


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

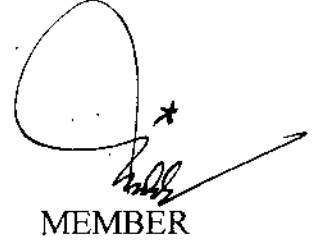
24.02.2021

The learned Member Judicial Mr. Muhammad Jamal Khan is under transfer, therefore, the case is adjourned. To come up for the same before S.B on 10.06.2021.


Reader

17.06.2020

Clerk to counsel for the appellant present. Clerk to counsel for the appellant seeks adjournment as learned counsel for the appellant is not available today. To come up for further proceedings on ~~18.08~~ 20.08.2020 before S.B.



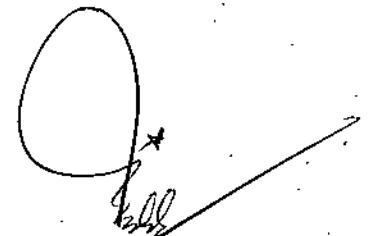
MEMBER

18.08.2020

None for the appellant present.

Notices be issued to the appellant and his counsel.

Adjourned to 09.10.2020 before S.B.



(Mian Muhammad)
Member(E)

09.10.2020

Counsel for the petitioner and Addl. AG for the respondents present.

Learned AAG requests for time to furnish reply to the restoration application as well as application for condonation of delay.

Adjourned to 30.11.2020 before S.B. n



Chairman

18.12.2019

Petitioner alongwith counsel and Addl. AG for the respondents present.

Learned AAG states that he has not been issued notice for hearing in application for today, therefore, ^{seeks} ~~he sought~~ adjournment.

Adjourned to 10.01.2020 for further proceedings before S.B.


Chairman

10.01.2020

Petitioner in person and Addl. AG alongwith Tariq Umar, Inspector (Legal) for the respondents present.

Requests for adjournment due to general strike of the Bar. Adjourned to 06.02.2020 for further proceedings before S.B.


Chairman

06.02.2020

Counsel for the petitioner and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the petitioner requested for adjournment. Adjourned to 25.03.2020 for further proceedings before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

25.03.2020




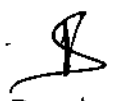
Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 17.06.2020 before S.B.


Reader

Form-A
FORM OF ORDER SHEET

Court of _____

Appeal's Restoration Application No. 356/2019

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	23.09.2019	<p>The application for restoration of appeal No. 358/2019 submitted by Mr. Shahid Qayum Khattak Advocate, may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	26/09/19	<p>This restoration application is entrusted to S. Bench to be put up there on <u>11/10/19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	11.10.2019	<p>Nemo for petitioner.</p> <p>Notices be issued to petitioner as well as respondents for 15.11.2019 before S.B.</p> <p style="text-align: right;"> Chairman</p>
	15.11.2019	<p>Junior to counsel for the appellant and Addl. AG for the respondents present.</p> <p>The Worthy Chairman is on leave, therefore, the matter is adjourned to 18.12.2019 for the same.</p> <p style="text-align: right;"> Reader</p>

09.03.2015

Agent of counsel for the appellant and Asst. AG for the respondents present. Learned counsel for the appellant is stated busy before the august Peshawar High Court, Peshawar. Last opportunity granted for preliminary hearing. Adjourned to 13.04.2015 before S.B.


Chairman

13.04.2015

Agent of counsel for the appellant and Assistant A.G for respondents present. Counsel for the appellant is stated busy at Dar-ul-Qaza, Swat. Last opportunity for preliminary hearing is extended to 28.4.2015 before S.B.

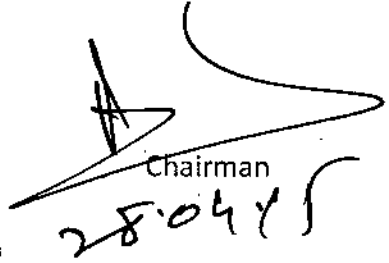

Chairman

~~28.04.2015~~

None present for appellant despite repeated calls. Mr. Kabirullah Khattak, Assistant A.G for respondents present. The Court time is over. The appeal is dismissed in default. File be consigned to the record.

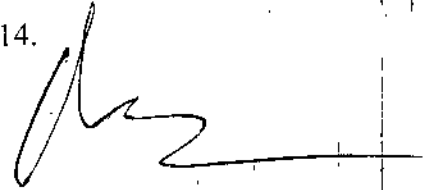
ANNOUNCED

28.4.2015


Chairman
28.04.15

18.08.2014

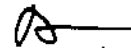
Clerk of counsel for the appellant and Mr. Ziaullah, GP for the respondents present. Clerk of counsel for the appellant requested for adjournment. Request accepted. To come up for preliminary hearing on 28.10.2014.



Member

28.10.2014

Counsel for the appellant and Mr. Kabirullah Khattak, Asst: AG for the respondents present. Learned counsel for the appellant requested adjournment. Request accepted. To come up for preliminary hearing on 05.01.2015.



Member

Reader Note:

05.01.2015

Clerk of counsel for the appellant and Mr. Kabirullah Khattak, Asst: Advocate General for the respondents present. Since the Tribunal is incomplete, therefore, case is adjourned 09.03.2015 for the same.



Reader

25.03.2014

Counsel for the appellant and Mr. Ziaullah, GP for the respondents present. The learned counsel for the appellant submitted before the Court that he is not prepared for arguments on the point of limitation. He requested for time to assist the Tribunal on next date regarding point of limitation. Adjourned. To come up for further preliminary hearing on 12.05.2014.


Member


12.05.2014

Counsel for the appellant and Mr. Ziaullah, GP for the respondents present. The learned counsel for the appellant requested for adjournment. Request accepted. To come up for preliminary hearing on 20.06.2014.


Member

20.06.2014

No one is present on behalf of the appellant. Mr. Ziaullah, GP for the respondents present. Notices be issued to the appellant/counsel for the appellant. To come up for preliminary hearing on 18.08.2014.


Member

04.12.2013

Appellant in person present and requested for adjournment as his counsel was busy in the High Court, Peshawar. To come up for preliminary hearing on 10.01.2014.


Member

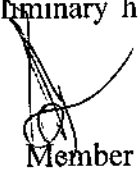
10.01.2014

Counsel for the appellant and Mr. Zia Ullah, GP for the respondents present. The learned counsel for the appellant requested for adjournment. To come up for preliminary hearing on 21.02.2014.


Member

21.02.2014

Counsel for the appellant and Mr. Zia Ullah, GP for the respondents present. The learned counsel for the appellant requested for adjournment. To come up for preliminary hearing on 25.03.2014.


Member

6
14.5.13
15.07.2013

Clerk of counsel for the appellant and Mr. Aziz-ur-Rchman DSP (Legal) for the respondents present. Clerk of counsel for the appellant requested for adjournment. Notice be issued to the learned GP for preliminary arguments on 23.08.2013.

Member

7
23.08.2013

No one is present on behalf of the appellant. Mr. Sajjad Ahmad ^{ASI} for respondent No.2 with Mr. Muhammad Jan, GP present. Case is adjourned. To come up for preliminary hearing on 29.10.2013.

Member

8
29.10.2013


Neither appellant nor counsel for the appellant present. Mr. Muhammad Zaman, Inspector PTC, Hangu for the respondents with AAG present. Representative of the respondents is unnecessarily appearing in the case despite the fact that notice was issued to SGP for arguments on the point of maintainability of appeal, particularly on limitation. Therefore, the respondent-department is relieved from the extra burden of unnecessarily appearing in the appeal. Notices be issued to the appellant and his counsel for preliminary hearing on 04.12.2013.

Chairman

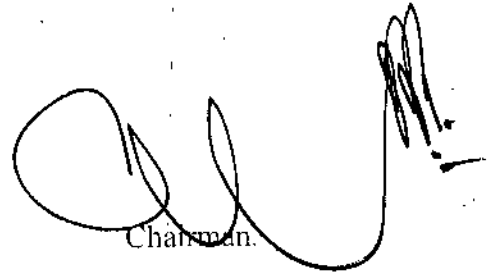
12. 14.5.2013 Counsel for the appellant and Muhammad Naseer H/C for the respondents present. Counsel for the appellant heard partly. Contended that the appellant has filed the instant appeal after receipt of the impugned order which was not communicated to the appellant. It is observed that the appellant had filed a departmental appeal on 4.4.2010 and filed the instant appeal before this Tribunal on 11.2.2013 as such the departmental appeal is time barred as the appellant had to come in appeal before this Tribunal after passage of the prescribed period of 90 days. Pre-admission notice be issued to the SGP/respondents to argue the case on the point of maintainability of appeal particularly, on the point of limitation. Case adjourned to 19.6.2013 for preliminary hearing.


Member.

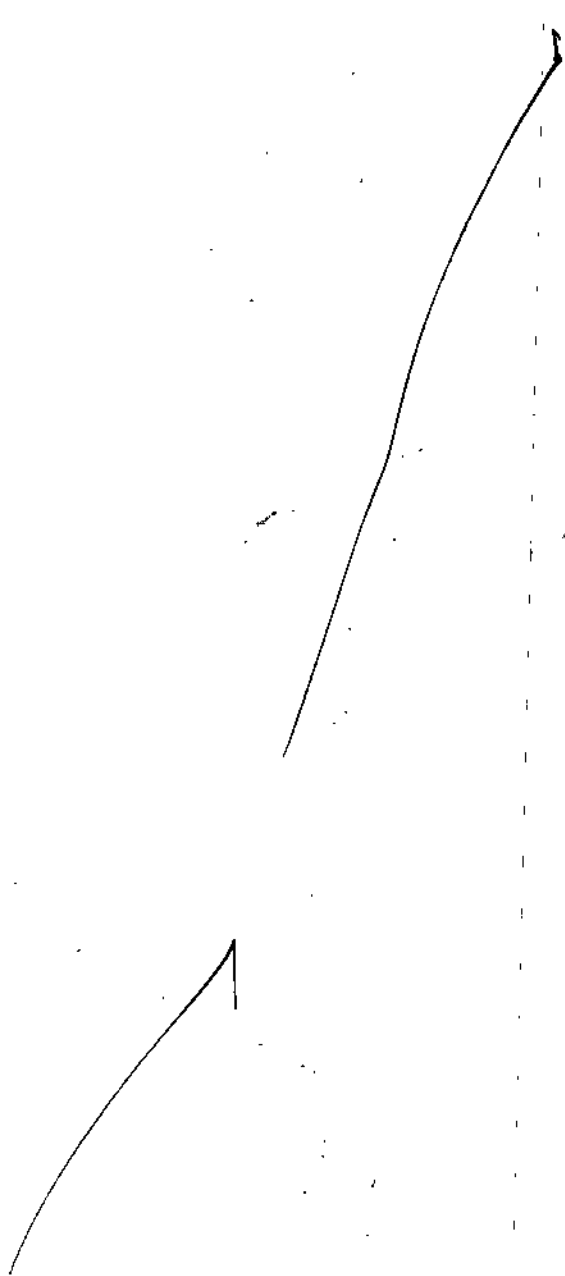
5. 19.6.2013 Munshi to Counsel for the appellant and Syed Noor Shah Law Officer for the respondents present. In pursuance of the Khyber Pakhtunkhwa Service Tribunals (Amendment) Ordinance 2013, (Khyber Pakhtunkhwa ord. II of 2013), the case is adjourned on note Reader for proceedings as before on 15.7.2013. *Razi Sajid-ul-Din*

DSP for respondents & bench present

Reader

3. 27.3.2013 Clerk to Counsel for the appellant present and requested for adjournment due to non-availability of counsel for the appellant. To come up for preliminary hearing on 14.5.2013.



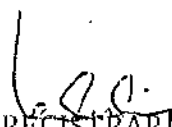

Chairman.



Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 358/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	11/02/2013	<p>The appeal of Mr.Shakirullah presented today by Mr. Muhammad Saeed Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	13-2-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there-on <u>27-3-2013</u></p> <p style="text-align: right;"> CHAIRMAN</p>

SCA
K.
Peshawar

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

Service Appeal No. 358 /2013

L.W. I. Peshawar
No. 345
Date 11-2-2013

Shakir Ullah S/o Saad Ullah
R/o Kharsha Banda Tehsil & District Hangu.....**Appellant**

VERSUS

The Provincial Police Officer,
Govt. of Khyber Pakhtunkhwa, & others.....**Respondents**

I N D E X

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Appellant
Shakir Ullah

Through


Muhammad Saeed Khattak
Advocate

High Court, Peshawar
Cell No.0333-9132497

Dated 06.02.2013

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. ^{358/}2013

395
11-2-2013

Shakir Ullah S/o Saad Ullah
R/o Kharsha Banda Tehsil & District Hangu.....**Appellant**

VERSUS

1. The Provincial Police Officer,
Govt. of Khyber Pakhtunkhwa, Peshawar
2. The Regional Police Officer/Commandant Police
Training College, Hangu at Kohat
3. The Deputy Commandant PTC/District Police Office
District Hangu
4. The District Police Officer, Kohat.....**Respondents**

**Service appeal u/s 10 of removal from
service special powers ordinance R/W
Section 4 of the Khyber Pakhtunkhwa
Service Tribunal Act, against the
impugned order dated 15.07.2009 vide
which the appellant was dismissed
from his service and thereafter his
departmental representation as well as
his applications for providing the
copies of departmental proceedings
against him were not replied**

11/2/2013

PRAYER IN APPEAL

On acceptance of the instant appeal, the impugned order dated 15.07.2009 may very graciously be declared as void, void ab-initio, illegal, unlawful, without any lawful authority alongwith the order on the departmental appeal as well as the respondents concerned may be directed to provide the appellant all necessary documents relating to the case.

Respectfully Sheweth:-

1. That the applicant was the employee of police force & served as Drill Master primarily at police training College Hangu for about 11 years and then in the same capacity at RTW Kohat for about 6 years i.e. the appellant served the respondents department for almost 18 years.
2. that in the years 2008, his daughter namely Javeria got seriously ill and after through treatment and investigation it was found that her left kidney has lost its normal size.
3. That the appellant's father after getting his retirement from the respondents department as ASI shifted all his family from his native village to Tarnol Islamabad permanently.

4. That on 10.05.2008, he was telephonically informed by his wife about the serious condition of his daughter, she was feeling severe pain there was no male person to handle the situation therefore the appellant's presence was must to examine her through a medical consultant.
5. That he appellant submitted an application for 15 days leave before his high ups and on their assurance for granting leave went straight to Islamabad where his daughter was laying on bed at PIMS. (Copies of medical prescription are attached as annexure "A").
6. That after one week time the appellant telephonically approached the centre (RTW) Kohat and asked about the fate of his leave application whereby he was informed that his application has not been allowed till the date and he has been marked as absent form the duty.
7. That being a father it was not possible for the appellant to leave his ailing daughter at her death bed, therefore, he after the discharge of his daughter from the hospital immediately approached the centre (RTW) Kohat in order to resume his duty but he was denied to resume his duty and departmental action /proceedings were initiated against him.

8. That the appellant's alleged absentees are/were only 20 days and not those as have been alleged in the impugned order for the obvious reason the so called inquiry proceedings were initiated after the date, when petitioner attended the centre for resuming his duty. He was not allowed to participate in the inquiry proceedings and the inquiry was conducted at the back of the appellant but he was served with charge sheet and statement of allegation when he was very much present at the centre (RTW), Kohat and he submitted the replies of the charge sheet and statement of allegations, he was also served with final show cause at the centre which was duly replied, the same fact has been admitted by the inquiry officer in his inquiry report. (Copies of the departmental proceedings are attached as annexure "B").
9. That it is pertinent to mention here that appellant was not allowed to resume his duty inspite of the fact that as per bonafide knowledge of the appellant, he was not suspended nor he has not been communicated with any such order.
10. That the authority to whom the appellant submitted an application for leave was appointed as inquiry officer how by malice and malafide intention placed its findings against him and recommended him for penalty.

11. That vide impugned order dated 14.07.2009 the appellant was dismissed from the service on the recommendation of the inquiry officer. (Copy of the impugned order is attached as annexure "C").
12. That being aggrieved the dismissal order, the appellant preferred departmental appeal before respondent No.1 as well as before others high up and was assured of positive response but respondent concerned too, U-turn of his promise and deprived the appellant from re-instatement. (Copy of the departmental appeals is attached as annexure "D").
13. That the appellant made several requests time and again to the concerned office to grant him the documents relating to his departmental inquiry including his replies and inquiry report, but was denied of the same.
14. That having no other adequate speedy, efficacious and alternate remedy before him the appellant preferred Writ petition which was numbered as Writ petition No.14/2012 before the Hon'ble Peshawar High Court, Peshawar which was disposed of vide order dated 21.03.2012 with directions to respondent No.1 comply with the law and to decide the appeal./representation positively within fifteen days. (Copies of the Writ petition and order on the same are attached as annexure "E" & "E/1" respectively).

15. That the respondent No.1 failed to comply with the order passed by the Hon'ble Peshawar High Court, Peshawar then the appellant filed a contempt petition numbered as COC No.261-P/2012 in Writ petition No.14-P/2012 which was disposed of vide order dated 09.10.2012 with the observation that the respondent is not guilty of the contempt of court, however from the facts, narrated in the order dated 05.04.2012 it is a case cognizable by the provincial services Tribunal and if the petitioner (appellant) can made out a case on points of law and facts, he approach the tribunal in the prescribed manner. (Copies of the contempt petition, order on the same report dated 05.04.2012 of respondent No.1 are attached as annexure "F", "F1" & "F2" respectively).
16. That after disposal of the contempt petition, the appellant again preferred an application for providing the copy of order passed on his departmental representation but no response whatsoever has been given /shown. (Copy of the application is attached as annexure "G").
17. That the appellant prefers the instant service appeal; inter alia, on the following amongst others.

GRUNDS:-

- A. That the appellant has not been treated in accordance with law nor has equal protection of law been extended to him.
- B. That the appellant's removal order (impugned herein) was mad/singed by an authority not competent to do so hence the same is void, and is nothing in the eyes of law.
- C. That in case of awarding a major penalty of removal from service, conducting of regular inquiry was mandatory under the law, which is totally missing in the instant case.
- D. That the appellant is/was on the verge of his retirement after serving the respondents department for almost 18 years at this stage of service the order his removal from service for alleged absentees of only 20 days in very much harsh.
- E. That the appellant has been awarded a major penalty of removal from his service on the grounds of unauthorized absence from duty, which was not deliberate and willful but was due to the valid reason which ha already been explained any person in his place is expected to behave in the manner like the appellant did in such like situation.
- F. That the major penalty of removal form service of appellant is/was extremely harsh and not

commensurate with the petty misconduct borne out of absence of the appellant from the duty, although due to the absence of the appellant the respondents have not sustained any kind of loss nor have suffered in any way.

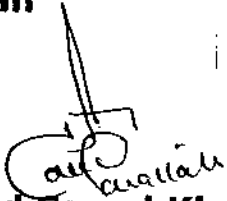
- G. That otherwise too all the departmental proceedings initiated and conducted against the appellant are/were coram non iudice and not sustainable in law.
- H. That in response of a office notice number 118/PA dated 10.04.2009 the appellant requested for compulsory retirement due to the reason dated therein but his request was turned down and was removed from the service (Copy of the reply is attached as annexure "H")
- I. That any other ground can also be taken during the arguments with permission of this Hon'ble Court.

It is therefore most humbly prayed that on acceptance of the instant appeal the impugned order dated 15.07.2009 may very graciously be declared as void, void ab-initio, illegal, unlawful, without any lawful authority alongwith the order on the departmental appeal of the appellant (whose copy has not been provided) as well as the respondents concerned may kindly be directed to provide him all necessary documents relating to the case.

Any other relief which has not specifically asked for and deems fit in the circumstances of the case may be awarded to the appellant against the respondents.


Appellant
Shakir Ullah

Through


Muhammad Saeed Khattak
Advocate
High Court, Peshawar

Dated 06.02.2013

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

Service Appeal No. _____/2013

Shakir Ullah S/o Saad Ullah
R/o Kharsha Banda Tehsil & District Hangu.....**Appellant**

VERSUS

The Provincial Police Officer,
Govt. of Khyber Pakhtunkhwa, & others.....**Respondents**

A F F I D A V I T

I, Muhammad Saeed Khattak advocate counsel for the appellant as per instructions of my client, do hereby solemnly affirm and declare on oath that the contents of the accompanying **appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Identified by: -

Muhammad Saeed Khattak

Muhammad Saeed Khattak
Advocate High Court

Muhammad Saeed Khattak
DEPONENT



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

Service Appeal No. _____/2013

Shakir Ullah S/o Saad Ullah
R/o Kharsha Banda Tehsil & District Hangu.....**Appellant**

VERSUS

The Provincial Police Officer,
Govt. of Khyber Pakhtunkhwa, & others.....**Respondents**

ADDRESSES OF PARTIES

APPELLANT

Shakir Ullah S/o Saad Ullah
R/o Kharsha Banda Tehsil & District Hangu

RESPONDENTS

1. The Provincial Police Officer,
Govt. of Khyber Pakhtunkhwa, Peshawar
2. The Regional Police Officer/Commandant Police
Training College, Hangu at Kohat
3. The Deputy Commandant PTC/District Police Office
District Hangu
4. The District Police Officer, Kohat

Appellant

Shakir Ullah

Through


Muhammad Saeed Khattak

Advocate

High Court, Peshawar

Dated 06.02.2013

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

C.M. No. _____/2013
In
Service Appeal No. _____/2013

Shakir Ullah S/o Saad Ullah
R/o Kharsha Banda Tehsil & District Hangu.....**Appellant**

VERSUS

The Provincial Police Officer,
Govt. of Khyber Pakhtunkhwa, & others.....**Respondents**

Petition for condonation of delay if nay

Respectfully Sheweth:-


1. That the titled appeal has been filed today in which no date has yet been fixed for hearing.
2. That the grounds taken in the main appeal may kindly be considered as part and parcel of the instant appeal.
3. That the delay if nay would be due to malafide and ill will of the respondents.
4. That the Hon'ble Apex Courts favoured the case to be decided on merits rather on technicalities including the limitation.,
5. That the petitioner has a good arguable case in his favour if knocked out on the ground of limitation will cause him irreparable loss.

6. That any other grounds can also be taken during the arguments with permission of this Hon'ble Tribunal.

It is, therefore, most humbly prayed that on acceptance of the instant petition, the delay if any may very graciously be condoned.


Petitioner/appellant

Shakir Ullah
Through


Muhammad Saeed Khattak
Advocate
High Court Peshawar

Dated 06.02.2013

VERIFICATION

It is verified on oath that the contents of the **petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


DEPONENT



RADIOLOGY DEPARTMENT
CMH KOHAT

Annexure. A.

14

Major
Dr. Hidayat Ullah

MBBS, MCPS, FCPs
Classified Radiologist, CMH Kohat
Office : 521-6128
Mobile : 0333-9647040
E-mail : hidayat781@yahoo.com



Handwritten signature/initials

ڈاکٹر ہدایت اللہ
مشرفی لیڈر - ایف سی بی ایس
آف ریڈیالوجی، ایچ ایم کوہاٹ
سی ایم ایچ کوہاٹ

Name: Javeria Age: 5 years ID No: 152

Referred by: Dr Muhammad Ali Sajid Date: 30 January 2016

ULTRASOUND ABDOMEN

- LIVER: It is normal in size and texture. No focal solid or cystic lesion is noted. The parenchymal echogenicity is normal. The intra or extra hepatic biliary channels are not dilated. Portal vein and Hepatic veins are normal.
- GALLBLADDER: No calculus or mass is seen. Wall thickness is normal.
- SPLEEN: It is mildly enlarged. Its lower edge is seen below the left costal margin. Total size is 8.5 cm. No focal lesion is seen.
- PANCREAS: No mass or cyst is seen.
- RIGHT KIDNEY: It is normal in size (7.7 cm x 3 cm) and texture. The parenchymal echogenicity is normal. No calculus, cyst or hydronephrosis is seen.
- LEFT KIDNEY: It is smaller in size (5.5 cm x 2 cm) and shows normal texture. The parenchymal echogenicity is normal. No calculus, cyst or hydronephrosis is seen.
- URINARY BLADDER: It shows normal wall thickness. No calculus or mass is noted.
- GENERAL: No ascites, mass or lymphadenopathy is seen. Major vessels are normal.

OPINION

*Mild Splenomegaly
Rather small left kidney*

Handwritten signature
ATTESTED

Major
HIDAYAT ULLAH
MBBS, MCPS, FCPs
Classified Radiologist
CMH Kohat.

Thanking you for the courtesy of this referral.

ایم پی بی ایس، ڈپ ریڈ ایم پی ایس
ڈی ایم آر ڈی، ایف اے آر سی آر (II) سٹریٹیا
ڈی ایم آر سٹریٹیا

Ph #: 25253 (P.O.F)
Mob #: 0300-5347951
Mob #: 0346-5700911

میجر ڈاکٹر
رانا محمد اجمل

پی او ایف ہسپتال واہ کینٹ



کلاسیفائیڈ ریڈیالوجسٹ اینڈ سونالوجسٹ
اسٹنٹ پروفیسر ریڈیالوجی

Patient's Name Tareeq Age _____ Date 16/6/10 Sex FM

COLOUR ULTRASONOGRAPHY

Liver:

The liver is normal in size and outline, shape is regular, and surface is smooth. The long axis is 12.3cm. While transverse axis is cm7.5cm. The parenchymal echotexture is of normal echogenecity and pattern. No mass or cyst is seen. Focal fatty changes are seen in the liver. Intra and extra hepatic biliary channels are well with in normal limits.

Gall bladder:

Well distended with normal wall thickness and normal echogenecity of wall. GB antrum is echo free suggestive of no calculus or polyp

✓ CBD: normal (4.2 mm)

Portal Vein normal (5.3mm) Spleen is normal (L axis. 6 cms)

Pancreas: NAD. IVC normal Aorta is normal.

Kidneys:

RT Kid is normal in shape size and position. The longitudinal axis is 9.2cm transverse axis is 4.4 cms. The cortical outline is smooth and regular / thickness is normal No calculus or hydronephrosis is seen.

LT kidney is small in size with long axis 5.9 cm. The out line is irregular with thinning of cortex. The CMD is lost. Central sinus echo is seen. (LT + chronic renal parenchymal disease)

UB partially filled. The mucosal out line is smooth and regular. No calculus echo is seen.

.....Post Void UB= 21ml

MAJ @ DR
RANA MUHAMMAD AJMAL

ATTENDED
[Signature]

[Signature]

16 18

Dr. Mohammad Ali Sajid
M.B.B.S (Pb), F.C.P.S. (Urology)
Consultant Urologist
CONSULTANT UROLOGIST
POF Hospital, Wah Cantt.



Clinic:
UMAR CLINIC
Minar Road, Lala Rukh,
Wah Cantt.
Tel. 051-4511596, 510077
Dated 17/11/2008

Patient's Name Jawaira Age 55/11 Sex Female

C/41-

Ext. with vesical extension
in extension also
Bladder neck normal
Bladder empty, smooth, yellow
& large of primary urine
Mild prostatic enlargement
A small diverticulum on the
PE posterior wall
UP ureters orifices larger in
size than (RT) and (L)

Attested
AZTESBD

Jawaira
14/11

17

13

Dr. Mohammad Ali Sajid

MBBS (Pb), FCPS (Urology)
Urologist & Transplant Surgeon
Consultant Urologist
POF Hospital, Wah Cantt.



UMAR HOSPITAL

Minar Road, Lala Rukh,
Wah Cantt.
Tel: 051-4511506

Dated 20/12/08

Patient's Name Leena Age 5 Sex F

known case of CD infection of the
upper abdominal abdomen
- U/S abdominal - cholelithiasis seen
- No pt. history of acute urinary
symptoms
- only 80% pt. in the hypogaster
- later U/S - kidney was
Asymptomatic
- U/S abdomen +
renal expansion of
both kidneys, renal
+ PVR

Voiding by the
catheter

Syfy Nazam of 1 1/2 hrs

Attested
ATTESTED

مشورہ: روزانہ شام 4:00 تا 8:00 بجے (ماہوار اتوار)

Dr. Mohammad Ali Sajid
MBBS (Pb), FCPS (Urology)
Urologist & Transplant Surgeon
Consultant Urologist
POF Hospital, Wah Cantt.



UMAR HOSPITAL
Minar Road, Lala Rukh,
Wah Cantt.
Tel: 051-4511596

Dated 3/3/08

Patient's Name Touqeer Age 37 Sex M

(14)

Consent to

Surgery

As report U/S shows
tube expansion
of SA body
(15) expansion

U/S (15) kidney small
but intact w/o
stones

Dr (Signature)
Dr. Muhammad Ali Sajid

Attested
ATTESTED

(Signature)

مشورہ: روزانہ شام 4:00 تا 8:00 بجے (ماسوائے اتوار)

2: B.



Dr. Mohammad Ali Sajid
M.B.B.S (Pb), F.C.P.S. (Urology)
Consultant Urologist
CONSULTANT UROLOGIST
POF Hospital, Wah Cantt.

Clinic:
UMAR CLINIC
Minar Road, Lala Rukh,
Wah Cantt.
Tel. 051-4511596, 510077

Dated 14.11.08

Patient's Name Jawaria Age 5 Sex F

Report received 3 UCI
pain
Signs & symptoms UTI reported
MCU. — Grade 1 infection
— 100 — Bacteria not employed
— Significant Nitrite
D. Neisseria bluish
+/- c/u.
Patient told about the situation &
future follow up.

Sys. regimen 1/2 TSE 1000
403 written

Signature

Attested
TESTED

Blood CP
CXR P.A.V.

Follow up
3 months
U/S
RFT

20

18

ایم پی بی ایس، ڈپ ریڈ، ایم سی پی ایس،
ڈی ایم آر ڈی، ایف ای آر سی آر (II) آسٹریلیا
ڈی ایم ایو آسٹریلیا

Ph #: 25253(P.O.F)
Mob #: 0300-5347951
Mob #: 0346-5700911

میجر ڈاکٹر
رانا محمد اجمل

پی او ایف ہسپتال واہ کینٹ



کلاسیفائیڈ ریڈیا لوژیست اینڈ سونا لوژیست
اسٹنٹ پروفیسر ریڈیا لوژی

Patient's Name Tahir Age 45 Date 17/1/07 Sex M

LIVER

The liver is normal in size and outline, shape is regular, and surface is smooth. The long axis is 12.3cm. While transverse axis is cm7.5cm. The parenchymal echotexture is of normal echogenecity and pattern. No mass or cyst is seen. Intra and extra hepatic biliary channels are well with in normal limits.

Gall bladder:

Well distended with normal wall thickness and normal echogenecity of wall. GB antrum is echo free suggestive of no calculus or polyp.

CBD : normal (03mm) Portal Vein normal (5.3mm) Spleen is normal (L axis., 6 cms)

Pancreas : NAD IVC normal Aorta is normal

There is free fluid seen in peritoneal cavity suggestive of ascites.

Kidneys : RT Kidney long axis 11.2 cms/

LT kidney long axis 3.9 cms cms.

LT Kidney is small in size with irregular outline

.RT is relatively more in longitudinal length due to compensatory hypertrophy. The corticomedullary differentiation is lost on LT. The pelvicalyceal system is poorly defined on LT. No calculus echo or hydronephrosis is seen.

(LT CH RENAL PARENCHYMAL DISEASE) RT COMPENSATORY HYPERTROPHY.

UB is normal. Mucosal echotexture is normal.

RADIOLOGIST/SONOLOGIST
MAJ @ DR
RANA MUHAMMAD AJMAL
Classified Radiologist POF Hospital

Attested
ATTESTED

21

17

HELP PATHOLOGICAL LAB

Lt. Col (R) Dr. Anjum Iqbal
TI (M)
MBBS, MCPS, FCPS, PGD Nutrition
Assit. Prof. Pathology
Wah Medical College &
Consultant Pathologist
POF Hospital, Wah Cantt.

Patient Name: Jawaria
Lab. No: 6666
Specimen Date: June 16, 2010
Referred By: Umer Hospital

Age/Gender: 10Yrs/F

TEST NAME	RESULT	NORMAL RANGE
-----------	--------	--------------

Urine Routine Examination:

Colour	Pale Yellow	Yellow
Appearance	Clear	Clear
Specific gravity	1020	1005-1030
PH	6.0	5.0-8.0
Protein	Negative	Negative
Glucose	Negative	Negative
Ketones	Negative	Negative
Bilirubin	Negative	Negative
Blood	Negative	Negative

Microscopic Examination:

W.B.C.	2-3 /HPF	0-5
R.B.C.	Nil /HPF	0-3

m e d
Lt. Col (R) Dr. Anjum Iqbal
TI (M)

Attested
ATTESTED

UMER HOSPITAL B-193, Minar Road, Lala Rukh, Wah Cantt. Ph.051-4530039

DISCHARGE CERTIFICATE

Consultant Dr. Tabish Hayat Ward EMW/4
Name Jawaria Age 3y Sex F
Father's Name Shahi Occupation _____
Address Islamabad
Date of Admission 13/11/03 Date of Discharge 17/11/03

TREATMENT

Recurrent UTI

Previous Investigations

Urinalite
WBC - numerous
RBC's - 2-3
CS - ESR
uprtd - Bk renal
parenchymal disease

Dysuria - typ pain was severe
Haematuria

Recent

WBC = 9.2
Hb = 9.3
PLT = 473
ESR = 20
SPE RFF 1-
Urinalite
WBC = 13-1
RBC = 0-1
PH 25.0
Bld / Nil

imitable child
Hb = 150/m RBC = 30/m
Chest / Normal
W's /
abdomen /
Rx given: Oral Ampicillin x 6 days

Condition at discharge: Stable
Afebrile
WBC 9.2

Sup. max 250mg
(1.5g/6hr) 1+1
WBC 13, W 10
Tab. Furadantoin 50mg (1.5g)



ATTESTED



UMAR HOSPITAL

B-193, LALA RUKH WAH CANTT. TEL:051-4511596, 4510077

DISCHARGE SUMMARY

Patient Name Javaria
 Father/Husband Name Shakirullah
 Age 54 Sex F
 Address Tawal Teh. & Distt Islamabad

Date of Admission 16/11/2005 Time of Admission _____
 Date of Discharge 17/11/2005 Time of Discharge _____
 Diagnosis CU + calibration
 Procedures/Operations _____
 Treatment & Advised _____
 Discharge Medication
Sup. cefepim
Pamidol drops

ALTERED
ATTESSED

23

19

~~19~~

24

20

DR. MUHAMMAD Ali Sajid

MBBS (Pb), F.C.P.S. (Urology)
Urologist & Transplant Surgeon

Doctorate in Urology (U.S.A)

Consultant Urologist

POF Hospital, Wah Cantt.



Clinic:

UMER HOSPITAL

Minar Road, Lala Rukh,

Wah Cantt. Tel. 051-4511596

Dated 16.6.10

Patient's Name Javeri

Age 10

Sex F

2006

- Normal exam of LB scrotal
 reflex
 - normal external os
 - LB Grade I reflex
 - U/S: LB small stones
 in ureter

AD

1. Blood cl
2. ureter/venter
3. Uremic PE
4. U/S abdomen
- + pelvic
apexically with
biliary dilatation
- PVR

VOIDING BY LB
close

Check eye sight

WBC
 exam LB
 Scarce
 WBC
 (No pus)

[Signature]

شوزہ: روزانہ شام نماز عصر تا عشاء (ماسوائے اتوار)

Attested
ATTESTED



Police Training College Hangu
Estb. 1935

Annexure - B.

(25)

CHARGE SHEET

1. I, **Abdul Wadood Shah** DIG/Commandant Police Training College Hangu, as competent authority hereby charge Head Constable/DI Shakirullah of R.T.W, Kohat under Section – 3 N-W.F.P. Act No. III of 2005:
2. Head Constable Shakirullah while posted as Drill Instructor at RTW Kohat deliberately absented himself from lawful duty vide Daily Diary No. 26 dated 11.05.2008 and is still absent without any information, leave or prior permission from the competent authority. His this act amounts to gross negligence/misconduct in the performance of Government duty.
3. By reasons of the above, you are accused of misconduct under (Section – 3 of NWFP Act No. III of 2005), and have rendered your self-labile to all or any of the penalties specified in Section-3 of the Ordinance.
4. You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the Inquiry Officer/ Committee, as the case may be.
5. Your written defence, if any, should reach the Inquiry Officer/ Committee within the specified period, failing which it shall be presumed that you have no defence to put in and in that case exparte action shall follow against you.
6. Intimate whether you desire to be heard in person.
7. A statement of allegation is enclosed.

(Syed Abdul Wadood Shah)
DIG/Commandant
Police Training College Hangu.

(D)

ATTESTED



26

Police Training College Hangu
Estb. 1935

DISCIPLINARY ACTION

1. I, **Abdul Wadood Shah** DIG/Commandant Police Training College Hangu, as competent authority hereby charge Head Constable Shakirullah Drill Instructor of R.T.W Kohat under Section – 3-N-W.F.P. Act No. III of 2005.

SUMMARY OF ALLEGATIONS

2. Head Constable Shakirullah while posted as Drill Instructor at Recruit Training Wing Kohat deliberately absented himself from lawful duty vide Daily Diary No. 26 dated 11.5.2008 and is still absent without any information, leave or prior permission from the competent authority. His this act amounts to gross negligence/misconduct in the performance of Government duty.
3. For the purpose of scrutinizing the conduct of the accused with reference to the above allegations **Mr. Akhtar-ul-Aman Khan, DSP RTW Kohat** is hereby appointed to conduct enquiry under section 5 of the Ordinance.
4. The enquiry officer shall in accordance with the provisions of the ordinance, provide reasonable opportunity of hearing to the defaulter, record his finding and make within thirty days of the receipt of this order, recommendations as to why punishment or other appropriate action against the defaulter.

(Syed Abdul Wadood Shah)
DIG/Commandant
Police Training College Hangu.

No. 1181 /PA, dated Hangu the 10/4/2009²

Copy of above is forwarded to the:-

1. Mr. Akhtar-ul-Aman Khan, DSP, RTW Kohat for initiating proceedings against the defaulter under the provision of the NWFP Police Rules 1975 read with NWFP Removal from Service (Special Powers) Ordinance 2000 and under Section-3, N-W.F.P. Act No. III of 2005.
2. Head Constable Shakirullah Drill Instructor RTW Kohat.

ATTESTED

(27)

ENQUIRY FINDING REPORT.

This is enquiry into the absence report against HC/DI **Shakirullah** entered vide mad No, 26 Dated 11.05.2008. The enquiry in hand was initiated against the said Head Constable on the basis of charge sheet and summary of allegation No 117/PA dated 10.04.2009, received to this office in which the undersigned was appointed as inquiry officer to initiate proceedings against the defaulter ~~Head~~ constable under the provisions of NWFP Police rules read with NWFP removal from service (**Special Powers**) ordinance 2000 and under Section 3, NWFP Act III of 2005. The defaulter Head Constable **Shakirullah** No, 86 was served with charge Sheet and summary of allegation No, 118/PA dated 10.04.2009 and his signature was obtained as token of receipt. He was directed to submit his written reply on 27.04.2009. HC **Shakirullah** came present, produced written reply which was placed on enquiry file.

The enquiry proceedings were adjourned to 29.04.2009. For rerecording the statements of witnesses and that of **Hc Shakirullah**. On 29.04.2009 the statements of the following officials were recorded.


1. HC Fazal Rehman Moherrir Roznamcha .RTW Kohat.
2. Asi Lateefullah Line Officer RTW Kohat.
3. Inspector Qasim Khan CDI RTW Kohat.
4. Defaulter HC/DI Shakirullah RTW Kohat.

From the statements of HC/DI **Shakirullah**, it is evident that he is Facing domestic problems as such he cannot continue to serve further more as **Govt: servant**. He has categorically made request in his statement to be compulsorily retired. From the statements of Hc **Fazal-Rehman Morherrir Roznamcha**, Asi **Lateefullah Khan** line officer and Inspector **Qasim Khan** CDI recorded in due course of enquiry transpires that **HC Shakirullah** has deliberately absented himself from his official duty with effect from 11.5.2008 till todate and without any information, leave or prior permission from his senior officers. This fact has been admitted by the defaulter **HC Shakirullah** in his cross-examination.

To sum up, the above discussion, the intentional absence of defaulter **HC/Shakirullah** with effect from 11.05.2009 without any information, leave or prior permission from his senior officers has been proved without any shadow of doubt.

The detail enquiry report is submitted herewith for favour of consideration and order Please.

ATTESTED


29/4/2009
Deputy Superintendent of Police
Recruits Training Wing Kohat.

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خدمت جناب سید عبدالودود شاہ DIG/Commandant پولیس ٹریننگ کالج پٹنکو

SHOW CAUSE NOTICE

یہ کہ آپ کا ایک نوٹس نمبر 118/PA dt 10.04.2009 مجھے ملا۔

- 1- اور مجھے یہ تاکید کی گئی اور معیاد سات دن وجہ بیان کروں کہ میں ڈیوٹی سے بغیر اطلاع کیونکر غیر حاضر رہا؟
- 2- یہ کہ میری بیٹی بھر 8 سال نامی جویریہ شاہ کر گروہ کے مرض میں مبتلا ہے۔ اور اس وقت بھی زیر علاج ہے۔
- 3- یہ کہ میری مجبوری تھی اور ہے۔
- 4- یہ کہ میرے دادا کوئی اور شخص میری فیملی کی دیکھ بھال نہیں کر سکتا ہے۔
- 5- مزید یہ کہ میری رہائش ترنول (اسلام آباد) ہے اور میری ڈیوٹی سے RTW کو ہاٹ میں ہے۔ جو کہ میں ان حالات میں سرانجام دینے سے قاصر ہوں میری ڈیوٹی سے بغیر حاضری کی وجہ ہوا ہے۔ نہ کہ عمراً اور بدین مضمون بالا یہ وجہ میں نے آپ صاحب کے سامنے پیش کر دی ہے۔

میں بحیثیت سائل عرض کرتا ہوں کہ متعلقہ محکمہ مجھے نوکری سے جبری Retire کر دے۔

عین نوازش ہوگی۔

العارض

سائل شاکر اللہ ولد سعد اللہ

H/C # 86 پولیس RTW کو ہاٹ

Attested
ATTESTED

ORDER

~~13/13~~

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(29)

Amberu.c

This is an order against Head Constable Shakirullah No. 86. He while posted in Recruit Training Wing, Kohat deliberately absented himself from official duty vide Daily Diary No. 26 from 11.05.2008 without any leave or permission from competent authority and is still absent. Moreover he is habitual absentee for, which he was reprimanded time and again to amend his attitude but he failed to do so Charge Sheet and statement of allegations was issued to him and the enquiry also marked to Mr. Akhtar-ul-Iman DSP RTV Kohat for initiating proper proceeding. The Enquiry Officer submitted his finding and disclosed that the official is not willing worker & also not interesting in the discharge of official duty. The Enquiry officer also recommended for severe punishment.

The defaulter official heard in person in the Orderly Room held in this office on 08.07.2009. The explanation offered by him is without substance and the charges against him are proved beyond any doubts. Therefore, he is hereby removed from service Special Power Ordinance 2000 from the date of absence i.e. 11.05.2008.

Order announced on 08.07.2009.

O.B.No. 312
Dated 14/7/2009.


DIG/Commandant
Police Training College Hangu.

OFFICE OF THE COMMANDANT, POLICE TRAINING COLLEGE HANGU

No. 3058 /EC. Dated Hangu, the 15-07/2009.

- Copy for information and necessary action to this:-
1. Dy. Commandant PTC Hangu.
 2. Principal, Recruit Training Wing Kohat.
 3. Office Supdt. PTC Hangu.
 4. Pay Officer PTC Hangu.
 5. ✓ Mr. Shakirullah defaulter official R/O Kohat.

Attested
ATTESTED

بخدمت جناب آئی جی صاحب، خیبر پختونخواہ

Amended

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عنوان: درخواست، برآمد منسوخ حکم مورخہ 08-07-2009، بجاریہ DIG،
پولیس ٹریننگ سنٹر، ہنگو و بحالی سائل بطور ہیڈ کانسٹیبل

27

Amended

جناب عالی! سائل حسب ذیل عرض پرداز ہے:-

- (1) یہ کہ سائل خرشہ بانڈہ، ڈاکخانہ پی ٹی سی، تحصیل ضلع ہنگو کا مستقل رہائشی و سکنی ہے اور محکمہ پولیس میں عرصہ 18 سال سے پوری تہذیب اور ایمانداری کے ساتھ خدمات سرانجام دیتا رہا ہے۔ سال 2008ء میں جب سائل کو ہاٹ میں بطور ہیڈ کانسٹیبل تعینات تھا تو سائل کی بیٹی جو یہ اچانک گردہ کے امراض میں مبتلا ہو گئی اور چیک اپ کروانے پر ڈاکٹروں نے ہدایت کی کہ فوری طور پر اسے کسی اچھے ہسپتال میں داخل کروا کر اس کا علاج کروایا جائے۔ سائل اسی اثناء میں پریشانی اور بیٹی کی بیماری کی شدت سے خائف اس کے علاج کے لئے اسے واہ کینٹ لے آیا اور یہاں اسے ایک پرائیویٹ ہسپتال میں داخل کروادیا۔
 - (2) یہ کہ سائل جب اپنی بیمار بیٹی کو واہ کینٹ لے کر آیا تو یہاں پر موجود ڈاکٹروں نے بھی اس کی حالت کو خاصا خراب قرار دیا اور کہا کہ اگر اس کا مکمل علاج نہ کروایا گیا تو یہ بیماری اس کے لئے جان لیوا ثابت ہوگی۔ سائل اس دوران انتہائی پریشانی کا شکار رہا اور یہاں کوئی رشتہ دار اور ناواقف ہونے کی بناء پر مسائل میں گزارا ہوا۔ سائل واہ کینٹ میں بیٹی کے علاج کے لئے 8/9 ماہ مقیم رہا اور اس کی صحت اور نگہداشت کے لئے ہر ممکن کوشش کرتا رہا۔ سائل جب واہ کینٹ میں موجود تھا تو یہاں سے تحریری طور پر محکمہ پولیس، کوہاٹ کو آگاہ کرتا رہا اور چھٹی کی بھی درخواست کرتا رہا جس پر محکمہ نے کوئی توجہ نہ دی۔ (نوٹو کا پی بیماری رپورٹ "جویریہ" و دیگر دستاویزات لف درخواست بند ہیں)۔
 - (3) یہ کہ اس دوران سائل کے خلاف محکمہ پولیس، کوہاٹ نے چارج شیٹ تیار کر کے سائل کو طلب کیا۔ سائل مورخہ 08-07-2009 کو ڈی ایس۔ پی، کوہاٹ، عطاء العمران کے رو برو پیش ہوا اور اپنے مسائل سے آگاہ کیا۔ سائل کی استدعا اور مسائل کو کوئی اہمیت نہ دی گئی اور ایک طرف اور جانبدارانہ فیصلہ کرتے ہوئے سائل کو نوکری سے برخاست کر دیا گیا اور اس بابت مورخہ 14-07-2009 کو سائل کی برخاستگی کا آرڈر سال کیا گیا۔ (نقل آرڈر لف درخواست ہے)۔
 - (4) جناب والا! سائل ایک غریب شخص ہے اور عرصہ 18 سال تک ذمہ داری سے اپنی خدمات سرانجام دیتا رہا ہے مگر سائل کے سابقہ ریکارڈ اور بچی کی شدید بیماری کو نظر انداز کرتے ہوئے سائل کے خلاف سیکٹرفنڈ کاروائی کی گئی جو کہ سراسر نا انصافی اور بنیادی حقوق کی پامالی ہے۔ سائل ایک غریب شخص ہے اور خاندان کا واحد کفیل ہونے کے باعث بھوکوں زندگی بسر کرنے پر مجبور ہے اور بچی کا علاج بھی عزیز واقارب سے قرض لے کر کر دیا ہے۔
- اندریں حالات بالا جناب سے گزارش ہے کہ سائل کی دادرسی فرمائی جائے، سائل کی محکمہ پولیس کے لئے 18 سال کی خدمات کو مد نظر رکھتے ہوئے، سائل کے کی بچی کی بیماری کی وجہ سے سائل کو بحال کیا جائے اور آرڈر مورخہ 08-07-2009 کو منسوخ کیا جائے۔ سائل اور اس کے اہل خانہ جناب کی درازی عمر کے لئے تاحیات دعا گور ہیں گے۔ جناب کی عین نوازش ہوگی۔

العارض
شا کر اللہ ولد سعد اللہ خان

سائل خرشہ بانڈہ، ڈاکخانہ پی ٹی سی، تحصیل ضلع ہنگو

موبائل نمبر 0344-5600311

Attestation
ATTESTED

گزارش ہے کہ سائل بنیادی طور پر خرشہ بانڈہ تحصیل ضلع جھنگو ما رہائشی ہے۔ سائل کا والد قلم بولیس سے بطور AD رہتا تھا ہے۔ سائل نے تقریباً 11 سال تک AD جھنگو میں بطور (AD) اپنی فرانس قبضی نیابت امانداری کے ساتھ سزا انجام دی ہے۔ اور گذشتہ تقریباً چھ سالوں سے بطور (AD) RTN کوٹاٹ میں فرانس سرانجام دے رہا تھا۔

جناب والد

مددراں ملازمت (RTN) کوٹاٹ جہ سے گھر سے قلم اطلاع ملی کہ آپ کی بیٹی مسما جو بہت بیمار ہے۔ اور ان کو علاج و معالجہ کی اشد ضرورت ہے۔ گھر میں ہونے والا دوسرا کوئی درجہ نہیں ہے۔ لہذا بااثر قبوری میں نہ بیٹی کی ناساز حالت کیوجہ سے کل دن میڈیکل لیو سر جانے کیلئے جناب AD اختیار کرنا صواب ہے۔ اس درخواست جمع کرانی۔ جنہوں نے قلم باقاعدہ اجازت دی۔ اور میں گھر خود چلا گیا۔ جہاں سے میں نے اپنی بیٹی کو پیمینہ ہسپتال اسلام آباد لے گیا۔ اور انکو وہاں داخل کرایا گیا۔ میڈیکل دستاویزات لف در فرانس بنا لے۔ جسری چھٹی ختم ہونے سے پہلے سائل نے (RTN) سٹریٹ سے رابطہ کیا۔ اور فریڈر کھو درتوں کیلئے چھٹی منظور کر کے اسد مانی۔

جناب والد

بہ بات جناب کی خدمت میں لانا ضروری سمجھتا ہوں۔ کہ سائل اگرچہ جھنگو کا پیدائشی ہے۔ لیکن والد صاحب کے رہتا تھا جسٹ کے بعد ہم لوگ نرنول اسلام آباد چلے گئے اور وہاں رہائش پذیر ہے۔

جناب والد

جسری بیٹی گڑوں کی مرضی ہے۔ اس طرح میڈیکل دستاویزات سے ثابت ہے جسری بیٹی کی حالت ٹھوڑی سے سبیل تھی۔ تو فوری طور پر اپنی ڈیوٹی جان کرنے کیلئے RTN کوٹاٹ کو اپنی حاضری پیش کر دی۔

جناب والد

سائل کی مل غیر حاضری تقریباً 20 دنوں پر قبضہ ہے۔ لیکن جب میں اپنی سٹریٹ میں حاضری بھی دی۔ تو نہ صرف قلم حاضری کرنے دی۔ اور نہ ہی سٹیشن ما حکم نامہ دیا گیا۔ اور ساتھ ہی ساتھ میرے خلاف ایک طرف حکمانہ ماروا کا شروع کر دی۔ اور عرض 15/09 کو اپنی ملازمت سے برخواست کر دیا گیا۔

جناب والد

سائل نے اپنی برخواستگی کے خلاف نہ صرف حکمانہ اپیل دائر کی۔ بلکہ سائل نے اپنے خلاف کسی گئی ملووائی جو برخطا طے سے غیر مانوی تھی۔ کے خلاف انصاف کی حصول کیلئے تقریباً پندرہ روزوں سے ہر وقت دی۔

Attested
ATTESTED

جناب والد : سائل نے تقریباً 17/18 سال حکم پورس کی ملازمت اور خدمت کی ہے۔

اور اس لمبے عرصے میں حربے خلاف کبھی کوئی کیمپلٹ نہیں آیا ہے جبکہ
'بھوت' حربے سرورس رکھتا رہا جو جرح ہے۔ سائل نے ہمیشہ اپنی سپر سٹر
آفس کی میرٹوانوں حکم کی تعمیل کی ہے۔

جناب والد : سائل کا بیٹی اب تک گرجوں کی عارضہ میں مبتلا ہے۔ اور ابھی تک

زیر علاج ہے۔ سائل کا کوئی دوسرا ذریعہ معاش نہیں ہے۔ گرجوں کی مرضی کے
حاملے پر انتہائی زیادہ خرچ آتا ہے۔ جس وجہ سے ابھی تک لڑکوں
کا مقروضیوں۔ اور اپنی آباؤا کا جائیداد تک بھی فروخت کر چکا ہوں۔

سائل اتنا مقروض ہو چکا ہے۔ کہ اپنے پاس لینے لے کر کس خود کرنے کا
خرچ بھی نہیں ہے۔ لہذا انتہائی قبوری کا طالب میں جناب کا خدمت میں عرض
رسالے ہوں۔ کہ جناب میری قبوریوں کو مد نظر رکھتے ہوئے۔ میرے حال پر
رحم فرمائیں اپنی نوکری بہر حال کریں۔

بندہ نا جناب دعا گو رہے گا

06
المعوم 28/11

شاہد اللہ ولا سعد اللہ سکن رطل
مترول اسلام آباد

Attestation
ACCEPTED

گزارش چیکہ سائل بنیادی طور پر خزشہ بانڈہ تحصیل ضلع جھنگ کا رہائشی ہے۔ سائل کا والد قلم بولیں سے بطور (DA) ریٹائرڈ ہے۔ سائل نے تقریباً 11 سال تک PTC جھنگ میں بطور (DA) اپنی فرائض منصبی نیامت ایمانداری کے ساتھ سرانجام دی ہے۔ اور گذشتہ تقریباً 3 سالوں سے بطور (DA) کوٹاہ میں فرائض سرانجام دے رہا تھا۔

جناب والد: مددوران ملازمت (RTN) کوٹاہ چلے گئے تھے اطلاع ملی کہ آپ کی بیٹی مسما جو پرہیزگار بیمار ہے۔ اور ان کو علاج معالجہ کی آشد ضرورت ہے۔ گھر میں چلے علاوہ دوسرا کوئی فرد نہیں ہے۔ لہذا بااثر جمہوری میں نے بیٹی کی ناساز حالت کیوجہ سے 15 دن میڈیکل لیو میسر جانے کیلئے جناب PTC اختیار کیا تھا۔ اس درخواست جمع کرائی۔ جنہوں نے مجھے باقاعدہ اجازت دی۔ اور میں گھر خود چلا گیا۔ جہاں سے میں نے اپنی بیٹی کو پیمینتر ہسپتال اسلام آباد لے گیا۔ اور انکو وہاں داخل کرایا گیا۔ میڈیکل دستاویزات لف درخواست بنوائے۔ جس پر چھٹی ختم ہونے سے پہلے سائل نے (RTN) سٹریسے رابطہ کیا۔ اور فریڈ کھو دیوں کیلئے چھٹی منظور کرنیکی استدعا کی۔

جناب والد: یہ بات جناب کی خدمت میں لکنا ضروری سمجھتا ہوں۔ کہ سائل اگرچہ منگوا کا پیدائشی ہے۔ لیکن والد صاحب کے ریٹائرمنٹ کے بعد ہم لوگ نرنول اسلام آباد چلے گئے اور وہاں رہائش پزیر ہے۔

جناب والد: جس پر بیٹی گڑبڑ کی وجہ سے ہے۔ اس طرح میڈیکل دستاویزات سے ثابت ہے۔ جس پر بیٹی کی حالت ٹھوڑی سے سہل ہوئی۔ تو ضروری طور پر اپنی ڈیوٹی جانے کے بعد RTN کوٹاہ کو اپنی حاضری پیش کر دی۔

جناب والد: سائل کی مثل غیر حاضری تقریباً 25 دنوں پر مشتمل ہے۔ لیکن جب میں اپنی سٹریس میں حاضری بھی دی۔ تو نہ صرف مجھے حاضری کرنے دی۔ اور نہ ہی سٹریس کا حکم نامہ دیا گیا۔ اور ساتھ ہی ساتھ میرے خلاف ایک طرف حکمانہ ماروا کا شروع کر دی۔ اور مورخہ 15/09 کو اپنی ملازمت سے برطاست کر دیا گیا۔

جناب والد: سائل نے اپنی برخاستگی کے خلاف نہ صرف حکمانہ اپیل دائر کی۔ بلکہ سائل نے اپنے خلاف کسی نامور وائی جو میر لیاٹو سے غیر مانوی تھی کے خلاف انصاف کی حصول کیلئے تقریباً 3 دروازے پر دستک دی۔

Attested
ATTESTED

جناب والد : سائل نے تقریباً 17/18 سال حکم پولیس کی ملازمت اور خدمت کی ہے۔

اور اس لیے عرصے میں حربے خلاف کبھی کوئی کیملنٹ نہیں آیا ہے جس کے باعث میرے سر میں ایک بار دوسرا جو جرح ہے۔ سائل نے ہمیشہ اپنی سپر سٹریکٹ آفسر کی مہمانوئی حکم کی تعمیل کی ہے۔

جناب والد : سائل کا بیٹی اب تک گرجوں کی عارضہ میں مبتلا ہے۔ اور ابھی تک

زیر علاج ہے۔ سائل کا کوئی دوسرا خرابہ معاش نہیں ہے۔ گرجوں کی مریض کے علاج پر انتہائی زیادہ خرچ آتا ہے۔ جس وجہ سے ابھی تک لاکھوں کا مفروضہ بیوں۔ اور اپنی آباؤا کا جائیداد تک بھی فروخت کر چکے ہیں۔

سائل اپنا مفروضہ بوجھتا ہے۔ کہ اُنکے پاس اپنے لیے حربے خود کرنے کا خرچ بھی نہیں ہے، لہذا انتہائی قبوری کی حالت میں جناب کا خدمت میں عرض رساں بیوں۔ کہ جناب میری قبور میں کھود کر رکھنے سوئے۔ میرے حال پر رحم فرما کر اپنی نوکری میں بحال کریں۔

بندہ ماجبات دعا گو رہیگا
الرحمہ 29/10 07

شاگردِ اہل و دل سید اللہ سکن برطان : حیرتوں اسلام آباد

Authentic
ATTESTED

گزارش ہے کہ سائل بنیادی طور پر خورشہ بانڈہ ٹھہری ضلع جھنگو مارا لشی ہے۔ سائل کا والد قلم یولین سے بطور *Asst* ریٹائرڈ ہے۔ سائل نے تقریباً 11 سال تک *Pr* جھنگو میں بطور (DI) اپنی فرائض منصبی نیا مت ایمانداروں کے ساتھ سرانجام دی ہے۔ اور گذشتہ تقریباً 7 سالوں سے بطور (DI) کوٹاٹ میں فرائض سرانجام دے رہا تھا۔

جناب والد:

مددوران ملازمت (RTN) کوٹاٹ جرنے گھر سے چھ اطلاع ملی کہ آپ کی بیٹی مسما جو برہہ شاکر بیارے۔ اور ان کو علاج معالجہ کی اشد ضرورت ہے۔ گھر میں میرے علاوہ دوسرا کوئی فرد نہیں قیام لیذا بااثر جبوری میں نے بیٹی کی ناساز حالت کیوجہ سے 15 دن میڈیکل لیو سرجانے کیلئے جناب *Dr* اختر الدار صاحب کے پاس درخواست جمع کرائی۔ جنہوں نے چھ باقاعدہ اجازت دی۔ اور میں گھر خود چلا گیا۔ جہاں سے میں نے اپنی بیٹی کو پیمینر ہسپتال اسلام آباد لے گیا۔ اور انکو وہاں داخل کرایا گیا۔ میڈیکل دستاویزات لف درخواست پڑائے۔ جہری چھٹی ختم ہونے سے پہلے سائل نے (RTN) سنٹر سے رابطہ کیا۔ اور فریئر کھو دیوں کیلئے چھٹی منظور کر دینی استدعا کی۔

جناب والد:

مہ بات جناب کی خدمت میں لکھنا ضروری سمجھتا ہوں۔ کہ سائل اگرچہ جھنگو مارا پیدائشی ہے۔ لیکن والد صاحب کے ریٹائرمنٹ کے بعد ہم لوگ ٹرنول اسلام آباد چلے گئے اور وہاں رہائش پزیر ہے۔

جناب والد:

جہری بیٹی گرووں کی حلقہ ہے۔ اس طرح میڈیکل دستاویزات سے ثابت ہے۔ جہری بیٹی کی حالت ٹھوڑی سے سمجھ لیا۔ تو فوری طور پر اپنی ڈیوٹی جان کرنے کیلئے RTN کوٹاٹ کو اپنی حاضری پیش کر دی۔

جناب والد:

سائل کا من غیر حاضری تقریباً 20 دنوں پر قیام ہے۔ لیکن جب میں اپنی سنٹر میں حاضری بھی دی۔ تو نہ صرف چھ حاضری کرنے دی۔ اور نہ ہی سیشن کا حکم نامہ دیا گیا۔ اور ساتھ ہی ساتھ میرے خلاف ایک طرف حکمانہ ماروا کا شروع کر دی۔ اور مورخ 15/09 کو اپنی ملازمت سے ترحیمت کر دیا گیا۔

جناب والد:

سائل نے اپنی برخاستگی کے خلاف نہ صرف حکمانہ اپیل دائر کی۔ بلکہ سائل نے اپنے خلاف کسی گئی مہروائی جو میرا طے سے غیر قانونی تھی کے خلاف انصاف کی حصول کیلئے تقریباً 6 دروازے پر دستک دی۔

APPEALED
15/09/2024

جناب والد : مسائل نے تقریباً 17/18 سال حکم پورس کی ملازمت اور خدمت کی ہے۔

اور اس لیے عرصے میں میرے خلاف کبھی کوئی کیمپلٹ نہیں آیا ہے جبکہ
'بوت میرے سرورس رکھارڈ پر موجود ہے۔ مسائل نے ہمیشہ اپنی سپر سٹر
آفس کی میرا نوٹا حکم کی تعمیل کی ہے۔'

جناب والد : مسائل کا بیٹی اب تک گرجوں کی عارضہ میں مبتلا ہے۔ اور ابھی تک

زیر علاج ہے۔ مسائل کا کوئی دوسرا خرابہ معاش نہیں ہے۔ گرجوں کی مرضی کے
حالیہ پر انتہائی زیادہ خرچ آتا ہے۔ جس وجہ سے ابھی تک لڑکوں
کا مقروضیوں۔ اور اپنی آباؤا کا تبادلہ تک بھی فروخت کر چکے ہیں۔

مسائل اتنا مقروض ہو چکے ہیں۔ کہ اگلے پاس لینے لے کر اس خود کرنے کا
خرچ بھی نہیں ہے، لہذا انتہائی جبوری حالت میں جناب کا خدمت میں عرض
رہا ہے۔ کہ جناب میری جبوریوں کو مد نظر رکھتے ہوئے۔ میرے حال پر
رحم فرما کر اپنی نوکری میں بحال کریں۔

بندہ 'ما حیات دعا گو رہے گا۔'

10
06/10 المرجوم

شاگرد ولد سعادتہ ساکن اچال ٹرول اسلام آباد

اسلام آباد

Attested
ATTESTED

گزارش ہے کہ مسائل بنیادی طور پر ختم ہونے لگے ہیں۔ مسائل کا ازالہ قلم بولیس سے بطور AD رہا شروع ہے۔ مسائل نے تقریباً 11 سال تک AD کے مسئلوں میں بطور (DI) اپنی فرانس منجی نیابت ایما ندرامی کے ساتھ سرانجام دی ہے۔ اور گذشتہ تقریباً 6 سالوں سے بطور (DI) کوٹاٹ میں فرانس سرانجام دے رہا تھا۔

جناب والد:

دوران ملازمت (RTN) کوٹاٹ پر لے گئے تھے اطلاع ملی کہ آپ کی بیٹی مسماً جو پرہ شاکر بیگم ہے۔ اور ان کو علاج معالجہ کی آشد ضرورت ہے۔ گھر میں مہرے علاوہ دوسرا کوئی فرد نہیں ہے۔ لہذا بااثر مجبوری میں نے بیٹی کی ناساز حالت کیوجہ سے 15 دن میڈیکل لیو میں جانے کیلئے جناب AD اختیار کیا تھا۔ اس درخواست جمع کرانے کے بعد جنہوں نے مجھے باقاعدہ اجازت دی۔ اور میں گھر خود چلا گیا۔ جہاں سے میں نے اپنی بیٹی کو میمنٹر ہسپتال اسلام آباد لے گیا۔ اور انکو وہاں داخل کرایا گیا۔ میڈیکل دستاویزات لف درخواست بنائے۔ جہری چھٹی ختم ہونے سے پہلے مسائل نے (RTN) سنٹر سے رابطہ کیا۔ اور فریڈر کچھ دنوں کیلئے چھٹی منظور کر لی اسدعا کی۔

جناب والد: یہ بات جناب کی خدمت میں لکھنا ضروری سمجھا ہوں۔ کہ مسائل اگرچہ منگوا کر مایہ پیدائشی ہے۔ لیکن والد صاحب کے رہنا ٹرنٹ کے بعد ہم لوگ نرنول اسلام آباد چلے گئے اور وہاں رہائش پذیر ہے۔

جناب والد: جہری بیٹی گرجوں کی دلچسپی ہے۔ اس طرح میڈیکل دستاویزات سے ثابت ہے۔ جہری بیٹی کی حالت ٹھوڑی سے سہل گئی۔ تو غوری طور پر اپنی ڈلوٹی جانے کرنے کیلئے RTN کوٹاٹ کو اپنی حاضری پیش کر دی۔

جناب والد: مسائل کی من غیر حاضری تقریباً 20 دنوں پر قبضہ ہے۔ لیکن جب میں اپنی سنٹر میں حاضری ہی دی۔ تو نہ صرف مجھے حاضری کرنے دی۔ اور نہ ہی سنشن کا حکم نامہ دیا گیا۔ اور ساتھ ہی ساتھ میرے خلاف ایک طرف حکمانہ ماروا لیا شروع کر دی۔ اور مورخہ 15/09 کو اپنی ملازمت سے ترحیمت کر دیا گیا۔

جناب والد: مسائل نے اپنی برضاگی کے خلاف نہ صرف حکمانہ اپیل دائر کی۔ بلکہ مسائل نے اپنے خلاف کسی گئی مگروائی جو میری طرف سے غیر مانزی تھی کے خلاف انصاف کی حصول کیلئے تقریباً 6 ہزار روپے پر دست دے دی۔

Attest
ATTESTED

جناب والد: مسائل نے تقریباً 17/18 سال حکم پولیس کی ملازمت اور خدمت کی ہے۔

اور اس لیے عرصے میں جبرے خلاف کبھی کوئی کیمپلٹ نہیں آیا ہے جس کا ثبوت میرے سرورس ریکارڈ پر موجود ہے۔ مسائل نے ہمیشہ اپنی سپر سٹریکچر آفسر کی مہمانوئی حکم کی تعمیل کی ہے۔

جناب خواہ: مسائل کا سبھی ایٹک گزروں کا عارضہ میں حیدر ہے۔ اور ابھی تک

زیر علاج ہے۔ مسائل کا کوئی دوسرا ذریعہ معاش نہیں ہے۔ گزروں کی مرضی کے معاملے پر ابتدائی زیادہ خرچ آتا ہے۔ جس وجہ سے ابھی تک لاکھوں کا مفروضہ ہوں۔ اور اپنی آباؤا جانیڈ اور تک بھی فروخت کر چکے ہوں۔

مسائل اتنا مفروضہ ہو چکے ہے۔ کہ اگلے پاس اپنے لیے کسے خود کرنے کا خرچ بھی نہیں ہے۔ لہذا ابتدائی قبوریں یا طالب میں جناب کا خدمت میں عرض رہا ہوں۔ کہ جناب میری قبوریں کو مد نظر رکھتے ہوئے۔ میرے حال پر رحم فرما کر اپنی نوکری میں بحال کریں۔

بندہ صاحب دعا گو رہے گا

المترجم
21/2011

شاکر اللہ ولد سعد اللہ ساکن / طل ہرنول اسلام آباد

مسلم

Attested
ATTESTED

جناب عالی

درخواست برائے Re-instatement / اپیل

نمبر 8 - پولیس ڈیپارٹمنٹ

سائل درج ذیل عرض پروازہ ہے

یہ کہ سائل ایک عزیز گھرانے سے تعلق رکھتا ہے۔ یہ کہ

سائل ایک سادی شدہ آدمی ہے۔ سائل نے تین بچے

ہے۔ سائل کا رہائش گاہ آگیا میں ہے۔ جلد کوئی

گواہ پیش ہے۔ اس میں سائل کو بے سائل نوکری سے

عینہ حاضر ہوا۔ گھڑا آپ صاحبان سے سائل صاحب سے

کہ سائل انتہائی عزیز اور مفلس ہے۔ اور نوکری کے سوائے

کاموں کا کوئی اور ذریعہ معاش نہیں ہے۔ یہ 17 اپریل

ذریعہ معاش ہے۔ نئی سائل کی بیٹی گھر کے غارہ میں مبتلا ہے

گھڑا استدعا کرتا ہے کہ سائل

کو اپنی نوکری پر بحال ہونے کا حکم صادر

فرمایا جائے۔

8/09/09 سنکرائٹہ ولد سعداٹہ سلٹہ نمبر 8/11/c

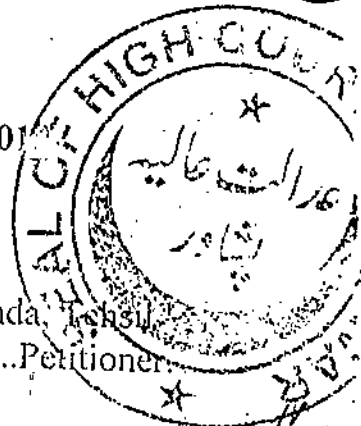
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Annexure 'E'

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IN THE PESHAWAR HIGH COURT PESHAWAR

WRIT PETITION No. 14 /201



Shakir Ullah S/o Saad Ullah R/o Kharsha Banda, Tehsil
and District HanguPetitioner

Versus

[Signature] 3

1. The Provincial Police Officer, Govt: of Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer/Commandant Police Training College, Hangu at Kohat.
3. The Dupty Commandant PTC/District Police Officer District Hangu.
4. The District Police Officer, KohatRespondents.

WRIT PETITION UNDER ARTICLE, 199 OF THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN, 1973.

Respectfully Sheweth,

Facts giving rise to the present writ petition are as under:-

1. That Petitioner was the employee of Police Force and served as Drill Master primarily at Police Training College, Hangu for about 11 years and then in the same capacity at R.W, Kohat for about 6 years.
2. That during the initial period in the year, 2008, the daughter of petitioner got seriously ill and upon

ATTESTED

ATTESTED
EXAMINER
Peshawar High Court.

Attested
[Signature]
To be true copy
Advocate

Investigation, it was found that she has lost her left kidney normal size.

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3. That it is pertinent to mention here that petitioner and his family after retirement of his father has shifted his house from his native village and now till the date are permanently residing at Tarnol, Islamabad.
4. That on 10-05-2008, petitioner was telephonically informed by his wife that Javeeria (daughter-kidney patient) was in serious condition and felling severe pain, therefore, he must come so as to examine her through a medical consultant.
5. That it is also pertinent to mention here that there was no one except his old age father to let the petitioner's ailing daughter for medical treatment.
6. That petitioner after going through the black night and after submitting application for 15 days leave and also after assurance of the High ups for sanction of the leave went straight to Islamabad, where his daughter was laying on a bed at PIMS (Medical prescription are attached as Annexure-A).
7. That after one weak time, petitioner telephonically approached the Centre(RTFW), Kohat and asked for the fate of his leave application, whereby, he was informed that his application has not been allowed till the date and he has been marked as absent from

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Advocate

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To be true copy
Advocate

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duty.

2. That it was not possible for the petitioner to leave his ailing daughter at her death bed, therefore, he after the discharge of his daughter from the Hospital immediately approached the Centre(RTW), Kohat in order to resume his duty, but he was denied to resume his duty and departmental action was initiated against him.
9. That it is pertinent to mention here that total alleged absence was only 20 days and not that as have been alleged in the impugned Order for the obvious reason that the so called inquiry proceeding were initiated after the date, when petitioner attended the Centre for resuming his duty. He was though not allowed to participate in the inquiry proceeding and the inquiry was conducted at the back of the petitioner, but he was served with charge sheet and statement of allegation, when he was very much present at the Centre (RTW), Kohat and he submitted his reply to the charge sheet and statement of allegation. He was also served with final show cause at the Centre to which he also submitted detail reply. This fact has been admitted by the inquiry officer in his inquiry report.
10. That it is pertinent to mention here that petitioner was not allowed to resume his duty, in spite of the fact that as per bonafide knowledge of the petitioner, he was not suspended as he has not been

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EXAMINER
Peshawar High Court.

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communicated with any such order.

- 11. That it is also pertinent to mention here that the authority, to whom he had submitted application for leave was appointed as inquiry officer, who by malice and malafide intention placed his finding against the petitioner and recommended him for penalty.
- 12. That vide Order dated 15-07-2009 (Annexure-B), petitioner was dismissed on the score of recommendation of the inquiry officer.
- 13. That being aggrieved from the dismissal order, petitioner preferred departmental appeal and was assured of positive response, but the authority took U-turn of their promise and deprived the petitioner from re-instatement, therefore, he approached every corner for seeking justice (Annexure-C).
- 14. That it is also pertinent to mention here that petitioner has time and again requested the concerned office to grant him the documents relating to the his departmental inquiry including his replies and inquiry report, but he has been denied of the same.
- 15. That petitioner, being aggrieved of the acts and actions of Respondents and having no other adequate and efficacious remedy, files this constitutional petition inter-alia on the following grounds:-

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 EXAMINER
 Professor High Court

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 Advocate

GRANDS:

- A. That Respondents have not treated petitioner in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973. The departmental appeal has been pending with respondent No.1 without disposal and the same has been delayed without any reason. Public functionaries, by no stretch of imagination, were justified to remain indifferent in pending issues, virally important for their employee.....when they had power either to accept or reject an appeal, that power must be exercised and the appeal must be decided on merits within reasonable time, so that the aggrieved employee should either get satisfied or seek further available remedy.....delay would prolong uncertainties, snatch peace of mind and create agonizing tensions....Public function should act in a way to eliminate problems and not in a way to create further problems. Reliance is placed on 2009 PLC(CS) 77(Pesh).
- B. That all public powers are in the nature of a trust and public functionary must act as repositories of such trust. The respondent No 1 was under legal obligation to decide the pending appeal before him, but he kept his mum over the disposal of the appeal, which is/was highly unwarranted at law.
- C. That appellant has been deprived from his legal service in a very capricious manner and his right to defend his cause violated, which is/was against the principle of natural justice, fair play and equity.

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To be true copy
Advocate

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D. That petitioner was a regular civil servant therefore, was entitled to dealt with the prescribed legal procedure, but no such legal procedure has been adopted while depriving the petitioner from his legal service. In absence of adhering to the prescribed legal procedure, the impugned termination order cannot be clothed with validity, therefore, an action is required to set aside the impugned order.

E. That petitioner would like to seek the permission of this Honourable Court to advance some more grounds at the time of arguments.

For the aforesaid reasons, it is therefore, humbly prayed that on acceptance of this writ petition, this Hon'ble Court may graciously be pleased to direct the respondent No.1 to dispose the pending appeal of the petitioner on merits.

This Honourable may also graciously be pleased to direct the respondents No. 2, 3 and 4 to provide the petitioner complete documents regarding the inquiry that was initiated against the petitioner including the copies of the replies submitted by the petitioner before the inquiry officer.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to petitioner.

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EXAMINER
Peshawar High Court,
Through

Petitioner

Ashraf Ali Khattak
Advocate, Peshawar.

Date: _____ / 07/2011

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Advocate

Annexure. E/1
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PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET

Court of.....of.....
Case No.....

Date of Order of Proceedings	Order of other Proceedings with Signature of Judge.
1	2
21.03.2012	<p><u>W.P.No. 14/2012.</u></p> <p>Present: Mr. Ashraf Ali Khattak, Advocate, for the petitioner.</p> <p style="text-align: center;">***</p> <p><u>DOST MUHAMMAD KHAN, C.J.</u>- During the course of hearing, the learned counsel disclosed that the petitioner has also filed Departmental Appeal / Representation before respondent No.1, however, he is not deciding the same and has kept it pending since long for no good reason and also the petitioner is not provided the relevant documents to present his case before him.</p> <p>2. Respondent No.1 shall understand that he is bound to decide the appeal / representation of the petitioner within a minimum reasonable period, after hearing the petitioner and providing him all the relevant documents to present his case, and also to pass a speaking order with reasons because the law does require so, hence, this petition is disposed of with direction to respondent No.1 to comply with the law and to decide the appeal / representation in the above manner positively within</p>

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EXAMINE
Peshawar High Court

Attested
To be true copy
Advocate

ATTACHED

(47) (13)

fifteen (15) days, after receiving copy of this order.

sd/Dast Mah...
sd/Min Peshawal Mah...

[Handwritten signature]

CERTIFIED TO BE TRUE COPY
26/3/12

Examiner
Peshawar High Court Peshawar
Authorised Under Article 87 of
The Qanun-e-Shahadat Order 1984

No. 12770
 Date of Presentation of Application 21/3/12
 No of Pages 11-P
 Copying fee
 Urgent Fee
 Total 22/-
 Date of Preparation of Copy 26/3/12
 Date Given For Delivery 26/3/12
 Date of Delivery of Copy 26/3/12
 Received By *[Signature]*

Attested
[Signature]
To be true copy
Advocate

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IN THE PESHAWAR HIGH COURT PESHAWAR

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COC No...../2012

IN

W.P. No.14/2011

Shakir Ullah S/o Saad Ullah R/o Kharsha Banda, Tehsil
and District Hangu Applicant/Petitioner.

Versus

1. The Provincial Police Officer, Govt: of Khyber
Pakhtunkhwa, Peshawar.
2. The Regional Police Officer/Commandant Police
Training College, Hangu at Kohat.
3. The Dupty Commandant PTC/District Police
Officer District Hangu.
4. The District Police Officer, Kohat
..... Contemnor.

Application under Article-204 of the Constitution of
Islamic Republic of Pakistan, 1973 read with
Sections-3&4 of the Contempt of Court Ordinance,
2004 for initiating contempt of Court proceedings
against the Contemnor.

Respectfully Sheweth,

1. That the applicant had filed writ petition
No./14/2011 in the august Court which was
disposed of vide order dated 21.03.2012 (Annex:-
A). The operative part of the order is reproduced as
below:-

*"The respondent No.1 shall under stand
that he is bound to decide the
appeal/representation of the petitioner
within a minimum reasonable period,
after hearing the petitioner and
providing him all the relevant documents*

ATTESTED

to present his case, and also to pass a speaking order with reasons because the law does require so, hence, this petition is disposed of with direction to respondent No.1 to comply with the law and to decide the appeal/representation in the above manner positively within 15 days after receiving the copy of the order."

2. That after obtaining the attested copy of the order, applicant moved an application *As* alongwith copy of the order to the Contemnor for the needful but he not only failed to comply with the same within the time given by the august Court but rather on the request of the applicant to the decide the appeal as directed by this Hon'ble Court, the Contemnor ridiculed the order.
3. That the acts and actions of the Contemnor squarely fall within the ambit of the Contempt of the Court and as such he is liable to be proceeded for the Contempt and for the punishment under the law.

It is therefore, humbly prayed that on acceptance of this application, this Honourable Court may graciously be pleased to direct the respondent to decide the already pending appeal/representation of the petitioner. This Honourable Court may also be graciously be pleased to initiate the Contempt of Court proceedings against the Contemnor and he may be punished accordingly.

ATTESTED

Through

Applicant/Petitioner

As

Ashraf Ali Khattak
Advocate, Peshawar.

Dated: _____ / 07/ 2012

Annexure 7/1

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PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET

Court of.....

Case No.....of.....

Date of Order of Proceedings	Order of other Proceedings with Signature of Judge.
1	2
09.10.2012	<p><u>C.O.C.No. 261-P/2012 in W.P.No. 14-P/2012.</u></p> <p>Present: Mufti Filali Khan, Advocate, for the petitioner.</p> <p style="text-align: center;">***</p> <p><u>DOST MUHAMMAD KHAN C.J.-</u> We have gone through the record and have found at page-14 that in compliance with the direction of the Court dated 21.03.2012, the respondent has passed a speaking order wherein the entire history of the case has been reflected with succession of each event occurring during the course of proceedings against the petitioner thus, in our view, the respondent is not guilty of contempt of Court, however, from the facts, narrated in the order dated 05.04.2012, it is a case cognizable by the Provincial Services Tribunal and if the petitioner can make out a case on points of law &</p>

ATTESTED

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facts, he may approach the Tribunal in the prescribed manner.

Petition stands disposed of.

~~_____~~
CHIEF JUSTICE

~~_____~~
JUDGE

ATTESTED

Office
10/10

From: - The Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

To: - The Additional Registrar (J),
Peshawar High Court,
Peshawar.

Annexure. F/2

(24)

(52)

No. _____ /Legal, Dated Peshawar the: _____ /2012.

Subject:- WRIT PETITION NO. 14/2012.
SHAKIR ULLAH S/O SAAD ULLAH PETITIONER.
VERSUS
PROVINCIAL POLICE OFFICER & OTHERS RESPONDENTS.

Memo:-

Kindly reference your office endst: No. 3818/Judi: dated 24.03.2012 on the subject cited above in which it was directed to dispose of the representation of above mentioned official within 15 days on receipt of the order sheet.

It is to bring in your kind notice that the appellant Shahkriullah is not only habitual absentee but also failed to bring in your kind notice that his representation /appeal of the office of undersigned was examined in detail and filed having no cogent reason and legal force in his appeal. His first representation was examined on 31.10.2009 and filed by my predecessor. He again in year 2010 submitted application on 02.02.2010 which was examined and filed on 09.02.2010. He again submitted application through Chief Minister received to this office on 04.04.2011 which was also examined and found no legal force hence was filed on 07.04.2011.

The appellant was dismissed from Service on 14.07.2009 on account of his willful absence with effect from 11.05.2008 to 08.07.2009. During the course of enquiry, on 25.02.2008 he submitted an application to the authority that he may be compulsory retired from Service, his request being not genuine was turned down and an appropriate punishment for a prolong absence was awarded to him. The Commandant PTC Hangu before passing his removal from Service, order also heard him in person in orderly room on 08.07.2009 but his explanation was without substance, hence order of his removal from Service was issued from the date of his absence i.e 11.05.2008. Copy of order is enclosed.

Furthermore he was proceeded with departmental action under removal from Service vide which only one appeal lie to the next above authority. He submitted appeal/representation three times which were

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Advocate

examined and filed. The appellant has no good case of reinstatement on account of willful absence i.e more than one year two months and is not considerable.

Moreover, his representative was examined in the light of court order dated 21.03.2012 and filed for the reason no legal force exists due to his prolong absence.

Submitted please.

(MOHAMMAD FAYAZ KHAN)
AIG/LEGAL
For Provincial Police Officer
Khyber Pakhtunkhwa, Peshawar.

No. 1215 /Legal, Dated Peshawar the: 5/4/ /2012.

Copies for information:-

1. Commandant PTC Hangu.
2. Shahkriullah Petitioner.

(MOHAMMAD FAYAZ KHAN)
AIG/LEGAL
For Provincial Police Officer
Khyber Pakhtunkhwa, Peshawar.

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To be true copy
Advocate

نجدت جات پراونشل لوٹس اسٹیشن قنبرہ ٹی ٹی وی کو ذرا لکھو

9 June

جناب عالی

درخواست برادری کاٹنے سے قبل حکم بر حکماء درخواستوں و دیگر متعلقہ دستاویزات

گزارش ہے کہ سائل نے جناب کے حکم کو 18 سال تکہت ڈیل ماسٹر کے آئیے
 قرائفہ منجھی سرورم کے دوران ملازمت نہ مسائل اپنی بیار منجھی کے طلبہ
 سے لکھ گیا تو اسکی درخواست کو نامعلوم کرنا ہوئے ہیں ڈیوٹی سے غرضت
 کر دیا اور نوکری سے برطرف کر دیا گیا۔
 اپنی برطرفی کے خلاف من مسائل نے حکماء اسل آئیے کی خدمت میں
 دائری جوئے اگھج کے مطلقہ خارج کر دی گئی تھیں اس بابت من مسائل کو
 آرڈر کی کوئی کاپی / نقل مہیا نہیں کی گئی ہے
 اور اسی حکم حکماء کاروائی کے دوران کے تولدت وغیرہ بھی مسائل کو
 مہیا نہیں کی گئی ہیں

لکھن الاہی کے مسائل کو نقل حکم بر حکماء اسل و دیگر دستاویزات
 کے مہیا عطا فرمائیں جس تاکہ مسائل متعلقہ اداروں سے حصول
 انصاف سے راہ لے کر سکیں

عین نواز شہوٹی
 شاہراہ قائد اعظم روڈ سندھ اسٹیشن سابقہ ڈیل ماسٹر قنبرہ ٹی ٹی وی کو ذرا لکھو
 راجہ فیض بخش باندہ فیض و قلمو سنگھ

لہورم 23-11-2012

ATTESTED

Signature - H.

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خدمت جناب سید عبدالودود شاہ DIG/Commandant پولیس ٹریننگ کالج بہنگو

SHOW CAUSE NOTICE

یہ کہ آپ کا ایک نوٹس نمبر 118/PA dt 10.04.2009 مجھے ملا۔

اور مجھے یہ تاکید کی گئی اور یہ یاد دہانی دی کہ میں ڈیوٹی سے انفراملا کر گیا کیونکہ غیر حاضر رہا؟

۱۔ یہ کہ میری بیٹی عمر 8 سال نامی جویریہ شاہ کرہ کے مرض میں مبتلا ہے۔ اور اس وقت بھی زیر علاج ہے۔

۲۔ یہ کہ میری مجبوری تھی اور ہے۔

۳۔ یہ کہ میرے دادا کوئی اور شخص میری فیملی کی دیکھ بھال نہیں کر سکتا ہے۔

۴۔ مزید یہ کہ میری رہائش ٹرنول (اسلام آباد) ہے اور میری ڈیوٹی سے RTW کو ہٹا دینا ہے۔ جو کہ میں ان حالات میں سرانجام دینے

سے قاصر ہوں میری ڈیوٹی سے غیر حاضری کی وجہ سے ہے۔ نہ کہ عہد اور بدین منعمون بالا یہ وجہ میں نے آپ صاحب کے سامنے پیش کر دی

۵۔

میں بحیثیت سائل عرض کرتا ہوں کہ متعلقہ حکم مجھے نوکری سے جبری Retire کر دے۔

میں نوازش ہوگی۔

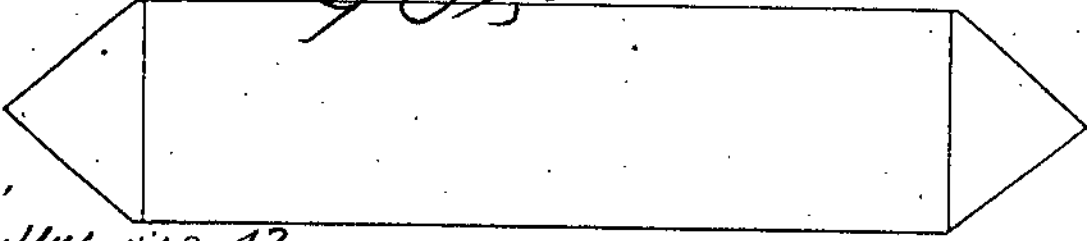
الحاضر

سائل شاہ کراشاہ ولد سعد اللہ

H/C # 86 پولیس RTW کوہاٹ

Attested
ATTESTED

بعد الت سروس مگر بنفول اور



2013، پنجاب اسٹارٹ
بنام PPO حکرہ

مکمل اور

موزعہ
مقدمہ
دعویٰ
جرم

باعث تحریر آ نکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ۔
 آن مقام کیلئے ~~مقدمہ مندرجہ عنوان بالا میں~~ 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 ثبات ہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور
 بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمدگی اور منسوخی
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
 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 بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
 پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائے التوائے مقدمہ کے سبب سے ہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
 مذکور کریں۔ لہذا ادکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم _____ ماہ _____ 20

مکمل اور

Attorney
and Counsel
A.P. P. O.

مکمل اور

بمقام

تکے لئے منظور ہے۔

Before Service Tribunal KPIC, Peshawar

Service appeal R-ANo. 356/2019.

Shahir Ullah

vs

PPD & others.

Extended for
today.

06/07/2021

Application for granting additional time for depositing
Process & Security Fee.

Respected Sir,

1. That, the above titled restoration Service appeal was admitted & restored with the direction to deposit Security & Process Fee within 10 days, on 10/06/2021. While the next date is 26/10/2021.
2. That, on the date of hearing the appellant was not verbally directed rather in the order it was directed and the same was received to the appellant today, i.e. 06/07/2021 hence the delay occurred which was not intentional.

It is therefore humbly prayed that upon accepting this application additional time may please be granted for depositing Security & Process Fee.

Applicant *[Signature]*

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 358/2013

Shakir Ullah S/O Saad ullah, Kharsha Banda Hangu.....Appellant.

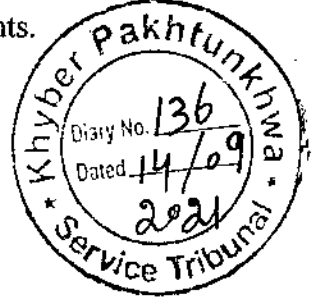
Versus

Provincial Police Officer etcRespondents.

Subject:- **REPLY ON BEHALF OF RESPONDENTS.**

Preliminary Objections:-

- i. That the appeal is not based on facts.
- ii. That the appeal is not maintainable in its present form.
- iii. That the appeal is bad for non joinder and misjoinder of necessary parties.
- iv. That the appellant has got no cause of action or locus standi.
- v. That the appeal is bad in law, hence not maintainable.
- vi. That the appellant has not come to this Honorable Tribunal with clean hands.
- vii. That the appeal is badly time barred, hence not sustainable.



FACTS:

1. Pertains to service record of the appellant.
2. Subject to proof, but there is proper procedure in law for obtaining leave in such like situations.
3. Pertains to record.
4. Pertains to the appellant record, hence no comments.
5. Incorrect, the appellant had not preferred any application nor seek any permission of the high-ups and neglects his lawful duty.
6. Pertains to record of the appellant, remaining para discussed above.
7. He has absented himself willfully and as a result the departmental proceedings were initiated.
8. Incorrect, the appellant has disclosed in his representation that he remained for 8/9 months at Wah Cantt Rawalpindi for the treatment of his daughter. The charge sheet and statement of allegations were legally issued to him.
9. Incorrect, the appellant has absented himself from his lawful duty vide daily dairy No. 26 dated 11.05.2008 and was aware of the action taken against him, he was

issued show-cause notice vide No. 118/PA, dated 10.04.2009 which was replied by the appellant dated 25.04.2009.

10. The absence period of the appellant had crossed the limits and need to be dealt in accordance with law and hence senior officer was appointed as enquiry officer.
11. Correct, the appellant was dismissed as a result of proper departmental enquiry as per law and rules.
12. Correct, that the appellant preferred departmental appeal against his dismissal order in result of 01 year 02 months willful absence which was not considerable and hence filed by the competent authority.
13. Incorrect, the appellant had not preferred any application for grant of enquiry papers.
14. Correct to the extent, but the departmental appeal of the appellant was not considerable, hence filed.
15. Pertains to record.
16. Incorrect, the appellant was provided copy of order vide which his appeal was filed bearing Memo: No. 1215/Legal dated Peshawar the 05.04.2012, which has placed by the appellant with his service appeal.
17. Need no comments.

GROUNDS:-

- A. Incorrect, the appellant has been treated in accordance with law and equal protection of law has been extended to him.
- B. Incorrect, the appellant was removed from service as a result of more than one year absence from his lawful duty and the removal order was passed by competent authority.
- C. Incorrect, regular departmental enquiry was conducted before the removal of the appellant.
- D. Incorrect, the absence of the appellant is not 20 days factually it is more than one year.
- E. Incorrect, the appellant has absented himself willfully, he is a habitual absentee former entries are present in the Service Record.
- F. Incorrect, the Police Force is a disciplined unit and the absence from duty comes within the ambit of misconduct.

- G. Correct to the extent, that the departmental proceedings were conducted against the appellant coram non iudice because it is departmental enquiry not a court trial and hence sustainable in law.
- H. Pertains to record, hence no comments.
- I. Any other point / record will be submitted at the time of hearing.

It is therefore, very humbly prayed that the appeal of the appellant is not based on facts and badly time barred, may kindly be dismissed with costs please.



District Police Officer,
Kohat
(Respondent No. 4).



Commandant
Police Training College, Hangu
(Respondent No. 2).



Provincial Police Officer
Khyber Pakhtunkhwa,
Peshawar
(Respondent No. 1).

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 358/2013

Shakir Ullah S/O Saad ullah, Kharsha Banda Hangu.....Appellant.

Versus

Provincial Police Officer etcRespondents.

AFFIDAVIT

I Fazal Mabood Inspector Legal, PTC Hangu do hereby solemnly declare on oath that the content of Parawise comments submitted in reply to the Service Appeal No. 358/2013 title as above are correct to the best of our knowledge, belief and nothing have been concealed from the Honorable Tribunal.

DEPONENT



FAZAL MABOOD

Inspector/ Legal

Police Training College Hangu

15402-9066821-3





BEFOR THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 358/2013


Shakir Ullah S/O Saad ullah, Kharsha Banda Hangu.....Appellant.


Versus


Provincial Police Officer etcRespondents.

AUTHORITY LETTER

We respondent No. 1, 2 & 4 do hereby authorized and allow Mr. Fazal Mabood Inspector Legal to attend the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar on our behalf in connection with the Service Appeal No. 358/2013 title as above and do whatever is needed in the Honorable Tribunal.


District Police Officer,
Kohat
(Respondent No. 4).


Commandant
Police Training College, Hangu
(Respondent No. 2).


Provincial Police Officer
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No.1).

15--CENSURES AND PUNISHMENTS.

Charge:- Indisciplined attitudes.
 Punishment:- Three days defaulters are awarded & three days extra drill. They are warned to be careful in future.

O.B. No. 235
 12.6.93

Deputy Commandant
 Police Training College
 Hangu.

Charge:- Indisciplined attitude (Complete enquiry papers placed with Fauji Missed).

Punishment:- In the light of findings of The Enquiry Officer the defaulter is awarded punishment of **FOREFEITURE OF APPROVED SERVICE UPTO ONE YEAR** vide O.B. No. 11 dated 7.1.95.

Deputy Commandant
 Police Training College
 Hangu.

Charge:- Absented himself from duty for about one month, hence suspended with immediate effect vide O.B. No. 416 dated 5/11/98. C.L.I. P.T.C. Hangu is appointed as Enquiry Officer & conduct report submitted enquiry against him.

Re-instated in service with immediate effect vide this office O.B. No. 454 dated 28/11/98. His suspension period is treated as nil.

Deputy Superintendent of Police (Admin)
 P. T. C. Hangu.

15--CENSURES AND PUNISHMENTS-- contd.

Serial No.

Charge :- Not interested in his duty.

Punishment :- Fine Rs. 100/-

OBVO. 14
dt 4-1-03

[Signature]
For
Police Commandant
Engineering College
Bangalore

Charge :- Absented himself from duty
on 17-11-05

Punishment :- Two days F/Detail.

[Signature]
Police Commandant
Engineering College
Bangalore

①

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Restoration Application no- 356/2019

Misc Application No. /2019

In

Service Appeal No. 358 /2013

SCANNED
KPE
Peshawar

Shakir Ullah S/o Saad Ullah R/o Kharsha Banda

Teshil & District Hangu Applicant/ Appellant

Versus

Provincial Police Officer and othes Respondents

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Appellant

Through

S/

Shahid Qayum Khattak
Advocate Supreme Court
of Pakistan
Mob No. 0333-9195776

Dated: 23 /09/2019

①

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Restoration Application No. 356/2019

Misc Application No. /2019

In

Service Appeal No. 358 /2013

Shakir Ullah S/o Saad Ullah R/o Kharsha Banda

Teshil & District Hangu Applicant/ Appellant

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 975

Dated 23-9-2019

Versus

Provincial Police Officer and othes Respondents

APPLICATION FOR RESTORATION OF APPEAL DISMISSED IN
DEFAULT ON 28/04/2015

Respectfully Sheweth;

Applicant / appellant humbly submits as under;

1. That the above noted appeal has been dismissed by this Hon'ble Tribunal in default on 28/04/2015.
2. That applicant / appellant Mr. Ashraf Ali Advocate as his counsel in the above noted case but as he join government job therefore, he deputed his friend as counsel in the above noted case.
3. That applicant / appellant time and again approaches the office Mr. Ashraf Ali Advocate regarding the fate of his case but he was informed by his clerk that the same is still pending in the tribunal and after some time the said clerk also left the office.
4. That as applicant / appellant was busy in the treatment of his family member therefore, requested his counsel to take care of the case and due to that reason petitioner by him self not appeared in the court.
5. That after hectic effort applicant / appellant came to know that his counsel again rejoin his profession and thereafter came to

his office wherein his clerk handed over the memo of appeal to him and informed him that they have not attended case from the year 2015, therefore applicant / appellant came to this Hon'ble Tribunal regarding the outcome of his case on 17/09/2019 wherein, he came to know that his case is dismissed in default on 28/04/2015.

6. That accordingly applicant / appellant applied for attested copy of the order and the same has been handed over to him on 18/09/2019 and hence this application.
7. That applicant / appellant was not aware of the fixation of the case nor he has received any notices regarding the fixation of the case. The nominated counsel has also not informed the petitioner regarding the fixation of case, so the absence of petitioners were not intentional or willful but due to the reason stated above.
8. That valuable rights of the applicant/appellant are involved with the case and the case is required to be decided on merit for safe administration of justice.
9. That applicant / appellant due to his domestic problems assigned the case to his counsel and informed him regarding the whole affair of the family problems and as the matter relate to the whole career and valuable rights of the whole his family are involved therefore, the propriety demands that the matter is required to be decided on merit.

It is, therefore, most humbly prayed that by accepting this application the main petition may please be restored and the case may please be decided on merit in the best interest of justice.

Applicant/ appellant

Through

Shahid Qayum Khattak
Advocate Supreme Court
of Pakistan

3

Certified that as per instruction of my client no such petition has earlier been submitted before this Hon,ble Court.


Advocate

AFFIDAVIT

I, Shakir Ullah S/o Saad Ullah R/o Kharsha Banda Teshil & District Hangu, do hereby solemnly affirm and declare that the contents of the accompanying application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.


DEPONENT



(4)

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Misc Application No. /2019

In

Service Appeal No. 358 /2013

Shakir Ullah S/o Saad Ullah R/o Kharsha Banda

Teshil & District Hangu Applicant/ Appellant

Versus

Provincial Police Officer and othes Respondents

APPLICATION FOR CONDONATION OF DELAY

Respectfully Sheweth;

1. That the above noted petition is being filed before this Hon'ble Tribunal in which no date of hearing has yet been fixed.
2. That the case was filed by the applicant / appellant and hired the services of counsel and case was filed before this Hon'ble Tribunal. That applicant / appellant also informed his counsel regarding his family problem and accordingly he give assurance to applicant / appellant that when ever he is required before the tribunal he will be called otherwise he will take care of the case. That applicant / appellant time and again ask the clerk of the counsel regarding the fate of his case wherein he informed him that his case is pending in the tribunal and the counsel join the government service and he deputed his other friend for the case and after some time the said clerk also left the office.
3. That after hectic effort applicant / appellant came to know that his counsel again rejoin his profession and thereafter came to his office wherein his clerk handed over the memo of appeal to him and informed him that they have not attended case from the year 2015, therefore applicant / appellant came to this Hon'ble Tribunal regarding the outcome of his case on 17/09/2019 wherein, he came to know that his case is dismissed in default on 28/04/2015.

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4. That accordingly applicant / appellant applied for attested copy of the order and the same has been handed over to him on 18/09/2019 and hence this application. Applicant / respondent was not aware of the fixation of the case nor they have received any notices regarding the fixation of the case. The nominated counsel has also not informed the applicant regarding the fixation of case, so the absence of applicant was not intentional or willful but due to the reason stated above.
5. That from the date of knowledge this petition is well with in time but if this Hon'ble Court deems it otherwise then applicant/ appellant request for condonation of delay in filling of this petition.
6. That non filing of petition before this Hon'ble Tribunal on time was not intentional but due to the reason stated above
7. That applicant has a good prima facie case in his favour and if the delay is not condoned then the applicant would suffer an irreparable loss and damages.

It is, therefore, respectfully prayed that by accepting this application delay in filling of this petition may please be condoned and the case may please be decided on merit.

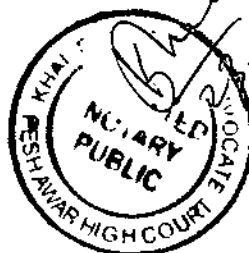
Applicant/ appellant

Through

Shahid Qayum Khattak
Advocate Supreme Court
of Pakistan

AFFIDAVIT

I, Shakir Ullah S/o Saad Ullah R/o Kharsha Banda Teshil & District Hangu, do hereby solemnly affirm and declare that the contents of the accompanying application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



DEPONENT

6



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. ^{358/}2013

395
11-2-2013

Shakir Ullah S/o Saad Ullah
R/o Kharsha Banda Tehsil & District Hangu.....**Appellant**

VERSUS

1. The Provincial Police Officer,
Govt. of Khyber Pakhtunkhwa, Peshawar
2. The Regional Police Officer/Commandant Police
Training College, Hangu at Kohat
3. The Deputy Commandant PTC/District Police Office
District Hangu
4. The District Police Officer, Kohat.....**Respondents**

Service appeal u/s 10 of removal from service special powers ordinance R/W Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, against the impugned order dated 15.07.2009 vide which the appellant was dismissed from his service and thereafter his departmental representation as well as his applications for providing the copies of departmental proceedings against him were not replied

11/2/2013

ATTESTED

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

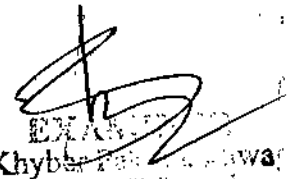
PRAYER IN APPEAL

On acceptance of the instant appeal, the impugned order dated 15.07.2009 may very graciously be declared as void, void ab-initio, illegal, unlawful, without any lawful authority alongwith the order on the departmental appeal as well as the respondents concerned may be directed to provide the appellant all necessary documents relating to the case.

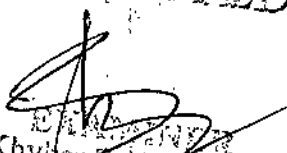
respectfully Sheweth:-

1. That the applicant was the employee of police force & served as Drill Master primarily at police training College Hangu for about 11 years and then in the same capacity at RTW Kohat for about 6 years i.e. the appellant served the respondents department for almost 18 years.
2. that in the years 2008, his daughter namely Javeria got seriously ill and after through treatment and investigation it was found that her left kidney has lost its normal size.
3. That the appellant's father after getting his retirement from the respondents department as ASI shifted all his family from his native village to Tarnol Islamabad permanently.

ATTESTED

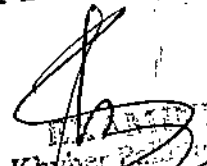

 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

4. That on 10.05.2008, he was telephonically informed by his wife about the serious condition of his daughter, she was feeling severe pain there was no male person to handle the situation therefore the appellant's presence was must to examine her through a medical consultant.
5. That he appellant submitted an application for 15 days leave before his high ups and on their assurance for granting leave went straight to Islamabad where his daughter was laying on bed at PIMS. (Copies of medical prescription are attached as annexure "A").
6. That after one week time the appellant telephonically approached the centre (RTW) Kohat and asked about the fate of his leave application whereby he was informed that his application has not been allowed till the date and he has been marked as absent from the duty.
7. That being a father it was not possible for the appellant to leave his ailing daughter at her death bed, therefore, he after the discharge of his daughter from the hospital immediately approached the centre (RTW) Kohat in order to resume his duty but he was denied to resume his duty and departmental action /proceedings were initiated against him.

ATTESTED

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar


- 8. That the appellant's alleged absentees are/were only 20 days and not those as have been alleged in the impugned order for the obvious reason the so called inquiry proceedings were initiated after the date, when petitioner attended the centre for resuming his duty. He was not allowed to participate in the inquiry proceedings and the inquiry was conducted at the back of the appellant but he was served with charge sheet and statement of allegation when he was very much present at the centre (RTW), Kohat and he submitted the replies of the charge sheet and statement of allegations, he was also served with final show cause at the centre which was duly replied, the same fact has been admitted by the inquiry officer in his inquiry report. (Copies of the departmental proceedings are attached as annexure "B").
- 9. That it is pertinent to mention here that appellant was not allowed to resume his duty inspite of the fact that as per bonafide knowledge of the appellant, he was not suspended nor he has not been communicated with any such order.
- 10. That the authority to whom the appellant submitted an application for leave was appointed as inquiry officer how by malice and malafide intention placed its findings against him and recommended him for penalty.

ATTESTED

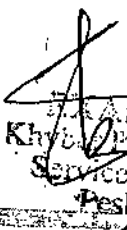

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

11. That vide impugned order dated 15.07.2009 the appellant was dismissed from the service on the recommendation of the inquiry officer. (Copy of the impugned order is attached as annexure "C").
12. That being aggrieved the dismissal order, the appellant preferred departmental appeal before respondent No.1 as well as before others high up and was assured of positive response but respondent concerned too, U-turn of his promise and deprived the appellant from re-instatement. (Copy of the departmental appeals is attached as annexure "D").
13. That the appellant made several requests time and again to the concerned office to grant him the documents relating to his departmental inquiry including his replies and inquiry report, but was denied of the same.
14. That having no other adequate speedy, efficacious and alternate remedy before him the appellant preferred Writ petition which was numbered as Writ petition No.14/2012 before the Hon'ble Peshawar High Court, Peshawar which was disposed of vide order dated 21.03.2012 with directions to respondent No.1 comply with the law and to decide the appeal./representation positively within fifteen days. (Copies of the Writ petition and order on the same are attached as annexure "E" & "E/1" respectively).

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

- 15. That the respondent No.1 failed to comply with the order passed by the Hon'ble Peshawar High Court, Peshawar then the appellant filed a contempt petition numbered as COC No.261-P/2012 in Writ petition No.14-P/2012 which was disposed of vide order dated 09.10.2012 with the observation that the respondent is not guilty of the contempt of court, however from the facts, narrated in the order dated 05.04.2012 it is a case cognizable by the provincial services Tribunal and if the petitioner (appellant) can made out a case on points of law and facts, he approach the tribunal in the prescribed manner. (Copies of the contempt petition, order on the same report dated 05.04.2012 of respondent No.1 are attached as annexure "F", "F1" & "F2" respectively).
- 16. That after disposal of the contempt petition, the appellant again preferred an application for providing the copy of order passed on his departmental representation but no response whatsoever has been given /shown. (Copy of the application is attached as annexure "G").
- 17. That the appellant prefers the instant service appeal; inter alia, on the following amongst others.

ATTESTED

FRAMD NEER
Khy. Peshawar
Service Tribunal,
Peshawar

G R O U N D S :-

- A. That the appellant has not been treated in accordance with law nor has equal protection of law been extended to him.
- B. That the appellant's removal order (impugned herein) was mad/singed by an authority not competent to do so hence the same is void, and is nothing in the eyes of law.
- C. That in case of awarding a major penalty of removal from service, conducting of regular inquiry was mandatory under the law, which is totally missing in the instant case.
- D. That the appellant is/was on the verge of his retirement after serving the respondents department for almost 18 years at this stage of service the order his removal from service for alleged absentees of only -20 days in very much harsh.
- E. That the appellant has been awarded a major penalty of removal from his service on the grounds of unauthorized absence from duty, which was not deliberate and willful but was due to the valid reason which ha already been explained any person in his place is expected to behave in the manner like the appellant did in such like situation.
- F. That the major penalty of removal form service of appellant is/was extremely harsh and not


ATTESTED

commensurate with the petty misconduct borne out of absence of the appellant from the duty, although due to the absence of the appellant the respondents have not sustained any kind of loss nor have suffered in any way.

- G. That otherwise too all the departmental proceedings initiated and conducted against the appellant are/were coram non iudice and not sustainable in law. /
- H. That in response of a office notice number 118/PA dated 10.04.2009 the appellant requested for compulsory retirement due to the reason dated therein but his request was turned down and was removed from the service (Copy of the reply is attached as annexure "H")
- I. That any other ground can also be taken during the arguments with permission of this Hon'ble Court.

It is therefore most humbly prayed that on acceptance of the instant appeal the impugned order dated 15.07.2009 may very graciously be declared as void, void ab-initio, illegal, unlawful, without any lawful authority alongwith the order on the departmental appeal of the appellant (whose copy has not been provided) as well as the respondents concerned may kindly be directed to provide him all necessary documents relating to the case.

ATTESTED


 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

Any other relief which has not specifically asked for and deems fit in the circumstances of the case may be awarded to the appellant against the respondents.

★
Appellant
Shakir Ullah
Through

Muhammad Saeed Khattak
Muhammad Saeed Khattak
Advocate
High Court, Peshawar

Dated 05.02.2013

Certified to be true copy
[Signature]
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of App. No. 17-9-13
Number of Copies 3600
Copying Fee 40/-
Urgent _____
Total 40/-
Name of Copy _____
Date of Copy _____ 18-9-13
Date of Delivery of Copy _____ 18-9-13

A.No. 358/13 (15)

09.03.2015

Agent of counsel for the appellant and Asst: AG for the respondents present. Learned counsel for the appellant is stated busy before the august Peshawar High Court, Peshawar. Last opportunity granted for preliminary hearing. Adjourned to 13.04.2015 before S.B.



13.04.2015

Agent of counsel for the appellant and Assistant A.G for respondents present. Counsel for the appellant is stated busy at Dar-ur-Qaza, Swat. Last opportunity for preliminary hearing is extended to 28.4.2015 before S.B.

[Signature]
Chairman

28.04.2015

None present for appellant despite repeated calls. Mr. Kabirullah Khattak, Assistant A.G for respondents present. The Court time is over. The appeal is dismissed in default. File be consigned to the record.

ANNOUNCED
28.4.2015

[Signature]
Chairman
28/04/15

Certified to be true copy
[Signature]
KABIR ULLAH KHATTAK
Assistant Attorney General
Peshawar

Date of Presentation of Application 17-9-18
Number of Words 800
Copying Fee 10
Urgent _____
Total 10
Name of Copyist [Signature]
Date of Completion of Copy 18-9-18
Date of Delivery of Copy 18-9-18

بعد الت جواب سرویس سرانہ عمل کیشاور



Applicant/appellee

موزخہ	شاگرد اللہ	بنام	1916 وغیرہ
مقدمہ			
دعویٰ			
جرم			

Restoration Application No. 356/2019

باعث تحریر آفیکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ
 آج مقام کیشاور کیلئے شہادہ منجم جنک انڈولٹ سرانہ عمل کیشاور
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے و تقرر حالت ہ فیصلہ بر حلف دینے جواب دہی اور اقبال دعویٰ اور
 اہمورت ڈگری کرنے اجراء اور صولی چیک در پیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برادگی اور منسوخی
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
 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 بھی وہی جملہ مذکورہ یا اختیارات حاصل ہوں گے اور پاس کا ساختہ
 پر داخستہ منظور قبول ہوگا۔ دوران مقدمہ میں جو شرط چہ ہر جائزہ التوا نے مقدمہ کے سبب سے ہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر نہ و وکیل صاحب پابند ہوں گے۔ کہ پیروی
 نہ کو کرے۔ لہذا اذکالت نامہ لکھ دیا کہ سند ہے۔

Accepted by

Handwritten signature and date 2019

Handwritten signature

جگہ کے منظور ہے

مقام کیشاور

کیشاور
 شہادہ منجم جنک انڈولٹ
 وکیل صاحب
 نیشنل کونسل
 6/11/19-579415-581119
 صلح و صلح منجم جنک انڈولٹ