


FORM OF ORDER SHEET

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

Appeal No. 1607/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	04/08/2023	The appeal of Mr. Ajmeer Shah presented today by Mr. Kabir Ullah Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <b>8-8-23</b>
		By the order of Chairman
		 REGISTRAR

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. 1607 /2023

Ajmeer Shah

**VERSUS**

I.G.P Khyber Pakhtunkhwa Peshawar & others


**INDEX**

S#	Description of Documents	Annexure	Pages
1.	Grounds of Petition.		1-5
2.	Affidavit.		6
3.	Addresses of parties		7
4.	Condonation of delay		8-9
5.	Copy of enlistment order	"A"	10
6.	Copies of Dismissal order dated 24.10.2018, departmental appeal & rejection order	B, C, & D	11-13
7.	Copy of revision petition and impugned order dated 01.01.2020	E & F"	14-15
8.	Wakalatnama		

Through

Dated: 03/08/2023

  
APPELLANT

  
**Kabir Ullah Khattak**  
Advocate, High Court  
Peshawar.

(1)

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. 1607 /2023

Ajmeer Shah S/o Qudrat Shah R/o Afghan Colony  
Faqir Abad Peshawar.

Appellant

**VERSUS**

1. The Inspector General of Police Khyber Pakhtunkhwa  
Peshawar.
2. Capital City Police Officer Peshawar.
3. Superintendent of Police City Division of Peshawar.

Respondents

**APPEAL U/S-4 OF THE KHYBER**  
**PAKHTUNKHWA SERVICES TRIBUNAL ACT**  
**1974 AGAINST THE ORDER DATED**  
**01/01/2020 (TO THE EXTENT OF MINOR**  
**PUNISHMENT) WHEREBY THE APPELLANT**  
**WAS AWARDED MINOR PANELTY AS WELL**  
**AS THE PERIOD OF ABSENCE TO BE**  
**TREATED AS LEAVE WITHOUT PAY.**

**Prayer:-**

**ON ACCEPTANCE OF THIS APPEAL THE**  
**IMPUGNED ORDERS DATED 01/01/2020 TO**  
**THE EXTENT OF MINOR PUNISHMENT**  
**PASSED BY THE RESPONDENT NO.1 MAY**

(2)  
VERY GRACIOUSLY BE SET ASIDE AND  
WITH HOLDING OF INCREMENTS FOR  
TWO YEARS MAY KINDLY BE RESTORE IN  
FAVOUR OF THE APPELLANT ALONG WITH  
ALL BACK BENEFITS.

ANY OTHER RELIEF DEEMED  
APPROPRIATE IN THE CIRCUMSTANCES  
OF THE CASE NOT SPECIFICALLY ASKED  
FOR, MAY ALSO BE GRANTED TO THE  
APPELLANT.

Respectfully Sheweth,

1. That the Appellant joined his service in police department as constable on 19.07.2007 (Copy of enlistment order is attached as annexure "A").
2. That after appointment the appellant performed his official duty with full devotion and hard work and no complaint whatsoever has been made against the appellant.
3. That at the year of 2017/2018 while performing his official duty with respondent department the appellant becomes ill and due to severe illness the appellant was unable to perform his official duty with respondent department.

(3)

4. That due to the reason mention in Para 3 the appellant has been dismissed from service on 24.10.2018 on the ground of absentee against which the filed departmental appeal on 19.11.2018 which has been rejected on 11.02.2019. (Copies of Dismissal order dated 24.10.2018, departmental appeal & rejection order are attached as annexure "B, C, & D").
5. That the appellant submitted revision petition on 06.03.2023 which has been decided on 01.01.2020 whereby the appellant has been reinstated in service while minor punishment of withholding of increments of two years has been imposed to the appellant as well as the period of absence has been treated as leave without pay. (Copy of revision petition and impugned order dated 01.01.2020 are attached as annexure "E & F").
6. That feeling aggrieved the Appellant prefers the instant service appeal before this Hon'ble Tribunal on the following grounds inter alia:-

**GROUND:-**

- A. That the impugned orders dated 01.01.2020 to the extent of minor punishment is come under

(4)

the definition of void order because it has been passed without fulfilling the codal formalities.

- B. That the absence of the appellant is not intentional nor deliberately but due to involvement of criminal case as well as domestic problems.
- C. That no charge sheet and statement of allegation has been issued or served / communicated to the appellant which is clear cut violation of rules-6(A-1) of Police rules 1975.
- D. That no departmental and regular inquiry has been conducted by the Respondent department and no chance of personal hearing has been provided to the appellant in this respect the appellant relied upon the judgment dated 2008 SCMR Page:1369.
- E. It is a well settled maxim no one can be condemned unheard because it is against the natural justice of law in this respect the appellant relied upon a judgment reported on 2008 SCMR page:678.
- F. That the minor punishment imposed against the appellant is come under the definition of

(5)  
recurrence cause of action against which no  
limitation has been counted.

G. That any other ground not raised here may  
graciously be allowed to be raised at the time of  
arguments on the instant service appeal.

*It is therefore, most humbly prayed that on  
acceptance of this appeal the impugned orders  
dated 01/01/2020 to the extent of minor  
punishment passed by the respondent No.1 may  
very graciously be set aside and with holding of  
increments for two years may kindly be restore  
in favour of the appellant along with all back  
benefits.*

*Any other relief not specifically asked for  
may also graciously be extended in favour of the  
Appellant in the circumstances of the case.*

Through

  
APPELLANT

  
Kabir Ullah Khattak

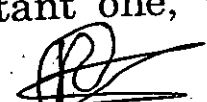
&   
Roeeeda Khan

Advocates, High Court  
Peshawar.

Dated: 03/08/2023

NOTE:-

As per information furnished by my client, no such  
like appeal for the same petitioner, upon the same subject  
matter has earlier been filed, prior to the instant one,  
before this Hon'ble Tribunal.

  
Advocate.

(b)  
**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_/2023

Ajmeer Shah

***VERSUS***

I.G.P Khyber Pakhtunkhwa Peshawar & others

**AFFIDAVIT**

I, Ajmeer Shah S/o Quadrat Shah R/o Afghan Colony Faqir Abad Peshawar, do hereby solemnly affirm and declare that all the contents of the instant appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Court.



**DEPONENT**



(7)  
**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_/2023

Ajmeer Shah

***VERSUS***

I.G.P Khyber Pakhtunkhwa Peshawar & others

**ADDRESSES OF PARTIES**

***PETITIONER.***

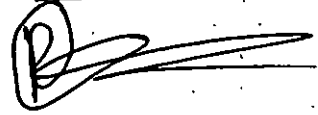
Ajmeer Shah S/o Qudrat Shah R/o Afghan Colony  
Faqir Abad Peshawar.

**ADDRESSES OF RESPONDENTS**

1. Superintendent of Police City Division of Peshawar.
2. Capital City Police Officer Peshawar.
3. The Inspector General of Police Khyber Pakhtunkhwa  
Peshawar.

Through

  
**APPELLANT**

  
**Roeda Khan**  
Advocate, High Court  
Peshawar.

**Dated: 03/08/2023**

(8)

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_/2023

Ajmeer Shah

***VERSUS***

I.G.P Khyber Pakhtunkhwa Peshawar & others

**APPLICATION FOR CONDONATION OF DELAY (if any)**

***Respectfully Sheweth,***

Petitioner submits as under:

1. That the above mentioned appeal is filing before this Hon'ble Tribunal in which no date is fixed for hearing so far.
2. That the Appellant joined his service in police department as constable on 19.07.2007.
3. That at the year of 2017/2018 while performing his official duty with respondent department the appellant becomes ill and due to severe illness the appellant was unable to perform his official duty with respondent department.
4. That the impugned orders dated 01.01.2020 to the extent of minor punishment is come under the

(9)  
definition of void order because it has been passed without fulfilling the codal formalities.

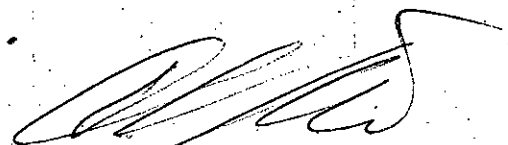
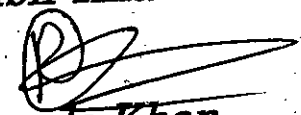
5. That the minor punishment imposed against the appellant is come under the definition of recurrence cause of action against which no limitation has been counted.
6. That the said absentee is not intentionally nor deliberately but due to the reason mentioned in main appeal.
7. That there are many judgment of the supreme court as well as specific provision of law that limitation has been counted from the date of communication.

It is, therefore, requested that the limitation period (if any) may kindly be condone in the interest of justice.

  
*Appellant*

Through

Date: 03.08.2023

  
*Kabir Khan Khattak*  
&   
*Roeda Khan*  
Advocates, High Court  
Peshawar

"A" (10)

**ENLISTMENT ORDER.**

Recruit/Constable Ajmir Shah S/O Quadrat Shah  
R/O H:NO.591 Afghan Colony PS Faqir Abad

Distt: Peshawar is hereby enlisted as recruit/Constable in BPS-5  
as selected by the recruitment Committee w.e.f \_\_\_\_\_ and

allotted Constabulary No 4869

Height 5' - 7 1/2" Chest 33" x 34 1/2"

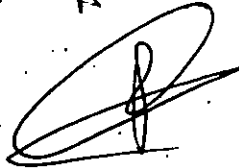
Education FA D/O Birth 7 / 3 / 1979

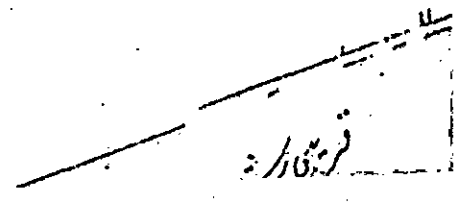
His service is purely on temporary basis and liable for termination at any  
time without any notice.

OB No. 2063

SUPERINTENDENT OF POLICE  
HQRS: PESHAWAR.

Dated 18/7 2007.

A. Ushe  
13-7  




ORDER

P. "B" (11)

1. With reference to departmental enquiry vide this office endst: No. 09/PA dated 15.03.2018 against the Constable Ajmeer Shah No. 4869, posted at PS Pharipura.

2. Proper departmental enquiry was initiated against him and SDPO Faqirabad, was appointed as Enquiry Officer. During the course of enquiry, it was transpired that he remained absent from his lawful duty w.e.f 24.04.2017 to 19.03.2018 (10-Months & 23-Days), he taken the plea that he was ill and not in position to attend his duty during his period of absence, he failed to produced any medical prescription and was found guilty of the charged level against him by the E.O. The incumbent was called time & again through parwana to appear before the undersigned for personal hearing but the accused official failed to appear.

3. Keeping in view the above circumstances, being a competent authority he is hereby awarded the "Major Punishment of Dismissal from Service" from the date of absence.

3131  
15-10-18

(SHAHZADA KAUKAB FAROOQ)  
Superintendent of Police,  
City Division, Peshawar.

No. 5685-89- /PA dated Peshawar, the 24/10/: 2018.

Copy for information and necessary action to:-

1. The SP/HQrs: CCP Peshawar.
2. PO, CRC, OASI.
3. FMC with enquiry report for record.

Encl: - ⑧ Encl

Attested By

Dy: No. 1540. SAUCPB  
Dt: 19/11/18  
Encl:

12  
No. 1540 / P. 500 (12)  
19/11/18

کے لئے اس لئے سال کو لے کر غیر ضابطہ کی بنیاد پر  
کے لئے اس لئے سال کو لے کر غیر ضابطہ کی بنیاد پر  
کے لئے اس لئے سال کو لے کر غیر ضابطہ کی بنیاد پر

کے لئے اس لئے سال کو لے کر غیر ضابطہ کی بنیاد پر  
کے لئے اس لئے سال کو لے کر غیر ضابطہ کی بنیاد پر  
کے لئے اس لئے سال کو لے کر غیر ضابطہ کی بنیاد پر

کے لئے اس لئے سال کو لے کر غیر ضابطہ کی بنیاد پر  
کے لئے اس لئے سال کو لے کر غیر ضابطہ کی بنیاد پر  
کے لئے اس لئے سال کو لے کر غیر ضابطہ کی بنیاد پر

0311 9950132

F.M.C.  
put up record 19/11/18

DSP/L  
For comments  
pl.

M/PA  
19/11

AM/Steel  
By



OFFICE OF THE  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

Phone No. 091-9210989  
Fax No. 091-9212597

(13)

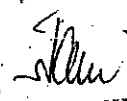
ORDER

This order will dispose off the departmental appeal preferred by Ex-Constable Ajmeer Shah No.4869 who was awarded the major punishment of "Dismissal from service" by SP/City Peshawar vide OB No.3131, dated 15-10-2018.

2- The allegations leveled against him were that he while posted at Police Station Pharipura Peshawar absented himself from his lawful duty w.e from 24-04-2017 to 19.03.2018 (10 months & 23 days) with out leave or prior permission of the competent authority.

3- He was issued charge sheet and statement of allegations by SP/City Peshawar and DSP/Faqirabad was appointed as enquiry officer. The enquiry officer after conducting proper departmental enquiry submitted his report. The competent authority after examining the findings of the enquiry officer issued him final show casue notice but he failed to submit his reply within the stipulated period. Hence the competent authority inlight of the recommendation of the enquiry officer awarded him the major punishment of dismissal from service.

4- He was heard in person in O.R. The relevant record perused along with his explanation. During personal hearing the appellant failed to submit any reasonable reply. Therefore, his appeal to set aside the punishment order awarded by SP/City Peshawar vide OB No.3131 dated 15-10-2018 is hereby rejected /dismissed.

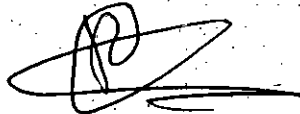
  
(QAZI JAMIL UR REHMAN)PSP  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

No. 316-21 /PA dated Peshawar the 11-03-2019

Copies for information and n/a to the:-

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

AHISTEY  
137



Handwritten text at the top of the page, including the letter 'E' and the number '(14)'. The text is partially obscured and appears to be a header or title.

Handwritten text in the upper middle section, possibly a date or a specific reference.

Small handwritten text on the right side of the page.

Handwritten text in the middle section, starting with '18' and containing some numbers and symbols.

Handwritten text in the middle section, including the word 'Diss' and '1913'.

Handwritten text in the middle section, containing the word 'Koch' and other illegible characters.

Handwritten text in the middle section, appearing to be a list or a set of notes.

Handwritten text in the middle section, possibly a signature or a name.

Handwritten text in the middle section, containing various symbols and numbers.

Handwritten text in the lower middle section, possibly a date or a name.

Handwritten text in the lower middle section, possibly a name or a signature.

Handwritten text in the lower middle section, including the number '4869' and other illegible characters.

Handwritten text in the bottom left corner, including the date '06/03/2019'.

Handwritten text in the bottom right corner, including the name 'A. K. B. Y.' and a signature.

Handwritten text in the bottom left corner, possibly a name or a reference.





OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

No. S/ 14

20, dated Peshawar the 21/10/2020.

**ORDER**

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Ajmeer Shah No. 4869. Petitioner was dismissed from service by SP/City, Peshawar vide OB No. 3131, dated 15.10.2018 on allegations of absence from duty w.e.f 24.04.2017 to 19.03.2018 for a period of 10 months & 23 days. Petitioner was also dismissed from service by SP/Saddar Circle, Peshawar vide OB No. 3131, dated 15.10.2018 on taking an ex-parte action on the allegations that he while posted at Police Station Urmar absented himself from duty w.e.f 20.03.2018 till date of dismissal from service i.e. 17.10.2018 for a period of 06-months & 17 days. His appeal was rejected by Capital City Police Officer, Peshawar vide order Endst: No. 316-21 dated 11.02.2019.

Meeting of Appellate Board was held on 08.04.2019 wherein petitioner was heard in person. During hearing petitioner contended that his absence was not deliberate but he was ill.

Keeping in view his long service of 09 years, 05 months and 26 days, the petitioner is hereby re-instated in service and penalty of dismissal from service is converted into withholding of increment for two years with cumulative effect. However, the period of absence to be treated as leave without pay.

**This order is issued with the approval by the Competent Authority.**

(ZAIB ULLAH KHAN)  
AIG/Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.

No. S/ 15-21/20,

Copy of the above is forwarded to the:

1. Capital City Police Officer, Peshawar. One Service Roll, One Fauji Missal and One enquiry of the above named Ex-FC received vide your office Memo: No. 9697/CRC, dated 27.03.2020. returned herewith for your office record.
2. Supdt: of Police, City Peshawar.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

Ajmeer  
By