

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 1183/2016

Date of Institution ... 18.11.2016

Date of Decision ... 13.12.2018

Sajid Iqbal no.3920 Ex-constable Police Department of Khyber Pakhtunkhwa,
resident of Mir Said Kalay, Tangi District Charsadda. ... (Appellant)

VERSUS

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and three
others. ... (Respondents)

MR. MIAN HIKMATULLAH JAN,
Advocate

--- For appellant.

MR. KABIR ULLAH KHATTAK,
Additional Advocate General

--- For respondents.

MISS. SHAKEELA BEGUM,
Legal Advisor

--- For respondent no.4

MR. AHMAD HASSAN,
MR. MUHAMMAD HAMID MUGHAL

--- MEMBER(Executive)
--- MEMBER(Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER.- Arguments of the learned counsel for the
parties heard and record perused.

FACTS

2. The appellant has impugned order dated 29.06.2016, whereby ^{he} was dismissed
from service. Feeling aggrieved, he filed departmental appeal which was rejected
vide order dated 20.10.2016, hence, the instant service appeal.

ARGUMENTS

3. Learned counsel for the appellant argued that on the allegations of submitting
fake/bogus matric certificate at the time of appointment disciplinary proceedings

were initiated against him and major penalty of dismissal from service was imposed on him. His matric certificate was deliberately removed by the respondents from his personal file. He appeared in 1st year examination as a regular student of GHSS Umerzai, Charsadda and got DMC which was placed on file. Absence from duty on the part of the appellant was not intentional/deliberate, rather illness of his mother forced him to stay away from duty. He was condemned unheard.

4. On the other hand learned Additional Advocate General argued that as per record the appellant appeared in SSC Annual Examination 1996 under roll no. 33517 and failed in Urdu by securing 32 marks. As per result sheet, he was directed to reappear in the said paper. Thereafter, he produced a fake DMC and certificate and got appointment in the Police Department. Upon investigation it was found correct. The assertion of the respondents was also supported by the report given by Board of Intermediate and Secondary Education Peshawar. The charge of production of fake bogus DMC was proved against the appellant.

5. Learned counsel for respondent no.4 concurred with the arguments advanced by learned Additional Advocate General.

CONCLUSION

6. In the instant appeal the appellant got appointment as Constable in the Police Department on the basis of a fake/bogus metric DMC/Certificate. He appeared in SSC Annual Examination 1996 and failed in Urdu by getting 32 marks. It was established that he had not passed SSC Examination. The photocopy of DMC annexed by the appellant with the memo of present appeal was fake. In the original result he got 32 marks in Urdu, while 70 have been shown in the fake DMC. The respondents referred the matter for verification to the BISE Peshawar in which it

was confirmed that he produced fake/bogus DMC. During the course of arguments learned counsel for the appellant was directed to provide copy of SSC of the appellant but he was unable to provide the same. Rather, it proved the charge of submission of ^{faken} documents.

7. As a sequel to above, the appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.



(MUHAMMAD HAMID MUGHAL)
MEMBER



(AHMAD HASSAN)
MEMBER

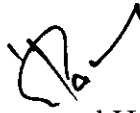
ANNOUNCED
13.12.2018

Order

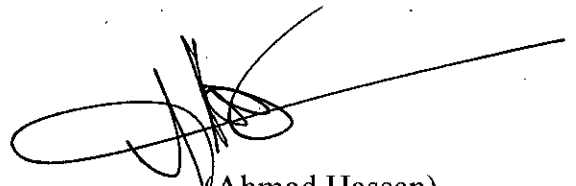
13.12.2018 Counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents no. 1 to 3 and counsel for respondent no.4 present. Arguments heard and record perused.

Vide our detailed judgment of today of this Tribunal placed on file, the appeal is dismissed. Parties are left to bear their own cost. File be consigned to the record room.

Announced:
13.12.2018



(Muhammad Hamid Mughal)
Member



(Ahmad Hassan)
Member



13.08.2018

Appellant Sajid Iqbal in person present. Mr. Muhammad Arif, Assistant alongwith Mr. Ziaullah, DDA for respondents present. Appellant made a request for adjournment. Granted. To come up for arguments on 10.10.2018 before D.B.



Member



Chairman

10.10.2018

Clerk to counsel for appellant and Mr. Riaz Paindakheil learned Assistant Advocate General present. Clerk to counsel for appellant requested for adjournment as counsel for appellant is not in attendance. Adjourned. To come up for arguments on 08.11.2018 before D.B.



Member



Member

08.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 13.12.2018.



READER

28.12.2017

Appellant in person and Addl: AG for respondents present. Arguments could not be heard due to incomplete bench. Adjourned. To come up for arguments on 16.02.2018 before D.B.


Member

16.02.2018

Counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present. Counsel for the appellant seeks adjournment. To come up for arguments on 11.04.2018 before the D.B.


Member


Chairman

11.04.2018

Learned counsel for the appellant and Mr. Zia Ullah, learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 22.06.2018 before d.B



(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

22.06.2018

Junior counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney for the respondents also present. Junior counsel for the appellant seeks adjournment on the ground that learned senior counsel for the appellant is not available today. Adjourned. To come up for arguments on 13.08.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member


08.05.2017

Appellant in person present. Mr. Muhammad Butt, Additional: AG for the respondents present. Written reply on behalf of respondents No. 4 submitted. The appeal is assigned to D.B for rejoinder and final hearing on 08.07.2017.


Chairman


09. 04.07.2017 Appellant present in person. Mr. Muhammad Adeel Butt, Additional AG and counsel for private respondent No. 4 also present. Appellant requested for time to file rejoinder. Request accepted. To come up for rejoinder and arguments on 08.08.2017 before D.B.

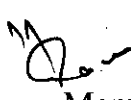

(Gul Zeh Khan)
Member


(Muhammad Hamid Mughal)
Member

18.10.2017

Appellant in person and Mr. Ziaullah, DDA for respondents present. Rejoinder on behalf of the appellant submitted which is placed on file. To come up for arguments on 28.12.2017 before D.B.


Member
(Executive)


Member
(Judicial)

07.02.2017

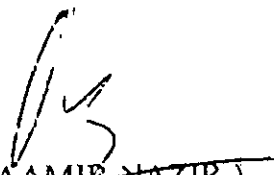
Clerk to counsel for the appellant and Adcl. AG for respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply/comments on 07.03.2017 before S.B.


(ASHFAQE TAJ)

MEMBER

07.03.2017

Counsel for the appellant and Mr. Muhammad Raziq H.C. alongwith Adcl. AG for respondents present. Written reply on behalf of respondents No. 1, 2, and 3 submitted. Written reply on behalf of respondents No. 4 not submitted. Requested for adjournment. To come up for written reply of respondents No. 4 on 05.04.2017 before S.B.


(MUHAMMAD AMIR NAZIR)

MEMBER

08.05.2017

Appellant in person and Adcl. AG for the respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 08.05.2017 before S.B.


Chairman

06.12.2016

Counsel for the appellant present. Preliminary arguments heard and case file perused. Through the instant appeal, the appellant has impugned order dated 29.06.2016 vide which the appellant was dismissed from service. Against the impugned order appellant filed departmental appeal which was rejected by appellate authority vide order dated 20.10.2016 hence the instant service appeal.

Appellant Deposited
Security & Process Fee

Since the matter required further consideration of this Tribunal therefore, the same is admitted for regular hearing, subject to deposit of security and process fee within 10 days. Notices be issued to the respondents for written reply/comments for 16.01.2017 before S.B.

Member

16.01.2017

Counsel for appellant and Mr. Aziz Shah, Reader alongwith Mr. Muhammad Adeel Butt, Additional AG for respondents No. 1 to 3 present. Ms. Shakeela Begum, advocate for respondent No. 4 present and submitted Wakalatnama. Written reply by respondents not submitted. Learned Additional AG for respondent No. 1 to 3 and counsel for respondent No. 4 requested for adjournment. Adjourned. To come up for written reply/comments on 07.02.2017 before S.B.

(ASHFAQUE TAJ)
MEMBER



Counsel for the appellant present. Preliminary arguments heard and case file perused. Through the instant appeal, the appellant has impugned order dated 15.04.2009 vide which the appellant was denied promotion due to his pending inquiry. Later on the appellant was exonerated from the inquiry by the inquiry committee. The appellant filed departmental appeal on 11.07.2016 to consider the appellant for promotion from the date of his joining concerning his promotion and his denied promotion due to his involvement in inquiry. Hence the instant service appeal.

Since the matter required further consideration of this Tribunal therefore, the same is admitted for regular hearing, subject to deposit of security and process fee within 10 days.

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1183/2016


S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	30/11/2016	<p style="text-align: center;">The appeal of Mr. Sajid Iqbal resubmitted today by Mian Hikmatullah Jan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	1/12/2016	<p style="text-align: center;">This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>06/12/2016</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Sajid Iqbal No. 3920 Ex-Constable in police department received today i.e. on 18.11.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Annexures of the appeal may be flagged.
- 3- Six more copies/sets of the appeal along with annexures i.e complete in all respect may also be submitted with the appeal.

No. 1936 /S.T,

Dt. 21/11/2016


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Mian Hikmatullah Jan Adv. Pesh.

*is Resubmitted after
completion Hijam*

BEFORE THE HONOURABLE SERVICES TRIBUNAL, KPK, PESHAWAR.

Service Appeal # ...1183... 2016

Sajid Iqbal VERSUS I.G.P. and others

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S. No.	Description of Documents	Annexure	Pages
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2.	Addresses of parties	-----	4
3.	Copy of charge sheet	A	5
4.	Copy of disciplinary action	B	6
5.	Copy of final show cause notice	C	7
6.	Copy of reply to show cause notice	D	8---9
7.	Copy of the dismissal order dated 29-06-2016	E	10
8.	Copies of departmental appeal	F	11---13
9.	Copies of order dated 20-10-2016	G	14
10.	Copy of metric provisional certificate	H	15
11.	Copy of F.A. DMC of 1 st year	I	16
12.	Other Documents	-----	
13.	Wakalatnama	-----	

Dated :- 18-11-2016

Appellant

Through



Mian Hikmatullah Jan

Advocate,

High Court, Peshawar.

Cell # 0301-8902021

BEFORE THE HONOURABLE SERVICES TRIBUNAL, KPK, PESHAWAR.

Service Appeal 1183/2016

SAJID IQBAL NO. 3920 EX- CONSTABLE IN POLICE DEPARTMENT OF KHYBER PAKHTUNKHWA, RESIDENT OF MIR SAID KALAY, TANGI DISTRICT CHARSADDA.

(APPELLANT)
Khyber Pakhtunkhwa
Service Tribunal

VERSUS

Diary No. 1201

Dated 18-11-2016

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer, Police Headquarters, Peshawar.
3. Superintendent of Police, Police Headquarters, Peshawar.
4. Chairman Board of Intermediate and Secondary Education, Peshawar.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 READ WITH OTHER ENABLING PROVISIONS OF LAW AGAINST THE DISMISSAL ORDER DATED 20-10-2016 BEARING NUMBER 1788-93/PA WHEREBY THE DEPARTMENTAL APPEAL FOR RE-INSTATEMENT OF APPELLANT WAS TURNED DOWN AGAINST THE DISMISSAL FROM SERVICE ORDER PR-1975 VIDE OB NO. 2305 DATED 29-06-2016 PASSED BY RESPONDENTS WHICH WAS COMMUNICATED TO THE APPELLANT ON 25-10-2016.

PRAYER IN APPEAL

ON ACCEPTANCE OF THIS APPEAL THE IMPUGNED ORDER DATED 20-10-2016 OF THE DISMISSAL OF THE APPELLANT MAY GRACIOUSLY BE SET ASIDE AND THE APPELLANT MAY KINDLY BE RE-INSTATED IN SERVICE WITH ALL THE BACK BENEFITS.

Filed to-day

Registrar
18/11/16

RESPECTFULLY SHEWETH :-

1. That the appellant was enlisted in the Police Department as constable on 23-07-1998 who after undergoing the requisite training had joined regular service.
2. That the appellant was charge sheeted for using fake metric certificate, for taking disciplinary action and was issued final show cause notice which was replied by the appellant but was not heard personally. (Copy of charge Sheet, disciplinary Action and final Show Cause notice are annexure – A, B, C and D)
3. That appellant served the police department for a lengthy period of 18/19 years with a clear and unqualified service record and now after 18/19 years of service the appellant on the basis of fake and anonymous SMS complaint has been suddenly

Re-submitted to-day
and filed.

removed / dismissed from service vide order dated 29-06-2016.(Copy of the dismissal order dated 29-06-2016 is annexure – E)

4. That the allegations against the appellants are that he has got the job on the basis of a fake metric certificate and remaining absent from service for about 18 days.
5. That feeling aggrieved from the impugned order dated 29-06-2016 the appellant preferred **appeal** against the same which was also decided vide order dated 20-10-2016 against the appellant and the same was communicated to the appellant on 25-10-2016. (copy of the appeal and order dated 20-10-2016 is annexure – F and G)
6. That feeling dissatisfied from the orders dated 29-06-2016 and 20-10-2016 the appellant approaches this August tribunal for the redressal of his grievances inter alia on the following grounds :-


GROUNDS :-


- i. That the impugned orders of the respondents are illegal, incorrect, perverse, cursory, malafide, slipshod, without due inquiry and without looking into the record of the appellant hence are not tenable in the eyes of law.
- ii. That no opportunity of being heard has been given by the inquiry officer nor by the respondent # 3 while conducting inquiry and passing the impugned order dated 29-06-2016.
- iii. That the process leading to dismissal of appellant was initiated on the basis of an anonymous SMS whereafter the record of appellants file was checked and the original metric DMC was reported to be found missing from the file which clearly shows the grudge and mala fide of hidden hands against the appellant.
- iv. That the appellant duly provided original metric DMC along with all other documents to the department at the time of his appointment / enlistment which was duly verified at that time but later on the same was shown to be missing.
- v. That as far as the Board record is concerned, the appellant applied for re-checking of his Urdu paper which was rendered as passed after re-checking and a passed metric DMC was issued to appellant which the appellant provided to the department at the time of his induction. But the same has been shown missing from the Amal Nama / file of the appellant available with the department while the provisional passed metric certificate issued by the concerned school in the same year is available. (copy of the Provisional Certificate is annexure – H)
- vi. That appellant passed his metric as he was also granted admission by the same Board in the inter class and the same record is also available with the Board. The appellant appeared in his 1st year F.A. Examination as regular student of Govt. Higher Secondary School Umarzai, Charsadda, who was also issued failed DMC of 1st year F.A. (copy of F.A. DMC of 1st year is annexure – I)
- vii. That being regular student of F.A. PART – 1, the appellant attended all his classes and during this period the appellant was appointed in the police department.

- viii. That the Board of Intermediate and Secondary Education Peshawar has also not maintained and scrutinized the academic record of the appellant and has given the verification reply to the department in a cursory and slipshod manner.
- ix. That absence of appellant was also not intentional but to the serious illness of his mother who has died recently.
- x. That appellant has never done anything wrong throughout his service career which could bring bad name to the department rather appellant has served the department with his heart and soul and with full zeal and fervour.
- xi. That as far as the fake Metric DMC is concerned the matter to this effect has not been thoroughly investigated and inquired into and a wrong conclusion has been drawn on the basis of incorrect and deficient information by the Board Authorities while for absence the appellant shall remain careful in future who shall respect obey his superiors.
- xii. That there is nothing on record against the appellant of his being involved in any corrupt practices or misconduct nor negligence, hence the appellant deserves re – instatement with all back benefits.
- xiii. That entire service record had remained unblemished and no adverse remarks has ever been earned by the appellant in the entire service record.
- xiv. That any other grounds which has not been specifically taken may be argued at the time of hearing.

It is, therefore, most humbly prayed that on acceptance of this appeal the punishment of dismissal may graciously be set aside and the appellant may be re-instated in the service with all back benefits.

Dated : 18-11-2016


Appellant

Through 

Mian Hikmatullah Jan
Advocate,
High Court, Peshawar.

BEFORE THE HONOURABLE SERVICES TRIBUNAL, KPK, PESHAWAR.

Service Appeal # / 2016

Sajid Iqbal VERSUS I.G.P. and others

ADDRESSES OF PARTIES

PETITIONER

SAJID IQBAL NO. 3920 EX- CONSTABLE IN POLICE DEPARTMENT OF KHYBER PAKHTUNKHWA, RESIDENT OF MIR SAID KALAY, TANGI DISTRICT CHARSADEA.

RESPONDENTS

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer, Police Headquarters, Peshawar.
3. Superintendent of Police, Police Headquarters, Peshawar.
4. Chairman Board of Intermediate and Secondary Education, Peshawar.

Petitioner

Through



Mian Hikmatullah Jan

Advocate,

High Court, Peshawar.

CHARGE SHEET

(5)

I, Superintendent of Police, Headquarters, Capital City Police Peshawar, as a competent authority, hereby, charge that Constable Sajid Iqbal No.3930 of Capital City Police Peshawar with the following irregularities.

"That you Constable Sajid Iqbal No.3930 while posted at PS Pharipura, Peshawar recruited in Police Department on fake certificate. This amounts to gross misconduct on your part and is against the discipline of the force."

You are, therefore, required to submit your written defence within seven days of the receipt of this charge sheet to the Enquiry Officer committee, as the case may be.

Your written defence, if any, should reach the Enquiry Officer/Committee within the specified period, failing which it shall be presumed that have no defence to put in and in that case exparte action shall follow against you.

Intimate whether you desire to be heard in person.

A statement of allegation is enclosed.

ATTESTED
Hijaz


SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

No. 26
9/5/16

Annex: B

6

DISCIPLINARY ACTION

I, Superintendent of Police, Headquarters, Capital City Police Peshawar as a competent authority, am of the opinion that Constable Sajid Iqbal No.3930 has rendered him-self liable to be proceeded against under the provision of Police Disciplinary Rules-1975

STATEMENT OF ALLEGATION

"That Constable Sajid Iqbal No.3930 while posted at PS Pharipura, Peshawar recruited in Police Department on fake certificate. This amounts to gross misconduct on his part and is against the discipline of the force."

ATTESTED
Hijam

For the purpose of scrutinizing the conduct of said accused with reference to the above allegations an enquiry is ordered and SDPo Faqirabad is appointed as Enquiry Officer.

2. The Enquiry Officer shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused officer, record his finding within 30 days of the receipt of this order, make recommendations as to punishment or other appropriate action against the accused.

3. The accused shall join the proceeding on the date time and place fixed by the Enquiry Officer.

PK
call Constable

[Signature]
SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

ASP FAQIRABAD
Circle Peshawar

No. 125 /E/PA, dated Peshawar the 05/05 /2016

SDPo Faqirabad is directed to finalize the aforementioned departmental proceeding within stipulated period under the provision of Police Rules-1975.

2. Official concerned

Amer: C

7

FINAL SHOW CAUSE NOTICE

I Superintendent of Police, Headquarters, Capital City Police Peshawar, as competent authority, under the provision of Police Disciplinary Rules 1975 do hereby serve upon you, Constable Sajid Iqbal No.3930 the final show cause notice.

The Enquiry Officer, ASP Faqirabad, after completion of departmental proceedings, has recommended you for major punishment for you Constable Sajid Iqbal No.3930 as the charges/allegations leveled against you in the charge sheet/statement of allegations.

And whereas, the undersigned is satisfied that you Constable Sajid Iqbal No.3930 deserve the punishment in the light of the above said enquiry reports.

ATTESTED

I, competent authority, have decided to impose upon you the penalty of minor/major punishment under Police Disciplinary Rules 1975.

Hujam

1. 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.

2. If no reply to this notice is received within 7 days of its receipt, in normal course of circumstances, it shall, be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.

Q. 1.3.
SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

No. 1287E /PA, SP/HQrs: dated Peshawar the 01/6 /2016.

Copy to official concerned

To

Annex: D
⑧

The Superintendent of Police,
Headquarters, Peshawar.

Subject:- REPLY OF FINAL SHOW CAUSE NOTICE AND STATEMENT
OF ALLEGATION/DISCIPLINARY ACTION.

Respected Sir,

Most humbly and respectfully the applicant beg to submit the following for your kind consideration and favourable action please:-

1. That the charges levelled against me is based surmises and cojectures and as such the real facts have totally been concealed and misrepresented.
2. That actually the applicant passed his matric examination during 1996 Annual under Roll No.33517 and the enrolment of the applicant is quite genuine with out any misrepresentation or mis-statement, thus the charges are based on malafide intention.
3. That all the relevant record is genuine without any bogasity or mis-representation and mis statement and during this long period a guge period of service has been made with unblamashid record, and after expiry of 19 years service the forged and bogus allegations have been narrated against the petitioner which not entertainable in the eye of law and natural justice.
4. That the record of the petitioner services if clear and services of the petitioner for a period 19 years with unblamished record and during this period the earrors have not been established by any cornor.

ATTESTE

Hayan

It is, therefore, humbly prayed that on acceptance of this petition the record of the applicant may kindly be considered and the services of the applicant be regularised with all back benefits salaries and wages etc.

Applicant

Sajid

Muhammad Sajid Aiqbal
S/O Kachkoo Khan M/O
Mir Said Killi Tangi
District Charsadda.
Mobile No. 03155107274.

Dated: -9.6.2016.

ATTESTED

Anjum

ORDER

Annex: E

(10)

This office order relates to the disposal of formal departmental enquiry against Constable Sajid Iqbal No.3930 of Capital City Police Peshawar on the allegations that he was recruited in Police Department on fake metric certificate.

In this regard, he was issued charge sheet and summary of allegations. ASP Faqirabad was appointed as Enquiry Officer. He conducted the enquiry and submitted his report that defaulter official did not attend the enquiry proceedings. The E.O further recommended major punishment of dismissal from service for the defaulter official vide Enquiry Report No.26/ST dated 31.05.2016.

Upon the finding of Enquiry Officer, he was issued final show cause notice to which he received & replied but his explanation found un-satisfactory. He was called for O.R but he failed to appear before this office & not reported arrival at PS AMJS & remained absent from 11.06.2016 till date.

Upon which DSP Legal opinion was sought. He opined that "the accused official was repeatedly summoned by the E.O but he deliberately failed to appear and defend himself. As such the E.O recommended him for award of major punishment of dismissal from service. Besides finding of E.O has also proved/established deceitful Act of the accused constable, due to which he was recruited as constable on fake certificate. Besides legal as well as departmental action has already been approved by worthy CCPO on 13.04.2016 which needs to be complied with without further loss of time."

ATTESTED

Amir

In the light of recommendations of E.O, DSP Legal opinion & other material available on record, the undersigned came to conclusion that the alleged official found guilty of the charges of deceitful. Therefore, he is hereby dismissed from service under Police & Disciplinary Rules-1975 with immediate effect. Hence, the period he remained absent from 11.06.2016 till date is treated without pay.

[Signature]
SUPERINTENDENT OF POLICE
HEADQUARTERS, PESHAWAR

OB. NO. 2305 / Dated 29/ 6 /2016

No. 2709-17 /PA/SP/dated Peshawar the 30/6 /2016

Copy of above is forwarded for information & n/action to:

- ✓ The DIG Enquiry & Inspection, KPK Peshawar w/r to his office letter No.1333/E&I dated 06.04.2016.
- ✓ Capital City Police Officer, Peshawar.
- ✓ DPO Charsadda. He is requested to direct the SHO PS Tangi to take necessary legal action against Sajid Iqbal s/o Kachkol-ur-Rahman r/o Zuhrah Gul Killi Tangi Charsadda.
- ✓ DSP/HQrs, Peshawar.
- ✓ Pay Office, OASI, CRC & FMC along-with complete departmental file.
- ✓ Officials concerned.

To

Annex: F

(11)

The Chief Capital City Police K.P.K
Peshawar.

Subject:- APPEAL AGAINST THE IMPUGNED ORDER DATED 29.6.2016
WHEREBY I HAVE BEEN DISMISSED FROM SERVICES E.E.F
ON 29.6.2016.

Respected Sir,

Most humbly and respectfully the appellant beg to
submit the following for your kind consideration and favourable
action please:-

ATTESTED

Hijran

1. That the appellant was enlisted as police constable on 23.07.1998, and served the department for a complete 18 years with unblemished record, after 18 years services suddenly an allegation of fake matric certificate and passed a dismissal order of the appellant was passed on 29.6.2016. (Copies of dismissal order is attached.
2. That feeling aggrieved from the impugned order of dismissal the appellant has got no other adequate and speedy remedy except to file the instant departmental appeal before this Honourable forum hence this appeal on the following grounds amongst others:-
 - A) That the matric certificate of the appellant was fit and at the time of insitment the D.M.C and other relevant documents were correctly been filed before the concerned quarter and on the basis of those certificates the appellant was appointed against the post of constable and issued proper appointment order.
 - B) That the appellant also passed the first year examination and its d.M.C and other documents are also attached.

- C) That the allegations framed against the appellant are false, frivolous, and fictitious and the establishment were duty bound to scrutinised the documents and record of a person, and later on after proper verification and investigation to issue proper order of inlistment, in the instant no verification or any other investigation was made and after 17 years services the appellant has been dismissed.
- ATTESTED**
Hijem
- D) That the action taken against the appellant is baseless and concocted, as well as premature and in this stage a so called forged and frivolous proceedings have been initiated which are not entertainable in the eye of law and natural justice.
- E) That totally baseless proceedings have been initiated against the appellant and his 18 years services have been spoiled and he has been deprive of his lawful services, as well as a limitation of service period have also been passed as at this stage no one is willing to provide services to the appellant.
- F) That the Police establishment remained slept for a long time of 18 years, and after a long time they remember the proceedings against the appellant.
- G) That the action taken against the appellant is baseless and concocted and the appellant under the law is entitled for re-instatement in service with all service benefits.

It is, therefore, humbly prayed that on acceptance of this departmental appeal the imougned order dated 29.6.2016 may very graciously be set aside and the appellant be re-instated in service with all service benefits salaries and wages.

Yours obediently

ATTESTED

Sajid

Hijam

Dated: -12.7.2016.

(MUHAMMAD SAJID IQBAL S/O KACHKOOL KHAN)

R/O ZIAM QILA MIR SAID KILLI TEHSIL
TOANGI DISTRICT CHARSADDA.



**OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR**

Phone No. 091-9210989

Fax No. 091-9212597

Annex: 1

(14)

ORDER

This order will dispose off departmental appeal preferred by ex-constable **Sajid Iqbal No. 3920** who was awarded the major punishment of **Dismissal** from service under PR-1975 vide OB No. 2305 dated 29.6.2016 by SP-HQrs: Peshawar.

2- Short facts leading to the instant appeal are that the appellant was proceeded departmentally on the charge of SMS complaint received against him from the office of Inspector General of Police, Khyber Pakhtunkhwa Peshawar vide No.159/PAS dt: 12.1.2016, that he was recruited in police department on fake matric certificate. He also absented himself from lawful duty w.e.f 11.6.2016 to 29.6.2016 (18-days).

ATTESTED
Hijam

3- Proper departmental proceedings were initiated against him and Mr.Waseem Riaz Khan, ASP-F/Abad, was appointed as the E.O. The Enquiry Officer in his findings mentioned that as per letter No.6278 dt: 25.3.2016 of Peshawar Board Sajid Iqbal is failed in Urdu subject in the SSC Annual 1996. He found him guilty for recruitment as constable in police department on fake matric certificate. On receipt of the findings of the enquiry officer, the SP-HQrs: Peshawar issued him FSCN to which he submitted his written reply. The same was found unsatisfactory. He failed to appear before SP-HQrs: for personal hearing, therefore, awarded him the above major punishment.

4- The appellant was called in O.R and heard him in person on 19.10.2016. The enquiry papers were perused. He was provided full opportunity to defend himself but he miserably failed to produce any cogent reason in his favour. He has rightly been connected with the charge framed against him. The punishment award to him commensurate with the gravity of offence. There is no justification to interfere in the order passed by SP-HQrs: Peshawar. His appeal for reinstatement in service is **rejected/filed**.

Tahir
(MUHAMMAD TAHIR)
CAPITAL CITY POLICE OFFICER,
PESHAWAR

No **1788-93** /PA dated Peshawar the **20/10/2016**

Copies for inf and n/a to the:-

- 1/ SP/HQrs: Peshawar.
- 2/ PO/OASI/CRC for making necessary entry in his S.Roll.
- 3/ FMC along with FM
- 4/ Official concerned.

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

GOVERNMENT HIGH SCHOOL

ZUHRAB GUL KELLI CHARSADDA

PROVISIONAL CERTIFICATE

ANNUAL — SUPPLEMENTARY

Session 1996

Roll No. 33517

Admission No. 1121

CERTIFIED THAT MOHD SATID IBBAL

Son of KACHKOLUR - RAHMAN has passed the
Secondary School Certificate Examination from the Board of
Intermediate and Secondary Education, Peshawar held in March
1996 Annual / Supplementary as a regular Student of this
School.

Date of Birth 01 - 05 - 1980 (1ST MAY) ATTESTED

One Thousand Nine Hundred and EIGHTY

SUBJECT PASSED

1. ENG 2. URDU 3. IS 4. PS
5. G. Maths 6. C. Science 7. IS 8. PA

Marks Obtained 428 Grade C

Conduct Good Games _____

No _____ Dated 25-08-1996

Prepared by [Signature]

Checked by [Signature]

[Signature]
Headmaster,
Government High School,

Board of Intermediate & Secondary Education PESHAWAR

(16)

DETAILED MARKS CERTIFICATE

Intermediate Examination Humanities Group Part - I

Sr. No. 04753

Session 19 97 (Annual)

Sr. No.

Name

Muhammad Sajid Iqbal

Father's Name

Kachhal ur RahmanRoll No. 121353

SUBJECT	Total Number of marks allotted	* F	MARKS OBTAINED	
			In Figures	In words
1. English-I	100		09	
2. Urdu-I	100		25	
3. Islamic Education	50		12	
4. Civ	100		33	
5. IS	100		42	
6. Pk	100		36	
Total	550			

ATTESTED

[Signature]

Note: Errors / omissions excepted

F: Failed in the paper(s)

Date _____ 19 _____

20 SEP 2007

Controller of Examination
Board of Intermediate & Secondary Education
PESHAWAR

Prepared by _____

Checked by _____

Other documents
17

Q.G. No 283952

Board of Intermediate & Secondary Education PESHAWAR

DETAILED MARKS CERTIFICATE Secondary School Certificate Examination (GENERAL GROUP)

Session 19 96 (Annual/Supplementary)

Name Mohammad Sajid Akbar
Father's Name Kachkhar Bah Roll No. 33517

SUBJECT	Total Number of Marks Allotted	MARKS OBTAINED	
		In Figure	In Words
1. English	150	64	/
2. Urdu	150	75	
3. Islamiyat Comp.	75	55	
4. Pakistan Studies	75	33	
5. Gen. Mathematics	100	54	
6. General Science	100	41	
7. <u>IS</u>	100	36	
8. <u>Pa</u>	100	70	
Total	850	498	(Four hundred & Twenty eight)

This Certificate is issued errors and omission excepted

Prepared by: [Signature]
Date: 19

Checked by: [Signature]

[Signature]
PRINCIPAL
G.B.S. Zuhra Gul Kiani
Charsadda.

[Signature]
Controller of Examinations
Board of Intermediate & Secondary Education
Peshawar

	
ایڈووکیٹ/دستخط: <u>Amir Khan</u>	68068
بار کونسل ابار ایسوسی ایشن نمبر: _____ رابطہ نمبر: _____	پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: سروس ٹریبونل KPK پشاور

منجانب: <u>ایڈووکیٹ</u> <u>ساجد اقبال</u> بنام <u>I-9-P ونسیرہ</u>	دعویٰ: <u>سروس اپیل</u> علت نمبر: _____ مورخہ: _____ جرم: _____ تھانہ: _____
---	--

باعت تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
 آن مقام پشاور بیلنے میاں صاحبہ المرحمان امروہ و لکھنوی کو وکیل مقرر
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقرر حالت و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہو گا اور صاحب
 مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ
 میں جو خرچہ ہر جہانہ التوائے مقدمہ کے سبب سے ہوگا وہ وکیل موصوف وصول کرنے کا حقدار ہوگا کوئی تاریخ پیشی مقام
 دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ مندر ہے۔

المرقوم: 18/11/2016

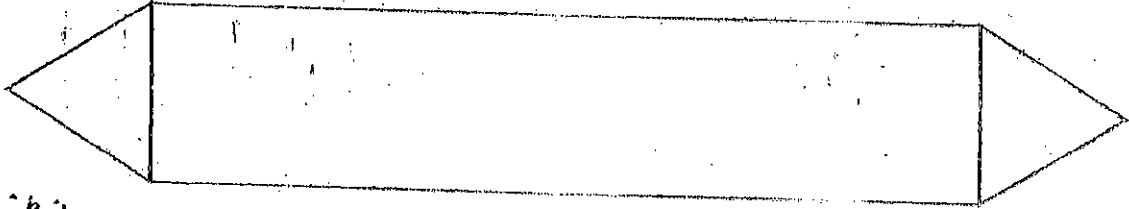
ب د گ واہ شد ب د الع

مقام پشاور کے لئے منظور ہے۔

Supide

بعد ازاں

سینئر ٹریکینول خیبہ نختو خواہ لیسے



20/6 پنجاب ریسیڈنٹ ٹیچر

26 دسمبر

مقام سینئر ٹریکینول

مقام

دعوی

مقام

1183/2016 اہل علم

باعت خیرانکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن
 کے لئے من شیلڈ سٹیج ایئر واپس لے کر
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا۔ وکیل صاحب کو دعوی
 صاحب دعوی دائر کرنے کا اختیار ہوگا۔ وکیل صاحب بلاخر پیری اجازت اقبال دعویٰ دینے یا رائی نامہ کرنے کا مجاز
 ہوگا۔ بصورت ڈگری کرنے اجراء وصولی چیک، روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر
 دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل
 کرنی و نظر حانی و پیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور
 وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی ہیلتے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات
 حاصل ہوں گے اور اس کا ساتھ پر اختیار منظور قبول ہوگا دوران مقدمہ میں جو خرچہ، ہر جائداد التوائے مقدمہ کے سبب سے
 ہوگا اس کے مستحق وکیل صاحب موصوف ہوں گے۔ نیز بنانا خرچہ کی وصولی کرنے کا بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی
 مقام دورہ پر ہو یا بعد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں لہذا وکالت نامہ لکھ دیا تاکہ سند رہے۔

20/6

دسمبر

تہ

26

المقام

CHAIRMAN BOARD OF INTERMEDIATE & SECONDARY EDUCATION PESHAWAR

SECRETARY BOARD OF INTERMEDIATE & SECONDARY EDUCATION PESHAWAR

کے لئے منظور ہے

مقام

Handwritten signature

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No.1183/2016.

Sajid Iqbal Ex- Constable No.3930 Police Line Peshawar.....Appellant.

VERSUS.

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.
3. Superintendent of Police, Headquarters, Peshawar.....Respondents.

Reply on behalf of Respondents No. 1, 2, &3.

Respectfully shewth:-

PRELIMINARY OBJECTIONS.

1. That the appeal is badly time barred.
2. That the appeal is bad for mis-joinder of unnecessary and non-joinder of necessary parties.
3. That the appellant has not come to this Hon'able Tribunal with clean hands.
4. That the appellant has no cause of action and locus standi.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant has concealed the material facts from Honorable Tribunal.
7. That this Hon'able Tribunal has no jurisdiction to entertain the appeal.

FACTS:-

- (1) Para No.1 pertains to record, hence needs no comments.
- (2) Para No.2 is correct to the extent that the appellant was proceeded departmentally on the allegations that he was recruited in police department on fake metric Certificate. He was issued proper charge sheet along with summary of allegations. He was summoned time and again but he did not attend the enquiry proceedings. Hence after fulfilling all codal formalities, the enquiry officer recommended him for major punishment. He was also called to OR for personal hearing and was heard in person in OR on 19.10.2016 but he failed to defend himself.
- (3) Para No.3 is incorrect. In fact as per letter No.6278 dated 25.03.2016 of Peshawar Board, Sajid Iqbal was found failed in Urdu subject in the SSC annual examination 1996. As the charges of fake metric Certificate were proved against him, hence he was awarded major punishment of dismissal from service.
- (4) Para No.4 is already explained above in detail.
- (5) Para No.5 is correct to the extent that the appellant preferred a departmental appeal but after due consideration was filed/ rejected because the charges leveled against him stood proved.


(6) That appeal of appellant being devoid of merits may kindly be dismissed with cost.


Grounds:-


- i. Incorrect. The punishment orders are legal, per the law/rules.
- ii. Incorrect. All codal formalities were fulfilled.
- iii. Incorrect. The charges leveled against him were proved.
- iv. Incorrect. The documents of appellant were proved fake after due verification from Peshawar Board.
- v. Incorrect. Para already explained in para No.3.
- vi. Incorrect. In fact the metric certificate was found fake vide letter No.6278 dated 25.03.2016 of Peshawar Board.
- vii. Incorrect. As above.
- viii. Incorrect. The charges leveled against him stood proved.
- ix. Incorrect. The appellant wilfully absented without taking permission/leave.
- x. Incorrect. The appellant was found guilty of misconduct.
- xi. Incorrect. Para already explained above in detail.
- xii. Incorrect. The appellant was found guilty of misconduct.
- xiii. Incorrect. The appellant was recruited on fake certificate.
- xiv. That the respondents also seek permission of this Honorable Service Tribunal to raise additional grounds at the time of arguments.

PRAYER.

It is therefore most humbly prayed that in light of above facts and submissions, the appeal of the appellant being devoid of merits and legal footing, may kindly be dismissed.


**Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.**


**Capital City Police Officer,
Peshawar.**


**Superintendent of Police,
HQs: Peshawar.**

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No.1183/2016.

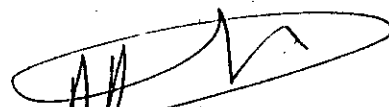
Sajid Iqbal Ex- Constable No.3930 Police Line Peshawar.....Appellant.

VERSUS.

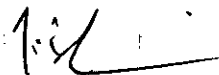
1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.
3. Superintendent of Police, Headquarters, Peshawar.....Respondents.

AFFIDAVIT

We respondents No. 1 ,2 & 3 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and nothing has concealed/kept secret from this Honorable Tribunal.



**Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.**



**Capital City Police Officer,
Peshawar.**



**Superintendent of Police,
HQrs: Peshawar.**

Attention
SS - Jehangir
sub -

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION

NO. 6278. SSC SECRECY

DATE. 25.03.2016

To
The Capital City Police Officer,
Peshawar.

23

Subject:- SMS COMPLAINT AGAINST CONSTABLE SAJID IQBAL NO. 3930

Memo,

Reference your letter No. 5290 CRC, Dated 18-03-2016. It is to inform that Roll No. 33517. Muhammad Sajid Iqbal S/O Kachkol Ur Rehman has been appeared in the SSC Annual 1996.

According to Board record he is fail in the subject of Urdu by obtain 32 Marks and has been declared Re-appear in the Subject of Urdu.

Secretary Officer
BISE Peshawar

9/15/16

BEFORE THE HONOURABLE SERVICES TRIBUNAL,
KPK, PESHAWAR.

In the matter of
Service Appeal No. _____/2016

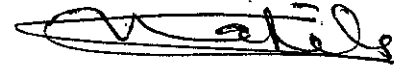
Sajid Iqbal..... Versus..... I.G.P etc.

INDEX.

S. No.	Description of documents.	Annex	Pages.
1	Written Statement along with affidavit.		1 to 5
2	Copy of Result Gazette.	"A"	6 to 7
3	Extract of result sheet.	"B"	8

Respondent No. 4.

Through



(Shakila Begum)
Advocate
Peshawar.

0 3339 333404

1

BEFORE THE HONOURABLE SERVICES TRIBUNAL,
KPK, PESHAWAR.

In the matter of

Service Appeal No. _____/2016

Sajid Iqbal.....Versus.....I.G.P etc.

Written Statement.

Respectfully sheweth:

Written Statement on behalf of Respondent No. 4
is as under;

PRELIMINARY OBJECTIONS.

- A) The Appellant has got no cause of action or locus standi against the replying Respondent.
- B) The Appellant is estopped by his own conduct to file the instant Appeal.
- C) The Appellant has not come to the court with clean hands.
- D) The Appeal in hand is based on malafide and is intended to get unwarranted relief.
- E) That for adjudication of the instant Appeal extensive trespass into the domain of factual controversy required, which cannot be gone into, in this appeal, therefore, the appeal in hand being misconceived is liable to be dismissed on this ground alone.
- F) With utmost respect this Honorable Court has no Jurisdiction.
- G) That the present appeal is not maintainable and entertainable in its present form.

ON FACTS.

- 1) Not related to replying Respondent, hence, no reply.

- 2) In reply to this Para it is submitted that according to record of replying Respondent i.e result sheet etc the appellant was appeared in the SSC Annual Examination 1996 under Roll No. 33517 and failed in the subject of Urdu by securing 32 marks, therefore, was declared to reappear in Urdu but he failed to reappear. As the appellant is not matriculate and he submitted a fake DMC, therefore, the Departmental Authorities have rightly dismissed the appellant from his service.
- 3) As the appellant at the time of his appointment was not matriculate and he submitted a fake DMC, therefore, he was rightly removed/dismissed from service.
- 4) In reply to this Para it is submitted that according to record of replying Respondent the appellant was failed in Urdu paper and he has not reappeared in Urdu paper, hence, he had failed to pass his matric examination. He was rightly removed/dismissed from service on this ground. So far the ground of absence from service is concerned; the replying Respondent has no concern with this allegation.
- 5) Needs no reply.
- 6) Totally illegal and incorrect. The appellant has not come to this Hon'able Court with clean hands and was not entitled to implead the reply Respondent in the instant appeal, hence, the appeal in hand is liable to be dismissed on this ground alone. The detailed reply of grounds raised in appeal is as under;

GROUND

- i) In reply to this ground it is submitted that as the appellant was not matriculate and he had provide a fake DMC, therefore, he was rightly dismissed from service.
- ii) Illegal and incorrect.
- iii) Not related to replying Respondent, hence, no reply.

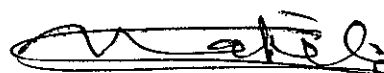
- iv) In reply to this ground it is submitted that according to record of replying Respondent the appellant has not passed his matric examination, therefore, it is totally incorrect that any document was verified from the replying Respondent.
- v) In reply to this ground it is submitted that according to record of replying Respondent the appellant was initially placed in UFM but later on the jury committee let off him and his actual result was declared as Re-Urdu due to obtaining 32 marks. It is totally incorrect that the appellant had applied for re-checking and after re-checking appellant was rendered as passed and a passed DMC was issued to the appellant. The photo copy of DMC of SSC annexed with the Memo of appeal is fake and factitious because the appellant has obtained 32 marks in Urdu and 66 marks was obtained in Pashto while in the DMC annexed with the appeal 75 marks has been shown in Urdu and 70 marks has been shown in Pashto which are incorrect according to the record of reply Respondent. (Copies of Gazette and extract of result sheet are Annex: "A" and "B" respectively.)
- vi) In reply to this Para it is submitted that according to board procedure prevailing at the time of appearance of the Petitioner in part-I exam, the documents provided with examination forms and result Gazette etc were used to scrutinize at the time of declaration of result of Part-II. As the Petitioner has not appeared in Part-II due to the reason that he was failed in Part-I, therefore, his documents at the time of Part-I exam remained unscrutinized. On the basis of appearance in Part-I exam and DMC of Part-I, the Petitioner is not entitled to claim that he has passed his matric examination.
- vii) Not related to replying Respondent.

- viii) Totally illegal and incorrect. The replying Respondent after verifying all the record has given the verification reply to the Police Department. It is totally incorrect that the replying Respondent has not maintained or scrutinized the academic record of appellant before verification reply.
- ix) Not related to replying Respondent, hence, no reply.
- x) Not related to replying Respondent.
- xi) Totally illegal and incorrect. Detailed reply has already given in above paras.
- xii) Totally illegal and incorrect. As the appellant has prepared fake and factitious DMC and has obtained the service on the basis of such like document, therefore, is not entitled for any benefit or relief from this Hon'ble Court/Tribunal on the basis of such like document.
- xiii) Not related to replying Respondent.
- xiv) Totally illegal and incorrect.

It is, therefore, respectfully prayed that the instant Appeal may kindly be dismissed with cost.

Respondent No. 4

Through



(Shakila Begum)

Advocate, Peshawar.

BEFORE THE HONOURABLE SERVICES TRIBUNAL,
KPK, PESHAWAR.

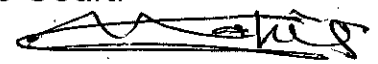
In the matter of

Service Appeal No. _____/2016

Sajid Iqbal.....Versus.....I.G.P etc.

AFFIDAVIT.

I, Shakila Begum, legal advisor, BISE, Peshawar do hereby solemnly affirm and state on oath that all the contents of accompanied written statement are true and correct and nothing has been concealed or withheld from this Honorable Court.



Deponent.

8098

Annex "A"

6

7098

2098

1098



**Board of Intermediate
&
Secondary Education
Peshawar**

RESULT GAZETTE

**SECONDARY SCHOOL CERTIFICATE
ANNUAL EXAMINATION**

1996

(Signature)

ATTESTED
To Secretary

M. S. QURESHI
Advocate High Court Peshawar

Price Rs. 450/-

appear

Roll No.	Name of candidate	Marks	obtd:	Ex:	In:	Subjects	Roll No.	Name of candidate	Marks	obtd:	Ex:	In:	Subjects
						Passed/Reappear							Passed/Reappear
33432	Umar Said	399	D	D	IS:PA:		33488	Akhtar Ali	509	C	B		
33433	Qasim Shah	-	-	-	E:GM:		33489	Sarwar Khan	439	C	C		
33434	Muzafar Shah	-	-	-	UFM		33490	Akbar Khan	433	C	C		
33435	Sangin Shah	-	-	-	UFM		33491	Jehanzeb Khan	466	C	D		
33436	Shakirullah	453	C	B	IS:PA:		33492	Fazali Rokhan	-	-	-	CH:	
33437	Sher Alam	-	-	-	E:U:GS:		33493	Muhammad Hassan	421	D	C		
33438	Aurangzeb	-	-	-	UFM		33494	Sajjad Ali	-	-	-	CH:	
33439	Nazir Gul	-	-	-	GM:GS:		33495	Imranullah	426	C	D		
33440	Shafi Gul	-	-	-	UFM		33496	Niaz Ali	406	D	D		
33441	Alamzeb	-	-	-	E:U:PS:GS:		33497	Imran Ali	419	D	D		
33442	Naseemullah	-	-	-	E:		33498	Syed Mudasar Shah	480	C	B		
33443	Anif Jan Khan	-	-	-	U:		33499	Muhammad Ali	-	-	-	CH:	
33444	Asadullah	402	D	D	IS:PA:		33500	Masood Jan	377	D	C		
33445	Jehanullah	-	-	-	UFM		33501	Muhammad Amir	450	C	C		
33446	Shoukat Ali	-	-	-	E:			Sharif	-	-	-		
33447	Khalid Dad	-	-	-	E:		33502	Masood Khan	407	D	D		
GOVT: HIGH SCHOOL ZUHRAB GUL KILLI (CHARSADDA):													
33448	Muhammad Ayaz	560	B	A			33503	Shah Jehan	-	-	-	E:	
33449	Farooq Shah	527	B	A			33504	Muhammad Sayyar	413	D	D		
33450	Farmanullah Jan	601	A	A			33505	Khan Bahadur	-	-	-	UFM	
33451	Syed Faqeer	596	A	A			33506	Javed Khan	493	C	D		
33452	Niaz Muhammad	576	B	B			33507	Anwarullah Khan	562	B	B		
33453	Ghousur Rehman	444	C	B			33508	Iqbal Khan	435	C	C		
33454	Raj Wali Khan	487	C	C			33509	Mazullah Khan	-	-	-	UFM	
33455	Arshad Shahab	449	C	C			33510	Muhammad Khan	488	C	C		
33456	Muslim Khan	-	-	-	UFM		33511	Sajid Ali	473	C	D		
33457	Arshad Ali	537	B	B			33512	Alam Khan	-	-	-	UFM	
33458	Taj Muhammad	469	C	B			33513	Muhammad Ismail	-	-	-	UFM	
33459	Yousaf Shah	505	C	B			33514	Salahuddin	-	-	-	UFM	
33460	Riaz Khan	425	C	C			33515	Salahuddin	445	C	B	IS:PA:	
33461	Ajmal Khan	535	B	C			33516	Hamid Jan	-	-	-	UFM	
33462	Shah Saoud	434	C	C			33517	Muhammad Sajid Iqbal	-	-	-	UFM	
33463	Syed Islam Badshah	461	C	B			33518	Azizuddin	449	C	C	IS:PA:	
33464	Tilawat Shah	454	C	C			33519	Gohar Ali	478	C	B	IS:PA:	
33465	Misal Khan	474	C	C			33520	Rasheed Khan	465	C	C	IS:PA:	
33466	Muhammad Idris	490	C	C			33521	Janas Khan	-	-	-	E:	
33467	Bashir Khan	427	C	B			33522	Attullah	462	C	B	IS:PA:	
33468	Abdul Hameed Khan	438	C	B			33523	Khudad Noor	483	C	A	IS:PA:	
33469	Dost Muhammad	530	B	C			33524	Dost Muhammad	-	-	-	U:	
33470	Jamshaid Ali	510	B	C			33525	Farhadullah	-	-	-	UFM	
33471	Shah Khalid	478	C	A			33526	Ali Asghar	-	-	-	U:	
33472	Afsar Ali	519	B	C			33527	Muhammad Younas	495	C	C	IS:PA:	
33473	Sajid Khan	508	C	D			33528	Nisar Khan	-	-	-	E:U:	
33474	Mukamil Shah	512	B	A			33529	Tauheed Khan	-	-	-	UFM	
33475	Imranullah	512	B	C			33530	Tariq Khan	-	-	-	UFM	
33476	Abid Zaman	499	C	B			33531	Noor Alam	-	-	-	UFM	
33477	Haqsood Ali Khan	493	C	D			33532	Tariq Shah	-	-	-	UFM	
33478	Sajjad Ali	448	C	C			33533	Dawa Khan	-	-	-	UFM	
33479	Irfan Ali	-	-	-	UFM		33534	Sajeed Gul	-	-	-	E:U:	
33480	Muhammad Tufail	491	C	B			33535	Muhammad Zahir	459	C	C	PA:ART:	
	Feroze	-	-	-			33536	Ajmal Khan	-	-	-	U:	
33481	Haqsood Jan	-	-	-	UFM		33537	Sher Afsar Khan	-	-	-	U:	
33482	Nawab Ali	462					33538	Shahi Halk	-	-	-	U:	
33483	Arif Shah	426					33539	Hameed Khan	-	-	-	UFM	
33484	Muzafar Jan	428					33540	Akbar Shah	-	-	-	E:	
33485	Irshad Ahmad Khan	455	C	C			33541	Ghanjur Rahman	-	-	-	UFM	
33486	Bashir Ahmad Khan	432					33542	Nisar Muhammad	443	C	D	PA:ART:	
33487	Qabad Khan	-	-	-	UFM		33543	Aurangzeb Khan	-	-	-	UFM	
							33544	Noor Zada	-	-	-	UFM	
							33545	Zahoor Ahmad	440	C	C	PA:ART:	
								Hazullah Khan	-	-	-	UFM	

ATTENDED
 To be True Copy
 MS. SIKILIA
 Advocate High Court Peshawar

Result Statement of SSC #1 Exam 1996

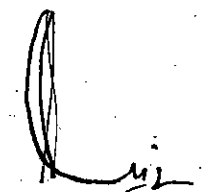
Armed = B = 8

Muhammad Sajid iqbal % Raah koolwaha 33517 31433 = 64 Eng U P. Cup PS 9/M
 15717 = (32) 55 33 54

413	13	DUSK to	UFM	passed or Failed			
41	36	66	(C)	Re	J-3	UFM	<u>Re. 4</u>

One Exam cancelled after Jury notice

Re. (U)


 Superintendent SSC Secrecy
 Board of Inter & Secondary
 Education Peshawar



BEFORE THE HONOURABLE SERVICES TRIBUNAL KPK, PESHAWAR.

SERVICE APPEAL #/2016

Sajid Iqbal versus I.G.P and others

INDEX

S. No.	Description of Documents	Annexure	Pages
1.	Rejoinder along with affidavit	-----	1-4
3.	Copy of metric DMC	A	5

Appellant

Through



Mian Hikmatullah Jan

Advocate,

High Court, Peshawar.

Cell # 0301-8902021

BEFORE THE HONOURABLE SERVICES TRIBUNAL KPK, PESHAWAR.

SERVICE APPEAL #/2016

Sajid Iqbal versus I.G.P and others

ON PRELIMINARY OBJECTIONS :-

- A) In reply to preliminary objection # A it is stated that the appellant has got a cause of action and locus standi against the respondent # 4. Hence this para is denied as laid.
- B) In reply to preliminary objection # A it is stated that the appellant in no way and manner is estopped to file the instant appeal. Hence this para is denied as laid.
- C) Para # C of the written statement of respondent # 4 is incorrect, illegal and against the facts and circumstances hence denied as laid.
- D) Para # D of the written statement of respondent # 4 is incorrect, illegal and against the facts and circumstances hence denied as laid.
- E) Para # E of the written statement of respondent # 4 is incorrect, illegal and against the facts and circumstances hence denied as laid.
- F) Para # F of the written statement of respondent # 4 is incorrect, illegal and against the facts and circumstances hence denied as laid.
- G) Para # G of the written statement of respondent # 4 is incorrect, illegal and against the facts and circumstances hence denied as laid.

ON FACTS :-

1. As Para # 1 is not replied in the written statement hence the same needs no reply in the instant rejoinder.
2. Para # 2 of the written statement is incorrect, illegal, unwarranted, misconceived and against the facts and circumstances rather is against the record of respondent # 4 hence the same is denied as laid. The document attached with the written statement as annexure – A shows a UFM case against the name and roll number of appellant while the para narrates a different story hence the same

is contradictory with its record and thus casts doubts over the authenticity of annexure – A and the contents of instant para. In fact respondents # 1 to 3 have deliberately and with mala fide intention removed the DMC of appellant from his service book/ amal nama. The appellant then approached the concerned school for the provision of record as the appellant in his intermediate examination from the same Govt. Higher Secondary School Zuhrah Gul killi, Charsadda whose principal granted the appellant attested copy of the DMC which he provided with his intermediate class admission form. The said pass metric DMC is duly issued to the appellant by the respondent # 4. (copy of the DMC is annexure – A)

3. Para # 3 of the written statement is incorrect, illegal and against the facts and circumstances hence denied as laid.
4. Para # 4 of the written statement is incorrect, illegal and against the facts and circumstances hence denied as laid.
5. Needs no answer.
6. Para # 6 of the written statement is incorrect, illegal and against the facts and circumstances hence denied as laid.

ON REPLY TO GROUNDS :-

- i) Para # i of the grounds of written statement is incorrect, illegal and against the facts and circumstances hence denied as laid.
- ii) Para # ii of the grounds of written statement is incorrect, illegal and against the facts and circumstances hence denied as laid.
- iii) Needs no reply.
- iv) Para # iv of the grounds of written statement is incorrect, illegal and against the facts and circumstances hence denied as laid.
- v) Para # v of the grounds of written statement is incorrect, illegal and against the facts and circumstances hence denied as laid.
- vi) Para # vi of the grounds of written statement is incorrect, illegal and against the facts and circumstances hence denied as laid. The record of respondent # 4 is silent about the marks of metric exam and it also has not given any plausible explanation supported by any documentary proof of appearance of appellant in the intermediate examination.
- vii) Needs no reply.
- viii) Para # viii of the grounds of written statement is incorrect, illegal and against the facts and circumstances hence denied as laid.

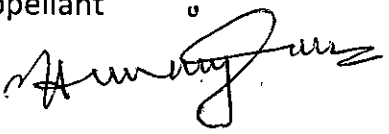
- ix) Needs no reply.
- x) Needs no reply.
- xi) Para # xi of the grounds of written statement is incorrect, illegal and against the facts and circumstances hence denied as laid.
- xii) Para # xii of the grounds of written statement is incorrect, illegal and against the facts and circumstances hence denied as laid.
- xiii) Needs no reply.
- xiv) Para # xiv of the grounds of written statement is incorrect, illegal and against the facts and circumstances hence denied as laid.

It is, therefore, most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may graciously be allowed as prayed for.

Dated : 18-10-2017


Appellant

Through


Mian Hikmatullah Jan

Advocate

High Court, Peshawar.

BEFORE THE HONOURABLE SERVICES TRIBUNAL KPK, PESHAWAR.

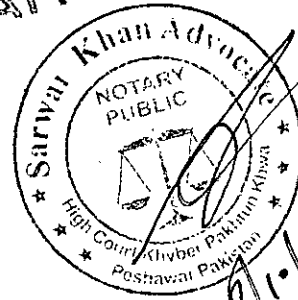
SERVICE APPEAL #/2016

Sajid Iqbal versus I.G.P and others

AFFIDAVIT

I, Mr. Sajid Iqbal S/O Kachkol Ur Rehman R/O do hereby solemnly affirm and declare that the contents of this rejoinder are true and correct to the best of my knowledge and belief.

ATTESTED



Sajid
Deponent

17301-2290089-1
18/1/17

Q. No. 28355

Board of Intermediate & Secondary Education
PESHAWAR

DETAILED MARKS CERTIFICATE
Secondary School Certificate Examination
(GENERAL GROUP)

Session 19 96 (Annual/Supplementary)

Name Mohammad Sajid

Roll No. 33517

Father's Name Kachkai ur ka

SUBJECT	Total Number of Marks Allotted	MARKS OBTAINED	
		In Figure	In Words
1. English	150	64	/
2. Urdu	150	75	
3. Islamiyat Comp:	75	55	
4. Pakistan Studies	75	33	
5. Gen. Mathematics	100	54	
6. General Science	100	41	
7. 18	100	36	
8. Pa	100	70	
Total	850	498	(Four hundred & Twenty eight)

Attested
Hijam

This Certificate is issued errors and omission excepted

Prepared by: [Signature]

Date: 19

Checked by: [Signature]

Controller of Examinations
Board of Intermediate & Secondary Education
Peshawar

Attested
G. B. S. PRINCIPAL
G. B. S. Zuhra Gul Killi
Charsadda.