

10.07.2023


Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Learned counsel for the appellant seeks adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 15.09.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED
KEST
Peshawar



(Rashida Bano)
Member (J)



(Salah-ud-Din)
Member (J)

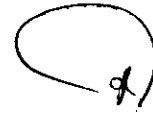
26.04.2023

Appellant present through counsel.

Fazal Shah Mohmand, learned Additional Advocate General
for respondents present.

SCANNED
KFST
Peshawar

Learned Member Executive (Mr. Muhammad Akbar Khan) is
on leave, therefore, case is adjourned. To come up for arguments
on 23.05.2023 before D.B. Parcha Peshi given to the parties.



(Rozina Rehman)
Member (J)

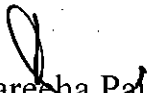
Mutazem Shah

23rd May, 2023

1. Learned counsel for appellant present. Mr. Muhammad Jan,
District Attorney for respondents present.

2. Being not prepared, learned counsel for appellant
requested for adjournment. Adjourned. To come up for
arguments on 10.07.2023 before D.B. P.P given to the parties.

SCANNED
KFST
Peshawar



(Fareeha Paul)
Member (E)



(Kalim Arshad Khan)
Chairman

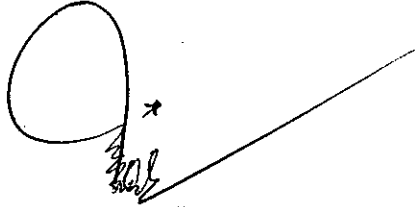
Mutazem Shah

22.12.2022

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant sought time for preparation of arguments. Adjourned. To come up for arguments on 04.01.2023 before D.B.

SCANNED
KPST
Peshawar



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

04.01.2023

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Inquiry record has neither been submitted by the appellant nor by the respondents, therefore, respondents shall positively submit copy of complete inquiry record within 10 days and to come up for arguments on 10.02.2023 before the D.B.

SCANNED
KPST
Peshawar



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

10.02.2023

Learned counsel for the appellant present. Mr. Naseerud Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment in order to further prepare the brief. Granted. To come up for arguments on 26.04.2023 before the D.B.

SCANNED
KPST
Peshawar



(FAREEHA PAUL)
Member (E)



(ROZINA REHMAN)
Member (J)

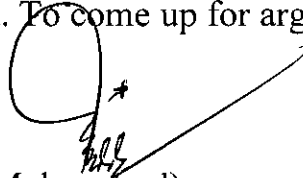
08.12.2022

Learned counsel for the appellant present. Mr. Hikmat Khan, ASI alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments.

Adjourned. To come up for arguments on 13.12.2022 before the D.B.

SCANNED
BY
Peshawar



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

13.12.2022

Junior to counsel for the appellant present. Muhammad Adeel Butt learned Additional Advocate General for respondents present.

Former made a request for adjournment on the ground that senior counsel for the appellant is busy in Hon'ble Peshawar High Court, Peshawar. Last chance is given. To come up for argument on 22.12.2022 before D.B.



(Fareeha Paul)
Member (E)




(Rozina Rehman)
Member (J)

30th Nov. 2022

Learned counsel for the appellant present. Mr. Naseerud Din Shah, Assistant Advocate General for the respondents present.

File received from the learned D.B-II with the observation that the matter was heard by both of us (the undersigned) but vide order sheet dated 31.05.2022 in connected Service Appeal No. 1369/2018 titled "Farman Ali Vs. DPO, Swat and others", the bench sought some clarification which were not made, therefore, let it be fixed before any available D.B. To come up for arguments on 08.12.2022 before the D.B.

SCANNED
AT
Peshawar

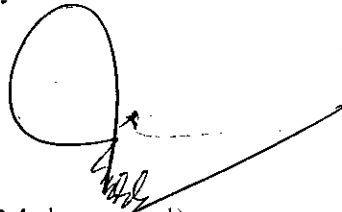

(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

30.11.2022

Learned counsel for the appellant present. Mr. Hikmat Khan, Head Constable alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned Assistant Advocate General stated that arguments in similar nature appeal have been heard by a bench comprising of worthy Chairman and Miss. Fareeha Paul learned Member (Executive) and the appeal was fixed for order, therefore, the appeal in hand may also be fixed before the said bench. The appeal in hand is, therefore, sent to worthy Chairman Service Tribunal for further appropriate order. Learned counsel for the parties shall appear before the worthy Chairman Service Tribunal today at 12:55 P.M.



(Mian Muhammad)
Member (E)




(Salah-Ud-Din)
Member (J)

04.10.2022

Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

Learned counsel for the appellant requested that similar nature appeals are fixed for arguments before the D.B on 30.11.2022 at Principal Seat Peshawar, therefore, in order to avoid any contradictory judgment, the appeal in hand may also be sent to Principal Seat Peshawar for arguments before the D.B on 30.11.2022.

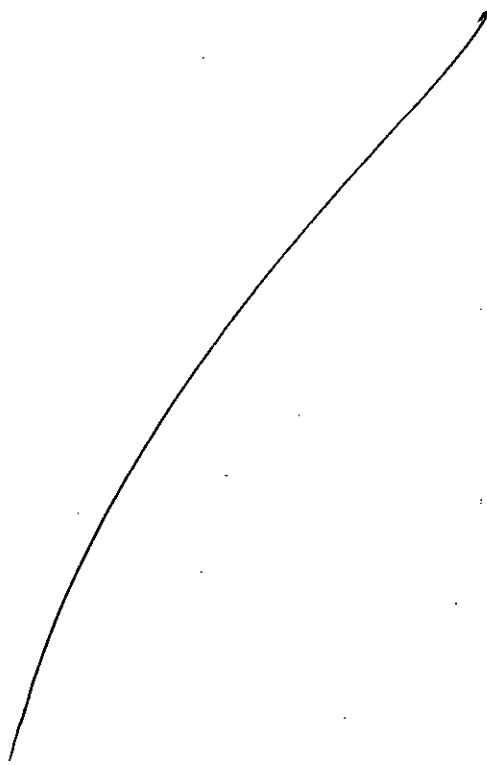
Request of learned counsel for the appellant seems genuine, therefore, the appeal in hand be placed before the worthy Chairman Khyber Pakhtunkhwa Service Tribunal for further appropriate orders. Appellant as well as his counsel shall appear before worthy Chairman Khyber Pakhtunkhwa Service Tribunal at Principal seat Peshawar on 30.11.2022 at 09:30 A.M.



(Rozina Rehman)
Member (Judicial)
Camp Court Swat



(Salah-Ud-Din)
Member (Judicial)
Camp Court Swat



04.07.2022

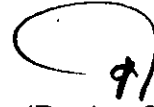
Appellant in person present.

Noor Zaman Khattak, learned District Attorney alongwith Saltanat Khan DSP (Legal) for respondents present.

Former made a request for adjournment as his counsel is busy before Hon'ble Peshawar High Court Mingora Bench (Darul Qaza) Swat. Adjourned by way of last chance. To come up for arguments on 01.08.2022 before D.B at Camp Court, Swat.



(Fareeha Paul)
Member (E)
Camp Court, Swat



(Rozina Rehman)
Member (J)
Camp Court, Swat

1-8-22

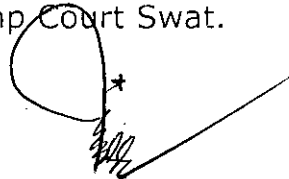
due to Samman's vacation the case is adjourned to 5-9-22 for the same



05.09.2022

Appellant in person present. Mr. Arshed Ali, Head Constable alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Appellant requested for adjournment on the ground that his counsel is not available today due to strike of lawyers. Adjourned. To come up for arguments on 04.10.2022 before the D.B at Camp Court Swat.



(Mian Muhammad)
Member (Executive)
Camp Court Swat

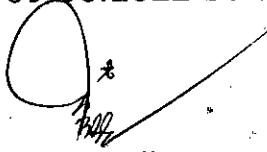


(Salah-Ud-Din)
Member (Judicial)
Camp Court Swat

10.05.2022

Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is out of station today. Adjourned. To come up for arguments on 09.06.2022 before the D.B at Camp Court Swat.



(Mian Muhammad)
Member (E)
Camp Court Swat

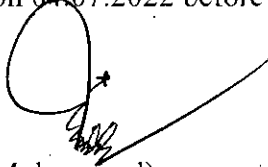


(Salah-ud-Din)
Member (J)
Camp Court Swat

07.06.2022

Appellant in person present. Mr. Kabirullah Khattak, learned Additional Advocate General alongwith Mr. Sultant Khan DSP for the respondents present.

Counsel^s are on strike. Adjourned. To come up for arguments on 04.07.2022 before the D.B at camp court Swat.



(Mian Muhammad)
Member (E)
Camp Court Swat




(Kalim Arshad Khan)
Chairman
Camp Court Swat


08.12.2021

Appellant in person present.

Mr. Muhammad Rasheed, Deputy District Attorney for respondents present.

Former made a request for adjournment as his counsel is busy before Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 09.02.2022 before D.B at Camp Court, Swat.


(Atiq-Ur-Rehman Wazir)
Member (E)
Camp Court, Swat


(Rozina Rehman)
Member (J)
Camp Court, Swat

09.02.2022


Tour is hereby canceled. Therefore, the case is adjourned to 06.04.2022 for the same as before at Camp Court Swat.



Reader

06.04.2022

Clerk of counsel for the appellant present. Mr. Muhammad Riaz H.C alongwith Mr. Noor Zaman Khan Khattak, District Attorney for the respondents present.

Clerk of counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is unable to attend the Tribunal today due to strike of lawyers. Adjourned. To come up for arguments on 10.05.2022 before the D.B at Camp Court Swat.


(Rozina Rehman)
Member (J)
Camp Court, Swat


(Salah-Ud-Din)
Member (J)
Camp Court Swat

05/04/2021

Due to COVID-19, the case is adjourned to

07/10/2021 for the same.



READER


Due to COVID-19, the cases
is adjourned to 7/10/21


Reader

07.10.2021 Appellant in person present. Mr. Asif Masood Ali Shah, Deputy District Attorney for respondents Present.

Learned Members of the DBA are observing Sogh over the demise of Qazi Imdadullah Advocate and in this regard request for adjournment was made; allowed. To come up for arguments before the D.B on 09.12.2021 at Camp Court, Swat.


(Atiq-Ur-Rehman Wazir)
Member (E)
Camp Court, Swat


(Rozina Rehman)
Member (J)
Camp Court, Swat


08.02.2020


Appellant in person present.

Mr. Muhammad Jan Deputy District Attorney for the respondents present.

Issue involved in the present case is pending before Larger Bench of this Tribunal.

Adjourned to 07.12.2020 for arguments before D.B at Camp Court, Swat.


(Attiq-ur-Rehman)
Member
Camp Court, Swat


(Rozina Rehman)
Member
Camp Court, Swat

07.12.2020

Due to COVID-19, case is adjourned to 01.02.2021 for the same as before.

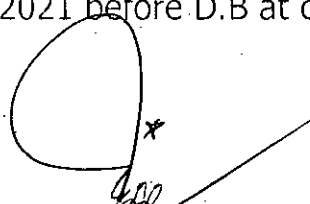
01.02.2021

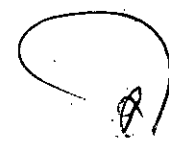
Nemo for parties.


Reader

Muhammad Riaz Khan Paindakhel, Assistant Advocate General for respondents is present.

Preceding date was adjourned on account of Covid-19, therefore, both the parties be put on notice for the date fixed. Issue involved in the instant case is pending before Larger Bench of this Tribunal, therefore, case is adjourned to 05.04.2021 before D.B at camp court Swat.

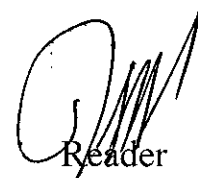

(Mian Muhammad)
Member(E)


(Rozina Rehman)
Member(J)
Camp Court Swat

Due to corona virus focus
to camp court Swat has been
cancelled. To come up for the
same on 02/06/20


Reader

02.06.2020 Due to Covid-19, the case is adjourned. To come up for the
same on 07.07.2020, at camp court Swat.


Reader

08.07.2020 Bench is incomplete. Therefore, the case is adjourned.
To come up for the same on 08.09.2020, at camp court
Swat.


Reader

03.12.2019

Appellant in person present. Mr. M. Riaz Khan, Paindakhel, Assistant Advocate General for respondents present. Appellant seeks adjournment as his counsel is not available today. Adjourn. To come up for arguments on 03.02.2020 before D.B at camp court Swat.

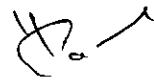

Member


Member
Camp Court Swat

03.02.2020

Appellant in person present. Mr. Muhammad Jan learned Deputy District Attorney alongwith Riaz H.C present. Appellant seeks adjournment as his counsel not available. Adjourn. To come up for arguments on 03.03.2020 before D.B at Camp Court, Swat.

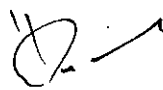

Member


Member
Camp Court, Swat.

03.03.2020

Appellant in person present. Mr. Usman Ghani learned District Attorney for the respondents present. Appellant requested for adjournment on the ground that learned counsel is not available today. Adjourn. To come up for arguments on 04.05.2020 before D.B. at Camp Court Swat.



Member


Member
Camp Court Swat

01.07.2019

Appellant in person present. Mian Amir Qadir, DDA alongwith Mr. Khawas Khan, SI for respondents present. Appellant seeks adjournment on the ground that his counsel was busy before the Peshawar High Court, Peshawar. Adjourned Case to come up for arguments on 07.10.2019 before D.B at camp court Swat.

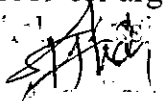

Member


Member
Camp Court Swat

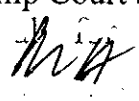
07.10.2019

Appellant in person and Mr. Anwar-ul-Haq, Deputy District Attorney alongwith Mr. Khawas Khan, S.I (Legal) for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned to 03.12.2019 for arguments before D.B at Camp Court Swat.

03.12.2019


(Hussain Shah)


Camp Court Swat


(Muhammad Amin Khan Kundi)

Camp Court Swat


07.01.2019

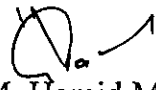
Counsel for the appellant present. Mr. Riaz, Head Constable alongwith Mr. Mian Ameer Qadir, District Attorney for respondents present. Written reply on behalf of respondents submitted, copy of the said is handed over the learned counsel for the appellant. Case to come up for rejoinder and arguments on 01.04.2019 before D.B at camp court Swat.


(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

01.04.2019

Learned counsel for the appellant and Mr. Mian Ameer Qadir, District Attorney for the respondents present. Learned counsel for the appellant submitted rejoinder and seeks adjournment for arguments. Adjourn. To come up for arguments on 06.05.2019 before D.B at Camp Court Swat.


(M. Amin Khan Kundi)
Member
Camp Court Swat


(M. Hamid Mughal)
Member
Camp Court Swat

06.05.2019

Appellant in person and Mr. Mian Amir Qadir learned District Attorney alongwith Mr. Riaz Head Constable for the respondents present. Appellant seeks adjournment as his counsel is not in attendance. Adjourn. To come up for arguments on 01.07.2019 before D.B at Camp Court, Swat.


Member


Member
Camp Court Swat

04.09.2018

Appellant Abdul Tawab in person present. Mr. Usman Ghani, District Attorney for respondents present. Written reply not submitted. Learned District Attorney sought some time to submit written reply/comments. Granted. Case to come up for written reply/comments on 02.10.2018 before S.B at camp court Swat.


Chairman
Camp Court Swat

02.10.2018

Appellant in person present. Mr. Usman Ghani, District Attorney present. Written reply not submitted. Learned District Attorney sought some time to submit to submit written reply. Case to come up for written reply/comments on 07.11.2018 before the S.B at camp court, Swat.


Member
Camp Court Swat

07.11.2018

Due to retirement of the Hon'ble Chairman Service Tribunal is incomplete. Tour to Camp Court Swat has been cancelled. To come up for the same on 07.01.2019 at camp court Swat.

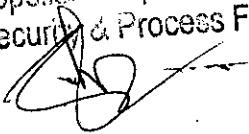

Reader

21.05.2018

Counsel for the appellant present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was removed from service from the first date of his absence of official duty on the allegation of his absence vide order dated 21.02.2009. It was further contended that the impugned order was passed by the competent authority retrospectively therefore, the same is void and limitation does not run against the same. It was further contended that after availing departmental remedy the appellant has filed the present service appeal. It was further contended that neither proper inquiry was conducted nor opportunity of cross examination and defence was provided to the appellant therefore, the impugned order is illegal and liable to be set-aside.

The contention raised by the learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days thereafter notice be issued to the respondents for written reply/comments for 10.07.2018 before S.B.

Appellant Deposited
Security & Process Fee



(Muhammad Amin Khan Kundi)
Member

10.07.2018

Neither appellant nor his counsel present. Mr. Usman Ghani, Sr. GP for the respondents present. Written reply not submitted on behalf of official respondents. Requested for adjournment. Granted. To come up for written reply and comments on 04.09.2018 before S.B at Camp Court, Swat.


Chairman

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 515/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	12/04/2018	<p>The appeal of Mr. Abdul Tawab resubmitted today by Mr. Saadullah Khan Marwat Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p><i>[Signature]</i> REGISTRAR 12/14/18</p>
2	15/05/18.	<p>This case is entrusted to <i>[Signature]</i> S. Bench for preliminary hearing to be put up there on <u>21/05/18.</u></p> <p><i>[Signature]</i> MEMBER</p>

SCANNED
KPST
Peshawar

The appeal of Mr. Abdul Tawab son of Khalid Khan Ex-Constable No. 4691 Police Station Besham received today by i.e. on 30.03.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Index of the appeal may be prepared according to Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Memorandum of appeal may be got signed by the appellant.
- 3- Annexures of the appeal may be attested.
- 4- Annexures of the appeal may be flagged.
- 5- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- 6- Annexures-G & H are missing.
- 7- Wakalat nama in favour of appellant be placed on file.
- 8- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 675 /S.T,

Dt. 02/04 /2018

Saadullah Khan
REGISTRAR 2/4/18
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr.Saadullah Khan Marwat Adv. Pesh.

Sir
Resubmitted after removal of
the directives. As far as obj no. 5 is concerned,
neither these documents were served upon appellant
nor any reply thereto was submitted to the
same.

submitted by,

Sy

THE HON. S. RAJEEV REDDY JUDGE (MUNICIPAL) PESHAWAR

S.A No. 46 /2018

Appellant: *Appellant* vs. Respondent: *State of Peshawar*

INDEX

Remitted for consideration w/o 6 28/9/2008 state of Peshawar

No.	Documents	Annex	P. No.
1.	Memo of Appeal		1-4
2.	Removal order dated 21-02-2009	"A"	5
3.	Appeal to P. No. 03 dated 25-05-2017	"B"	6
4.	Order dated 05-09-2017	"C"	7
5.	Subsequent letter dated 07-09-2017	"D"	8
6.	Representation	"E"	9
7.	Rejection order dated 20-11-2017	"F"	10
8.	Revision petition dated 07-12-2017	"G"	11
9.	Reinstatement of other constables	"H"	12-21
10.	Judgments in similar cases	"I"	22-28

Appellant Deposited Security Process Fee

21/5/18

Appellant

Appellant

Saadullah Khan Marwat
 Saadullah Khan Marwat
 Advocate,
 21-A, Nasir Mansion,
 Shola Bazaar, Peshawar
 Ph: 0300-5872676
 0311-5200005

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 46 /2018

Abdul Tawab S/O Khalid Khan,
R/o Sapal Banda, Saidu Sharif, Swat,
Ex-Constable No. 4691,
Police Station Besham

Appellant

Versus

1. Superintendent of Police,
FRP, Malakand Range, Swat.
2. Commandant, FRP, KP,
Peshawar
3. Provincial Police Officer, KP,
Peshawar

Respondents

⊕ <=> ⊕ <=> ⊕ <=> ⊕ <=> ⊕

APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974
AGAINST OFFICE ORDER NO. 229, DATED 21-02-
2009 OF R. NO. 01 WHEREBY APPELLANT WAS
REMOVED FROM SERVICE FROM HIS FIRST DATE OF
ABSENCE FROM OFFICIAL DUTY i.e - 28-09-2008 OR
OFFICE ORDER NO. 878-31/EC DATED 20-11-2017
OF R. NO. 02 WHEREBY REPRESENTATION OF
APPELLANT WAS REJECTED:

⊕ <=> ⊕ <=> ⊕ <=> ⊕ <=> ⊕

Respectfully Sheweth;

1. That appellant was enlisted in service on 25-07-2007 as Constable and served the department till the date of removal from service.

2. That appellant was deputed for Training to Punjab Regiment Centre, Mardan and qualified the same and was posted in FRP office at Saidu Sharif, Swat.
3. That thereafter appellant served in various Police Line Swat, Police Stations Matta, Saidu Sharif and finally Besham. He was granted four (4) days leave but on return, the miscreants have occupied the road / area.
4. That at the time, Swat Valley was in clutches of the miscreants and it was well in knowledge of every one that they were ruling the area and the government machinery was totally collapsed. Employees were kidnapping, beheading and killing either through guns or bomb blasts. In such a situation employees of almost all of every department let their services, especially of the police department which was in target of the miscreants.
5. That on account of absence, appellant was removed from service on 21-02-2009 by R. No. 1. (Copy as Annex "A")
6. That thereafter appellant submitted appeal before R. No. 03 for reinstatement in service on 25-05-2017, which was returned on 05-09-2017 to appellant with direction to submit appeal before R. No. 07 for the purpose, followed by subsequent letter dated 07-09-2017 of R. No. 03 to R. No. 07 for the same cause. (Copies as Annex "B", "C" & "D")
7. That representation before R. No. 02 was filed for the aforesaid purpose which was rejected on 20-11-2017. (Copies as Annex "E" & "F")
8. That on 07-12-2017, appellant submitted Revision Petition before R. No. 03 vide dairy No. 3518 dated 07-12-2017 but without response till date. (Copy as Annex "G")
9. That not only appellant was dismissed from service on the score of absence from duty but numerous others were also dismissed as such and they were reinstated into their services vide order dated 30-11-2010, 15-05-2017 and 09-08-2017. (Copies as Annex "H")

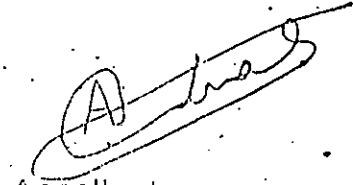
10. That apart from the aforesaid fact, the subject matter came up for consideration before the hon'ble Tribunal and after thorough probe, their appeals were accepted vide judgments dated 02-05-2016 and 07-12-2017, etc. (Copies as Annex "I")

Hence this appeal, inter alia, on the following grounds:

G R O U N D S:

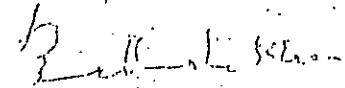
- a. That appellant was enlisted in service on 25-07-2007 and served the department till the date of removal from service.
- b. That at the time, the Swat Valley was in clutches of the miscreants and it is well in knowledge of every one that they were ruling the area and the government machinery was totally collapsed. Employees were kidnapping, beheading and killing either through guns or bomb blasts. In such a situation employees of almost all of every department let their services, especially of the police department.
- c. That appellant was removed from service on the score of absence but such absence was not willful but was due to the deteriorated situation of the area.
- d. That absence does not constitute any misconduct when the same is not willful and as stated earlier, hundreds and thousands similarly and equally placed employees have been reinstated into their services not only by the department but also by the hon'ble Tribunal / courts which judgments were upheld by the apex court.
- e. That codal formalities enumerated in the Rules were never observed, being mandatory. The impugned order not per the mandate of Law and based on malafide.
- f. That when one class on the same allegation was reinstated in service not only by the respondents but also by the hon'ble Tribunal, being similarly and equally placed, by not reinstating in service the other class amounts to discrimination.

It is, therefore, most humbly prayed that on acceptance of appeal, order dated 21-02-2009 and 20-11-2017 of the respondents be set aside and appellant be reinstated in service with all consequential / back benefits, with such other relief as may be deemed proper and just in circumstances of the case.

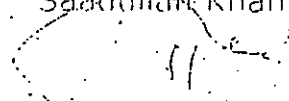


Appellant

Through



Saadullah Khan Marwat



Arbab Saiful Kamal

Dated: 30-03-2018

Amjad Khan
Advocates

25/12/07
21/2/08

F.C Abdul Tawab No. 4691. Platoon No. 81 BSwat FRP, Malakand
has remained absent from lawful duty from 28.09.2008 to date.

A 5

He was proceeded against departmentally under the NWFP Removal Service (Special Powers) Ordinance, 2000, with duty constituted in Committee comprising the following police officers:

1. Hazrat Ali Khan, DSP FRP Swat.
2. S.I Rehmat Ali Khan, R.I FRP Lines, Swat.
3. S.I Bacha Khan, L.O FRP Lines, Swat.

The Inquiry Committee had completed all the requisite codal formalities and submitted the enquiry report, wherein it has been observed that the defaulter F.C Abdul Tawab No. 4691 was enlisted in FRP on 25-07-2007. The defaulter and thus demonstrated cowardice in the line of duty. Later on, he was given the opportunity to join his duty but he failed to do so. In the light of the above inquiry report, the Inquiry Committee has found the defaulter constable guilty of charges and recommended his removal from service.

I, the undersigned, have thoroughly perused the enquiry report and the inquiry papers of the Inquiry Committee. The defaulter constable has been provided an ample amount of opportunity for personal hearing but he never availed this chance. I fully agree with the findings and recommendations of the Inquiry Committee. Therefore, the defaulter F.C Abdul Tawab No. 4691, Platoon No. 81 FRP, Swat Malakand Range, is hereby removed from service from the first date of his absence of official duty.

Order announced.

**Superintendent of Police,
FRP, Malakand Range, Swat**

No. 229
Dated 21/2 /2008

Copy to the worthy Commandant, Frontier Reserve Police, N.W.F.P, Peshawar, for favour of kind information, please.

**Superintendent of Police,
FRP, Malakand Range, Swat**

Approved
25/10/08
20

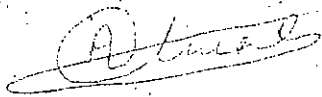
سوال :- رحم در خواست امر دس اپیل بسلسلہ بحالی ملازمت بحیثیت کنسٹیبل

جناب عالی!

اداب بخندور انور محکمہ کہ مسائل گاؤں سیل باغی ضلع سوات کا اصل سکون باشرہ ہے۔ سال 25/07/2007 کو محکمہ پولیس ایف آر پی ملاکنڈ ریجن بھرتی ہوا تھا۔ مسائل کا پولیس فورس کے ساتھ ازہ رحمت تھا۔ اور مستقبلی میں قوم کے شب روز خدمت اور ملک کے بقا کے خاطر ایک ایماندار پولیس آفیسر بننا چاہتا صرف یہ نہیں بلکہ پولیس ملازمت مسائل کے عمر رسیدہ اور سفید ریشی تک پہنچے ہونے باں باپ، چھوٹے بہن بھائیوں کے پیٹ پالنے کا ایک ذریعہ بھی تھا۔ مگر بد قسمتی حال یہ دور میں ملاکنڈ ڈویژن میں ملک و سماج دشمن عناصر نے اپنے ناپاک ارادوں سے دہشت گردانہ سرگرمیاں شروع کر دی۔ اور آئے روز اپنے مرموم مقاصد کے جہاد گناہ اور مرموم لوگوں کے جانوں سے کھیلنے ہوئے دہشت گردی کو عروج پر پہنچا دیا۔ دہشت گردانہ سرگرمیاں تو پورے ضلع میں رہی مگر گاؤں سیل باغی زیادہ متاثر۔ چونکہ مسائل اسی گاؤں کا باشندہ تھا۔ اسلئے خود مسائل، اور مسائل کے گھر والوں کو شب و روز کاؤں چھوڑنے مسائل کو اس دہشت گردوں کے حوالے کرنے اور گھر بار جیلانے دھمکیاں ملتی رہی۔ چونکہ حکومت کی رٹ ختم ہو چکی تھی۔ ہر طرف ان دہشت گرد ظالموں نے اپنے مرموم مقاصد اور ناپاک عزائم کے حصول کے لیے جھلکا بچایا تھا۔ اسلئے ان کو اپنے گھر لانے سمیت گاؤں سیل باغی ضلع سوات سے باہر جانا پڑا۔ بدیں جب اپنے ملازمت سے قدر غیر حاضر رہا۔ اندر وقت کے تمام راستے اس دہشت گردوں پر کنٹرول تھے۔ طالبان ظالموں کے بار بار مسائل کو دھمکیاں دینے کی وجہ سے مسائل نے اپنے ضعیف العرا ایماں ماں، باپ اور چھوٹے بہن، بھائیوں کے جان بچانے خاطر گاؤں چھوڑ کر محفوظ مقام پر پناہ لی۔ قدر غیر حاضر رہی۔ کہ بعد اپنے ذیوی پر حاضرانا چاہا تو معلوم ہوا کہ مسائل اسی غیر حاضری کی پاداش میں محکمہ پولیس سے بحوالہ ایک نمبر 229 مورخہ 21/02/2009 سے ڈسپارج کیا گیا ہے۔

مسائل اپنے گھر کے کئی افراد پر مشتمل کنبے کا واحد کفیل ہے۔ اور مسائل کا کوئی ذریعہ معاش نہیں ہے۔ مہنگائی کے اس دور میں مسائل کو شدید مشکلات کا سامنا لینا اور دوست بھندو راندس عینکہ ماتحت پردی کے تحت، اگر مسائل کو ملازمت میں دوبارہ بحال کیا جائے تو مسائل اپنے اس انسان عظیم کا ہمیشہ ہمیشہ کے لیے سگور ہے

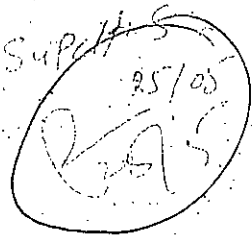
العارض۔



سابقہ کنسٹیبل عبدالقادر نمبر 4691

ولدہ خالد خان گاؤں سیل باغی ضلع سوات۔

Call No. 0345-1908415

Supervisor
25/05


Phone 09446-865578

Office of the Director, Peshawar

1886/19
26-3-19



OFFICE OF THE
REGIONAL POLICE OFFICER, MALAKAND

AT SAIDU SHARIF SWAT.

Ph: 0946-9240381-83 & Fax No. 0946-9240390

Email: digmalakand@yahoo.com

No. 8173 /E, dated Saidu Sharif the 05 / 09 /2017

To: The Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

Subject: APPEAL (EX FC ABDUL TAWAB NO. 4691)

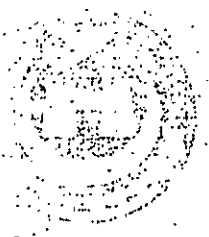
Memorandum:

Kindly refer to CPO Peshawar memo No. S/3284/17, dated 01/06/2017 on the subject.

Appeal for re-instatement in service of Ex-FC Abdul Tawab No. 4691 received from CPO Peshawar in the memo under reference quoted above is returned herewith as the above name official is on the role of FRP, Malakand Range, therefore his comments in this regard may kindly be asked from FRP, Malakand Range through Commandant, FRP Peshawar please.

Encls: (01)


Regional Police Officer,
Malakand, at Saidu Sharif Swat



5366
07-09-17

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE
PESHAWAR.

No. S. 1931 / 17, dated Peshawar the 07/09/2017.

To: The Commandant,
FRP, Khyber Pakhtunkhwa,
Peshawar

Subject: APPEAL (EX-FC ABDUL TAWAAB NO. 4691)

Memo: Ex-Constable Abdul Tawaab No. 4691 of FRP, Malakand Range had submitted appeal for reinstatement into service to the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.

The applicant has not preferred his first appeal to the first appellate authority i.e. Commandant, FRP, Khyber Pakhtunkhwa.

Therefore the competent authority has directed that according to Rules he must prefer his first appeal to the first appellate authority i.e. Commandant, FRP, Khyber Pakhtunkhwa and if he does not proceed to the next appellate authority i.e. Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.

(SYED ZIA ALI SHAH)

Registrar,

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

بھنور جناب کمانڈنٹ صاحب صوبہ خیبر پختونخواہ ایشادور

عنوان: رحم درخواست اسروس اپیل بسلسلہ بمالی ملازمت بحیثیت کنسٹیبل

جناب عالی!

اداب بھنور انور ہیکہ کہ سائل گاؤں پیل بانڈی ضلع سوات کا اصل سکونتی باشندہ ہے۔ سائل سال 2007-07-25 کو محکمہ پولیس ایف، آر، پی ملاکنڈ ریج میں بھرتی ہوا تھا۔ سائل کا پولیس فورس کے ساتھ از حد محبت تھا۔ اور مستقبل میں تو ہم کے شب روز خدمت اور ملک کے بقاء کے خاطر ایک ایماندار پولیس آفیسر بنانا چاہتا تھا۔ صرف یہ نہیں بلکہ پولیس ملازمت سائل کے عمر رسیدہ اور سفید ریشی تک پہنچنے ہوئے ماں باپ، چھوٹے بہن بھائیوں کے پیٹ پالنے کا ایک ذریعہ بھی تھا۔ مگر بد قسمی سے حالیہ دور میں ملاکنڈ ڈویژن میں ملک و سماج دشمن عناصر نے اپنے ناپاک ارادوں سے دہشت گردانہ سرگرمیاں شروع کر دی۔ اور آئے روز اپنے مرموم مقاصد کے بناء بے گناہ اور معصوم لوگوں کے جانوں سے کھیلنے ہوئے دہشت گردی کو عروج پر پہنچا دیا۔ دہشت گردانہ سرگرمیاں تو پورے ضلع میں رہی مگر گاؤں پیل بانڈی زیادہ متاثر ہوا۔ چونکہ سائل اسی گاؤں کا باشندہ تھا اسلئے خود سائل، اور سائل کے گھر والوں کو شب روز گاؤں چھوڑنے، سائل کو اس دہشت گردوں کے حوالے کرنے اور گھربار جلانے کی دھمکیاں ملتی رہی۔ چونکہ حکومت کی رٹ ختم ہو چکی تھی۔ ہر طرف ان دہشت گرد ظالموں نے اپنے مرموم مقاصد اور ناپاک عزائم کے حصول کے لئے جہاکا بچایا تھا۔ اس لئے سائل کو اپنے گھرانے سمیت گاؤں پیل بانڈی ضلع سوات سے باہر جانا پڑا۔ بدیں وجہ اپنے ملازمت سے قدر بغیر حاضر رہا۔ اور درفت کے تمام راستے اس دہشت گردوں کے زیر کنٹرول تھے۔ طالبان ظالموں کے بار بار سائل کو دھمکیاں دینے کی وجہ سے سائل نے اپنے ضعیف العمر ایہار ماں، باپ اور چھوٹے بہن، بھائیوں کے جان بچانے کے خاطر گاؤں چھوڑ کر محفوظ مقام پر پناہ لی۔ قدر بغیر حاضری کے بعد اپنے ذیوی پر حاضرانا چاہا تو معلوم ہوا کہ سائل اسی غیر حاضری کی پاداش میں محکمہ پولیس سے بحوالہ آرڈر ایک نمبر 229 مورخہ 21-02-2009 سے ڈسچارج کیا گیا ہے۔

سائل اپنے گھر کے کئی افراد پر مشتمل کنبے کا واحد کفیل ہے۔ اور سائل کا کوئی ذریعہ معاش نہیں ہے۔ مہنگائی کے اس دور میں سائل کو شدید مشکلات کا سامنا ہے۔ لہذا درخواست بھنور اقدس ہیکہ ماتحت پزوری کے تحت اگر سائل کو ملازمت میں دوبارہ بحال کیا جائے۔ تو سائل اپنے اس احسان عظیم کا ہمیشہ ہمیشہ کے لئے مشکور رہے گا۔

الحاضر

سابقہ کنسٹیبل عبدالنواب نمبر 4691

والد جمالہ خان گاؤں پیل بانڈی ضلع سوات

دوبائل نمبر 0345-1908115

فون (گھر): 0946-865578

ORDER

10

This order will dispose of the departmental appeal preferred by Ex-Constable Abdul Tawab No. 4691 of FRP Malakand Range against the order of removal from service passed by SP FRP Malakand Range, Swat vide OB No. 23, dated 21.02.2009. The applicant was proceeded against on the allegations that he absented himself from lawful duty with effect from 28.09.2008 till his removal from service i.e 21.02.2009, without taking any leave/permission from his seniors.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations vide office Endst No. 787/EC, dated 16.12.2008, but he failed to report/arrival for duty or submit reply of Charge Sheet within stipulated period. Thus he was summoned vide office Endst No. 1672/EO, dated 24.12.2008, by the enquiry committee, but he failed to turn up. The enquiry committee recommended for major punishment.

Upon the findings of enquiry committee he was issued Final Show Cause Notice vide office Endst No. 877/EC, dated 03.01.2009, but his reply was not received within stipulated period. In the light of recommendation of the enquiry committee and other material available on record, the applicant was removed from service from the date of absence i.e 28.09.2008 vide office OB No. 23, dated 21.02.2009.

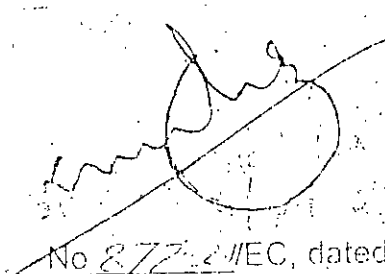
Feeling aggrieved against the impugned order of SP FRP Malakand Range, Swat, the applicant preferred the instant appeal. The applicant was summoned and heard in person in Orderly Room held on 09.11.2017.

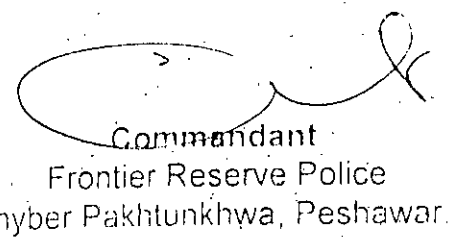
From perusal of enquiry file and service record of the applicant, it has been found that the impugned order of removal was passed on 21.02.2009 and the instant departmental appeal has been filed by the applicant on 28.09.2017, hence his appeal is badly time barred.

Based on the appreciation of the situation painted above, I, Sher Akber, PSP S.St Commandant FRP Khyber Pakhtunkhwa, Peshawar, being the competent authority, find no substance in the appeal, therefore, the same is rejected and filed being meritless and badly time barred.

Order Announced.

OB No. /
Date 09/11/17




Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar.

No 877/EC, dated Peshawar the 20/11/2017.

Copy of above is forwarded for information and necessary action to the:

1. SP FRP Malakand Range, Swat. His service record alongwith D file sent herewith.
2. Ex-constable Abdul Tawab S/o Khalid Khan Village Sapal Banda, Post Office Saido Sharif, Tehsil & District Swat.

محضور عتاب آئی۔ سی۔ بی۔ صاحب جسٹس جیون خواہ لینا

عنوان: رحم درخواست اسرورس اپیل بسلسلہ بحالی ملازمت بحیثیت کنسٹیبل

11

جناب عالی!

اداب محض اور محیکہ کہ سائل گاؤں سیل باغی ضلع سوات کا اصل سکوتی باشندہ ہے۔ سائل سال 2007-07-25 کو محکمہ پولیس ایف، آر، پی ملاکنڈ ریجن میں بھرتی ہوا تھا۔ سائل کا پولیس فورس کے ساتھ از حد محبت تھا۔ اور مستقبل میں قوم کے شب روز خدمت اور ملک کے بقاء کے خاطر ایک ایماندار پولیس آفیسر بنانا چاہتا تھا۔ صرف یہ نہیں بلکہ پولیس ملازمت سائل کے عمر رسیدہ اور سفید ریشی تک پہنچے ہوئے ماں باپ، چھوٹے بہن بھائیوں کے پیٹ پالنے کا ایک ذریعہ بھی تھا۔ مگر بد قسمی سے حالیہ دور میں ملاکنڈ ڈویژن میں ملک و سماج دشمن عناصر نے اپنے ناپاک ارادوں سے دہشت گردانہ سرگرمیاں شروع کر دی۔ اور آئے روز اپنے مرموم مقاصد کے بناء بے گناہ اور مضموم لوگوں کے جانوں سے کھیلتے ہوئے دہشت گردی کو عروج پر پہنچا دیا۔ دہشت گردانہ سرگرمیاں تو پورے ضلع میں رہی مگر گاؤں سیل باغی زیادہ متاثر ہوا۔ چونکہ سائل اسی گاؤں کا باشندہ تھا اسلئے خود سائل، اور سائل کے گھر والوں کو سب روز گاؤں چھوڑنے، سائل کو اس دہشت گردوں کے حوالے کرنے اور گھر بار جلانے کی دھمکیاں ملتی رہی۔ چونکہ حکومت کی رٹ ختم ہو چکی تھی۔ ہر طرف ان دہشت گرد ظالموں نے اپنے مرموم مقاصد اور ناپاک عزائم کے حصول کے لئے جہاد کا چلایا تھا۔ اس لئے سائل کو اپنے گھرانے سمیت گاؤں سیل باغی ضلع سوات سے باہر جانا پڑا۔ بدیں وچ اپنے ملازمت سے قدر غیر حاضر رہا۔ اور دفتر کے تمام راتے اس دہشت گردوں کے زیر کنٹرول تھے۔ طالبان خانوں کے بار بار سائل کو دھمکیاں دینے کی وجہ سے سائل نے اپنے ضعیف العزائم ہار ماں، باپ اور چھوٹے بہن، بھائیوں کے جان بچانے کے خاطر گاؤں چھوڑ کر محفوظ مقام پر پناہ لی۔ قدر غیر حاضری کے بعد اپنے ذیول پر حاضرانا چاہتا تھا۔ مگر سائل اسی غیر حاضری کی پاداش میں محکمہ پولیس سے بھرا آرا تکتا۔ نمبر 229 مورخہ 21-02-2009 سے ڈسچارج کیا گیا ہے۔

سائل اپنے گھر کے کئی افراد پر مشتمل کنبہ کا واحد کفیل ہے۔ اور سائل کا کوئی ذریعہ حاضری نہیں ہے۔ نہ کنبہ کے اس دور میں سائل کو شدید مشکلات کا سامنا ہے۔ لہذا درخواست محض وراقدس محیکہ ماتحت پروری کے تحت اگر سائل کو ملازمت میں دوبارہ بحال کیا جائے تو سائل اپنے اس احسانِ عظیم کا ہمیشہ کے لئے مشکور رہے گا۔

العارض

By No-3518

dated 7.12.17

سابقہ کنسٹیبل عبدالنواب نمبر 4691

ولد خالد خان گاؤں سیل باغی ضلع سوات

موبائل نمبر 0345-1908115

فون (گھر): 0946-865578

محکمہ پولیس ایف، آر، پی

H 19

ORDER

WHEREAS as per the approval of the Provincial Police Officer, Khyber Pukhtunkhwa a Committee had been constituted vide this office No: 9871-77/E dated 16/11/2010, headed by DPO Swat to reconsider the cases of the personnel dismissed during militancy.

AND WHEREAS the Committee has after thorough deliberations and scrutiny of the relevant record, submitted its findings vide No: 14732/E dated 29/11/2010 wherein 253 personnel have been recommended for reinstatement in service.

NOW THEREFORE as per the approval of the Provincial Police Officer, the following personnel recommended by the Committee are hereby reinstated in service with effect from the date of their dismissal. The period during which they remained out of service after dismissal and the period of their absence will be treated as leave without pay.

S.No.	Name and No.
1.	Ex-Constable Bahader Khan No. 1322
2.	Ex-HC Mian Said Rehman No. 582
3.	Ex-Constable Muhammad Saeed No. 1543
4.	Ex-Constable Fida Hussain No. 751
5.	Ex-Constable Zia-U-din No. 1581
6.	Ex-Constable Sami Ullah No. 103
7.	Ex-Constable Sadique Akbar No. 340
8.	Ex-Constable Aziz Ali No. 1482
9.	Ex-DASI Ijaz Ali No. 3. 5 (Shaheed Son)
10.	Ex-Constable Farman Ali No. 757
11.	Ex-Constable Shafiqullah No. 298
12.	Ex-Constable Sher Ali Khan No. 443
13.	Ex-Constable Rafiq Hussain No. 1421
14.	Ex-Constable Sharafat Khan No. 776
15.	Ex-Constable Fazal Zaveri No. 1091
16.	Ex-Constable Asmat Ali No. 1304
17.	Ex-Constable Niaz Mond No. 822
18.	Ex-Constable Abdul Wadood No. 151
19.	Ex-Constable Muhammad Shoaib No. 112/RR
20.	Ex-Constable Ghulam Hussain No. 1257
21.	Ex-HC Abdul Wali Khan No. 378
22.	Ex-Constable Naseer Ud-din No. 1415
23.	Ex-Constable Ajmal Khan No. 1524

Amir

24.	Ex-Constable Gul Faraz Khan No. 1512
25.	Ex-Constable Fayal Wadood No. 1230
26.	Ex-Constable Sultanat Khan No. 556
27.	Ex-Constable Bakht Nawab No. 141/RR
28.	Ex-Constable Saeed Ullah No. 1043
29.	Ex-Constable Nasir Ali No. 1074
30.	Ex-Constable Zahoor Ahmad No. 1038
31.	Ex-Constable Said Akbar No. 1118
32.	Ex-Constable Muhammad Ali No. 1850
33.	Ex-Constable Falak Zeb No. 887
34.	Ex-Constable Adalat Khan No. 1254
35.	Ex-Constable Malak Zada No. 953
36.	Ex-Constable Zahoor Ahmad No. 165/RR
37.	Ex-Constable Akhtar Ali No. 49
38.	Ex-Constable Shakir Hussain No. 290
39.	Ex-Constable Akbar Ali No. 1306
40.	Ex-Constable Akber Ali No. 1528
41.	Ex-Constable Zoor Muhammad Khan No. 549
42.	Ex-Constable Muhammad Alam No. 512
43.	Ex-Constable Amir Khattam No. 30
44.	Ex-Constable Naseer-Ullah Khan No. 1428
45.	Ex-Constable Muhammad Zeb Khan No. 371
46.	Ex-Constable Hayat Mughd Khan No. 143
47.	Ex-Constable Subhan Ullah No. 186/RR
48.	Ex-Constable Asad-ullah Jan No. 1226
49.	Ex-Constable Rasheed Khan No. 33/RR
50.	Ex-Constable Habib-ur-Rehman No. 205/RR
51.	Ex-Constable Abdullah No. 885
52.	Ex-Constable Niaz Ali Shah No. 130/RR
53.	Ex-Constable Sher Alam Khan No. 144/RR
54.	Ex-Constable Said Mahmood Jan No. 615
55.	Ex-Constable Muhammad Shoaib No. 615
56.	Ex-Constable Ajab Khan No. 172
57.	Ex-Constable Tariq No. 1534
58.	Ex-Constable Karim Ullah Khan No. 608
59.	Ex-Constable Shafi Ullah No. 1506
60.	Ex-Constable Bashir Ahmad No. 1457
61.	Ex-Constable Izzat Mond No. 1244
62.	Ex-Constable Shehzada No. 364
63.	Ex-Constable Umar Zaib No. 1448
64.	Ex-Constable Majeed Khan No. 81

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65.	Ex-Constable Shamshey Khan No. 508
66.	Ex-Constable Sabz Ali Khan No. 1447
67.	Ex-Constable Baktawar Khan No. 1251
68.	Ex-Constable Bacha Wali No. 1434
69.	Ex-Constable Rasheed Ahmad No. 1791
70.	Ex-Constable Muhd Sher Ali Khan No. 463
71.	Ex-Constable Adalat Khan No. 275
72.	Ex-Constable Mian Said Parvez No. 752
73.	Ex-Constable Jahan Parvez No. 293
74.	Ex-Constable Rehmat Ali No. 927
75.	Ex-Constable Abdul Hayeed No. 206
76.	Ex-Constable Bakht Ullah No. 92
77.	Ex-Constable Shokat Ali No. 1371
78.	Ex-Constable Zikriya No. 421
79.	Ex-Constable Zahir Ahmad No. 1450
80.	Ex-Constable Said Ahmad Khan No. 917
81.	Ex-Constable Bakht Zavin No. 1694
82.	Ex-Constable Riaz Muhammad No. 1467
83.	Ex-Constable Zahid Ullah No. 1394
84.	Ex-Constable Bakht Namroz No. 667
85.	Ex-Constable Mian Said Gul No. 344
86.	Ex-Constable Hidayat Ullah Khan No. 335
87.	Ex-Constable Umar Rehman No. 728
88.	Ex-Constable Gohar Ali No. 625
89.	Ex-Constable Said Azam No. 42/RR
90.	Ex-ASI Aman Khan
91.	Ex-Constable Najib Ullah No. 1481
92.	Ex-Constable Alta Ullah No. 1514
93.	Ex-Constable Feroz Khan No. 961
94.	Ex-Constable Ubaid Ullah No. 190
95.	Ex-Constable Akbar Bach No. 852
96.	Ex-Constable Sher Alam No. 996
97.	Ex-Constable Muhammad Ayaz No. 488
98.	Ex-Constable Anwar-ul-Haq No. 572
99.	Ex-Constable Muhammad Iqbal No. 369
100.	Ex-Constable Gohar Ali No. 642
101.	Ex-Constable Bizwan Ullah No. 1454
102.	Ex-Constable Yousaf Khan No. 350
103.	Ex-Constable Farooq No. 13
104.	Ex-Constable Muhammad Shoaib No. 1528
105.	Ex-Constable Ali Muhammad No. 1156

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106.	Ex-Constable Mumtaz Ali No. 62
107.	Ex-Constable Shah Wali Khan No. 1502
108.	Ex-Constable Mian Khaliq Jan No. 383
109.	Ex-Constable Luqman Ali No. 95
110.	Ex-Constable Jehan Ali No. 195
111.	Ex-Constable Musharraf Khan No. 1113
112.	Ex-Constable Amir Muhammad No. 176/RR
113.	Ex-Constable Alam Khan No. 1078
114.	Ex-Constable Sher Shah No. 862
115.	Ex-Constable Arjif Ali No. 1044
116.	Ex-Constable Sher Ali Khan No. 1353
117.	Ex-Constable Iftikhar No. 564
118.	Ex-Constable Bakht Akbar No. 1288
119.	Ex-Constable Taj Mughd. No. 1111
120.	Ex-Constable Alam Dadshah No. 1196
121.	Ex-Constable Liaquat Ali No. 225
122.	Ex-Constable Liaquat Ali No. 293
123.	Ex-Constable Azam Khan No. 1427
124.	Ex-Constable Habib Ullah No. 1446
125.	Ex-Constable Yar Dadshah No. 933
126.	Ex-Constable Nadar Shah No. 468
127.	Ex-Constable Nazir Mughd. No. 1379
128.	Ex-HC Asghar Khan No. 31
129.	Ex-Constable Ali Rasheed No. 1480
130.	Ex-Constable Fazal Rehman No. 1784
131.	Ex-Constable Bakhtaj No. 1329
132.	Ex-Constable Ibrar Hussain No. 420
133.	Ex-Constable Zafar Alam No. 653
134.	Ex-Constable Mughd. Rafiq No. 1633
135.	Ex-Constable Sajjad Khan No. 1518
136.	Ex-Constable Umar Khilab No. 1109
137.	Ex-Constable Ahmad Ali No. 1318
138.	Ex-Constable Rehmat Ali No. 175
139.	Ex-Constable Iqbal Hussain No. 1486
140.	Ex-Constable Rehman Ullah No. 1466
141.	Ex-Constable Ayaz Ahmad No. 320
142.	Ex-Constable Sadique No. 1470
143.	Ex-Constable Shafiq-ur-Rehman No. 851
144.	Ex-Constable Bashir Ahmad No. 1377
145.	Ex-Constable Liaquat Ali No. 1345
146.	Ex-Constable Aziz-ur-Hussain No. 1170

147.	Ex-Constable Zakir Hussain No. 308
148.	Ex-Constable Mideraugh No. 533
149.	Ex-Constable Muslim Khan No. 198/RR
150.	Ex-Constable Zafar Ali Khan No. 74
151.	Ex-Constable Najib Ullah Khan No. 1439
152.	Ex-Constable Rahim Khan No. 571
153.	Ex-Constable Azam Khan No. 45
154.	Ex-Constable Mian Said Bacha No. 1362
155.	Ex-Constable Hazrat Alam No. 1570
156.	Ex-Constable Irfan Ud Din No. 1549
157.	Ex-Constable Sher Hassan Khan No. 685
158.	Ex-Constable Muid Razaq No. 131/RR
159.	Ex-Constable Mian Said Farooq No. 333
160.	Ex-Constable Muhammad Tahir No. 1703
161.	Ex-Constable Bahadur Nawab Khan No. 1935
162.	Ex-Constable Amir Khan No. 1604
163.	Ex-Constable Sami Ullah No. 1588
164.	Ex-Constable Muhammad Qasim No. 1688
165.	Ex-Constable Muid, Aarif Khan No. 1393
166.	Ex-Constable Asmat Ali No. 1723
167.	Ex-Constable Farhad Ali No. 1761
168.	Ex-Constable Mian Said Ghani No. 1689
169.	Ex-Constable Inam Ullah No. 1145
170.	Ex-Constable Umar Farooq No. 1677
171.	Ex-Constable Israr Ahmad No. 1622
172.	Ex-Constable Amal Khan No. 1569
173.	Ex-Constable Rehmat Ali No. 496
174.	Ex-Constable Zara Wali No. 134
175.	Ex-Constable Anwar Ullah No. 1666
176.	Ex-Constable Bakht Kayam No. 1800
177.	Ex-Constable Anwar Ali No. 1574
178.	Ex-Constable Aziz Ullah Khan No. 1591
179.	Ex-Constable Hazrat Bilal No. 1776
180.	Ex-Constable Farman Ali No. 217/RR
181.	Ex-Constable Muid Alam Khan No. 1774
182.	Ex-Constable Asghar Khan No. 1720
183.	Ex-Constable Abdullah No. 1661
184.	Ex-Constable Mohammad Azim No. 971
185.	Ex-Constable Said Sarf Ullah No. 1600
186.	Ex-Constable Samin Khan No. 1724
187.	Ex-Constable Sultan Asghar No. 1575

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188.	Ex-Constable Hayat Ali No. 1614
189.	Ex-Constable Liaqat Ali Khan No. 1414
190.	Ex-Constable Yaqub Khan No. 1601
191.	Ex-Constable Farman Ali No. 1069
192.	Ex-Constable Rehmat Zaib No. 1679
193.	Ex-Constable Fayaz Ali No. 914
194.	Ex-Constable Wali Ahmad No. 841
195.	Ex-Constable Barkat Ali Khan No. 190/RR
196.	Ex-Constable Nazir Mahmood No. 1771
197.	Ex-Constable Mohim Bacha No. 1608
198.	Ex-Constable Muhd. Kashif No. 1579
199.	Ex-Constable Nisar Ahmad No. 1565
200.	Ex-Constable Fazal Haq No. 1589.
201.	Ex-Constable Ajab Khan No. 1553
202.	Ex-Constable Shah Ali Yar Khan No. 1643
203.	Ex-Constable Hazrat Ali No. 1797
204.	Ex-Constable Zia Ullah No. 104/RR
205.	Ex-Constable Naeem Iqbal No. 1716
206.	Ex-Constable Amjid Ali No. 1624
207.	Ex-Constable Farhad Ali No. 127
208.	Ex-Constable Hazrat Usman No. 1691
209.	Ex-Constable Umar Zaman No. 160/RR
210.	Ex-Constable Zafar Ali No. 159
211.	Ex-Constable Sa'eed Ullah No. 1513
212.	Ex-Constable Sher Bahadar Shah No. 211/RR
213.	Ex-Constable Anil Ali Shah No. 828
214.	Ex-Constable Fazal Ali No. 1647
215.	Ex-Constable Abdur Rehman No. 1607
216.	Ex-Constable Muhammad Ikram No. 240
217.	Ex-Constable Inayat Ullah No. 1665
218.	Ex-Constable Sajid Ullah No. 1672
219.	Ex-Constable Karim Ullah No. 1788
220.	Ex-Constable Umar Muhammad No. 1361
221.	Ex-Constable Nawab Rehman No. 1664
222.	Ex-Constable Zai Ullah Khan No. 9/RR
223.	Ex-Constable Qayum Khan No. 1586
224.	Ex-Constable Imran Ali No. 531
225.	Ex-Constable Nasir Ali No. 1623
226.	Ex-Constable Riaz Ali No. 1559
227.	Ex-Constable Halder Ali No. 1667
228.	Ex-Constable Badshah Muhammad No. 142/RR

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229.	Ex-Constable Sher Zaman No. 1167
230.	Ex-Constable Muhammad Jan No. 1708
231.	Ex-Constable Miran Gull Bacha No. 1696
232.	Ex-Constable Saif Ullah No. 1769
233.	Ex-Constable Zahir Ullah No. 1644
234.	Ex-Constable Parveez Khan No. 65/RR
235.	Ex-Constable Muhammad Nacem No. 1746
236.	Ex-Constable Fazal Bacha No. 605
237.	Ex-Constable Barkat Ali No. 1312
238.	Ex-Constable Amir Zeb No. 1787
239.	Ex-Constable Kalim Ullah Jan No. 1656
240.	Ex-Constable Zai-ur-Rehman No. 1694
241.	Ex-Constable Muhammad Alam No. 1730
242.	Ex-Constable Fazal Hayat No. 1658
243.	Ex-Constable Hazrat Nawaz Khan No. 721
244.	Ex-Constable Ikram Ullah No. 1606
245.	Ex-Constable Tariq Rahim No. 1782
246.	Ex-Constable Wali Khan No. 212/RR
247.	Ex-Constable Abdali Khan No. 188/RR
248.	Ex-Constable Muhammad Parvez No. 63/RR
249.	Ex-Constable Muhammad Zahid No. 71/RR
250.	Ex-Constable Sardar Ali No. 45/RR
251.	Ex-Constable Luqman No. 95
252.	Ex-Constable Bahad Ali No. 4688/FRP
253.	Ex-Constable Sher Ali No. 4388/FRP

Order announced.

(WAZI JAMIL-UR-REHMAN)
Deputy Inspector General of Police,
Malakand Region, Saidu Sharif, Swat.
SAIF

No. 169/14-16/E,
Dated 30/11/2010.

Copy for information and necessary action to the:-

1. Provincial Police Officer, Khyber Pakhtoonkhwa, Peshawar.
2. District Police Officer, Swat.
3. Superintendent of Police, FRP, Swat.

[Signature]
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OFFICE ORDER

WHEREAS as per the approval of the Provincial Police Officer, FR, Pukhtunkhwa a Committee had been constituted vide this office No:9871 dated 16/11/2010, headed by DPO Swat to reconsider the cases of the persons absented during vacancy.

AND, WHEREAS the committee has, after thorough deliberation scrutiny of the relevant record, submitted a findings vide No:89/OASI, 04/01/2012 wherein 12 personnel have been recommended for reinstatement service.

NOW THEREFORE as per the approval of the Provincial Police Officer, following personnel recommended by the Committee are hereby reinstate service with effect from the date of their dismissal. The period during which remained out of service after dismissal and the period of their absence will treated as leave without pay.

- | S.No | Name and No. |
|------|--------------------------------------|
| 1. | Ex-Constable Minhaj-ud-Din No. 139 |
| 2. | Ex-Constable Zahoor Hussain No. 1738 |
| 3. | Ex-Constable Ali Baz No. 501 |
| 4. | Ex-Constable Muhammad Israr No. 118 |
| 5. | Ex-Constable Attaullah No. 924 |
| 6. | Ex-Constable Muhammad Ali No. 1633 |
| 7. | Ex-Constable Fazal Haman No. 1504 |
| 8. | Ex-Constable Ikram No. 1189 |
| 9. | Ex-Constable Qaiser Ali Shah No. 675 |
| 10. | Ex-Constable Bashir Ahmad No. 270 |
| 11. | Ex-Constable Parwanat Khatun No. 30 |
| 12. | Ex-Constable Fazal Rabbi No. 579 |

Order announced.

(AKHTAR HAYAT KHAN)
Deputy Inspector General of Police
Malakand Region, Swat District, Swat

No. _____
Dated: 07/02/2012

Copy for information and necessary action to the

1. Provincial Police Officer, Malakand Region, Peshawar
2. District Police Officer, Swat

Handwritten signatures and initials



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OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

No. SI/ 1656 /17, dated Peshawar the 15/3/2017

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-Constable Noor Khan No. 462. The appellant was dismissed from service by DPO, Dir Lower vide OB No. 361, dated 16.03.2009 on the charge of absence from duty for 02 months and 04 days.

Meeting of Appellate Board was held on 02.03.2017 wherein appellant was heard in person. During hearing petitioner contended that he was posted at Malakand Region as DFC. He could not bring Summon and Warrants to the area because of terrorism. Terrorists and Taliban threatened him time and again on his cell phone.

The Board examined his service record which revealed that appellant has no bad entry during his service. Moreover, he has qualified Recruit Course and A-1 examination.

Keeping in view 67 years, 11 months and 12 days service at the credit of petitioner and threats from Terrorists and Taliban, the Board decided that the petitioner is hereby re-instated in service, however, the intervening period including period of absence from duty is considered as period in service but not on duty and he will not be entitled for salary of the intervening period. He will remain under special watch for one year.

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

(Signature)
(NAJEEB-UR-REHMAN BUGVI)
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

SI/1657-64/17

Copy of the above is forwarded to the:

1. Regional Police Officer, Malakand at Swat.
2. District Police Officer, Dir Lower.
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.
8. Central Registry Cell, CPO.

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ORDER

This order shall dispose of departmental appeal under rule 11 of Khyber Pakhtunkhwa Police Rules 1975, submitted by Ex-constable Sadiq-ur-Rehman No. 4881 of FRP Malakand Range, against the order of SP FRP Malakand Range, Swat, wherein he was removed from service.

Brief facts of the case are that Ex-constable Sadiq-ur-Rehman No. 4881 of FRP Malakand Range was enlisted as constable on 26.07.2007. Later on during the course of duty he was absented himself from duty with effect from 20.07.2008, till the date of his removal from service.

In this regard he was issued charge sheet and statement of allegations, but neither he report/arrival for duty, nor replied to charge sheet within stipulated period. Thereafter, on 08.11.2008 he was issued Urdu Parwan, but he failed to do so, therefore, the Enquiry Committee recommended him for major punishment of removal from service. Later on he was issued final show cause notice but his reply was not received within stipulated period.

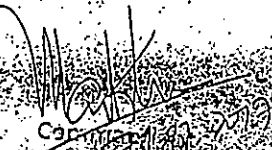
In the light of recommendation of Enquiry Committee and other material available on record he was removed from service by the SP FRP Malakand Range, Swat, vide office OB No. 151, dated 14.11.2009.

After going through the available record it has pointed out that the appellant has neither participated with enquiry proceedings, nor provided opportunity of personal hearing.

The applicant has heard in person in enquiry room held on 03.08.2017, during the course of hearing he contended that at those days the Swat valley was under control of miscreants/Taliban and were kidnapping, killing the Government employees, especially of Police department. He further stated that being a member of the Force (Police Department) he was received threat from Taliban, then he alongwith his family members were compulsively shifted to other safe place i.e Punjab Province. He further added that his removal from service order was not communicated to him. His plea was found plausible and satisfactory.

Keeping in view the above, vis-a-vis his unblemished service record also a trained soldier he (Ex-constable Sadiq-ur-Rehman No. 4881 of FRP Malakand Range) is hereby reinstated in service and the punishment of his removal from service is hereby modified and converted into major punishment of deduction in pay as timescale constable. The period of his absence from duty and the intervening period are considered as period in service but not on duty and he will not be entitled for salary of his absence and intervening period.

Order announced:


Frontier Regional Officer
Khyber Pakhtunkhwa, Peshawar

No. 9/11/EC, dated Peshawar the 07/11/2017

Copy of above is forwarded to the SP FRP Malakand Range, Swat for information and necessary action. His service record sent herewith.

92

This order shall dispose of departmental appeal under rule 11 of Khyber Pakhtunkhwa Police Rules 1975, submitted by Ex-constable Taj Bhadar No. 4899 of FRP Malakand Range, against the order of SP FRP Malakand Range, Swat, wherein he was removed from service.

Brief facts of the case are that constable Taj Bhadar No. 4899 of FRP Malakand Range was enlisted as constable on 26.07.2007. He was absented himself from duty with effect from 01.04.2009, till the date of his removal from service.

In this regard he was issued charge sheet and statement of allegations, but neither he report/arrival for duty nor replied to charge sheet within stipulated period. Thereafter, on 28.04.2009 he was issued Urdu Parwan but he failed to do so, therefore, the Enquiry Committee recommended him for major punishment of removal from service. Later on he was issued final show cause notice but his reply was not received within stipulated period.

In the light of recommendation of Enquiry Committee and material available on record he was removed from service by the SP FRP Malakand Range, Swat, vide office OS No. 294, dated 21.02.2009.

After going through the available record it has pointed out that during the course of enquiry the applicant has neither participated with enquiry proceedings nor provided opportunity of personal hearing.

The applicant was heard in person in orderly room held on 03.08.2017, during the course of hearing he contended that at those days the Swat valley was under control of miscreants/Taliban and were kidnapping, killing the Government employees, especially of Police Department. He further stated that being a member of the Force (Police Department) he was received threat from Taliban, then he alongwith his family members were compulsively shifted to other safe place i.e Karachi. He further added, that his removal from service order was not communicated to him. His plea was found plausible and satisfactory.

Keeping in view the above, vis-a-vis his unblemished service record, also a trained soldier he (Ex-constable Taj Bhadar No. 4899 of FRP Malakand Range) is hereby reinstated in service and the punishment of his removal from service is hereby modified and converted into major punishment of deduction in pay as timescale constable. The period of his absence from duty and the intervening period are considered as period in service but not on duty and he will not be entitled for salary of his absence and intervening period.

Order announced:

Commandant
Frontier Reserve Police

Khyber Pakhtunkhwa, Peshawar

No. 5913 /EC, dated Peshawar, the 9/8/2017

Copy of above is forwarded to the SP FRP Malakand Range, Swat for information and necessary action. His service record sent herewith.

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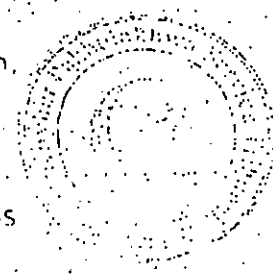
23-5-12

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 588 /2012

Ch. J. S. Peshawar
Dated: 23/05/12
Page No. 562
Case No. 23/05/12

Muhammad Ali S/O. Muhammad Mashai Khan,
R/o. Char Bagh, Ex-C. No. 4708, FRP,
Police Station Matta, Swat



Appellant

VERSUS

1. Commandant, FRP, KPK,
Peshawar.

2. Superintendent of Police, FRP,
Malakand Region, Swat.

3. Provincial Police Officer, KPK,
Peshawar.

Respondents

APPEAL AGAINST OFFICE ORDER
NO.1964-65/EC DATED 09.04.2013 OF
R.NO.1 (APPELLATE AUTHORITY)
WHEREBY REPRESENTATION OF
APPELLANT WAS REJECTED AGAINST OR
NO.133 DATED 10.10.2008 OF R.NO.2
DEFINITIONAL AUTHORITY) WHO
DISMISSED APPELLANT FROM SERVICE
FOR NO LEGAL REASON.

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Respectfully Sheweth,

1. That on 25.07.2007, appellant was enlisted as FRP constable in Malakand Range by R.No.1.

2. That it was an admitted fact that the whole Swat Valley was under the control of insurgents/Taliban, hence the security infrastructure, Miscreants/Taliban were kidnapping, killing and hounded Government employees, especially of

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23.05.2012

was rejected on 09.12.2012 and hence the instant service appeal on 10.10.2008 where against departmental appeal of the appellant after conducting enquiry removed from service vide order dated found absent from duty for a period of 3 months and 8 days and vide appointment order dated 25.07.2007, while serving as he was appellant was appointed as Constable in FTR, Malakand Range. Brief facts giving rise to the present appeal are that the

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10.10.2008 of removal from service was rejected. 10.10.2008 of removal from service was rejected. vide which his departmental appeal against original order dated order dated 09.12.2012 communicated to the appellant on 02.5.2012 referred to as the appellant has preferred the instant appeal against Muzad Ali son of Muhammad Mashal Khan hereinafter for the respondents present.

Government Pleader along with Mushiq Ahmad, Inspector (Legal) Appellant with counsel and Mr. Muhammad Zubair, Senior

MUHAMMAD AZIM KHAN, AFRIIDI, CHAIRMAN

02.05.2016

JUDGMENT

(Muzad Ali Vs. Commandant FTR, FTR Peshawar & 2 others)

APPEAL NO. 588/2012

CAMP COURT SWAT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL



Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.

Date of Order or proceedings

Order or proceedings

2-5-16

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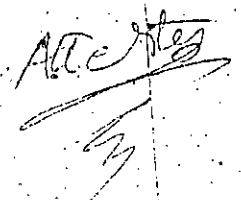
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We have heard arguments of the learned counsel for the parties and perused the record.

Perusal of the record would suggest that charge sheet dated 09.08.2008 was communicated to the appellant on the allegations of wilful absence. However, according to findings/report of the enquiry committee appellant had not turned up in response to notice issued to the appellant for resuming duty and facing an enquiry. It is evident from the record that enquiry procedure was not followed by the enquiry committee as the appellant was neither associated with the enquiry proceedings nor any opportunity of hearing afforded to him and, furthermore, in case of absence, publication of any notice in prescribed manners was not made in the newspapers. Furthermore the alleged period of absence was during the days of militancy and, according to the stance of the appellant, similarly placed employees were reinstated in service and that appellant was also entitled to same treatment.

Since the appellant was subjected to enquiry wherein neither prescribed procedure was followed nor appellant associated with the same as such we deem it more appropriate to set aside the impugned original order dated 10.10.2008 as well as null and void order dated 09.12.2012 and as consequence thereof reinstate the appellant in service, placing the respondents at liberty to departmentally proceed against the appellant, if need be, and that the plea of the appellant in respect of reinstatement of similarly placed persons in service shall also be taken into account during the enquiry which shall be concluded within the period of 2 month from the date of receipt of this judgment. In case the





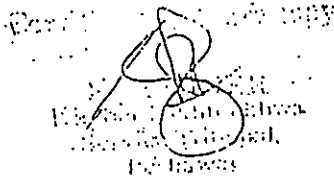
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enquiry is not conducted then the period of absence till reinstatement be treated as leave of the kind due. The appeal is disposed of accordingly. Parties are however left to bear their own costs. File be consigned to the record room.

Announced 02.05.2016 ✓
sd/- M. Azim Khan Afridi,
Chairman
sd/- Abdul Latif,
Member



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12-05-2016
12-05-2016

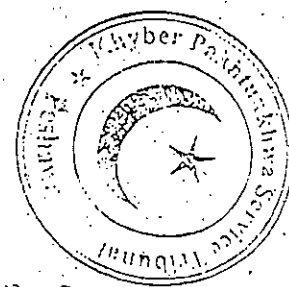
Attached
by

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT SWAT

Service Appeal No: 957/2016

Date of Institution... 04.08.2016

Date of decision... 07.12.2017



Shoukat Ali son of Muhammad Shafiq, R/O Kokari Mingora Swat, Ex-Constable
No. 4741, FRP Platoon No. 83, P.S Mingora Swat. (Appellant)

Versus

1. Superintendent of Police, FRP Malakand Region, Malakand and two others.
(Respondents)

ARBAB SAIFUL KAMAL,
Advocate For appellant.

MR. KABIRULLAH KHATTAK,
Addl Advocate General For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. MUHAMMAD HAMID MUGHAL, CHAIRMAN
MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - This judgment shall also
disposed of other connected appeals No. 697/2016 Muhammad Said, No.
958/2016 Fazal Yaseen, No. 959/2016 Afzal Khan, and No. 961/2016 Umar Ali
as in all the appeals common questions of law and facts are involved.

2. Arguments of the learned counsel for the parties heard and record perused.

FACTS

3. The appellant Shaukat Ali, Umar Ali and Afzal Khan were removed
from service on 28.08.2016, the appellant Fazal Yaseen was removed from

ATTESTED

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service on 02.02.2009 and the appellant Muhammad Saeed was removed from service on 21.09.2009. The appellants then filed departmental appeals belatedly which were rejected then the appellant also approached this Tribunal belatedly not within the stipulated time.

ARGUMENTS

4. The learned counsel for the appellants argued that the very orders of removal from service are void because all these orders have been given retrospective effect. That in view of judgment reported as 1985-SCMR-1178 no limitation shall run against void order.

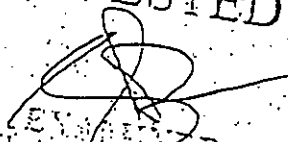
5. On the other hand the learned Addl. Advocate General argued that the departmental appeals are hopelessly time barred. That the revision within the meaning of Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 could not enlarge the period of limitation. That all the codal formalities were fulfilled by the department.

CONCLUSION

6. Regardless of other merits of the case it is an admitted position that all these orders have been given retrospective effect and in view of so many judgments delivered by this Tribunal on the basis of judgment reported in 1985-SCMR-1178 the retrospective order is a void order and no limitation shall run against void order.

7. Since no limitation runs against a void order, any successive appeals or revision would not curtail the rights of the appellants qua the limitation or in other

ATTESTED


Secretary
Khyber Pakhtunkhwa
Service Tribunal

29 26

respect. Presuming that all other elements of due processes have been complied with, the void order cannot be sustained on this score alone.

8. As a sequel to the above discussion, the present appeals are accepted and the appellants are reinstated in service. The department is however, at liberty to hold denovo proceedings in accordance with law within a period of ninety days. The intervening period shall be subject to the final outcome of the denovo proceedings. Parties are left to bear their own costs. File be consigned to the record room.

Announced sdf- Niaz Muhammad Khan,
07-12-2017
Chairman
Camp Court Swat

sdf- M. Hamid Nughal,
Member

Copy of record of this copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Case 13-12-17
Number of Cases 1200
Copying Fee 8
Urgent 8
Total 8
Name of Officer M.A.
Date of Case 15-12-17
Date of Delivery of Case 15-12-17

بعد الت جواب سرسٹریٹ ٹریبیونل سوپر سید پشاور

مستجاب املاٹ

مقام محکمہ پولیس

عبدالکواب

دعوی اپیل

باعضرت سرسٹریٹ ٹریبیونل

بسترہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکیل کاروائی متعلقہ آن مقام پشاور
کیسٹ نمبر ۱۸۱۳۱ خان سرور سے ایڈووکیٹ ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب
موصوف کو مقدمہ کی کل کاروائی کا کاربن اختیار ہوگا نیز وکیل صاحب کو کرنے رضی نامہ و تقرر ثالث و فیصلہ بر عطف
یہ جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور رضی دعویٰ اور درخواست
ہر قسم کی تعلیق اور اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری بکطرفہ یا اپیل کی برآمدگی
اور خصوصاً اپیل دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور
کے کل یا اجزائی کاروائی کے واسطے اور وکیل یا مشاور قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا
اور اس پر مقرر شاہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پرواغختہ منظور
قبول ہوگا و دوران مقدمہ میں جو خرچہ و ہرجانہ التواء مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب
موصوف ہوں گے نیز بقایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام رورہ
پر ہو یا عدت باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔
لہذا وکالت نامہ رکھ دیا کہ سند ہے۔

المترقم

العبد

العبد

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ارباب سید اکمل
ایڈووکیٹ

سید اللہ خان مراد
ایڈووکیٹ

Admas

من روپیہ تار
ایڈووکیٹ

اجملہ روزانہ وکالت

BEFORE THE SERVICE TRIBUNAL PESHAWAR.

SERVICE APPEAL NO. 466/2018

Ex Constable Abdul TawabPetitioner.

VERSUS

**1. Addl: IGP/Commandant FRP Khyber
Pakhtunkhwa Peshawar & Others.....Respondents.**

S. NO	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGES
1.	Para-wise Comments		03
2.			
3.			
4.			
Total			03


RESPONDENTS

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 466/2018.

Abdul Tawab No. 4691 S/O Khalid Khan R/O Sapal Banda, Saidu Shrif, Swat.....Appellant

VERSUS

1. Superintendent of Police,
FRP, Malakand Range, Swat.
2. Commandant, Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar.
3. Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar..... Respondents

PRELIMINARY OBJECTIONS

1. That the appeal is badly time barred.
2. That the appellant has no cause of action to file the instant appeal.
3. That the appellant has not come to this Honorable Court with clean hands.
4. That the appellant trying to concealed material facts from this Honorable Tribunal.

WRITTEN REPLY ON BEHALF OF RESPONDENTS

FACTS

RESPECTED SHEWETH:-

1. Para No. 1 Pertain to the appellant record needs no comments.
2. Pertain to record.
3. Incorrect the appellant while posted for emergency duties with platoon No. 81 at District Shangla deserted/absented himself from lawful duties w.e.f 28.09.2008 till the date of his removal from service i.e 21.02.2009 for total period of 04 months and 14 days, without prior permission or leave.
4. Incorrect, the appellant was deserted from his official duty by showing extreme cowardice act and intentionally remained absented himself from lawful duties w.e.f 28.09.2008 till the date of his removal from service i.e 21.02.2009, without prior permission or leave while his other colleagues bravely faced with every odd and paid their assigned duties in letter with spirit to maintained the law and order situation in the aria.
5. Incorrect, on the allegations of absence he was served with Charge Sheet alongwith Statement of Allegations and an enquiry committee was constituted to conduct departmental enquiry against him. During the course of enquiry the appellant summoned through Urdu Parwana with directions to resume his duty, but he did not turn up and after fulfillment of codal formalities he was removed from service.
6. Para No. 6 pertain to record needs no comments.
7. Correct, to the extent that departmental appeal submitted by the appellant was thoroughly examined and rejected on sound grounds.

8. Incorrect, that review petition of the appellant was thoroughly examined and filed by the competent authority on the grounds of badly time barred and merit as well.
9. Incorrect, the cases mentioned by the appellant in the Para are not at par with the case of the appellant.
10. The Para is related to the record of this Honorable Tribunal.


GROUND:-


- a. Pertain to the appellant record needs no comments.
- b. Incorrect, the appellant was deserted from his official duty by showing extreme cowardice act and intentionally remained absented himself from lawful duties w.e.f 28.09.2008 till the date of his removal from service i.e 21.02.2009, without prior permission or leave, while his other colleagues bravely faced with every odd and paid their assigned duties in letter with spirit to maintained the law and order situation in their aria. Moreover, the appellant was being a member of Police Force hence he obligated to protect life, property and liberty of citizen.
- c. Incorrect, the Police Force is obligated to perform the duty in all situation for maintaining of law & order situation in the area, while the appellant deserted/ absented him self from his assigned duty. Moreover, on the allegations of absence the appellant was dealt with proper enquiry and during the course of enquiry he was found guilty of the charges leveled against him and after fulfillment of codal formalities he was removed from service.
- d. Incorrect as the appellant was deliberately absented himself from his lawful duty without prior permission or leave, which is a grass misconduct on his path. It is pertinent to mention here that in those days more strength/manpower was required to meet challenges of law & orders situation in Swat. Instead the appellant chose the path of cowardice and deserted from his responsibilities. After adopting the laid down procedure per law, the Appellant was removed from service. Later-on all deserters' officials of Police Force, including the appellant who deserted from their duties by showing extreme cowardice were proceeded against departmentally and finally all of them had been removed from service after adopting all codal formalities. The rest of Para admitted to the extent that in the light of directions of the high ups the ex- officials who came back within stipulated period were reinstated in service. But the appellant was disappeared for a long period about more then ten years and failed deliberately to avail the opportunity of reinstatement in service.
- e. Incorrect, the appellant was remained absented himself from lawful duties without prior permission of the competent authority and after proper enquiry he was removed from service. The removal order of the appellant is legally justified and in accordance to law.

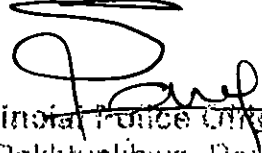
f. Incorrect no discrimination was made by the respondents in the case of the appellant as only the eligible/entitled Ex-officials who were reinstated in service by the respondents and Honorable Tribunal on merit. After lapse of more the 10 years now the appellant is desired to reinstatement in service.

PRAYERS:-

It is therefore, most humbly prayed that in the light of aforesaid facts/submission the instant service appeal may kindly be dismissed with cost.


Superintendent of Police, FRP,
Malakand Range, Swat
(Respondent No.1)


Commandant, FRP,
Khyber Pakhtunkhwa, Peshawar
(Respondent No.2)


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No.3)

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S. A. No. 466 /2018

Abdul Tawab

versus

S.P & Others

REPLICATION

Respectfully Sheweth,

Preliminary Objections:

All the 4 preliminary objections are illegal and incorrect. No reason in support of the same is ever given as to why the appeal is time barred, without cause of action and locus standi, unclean hands and concealment of material facts.

ON FACTS

- 1-2. Needs no comments.
3. Not correct. Appellant served various Police Stations and his removal from service for was no legal reason.
4. Not correct. Appellant was attributed factum of cowardice but cowardice nowhere bore punishment of removal from service but confinement in Quarter Guard for some period, forfeiture of approved service and fine. Even absence too dose not bore major punishment when the same was not intentional. Such position has been explained in para No. 09 of the appeal.
5. Not correct. The para of the appeal is not replied to its contents regarding removal from service. No parwana was served by the department upon him and no codal formalities were ever observed before the impugned order of removal from service.
6. Admitted correct by the respondents regarding submission of appeal before authority, etc.

7. Admitted correct by the respondents regarding submission of representation and its rejection.
8. Not correct. The para of the appeal is correct regarding submission of Revision Petition but no order of its rejection / filing was served upon appellant. The para is without proof.
9. Not correct. The cases mentioned in the para of appeal regarding reinstatement of colleagues in similar situation are quite at par with the case in hand.
10. Admitted correct by the respondents regarding acceptance of appeals of others by the hon'ble Tribunal.

GROUND:

All the grounds of the appeal are legal and correct, while that of the comments are illegal and incorrect. The same are once again relied upon.

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

A. S.

Appellant

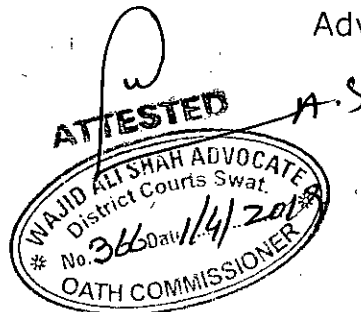
Through

Saadullah Khan Marwat

Saadullah Khan Marwat

Advocate,

Dated: 29-03-2019



BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S. A. No. 466 /2018

Abdul Tawab

versus

S.P & Others

REPLICATION**Respectfully Sheweth,****Preliminary Objections:**

All the 4 preliminary objections are illegal and incorrect. No reason in support of the same is ever given as to why the appeal is time barred, without cause of action and locus standi, unclean hands and concealment of material facts.

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All the grounds of the appeal are legal and correct, while that of the comments are illegal and incorrect. The same are once again relied upon.

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

A. S.

Appellant

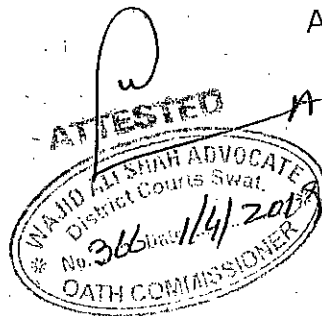
Through

Saadullah Khan Marwat

Saadullah Khan Marwat

Advocate,

Dated: 29-03-2019



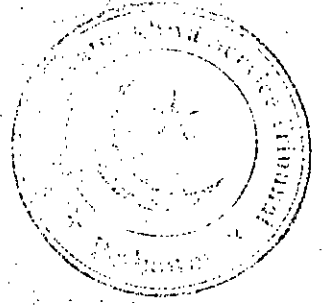
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Appeal No. 221/2017

Date of Institution ... 15.02.2017

Date of Decision ... 03.01.2019



Munir Ali Ex-Constable No. 75/KBI Investigation Wing, District Kohat.
... (Appellant)

VERSUS

The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and 2 others.
... (Respondents)

Present.

MR. YASIR SALIM,
Advocate.

... For appellant

MR. KABIRULLAH KHATTAK,
Addl. Advocate General

... For respondents.

MR. HAMID FAROOQ DURRANI,
MR. HUSSAIN SHAH,

... CHAIRMAN
... MEMBER(E)

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-

The appellant was enlisted as Constable in the Police Department Khyber Pakhtunkhwa on 22.07.2007. During his posting at Investigation Unit Kohat the appellant absented from duty w.e.f. 10.11.2010 to 07.02.2011 without obtaining leave or prior permission from the concerned officer. He was served with charge sheet alongwith statement of allegations under the Khyber Pakhtunkhwa Removal from Service (Special Powers) Ordinance, 2000 by the District Police Officer, Kohat, the competent authority, on 08.12.2010. After finalization of enquiry proceedings final show cause notice was issued to him on 02.3.2011 while the impugned order of removal from service was passed against the appellant on

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18.04.2011. An appeal against the said order was submitted by the appellant which was rejected on 28.03.2012, on the ground of being barred by time.

2. We have heard learned counsel for the appellant and learned Addl. AG on behalf of the respondents.

The latter, at the very outset, raised preliminary objection regarding the delay in filing of departmental appeal as well as the appeal in hand by the appellant. On the other hand, learned counsel for the appellant stated that the impugned order was void as the period of absence alleged against the appellant was treated as leave without pay. The period of limitation, therefore, should not run against the appellant, it was added. The learned counsel also relied on a judgment reported as 2006-SCMR-443 and stated that the penalty imposed upon the appellant was harsh in the circumstances of the case.

3. It is available on record that during his short service of less than four years the appellant absented himself from duty on seven different occasions and lastly remained absent from 10.11.2010 to 07.02.2011 (69 days). Before passing of impugned order dated 18.04.2011, the appellant was awarded minor punishments at different occasions.

It is a matter of record that the impugned order was passed against the appellant on 18.4.2011 against which a departmental appeal was preferred on 10.05.2011 which was decided on 28.03.2012. Thereafter, the appeal before this Tribunal was preferred on 15.02.2017. In view of the dates mentioned above not only the departmental appeal of the appellant was barred by time and it was decided to be as such, the service appeal in hand was also brought with enormous delay of about five years. It was admitted by the appellant in his departmental appeal as well as in reply to the show cause notice that he remained away from duty due to illness of his mother although without obtaining any leave and

procedure. Similarly, an application for condonation of delay was filed along with the appeal in hand but no good reason was provided which could warrant the condonation of delay of such magnitude.

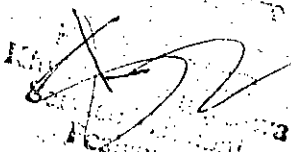
4. In view of the above, it can safely be held that the appellant slept over his rights, if any, and did not bother to resort to remedial proceedings in time. The appeal in hand is, therefore, dismissed being barred by time.

Parties are left to bear their respective costs. File be consigned to the record room.


(HUSSAIN SHAH)
MEMBER(E)


(HAMID FAROOQ DURRANI)
CHAIRMAN

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IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Umar Ata Bandial
Mr. Justice Sajjad Ali Shah

6. CIVIL PETITION NO.424-P OF 2016

(On appeal from the judgment/order dated
25.05.2016 passed by KP Service Tribunal,
Peshawar in Appeal No. 484 of 2014)

Ex-Constable Ajab Khan

Versus

... Petitioner (s)

*The Regional Police Officer, Kohat
Region, Kohat & another*

... Respondent (s)

For the Petitioner (s) : Ms. Misbah Ghulnar Sharif, ASC.
Syed Rifaqat Hussain Shah, AOR.

For the Respondent (s) : Mr. Qasim Wadood, Addl. AG KP.

Date of Hearing : 14.03.2019

ORDER

UMAR ATA BANDIAL, J. The petitioner who was Constable in the Provincial Police/respondent ("Respondent"), was absent from duty for the period 10.06.2013 until 05.09.2013. He had initially been granted leave for 5 days but thereafter according to the respondent's record, neither any extension was applied for nor was otherwise granted. The respondent commenced disciplinary proceedings on the ground of willful absence from duty of the petitioner for the aforementioned period extending 86 days. After holding an enquiry in which the petitioner participated, awarded him punishment of removal from service vide order dated 23.12.2013. The departmental appeal by the petitioner failed and

his service appeal before the learned Provincial Service Tribunal was also dismissed by the impugned judgment dated 25.05.2016.

2. The learned counsel for the petitioner has taken a legal point, namely, that the punishment order dated 23.12.2013 treats the period of absence from duty of the petitioner as "leave without pay." Such treatment, according to the learned counsel, amounts to condonation of his absence from duty in terms of the principle laid down in Lahore Development Authority vs. Muhammad Nadeem Kachloo (2006 SCMR 434).

3. Learned Additional Advocate General has pointed out that the petitioner has 7 years of service to his credit during which he has earned 17 red entries including at least 9 instances when he remained absent from duty for periods in excess of three days. According to him, in the present case the absence of the petitioner is explained on the ground that his mother was unwell. However, it is specifically noted in the enquiry report that the petitioner who was present throughout the proceedings failed to produce any material to establish the illness of his mother. Consequently, it is urged that the petitioner is habitual in default for the performance of his duties, which is itself a serious violation under the Police Order, 2002. More particularly, in the matter of leave, paras 8.2 and 8.17 of the Police Rules, 1934 are clear in laying down that a Police Officer has no right to claim leave; which equally includes no right to leave or to be off duty even on a gazetted holiday. This is because the Police service is an essential service and a higher

standard of diligence and discipline is required therein from its officers. He has accordingly sought to distinguish the judgment relied upon by the learned counsel for the petitioner on the foregoing basis.

4. We have heard the learned counsel for the parties and have carefully perused the impugned judgment as well as the available record. The only point that works in favour of the petitioner is the interpretation of the expression "leave without pay" by this Court in the Lahore Development Authority case *ibid* on which his learned counsel has relied. However, that interpretation cannot be of universal application to all services or to all employees of the Government. In the precedent relied by the learned counsel for the petitioner, the employer was of a civilian body, namely, Lahore Development Authority. There is no mention of any previous acts of misconduct or indiscipline by its accused officer. The present case is altogether different. There are 17 red entries on the service record of the petitioner earned in a short period of 7 years. The defence of the petitioner to justify his absence from duty, namely, illness of his mother is not substantiated on record by any material. The Police service is a disciplined force and an essential service. The standard of conduct, diligence and discipline expected of its members is far higher and stricter than for other government services. In the circumstances, we do not consider that the interpretation relied by the learned counsel for the petitioner is applicable to the case of a police officer, namely, the petitioner. Resultantly, we are not inclined to

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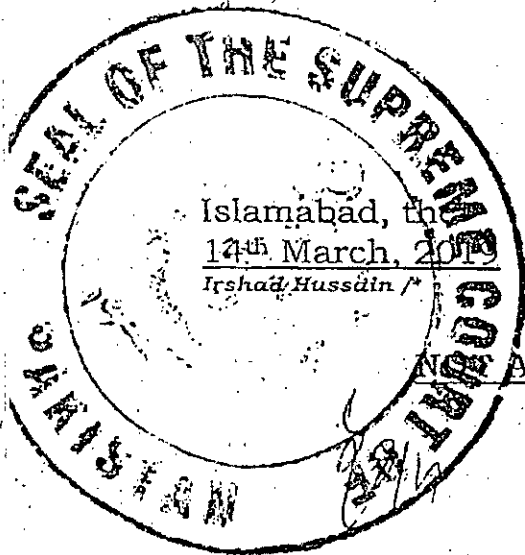
differ with the view taken by the learned Service Tribunal in its judgment impugned before us in this petition.

For the foregoing reasons, we do not find any merit in this petition. As such the same is dismissed and leave to appeal is refused.

Sd/-J

Sd/-J

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Court Associate
Supreme Court of Pakistan
Islamabad

7035/19

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