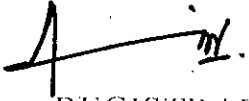


FORM OF ORDER SHEET

Court of _____

Appeal No.

1381/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/06/2023	<p>The appeal of Mr. Akhtar Ali resubmitted today by Mr. Taimur Ali Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Akhtar Ali Ex-Constable Excise and Taxation KP Peshawar received today i.e on 12.06.2023 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Check list is not attached with the appeal.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Annexures of the appeal are unattested.
- 4- Affidavit is not attested by the Oath Commissioner.
- 5- Wakalat nama is blank.
- 6- Four More copies/sets of the appeal along with annexures i.e complete in all respect may also be submitted with the appeal.

No. 1740 /S.T,

Dt. 13/6 /2023.



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Taimur Ali Khan Adv.
High Court Peshawar.

Respected Sir,

- 1- Removed
- 2- Removed
- 3- Removed
- 4- Removed
- 5- Removed
- 6- Removed

Resubmitted after compliance



20/6/2023.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 1381 /2023

Akhtar Ali VS Excise Taxation & Narcotics Control Dept:

INDEX

S.No	Documents	Annexure	Page No.
1.	Memo of Appeal	----	01-04
2.	Affidavit	----	05
3.	Copies of Form-A, show cause notice and reply to show cause	A,B&C	06-08
4.	Copy of judgment dated 24.11.2022	D	09-13
5.	Copy of charge report	E	14
6.	Copies of order dated 21.02.2023 and departmental appeal	F&G	15-16
7.	Vakalat Nama	----	17

APPELLANT

THROUGH:

(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

Cell No.03339390916

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. 1381 /2023

Khyber Pakhtunkhwa
Service Tribunal

Registry No. 5927

Dated 12/6/2023

Mr. Akhtar Ali, Ex-Constable,
Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa, Peshawar.

(APPELLANT)

VERSUS

1. The Secretary, Excise, Taxation & Narcotics Control, Department Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Director General, Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 21.02.2023, WHEREBY THE APPELLANT WAS DISMISSED FROM THE SERVICE WITH EFFECT FROM 02.05.2016 AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

THAT THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 21.02.2023 MAY PLEASE BE SET ASIDE AND THE APPELLANT MAY KINDLY BE REINSTATED INTO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

Filed to-day
12/6/23

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant was appointed in the respondent department as Constable in the year 2012 and has performed his duty with devotion and honesty, whatsoever, assigned to him and no complaint has been filed regarding his performance.
2. That the appellant while performing his duty in the said capacity a baseless allegation of involvement of illegal use and transportation of a Toyota Corolla Model Car Model 2002 Chassis No. NZE-121-3140476 was leveled against the appellant and in this respect Form-A was prepared, however neither signature of the appellant was taken on it nor CNIC or Phone No. was mentioned on it, rather NIL was mentioned before the CNIC and Phone No. column in the Form-A and on the basis of above baseless allegation, irregular and improper inquiry was conducted against the appellant as no opportunity of defense was provided to the appellant during the inquiry proceeding and on the basis of that improper inquiry, show cause notice was issued to the appellant which was duly replied by the appellant in which he denied the allegation and clearly mentioned in his reply to show cause notice that baseless allegation was leveled against the appellant. **(Copies of Form-A, show cause notice and reply to show cause are attached as Annexure-A,B&C)**
3. That on the basis of that improper inquiry, the appellant was dismissed from service vide order dated 02.05.2016, which was challenged by the appellant in service appeal No.806/2016 in this Honorable Tribunal. The appeal of the appeal was heard and decided by the Honorable Tribunal on 24.11.2022. The Honorable Service Tribunal Partially accepted the appeal and the appellant was reinstated into service and the case is remitted back to the department for proper/formal inquiry within 60 days of the receipt of the judgment and mentioned in judgment that the appellant shall be provided opportunity of defense during inquiry proceeding. **(Copy of judgment dated 24.11.2022 is attached as Annexure-D)**
4. That on the basis of judgment dated 24.11.2022, the appellant was reinstated into service on 17.01.2023 and he took over charge on 18.01.2023. **(Copy of charge report is attached as Annexure-E)**
5. That without issuing charge sheet to the appellant so that he may be able to give reply to charge sheet, again irregular and improper inquiry was conducted against the appellant in which again no opportunity of defense was provided to the appellant as neither statements were recorded in the presence of the appellant nor was he given opportunity of cross examination. Even the inquiry report was not provided to the appellant which may be requisite from the department.
6. That on the basis of baseless allegation and without conducting proper inquiry, major penalty of dismissal from service was imposed on the appellant with effect from 02.05.2016 vide order dated 21.02.2023

and in the dismissal order dated 21.02.2023 it was mentioned that inquiry officers submitted their report vide inquiry report dated 16.02.2023 alongwith the recommendation that the penalty imposed by the competent authority as per previous inquiry report may kindly be sustained i.e dismissal from service under E&D Rules 2011. The appellant then filed departmental on 23.02.2023 against the dismissal order dated 21.02.2023, which was not respondent within the statutory period of ninety days. **(Copies of order dated 21.02.2023 and departmental appeal are attached as Annexure-F&G)**

- 7. That the appellant has no other remedy except to file the instant appeal in this Honorable Tribunal for redressal of his grievance on the following grounds amongst others.

GROUND:

- A) That not taking action on the departmental appeal of the appellant within the statutory period of 90 days and the order dated 21.02.2023 are against the law, rules, facts, norms of justice and material on record, therefore, not tenable and liable to be set aside.
- B) That no proper and regular inquiry was conducted against the appellant as neither statements were recorded in the presence of the appellant nor gave him opportunity of cross examination, which is violation of law and rules and as such the impugned order is liable to be set aside.
- C) That previously no proper inquiry was conducted against the appellant before his dismissal due to which the Honorable Service Tribunal remitted back the case of the appellant to the department for proper/ formal inquiry and mentioned in the judgment dated 24.11.2022 that the appellant shall be provided roper opportunity of defense during the inquiry proceeding, but despite the clear direction of this Honorable Tribunal no regular/formal inquiry was conducted against the appellant as no opportunity of defense was provide to the appellant, which is clear violation of the judgment dated 24.11.2022 of this Honorable Tribunal.
- D) That no charge sheet was provided to the appellant before passing the impugned order, which is mandatory under the rules, which is violation of law and rules.
- E) That no show cause notice was provided to the appellant before passing the impugned order, which is against the law and rules.
- F) That even inquiry report was not provided to the appellant, which is violation of the rules.

- (4)
- G) That in previous reply to the show cause notice the appellant clearly mentioned that baseless allegation has leveled against him as in Form-A neither signature was taken from him nor CNIC or Phone No. was mentioned on it, rather NIL was mentioned before the CNIC and Phone No. column in the Form-A, but despite that no regular inquiry was conducted by the respondent department to dig out the reality about the allegations, which is against the norms of justice and fair play.
- H) That the opportunity of personal hearing and personal defense was not provided to the appellant, which is against the spirit of Article 10-A of the Constitution.
- I) That the appellant has been condemned unheard and has not been treated according to law and rules.
- J) That the appellant seeks permission of this Honorable Tribunal to advance others grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

THROUGH:


APPELLANT
Akhtar Ali


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

5

SERVICE APPEAL NO. _____/2023

Akhtar Ali VS Excise Taxation & Narcotics Control Deptt:

AFFIDAVIT

I, Akhtar Ali, Ex-Constable, Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa, Peshawar, (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this Honorable Tribunal.

A. Ali

DEPONENT

Phone: 9220150

RECOVERY MEMO

S.No. 8519

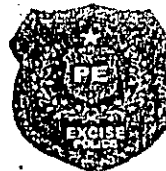
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GOVERNMENT OF KHYBER PAKHTUNKHWA
EXCISE & TAXATION DEPARTMENT



DISTRICT: Charsadda

10



FORM-A

(See Rule 5(1) of NWFP (Seizure and Disposal of Motor Vehicles) Rules, 1999)
Under Section 43 read with Sub-Section (4) of Section 25 of
Motor Vehicle Ordinance, 1965.

- Name and particulars of the Owner as per Registration Book: Akhtar Ali s/p
Muhammad Saddiq V. Nelaing Tehsil Dist Peshawar.
- Registration mark of the vehicle: A-9492 Peshawar
- Class of vehicle: Motor Car
- Make/Model of vehicle: Toyota Corolla 2002
- Colour of vehicle: White
- Chassis No. N2E-121-3140476
- Engine No. A497895
- Name, parentage and full address of the person from whom the vehicle was recovered:
AS Serial No I
- Place/Location, where the vehicle was seized: Vehicle Park
- Date and time of seizure: 17/12/2015 12 AM
- Accessories (if any): Spare tyre Tyre record

Note:- The owner/keeper is directed to attend the office of the District Excise & Taxation Officer, Charsadda
on 17/01/2016 to pursue his case as required under the rules.

Signature / LTI of the person from whom the vehicle is taken over.
NIC No. Nil
Phone No. Nil

Signature: [Signature]
Full Name: Dast Muhammad
Designation: Inspector
of the officer seizing the vehicle.

Attested by [Signature]


(REGISTERED POST)

SHOW CAUSE NOTICE

B (7)

Under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, you, Mr. Akhtar Ali Khan, Excise and Taxation Constable, Office of the Excise and Taxation Officer-III, Peshawar (Presently under suspension) are hereby served as follows:

2. That you, while posted as Constable by misusing your official position, was found involved in illegal use and transportation of a Toyota Corolla Motor Car Model 2002 chassis No. NZE-121-3140476.
3. Accordingly, I am satisfied that you have committed the following acts/omission specified in Rule 3 of the said rules:
 - (a) Guilty of misconduct;
4. As a result thereof, I, as the Competent Authority, have tentatively decided to initiate departmental proceedings for imposition major penalty of dismissal from service under the penal provisions of the ibid rules.
5. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
6. If no reply to this notice is received within seven (07) days or not more than fifteen (15) days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.


DIRECTOR GENERAL,
EXCISE, TAXATION & NARCOTICS CONTROL,
KHYBER PAKHTUNKHWA, PESHAWAR.


Endst: No. 4154-57 /Estb/P.File

Dated Peshawar the

03/03/2016.

A copy of the above is forwarded for information to:-

1. Deputy Director Excise and Taxation, Peshawar Region.
2. Excise and Taxation Officer-III, Peshawar.
- ✓ 3. Mr. Akhtar Ali Khan s/o Sadeeq Khan r/o Village Nelawai, Tehsil & District, Peshawar
4. Personal File.


DIRECTOR GENERAL,
EXCISE, TAXATION & NARCOTICS CONTROL,
KHYBER PAKHTUNKHWA, PESHAWAR.

C 8

The Director Revenue/Inquiry Officer,
Excise, Taxation & Narcotics Control
Khyber Pakhtunkhwa Peshawar.

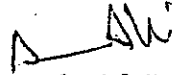
Subject: REPLY ON BEHAL FO AKHTAR ALI CONSTABLE WORKING IN OFFICE OF
ETO-III PESHAWAR.

Sir

With due reverence & veneration, it is stated that the allegations levelled
against me in connection with involvement in any illegal activity/insertion of name in
form "A" are totally baseless, unfair and illegitimate, as my name was wrongly inserted
in form "A" as the said form does not bear my signature nor I have any information as
if I was found involved in any illegal activity, then why the same was not brought
to the notice of high ups. It clearly transpires that my name was wrongly, illegally and
unfairly mentioned in the form "A". Besides, in the said form my CNIC was not
mentioned. Furthermore, it is very interesting to mention here that the time of report is
stated as 12:00 am so if it is day time then I was present on my duty and this fact
is certified.

It is therefore, prayed that keeping in view the above mentioned facts I be

Yours faithfully,


Yours faithfully,

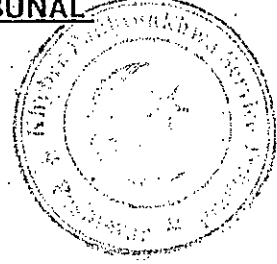
(AKHTAR ALI)
Office of ETO-III

D 9

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No.816/2016

Date of Institution ... 01.08.2016
Date of Decision ... 24.11.2022



Akhtar Ali S/o Muhammad Sadiq (Ex-Constable, Excise & Taxation
Police, Peshawar), R/o Nelavay, Tehsil & District Peshawar.

(Appellant)

VERSUS

The Government of Khyber Pakhtunkhwa through Secretary, Excise,
Taxation & Narcotics Control Khyber Pakhtunkhwa, Peshawar and
eight others.

(Respondents)

Muhammad Jamil,
Advocate

... For appellant.

Muhammad Riaz Khan Paindakhel,
Assistant Advocate General

... For respondents.


Mrs. Rozina Rehman
Miss Fareeha Paul

... Member (J)
... Member (E)

JUDGMENT

ROZINA REHMAN, MEMBER (J): The appellant has invoked the
jurisdiction of this Tribunal through above titled appeal with the
prayer as copied below:

"That on acceptance of this appeal, the impugned
order dated 02.05.2016 of respondents No. 2 may kindly
be set aside and the appellant may kindly be reinstated in
service with all back benefits."

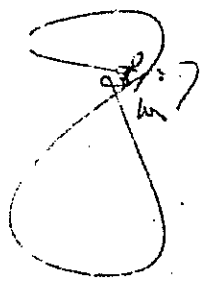
ATTESTED

BY ATTESTER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

10


2. Brief facts of the case are that appellant was appointed as constable in Excise, Taxation & Narcotics Control Khyber Pakhtunkhwa, Peshawar on 28.02.2012. It was on 17.12.2015 when the appellant was implicated in a case allegedly on the instigation of his opponents. He was issued charge sheet alongwith statement of allegations but the same was not served upon the appellant in time and he submitted reply to the show cause notice whereby he denied all the allegations and vide order dated 02.05.2016 he was dismissed from service. Being aggrieved from the said order, he preferred departmental appeal which was not responded to, hence the present service appeal.

3. We have heard Muhammad Jamil, Advocate learned counsel for the appellant and Muhammad Riaz Khan Paindakhel, learned Assistant Advocate General for respondents and have gone through the record and the proceedings of the case in minute particulars.

4. Muhammad Jamil Advocate, learned counsel for the appellant argued that the impugned order was illegal, against the law and facts hence not maintainable in the eyes of law as the mandatory provision of law and rules were badly violated. He submitted that no proper inquiry was conducted in order to unearth the hidden facts and that the appellant was not treated according to law. It was further submitted that neither the show cause notice nor copy of the inquiry report was properly communicated to the appellant and that he was punished without any fault on his part. He, therefore, requested for acceptance of instant service appeal.



ATTESTED
Khyber Pakhtunkhwa
Service Tribunal
Peshawar



11

5. Conversely, learned AAG submitted that the appellant was involved in illegal use of transportation of a Toyota Corolla motor car model 2002 by displaying a fake government number Plate A-9492, therefore, he was implicated in Form A as the appellant was caught red handed in the smuggling of a Non Custom Paid Vehicle. He contended that one Salah Uddin, Director Revenue, Excise & Taxation Khyber Pakhtunkhwa was nominated as Inquiry Officer, who revealed that appellant was involved in illegal use of transportation of vehicle. Proper show cause notice was issued and it was sent at his home address which was replied by the appellant and that after completion of all codal formalities he was punished according to law.

6. From the record it is evident that the appellant was appointed as constable on 28.02.2012 in Excise, Taxation & Narcotics Control Khyber Pakhtunkhwa, Peshawar. It was on 17.12.2015 when the present appellant was charged for displaying fake government number plate No. A-9492 Peshawar on a Toyota Corolla 2002 and was ceased by mobile squad Charsadda headed by Dost Muhammad, Inspector. The vehicle was ceased on 17.12.2015 and the grounds of seizure were that:

- (a) He was not in possession of authority letter of the vehicle.
- (b) No registration certificate was produced on the spot.
- (c) The vehicle seemed to be non-custom paid.

7. Accordingly, Form A was prepared and departmental proceedings were initiated against appellant. Before issuance of show cause notice, a fact finding inquiry was conducted by Director

ATTESTED
Khyber Pakhtunkhwa
Director Revenue, Excise & Taxation
Peshawar

12

excise, Taxation & Narcotics Control. The Inquiry Officer examined one Dost Muhammad Excise & Taxation Officer Charsadda alongwith record and in view of his statement, he recommended departmental action under Efficiency & Discipline Rules 2011, against appellant. On the third day i.e 03.03.2016, show cause notice was issued to the appellant which was replied by him and vide order dated 02.05.2016, he was dismissed from service. No charge sheet alongwith statement of allegations was ever issued and served upon the appellant. No regular inquiry was conducted and the appellant was not afforded any opportunity of cross examining the witnesses. "Form A" is available on file which shows that signature of one Dost Muhammad Inspector was obtained whereas the signature of the person from whom the vehicle was taken over was left blank rather "Nil" was written therein.

8. The respondents have very blatantly violated the set norms and rules and conducted the proceedings in an authoritarian manner. We have observed that the inquiry conducted by the respondents is not in accordance with law/rules. It is, however, a well-settled legal proposition duly supported by numerous judgments of Apex Court that for imposition of major penalty, regular inquiry is a must.


9. In view of the above circumstance, facts and discussion made herein above the instant service appeal is partially accepted. Appellant is reinstated into service and case is remitted back to the Department for proper/formal inquiry within 60 days of the receipt of this judgment. Needless to mention that the appellant shall be

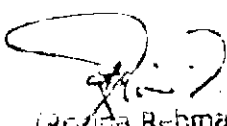
ATTESTED


K. J. ...
S. ...
...

provided proper opportunity of defense during the inquiry proceedings. The issue of back benefits shall be subject to the outcome of the inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.
24.11.2022


(Farzana Paul)
Member (E)


(Arzina Rehman)
Member (J)

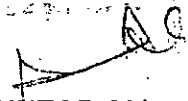
Certified to be true copy

K. S. ...
...

Date of ... 15/12/22
Number of ... 2002
... 22/11
... 26/11
Date of ... 15/12/22
Date of Delivery of Copy ... 15/12/22

CHARGE REPORT

E 19

In pursuance of the Director General, Excise, Taxation and Narcotics Khyber Pakhtunkhwa, Peshawar order No.6038/Estb/P.File dated 17-01-2023 I, Akhtar Ali, assumed the charge of my duty as Constable in the office of Directorate General, ET&NC, Khyber Pakhtunkhwa, Peshawar today on 18-01-2023 (Fore-Noon).


AKHTAR ALI
Constable O/o ET&NC, Peshawar

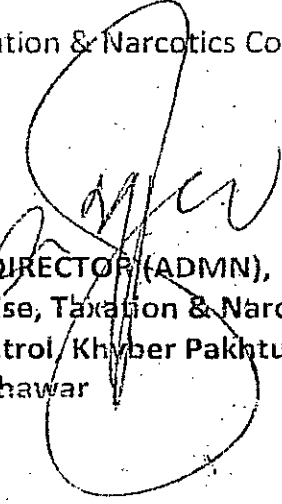
OFFICE OF THE DIRECTORATE GENERAL, EXCISE, TAXATION & NARCOTICS CONTROL KHYBER PAKHTUNKHWA, PESHAWAR

No 1078-87/E&T

Dated 19/01/2023

Copy Forwarded to:

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director (Admn), Excise, Taxation & Narcotics Control Khyber Pakhtunkhwa, Peshawar.
3. The Director (Peshawar Region), Excise, Taxation & Narcotics Control Khyber Pakhtunkhwa, Peshawar.
4. The District Accounts Officer, Peshawar.
5. Personal File.


DIRECTOR (ADMN),
Excise, Taxation & Narcotics
Control, Khyber Pakhtunkhwa,
Peshawar

F 15

**DIRECTORATE GENERAL,
EXCISE, TAXATION & NARCOTICS CONTROL,
KHYBER PAKHTUNKHWA, PESHAWAR.**
Auqaf Complex, Shami Road, Peshawar Cantt Phone Nos. 091-9212260-9211209

Dated Peshawar the 21/02/2023.

ORDER.

No. 6924 /Estb/XXXV-D-82. Consequent upon judgement received from Khyber Pakhtunkhwa Service Tribunal, Peshawar, judgement No. 3682/ST dated 21.12.2022, Mr. Akhtar Ali, Constable, Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa who was dismissed from services vide order No. 5944/Estb/XXXVD-82 dated 02.05.2016, was reinstated into service vide this office Order No. 6028/Estb/P.File dated 17.01.2023. As per directives of Khyber Pakhtunkhwa Service Tribunal, Peshawar a formal inquiry under the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011, was re-initiated against the official.

Inquiry Officers, submitted their report vide Inquiry Report No. 6786/Dir(Lit)/Inquiry dated: 16.02.2023, alongwith recommendation that the penalty imposed by the Competent Authority, as per previous inquiry report may kindly be sustained i.e. dismissal from service under E&D Rules, 2011.

In view of the above, the undersigned is left with no other option except to proceed under Rule 4(1)(b)(iv) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 i.e. impose the major penalty of dismissal from service upon Mr. Akhtar Ali, E&T Constable with effect from 02.05.2016.

-Sd-

**DIRECTOR GENERAL,
EXCISE, TAXATION & NARCOTICS CONTROL,
KHYBER PAKHTUNKHWA, PESHAWAR.**

No. 6925-35 /Estb/XXXV-D-82.

Copy forwarded for information to: -

1. Accountant General, Fort Road Khyber Pakhtunkhwa, Peshawar.
2. Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar w/r to letter & judgement as mentioned above
3. Director (Litigation), Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa, Peshawar.
4. Section Officer(Litigation), Excise, Taxation & Narcotics Control, Department, Khyber Pakhtunkhwa, Peshawar.
5. Inquiry Officers, Concerned.
6. Excise & Taxation Officers-Concerned.
7. Assistant Director, Audit & Accounts, Directorate General, Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa Peshawar
8. PS to Secretary, Excise, Taxation & Narcotics Control Department, Khyber Pakhtunkhwa, Peshawar.
9. PA to Director General, Excise, Taxation & Narcotics Control Khyber Pakhtunkhwa Peshawar.
10. Official-Concerned
11. Personal File.

**DIRECTOR (ADMIN),
EXCISE, TAXATION & NARCOTICS CONTROL,**

9 (16)

بخدمت جناب سیکرٹری ایکسائز اینڈ ٹیکسیشن ڈیپارٹمنٹ
خیبر پختونخوا پشاور

درخواست بحالی ملازمت سائل از مورخہ 21-02-2023

جناب عالی! سائل حسب ذیل عرض رساں ہے۔

1- یہ کہ سائل شریف انفس اور قانون کی پاسداری کرنے والا شخص ہے اور پشاور کارہائشی و پیدائشی باشندہ ہے اور علاقے میں قدر کی نگاہ سے دیکھا جاتا ہے۔

2- یہ کہ سائل محکمہ ہذا میں بحیثیت سپاہی مورخہ 28-02-2012 کو ملازم ہوا اور اپنی خدمات سرانجام دینے لگا مگر بد قسمتی سے کوناگریز وجوہات کی بناء پر سائل کو ملازمت سے برخاست کر دیا گیا جس کے خلاف سائل نے سیکرٹری ایکسائز کو ایک درخواست / اپیل گزاری جس نسبت سائل کا مقدمہ زیر التواء پڑ گیا بدینہ وجہ سائل نے خیبر پختونخوا سروس ٹریبونل میں ایک اپیل برائے نظر ثانی گزاری جو کہ باقاعدہ طور منظور فرمائی گئی اور سائل کو اپنی ملازمت پر بحال کیا گیا۔

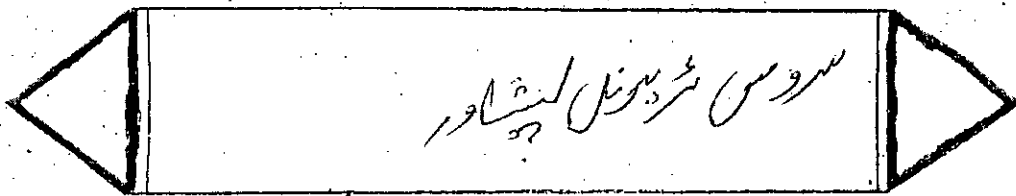
3- یہ کہ بعد از بحالہ ملازمت سائل سروس ٹریبونل کا حکم محکمہ ہذا کے پاس لے گیا جس میں باقاعدہ طور پر انکوائری کرائی گئی اور سائل کے بے گناہ قرار دیا سائل کو بمطابق مورخہ 17-01-2023 کو ملازمت کے بحالی کے نسبت حکم نامہ جاری کیا۔ (نقل حکم نامہ دو دیگر دستاویزات لف ہیں)۔

4- یہ کہ اس کے فوراً بعد مورخہ 21-02-2023 کو محکمہ ہذا نے سائل کے ملازمت کو بلا جواز و غیر قانونی طور پر پرانے تاریخ سے ختم کا حکم نامہ جاری کیا جو کہ سائل کے ساتھ سراسر نا انصافی ہے جس کا ازالہ کسی طور بھی ممکن نہ ہے۔

لہذا استدعا ہے کہ بمنظوری درخواست ہذا سائل کو اپنی ملازمت پر بحالی کا حکم حسب ضابطہ صادر فرمائیں اس امر کے لیے سائل دعا گو رہیگا

اختر علی ولد محمد صدیق 23/2/23
ساکن ناگمان کریانہ روڈ ٹیلاوی پشاور (رابطہ نمبر 0301-5910473)

بعد االت



اصول سے 2. پنجاب
اصول سے بنام محکمہ اعلیٰ

مورخہ
مقدمہ
دعویٰ
نیم

باعث تحریر آئنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام لنشا اور کیلئے محمود علی خان امیر وکیل
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقریرت االت ہ فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور
بہر وقت ڈگری کرنے اجراء اور وصولی چیک، درو پیا عرضی، دعویٰ اور درخواست ہر قسم کی تصدیق
ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یا نظرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نمرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ نیا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پر داختم منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہرجات التوائے مقدمہ کے سبب سے وہ ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا اذکالت نامہ لکھد یا کہ سندر ہے۔

Accepted
Attested
[Signature]

المترقوم _____ ماہ _____ 20 _____

لئے منظور ہے۔

بہ مقام

[Signature]