


SA 1297/18


10th July, 2023

1. Counsel for the appellant present. Mr. Fazal Shah Mohmand,
Addl. Advocate General for the respondents present.

2. Counsel for the appellant seeks adjournment in order to
further prepare the brief. Granted. To come up for arguments on
15.09.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar


(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

Fazle Subhan P.S

26.04.2023

Appellant present through counsel.

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

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. Fazal Shah Mohmand, Additional Advocate General for respondents present.
2. Learned counsel for appellant requested for adjournment in order to prepare the brief. Adjourned. To come up for arguments on 10.07.2023 before D.B. P.P given to the parties.

SCANNED
KPST
Peshawar



(Fareeha Paul)
Member (E)

Mutazem Shah



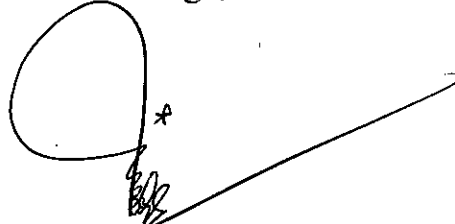
(Kalim Arshad Khan)
Chairman

04.01.2023

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

To come up alongwith connected Service Appeal bearing No. 515/2018 titled "Abdul Tawab Versus Superintendent of Police, FRP, Malakand Range, Swat and 02 others", on 10.02.2023 before the

D.B.



(Mian Muhammad)
Member (E)

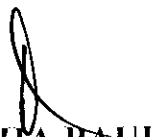


(Salah-Ud-Din)
Member (J)

10.02.2023

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. Advocate General alongwith Inamul Haq, Inspector 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.



(FAREEHA PAUL)
Member (E)



(ROZINA REHMAN)
Member (J)

SCANNED
KPST
Peshawar

SCANNED
KPST
Peshawar

22.12.2023


Learned counsel for the appellant present, Mr. Nasir-ud-Din

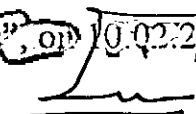
Shah, Assistant Advocate General for the respondents present, Advocate General

for the respondents present. Learned counsel for the appellant sought time for preparation

of arguments. Adjoined. To come up alongwith connected Service Appeal bearing No. 515/2018 titled "Abdul Tawab Versus Superintendent of Police, 04.01.2023 before D.B.

FRP, Malikand Range, Swat and 02 others", on 10.02.2023 before the


(Mian Muhammad)
Member (E)


(Salah-ud-Din)
Member (J)

(Mian Muhammad)
Member (E)

(Salah-Ud-Din)
Member (J)

SCANNED
IN
PESHAWAR

04.07.2022

Learned counsel for the appellant present. Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that she has not made preparation for arguments. Adjourned. To come up for arguments on 11.10.2022 before the D.B.

(Mian Muhammad)
Member (E)

(Salah-ud-Din)
Member (J)

11th Oct., 2022

Counsel for the appellant present. M. Muhammad Adeel Butt, Addl. A.G alongwith Inamul Haq, ADEO for the respondents present.

Learned counsel for the appellant requests for adjournment.. Adjourned. To come up for arguments on 09.11.2022 before the D.B.

(Fareeha Paul)
Member (E)

(Kalim Arshad Khan)
Chairman

9.11.22


Since 9th November 2022 has been declared as public holiday, therefore the case is adjourned to 22.12.22 as before.

Receiver

15.09.2021

Ms. Uzma Syed, Advocate, for the appellant present. Mr. Jamshaid Khan, S.I (Legal) alongwith Mr. Riaz Ahmed Painsdakheil, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that she has not gone through the record due to some domestic engagement. Adjourned. To come up for argument before the D.B on 08.12.2021.


(ATIQ UR REHMAN WAZIR)
MEMBER (EXECUTIVE)


(SALAH UD DIN)
MEMBER (JUDICIAL)

08.12.2021


Learned counsel for the appellant present. Mr. Noor Zaman Khattak, District Attorney for the respondents present.

The Worthy Chairman is on leave, therefore, the bench is incomplete. Adjourned. To come up for arguments on 29.03.2022 before the D.B.


(Salah-ud-Din)
Member (J)

29-3-2022

Proper DB not available the case is adjourned to come up for the same as before on 4-7-2022


Reader

31-12-2020

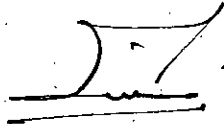
Due to summer vacation, case is adjourned to
18-3-2021 for the same as before.


Reader

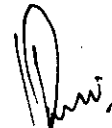
18.03.2021

Counsel for appellant and Additional Advocate General for respondents present.

Former referred to the impugned order dated 04.06.2013 and stated that it was given effect retrospectively i.e from 16.04.2013, She, therefore, requests for adjournment to a date after hearing of the issue already pending before the Larger Bench. The request is genuine, therefore, allowed. Adjourned to 30.06.2021 for hearing before D.B.



(SALAH-UD-DIN)
MEMBER (JUDICIAL)



CHAIRMAN

30.06.2021

Miss Uzma Syed, Advocate, for the appellant present. Mr. Samad Sher ASI (Legal) alongwith Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Learned counsel for the appellant sought adjournment on the ground that the issue of retrospectivity is involved in the instant appeal, regarding which a full Bench has already been constituted. Adjourned. To come up for arguments before the D.B on 15.09.2021.



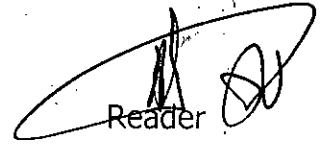
(ATIQ UR REHMAN WAZIR)
MEMBER (EXECUTIVE)



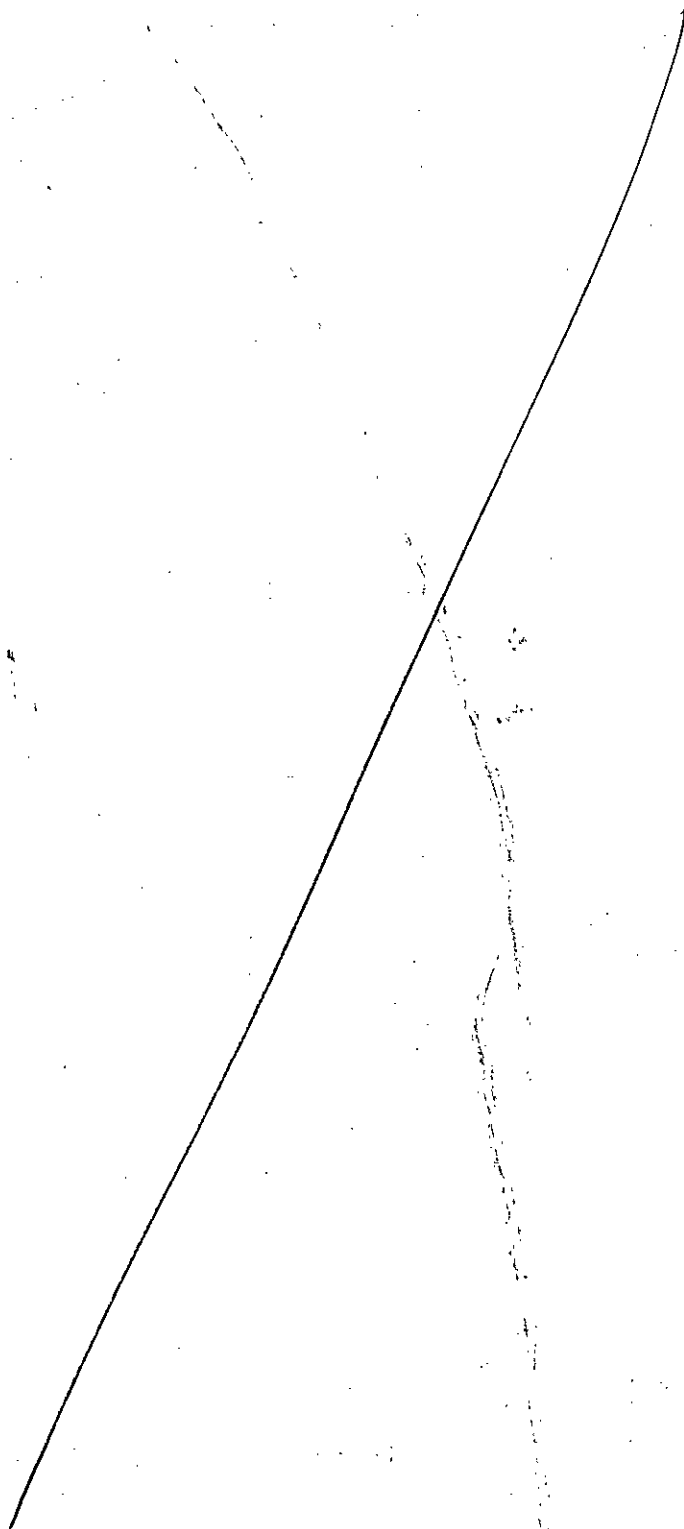
(SALAH-UD-DIN)
MEMBER (JUDICIAL)

30.10.2020

Due to public holiday, the matter is adjourned to
31.12.2020 for the same before the D.B.


Reader

10/11/20



17.02.2020

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional AG for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 01.04.2020 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

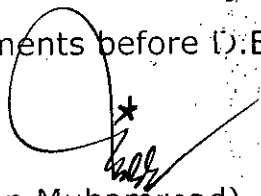
01.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 11.06.2020 for same as before.


Reader

11.06.2020


Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Muhammad Bashir, Inspector for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned to 20.08.2020 for arguments before D.B.


(Mian Muhammad)
Member


(M. Amin Khan Kundi)
Member

20.08.2020

Due to summer vacation, the case is adjourned to 30.10.2020 before D.B.

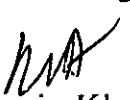

Reader

22.07.2019

Learned counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 09.10.2019 before D.B.



(Hussain Shah)
Member



(M. Amin Khan Kundi)
Member

9-10-2019

*Due to tour of Honble Member
to camp court Seat The is adjourned
to 19-12-2019*

*S
Reader*

19.12.2019

Lawyers are on strike as per the decision of Peshawar Bar Association. Adjourn. To come up for further proceedings/arguments on 17.02.2019 before D.B. Appellant be put on notice for the date fixed.




Member



Member

09.01.2019

Learned counsel for the appellant and Addl. AG alongwith Umar Badshah SI for the respondents present. Representative of the respondents requests for time as the requisite reply is in the process of preparation. Adjourned to 04.03.2019 before S.B.


Chairman

04.03.2019

Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Umar Badshah SI present. Written reply on behalf of respondent department submitted. Adjourn. To come up for rejoinder/arguments on 09.05.2019 before D.B


Member

09.05.2019

Counsel for the appellant and Mr. Ziullah, DDA alongwith Samad Bashir, H.C for the respondents present.

Learned counsel for the appellant has submitted rejoinder to the parawise comments by respondents. The same is placed on file. To come up for arguments before the D.B on 22.07.2019 .


Member


Chairman

20.11.2018

Counsel for the appellant Tariq Ali present. Preliminary arguments heard. It was contended by the learned counsel for the appellant that the appellant was serving in Police Department as Constable, during service he was dismissed from service vide order dated 04.06.2013 on the allegation of absence from duty for a period of about two months with retrospective effect i.e from the date of absence. It was further contended that the appellant filed departmental appeal (Copy of the same is not available on record) which was rejected on 03.04.2017 and received to the appellant on 20.09.2018 hence, the present service appeal on 02.10.2018. Learned counsel for the appellant further contended that the appellant remained absent for a short period of two months due to domestic problem therefore, the punishment of dismissal from service is very harsh. It was further contended that the impugned order has been passed retrospectively i.e from the date of absence therefore, the impugned order is void and limitation does not run against the same. It was further contended that neither proper inquiry was conducted nor opportunity of personal hearing, 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 all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter notice be issued to the respondents for written reply/comments for 09.01.2019 before S.B.

Appellant Deposited
Security & Process Fee


Muhammad Amin Khan Kundi
Member

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 1297/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	12/10/2018	<p>The appeal of Mr. Tariq Ali resubmitted today by Mr. Syed Noman Ali Bukhari Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 12/10/18</p>
2-	<p>SCANNED KPBT Peshawar 15-10-18</p>	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>20-11-18</u>.</p> <p style="text-align: right;"><i>[Signature]</i> MEMBER</p>

The appeal of Mr. Tariq Ali Ex-Constable No.766 Distt. Buner received today i.e. on 02.10.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- 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.
- 2- Copy of departmental appeal is not attached with the appeal which may be placed on it.

No. 1984 /S.T.

Dt. 2/10 /2018.

2/10/18
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Uzma Syed Adv. Pesh.

- ① No charge sheet, show cause was never served upon the appellant, Enquiry report also not provided to the appellant.
- ② The appellant no kept the copy of Departmental appeal may be requisite from the Deptt.

All objections were removed and file resubmitted

Uzma Syed

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1297/2018

Tariq Ali

V/S

Police Deptt:

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1.	Memo of Appeal	----	1-3
2.	Copy impugned order	-A-	04
3.	copy of rejection order	-B-	05
4.	Vakalat Nama	----	06

APPELLANT

THROUGH:

Uzma
(UZMA SYED)

Noman
&
SYED NOMAN ALI BUKHARI
(ADVOCATES, PESHAWAR)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____ /2018

Tariq Ali, EX- Constable, No.766
Distt: Bunner.

.....(Appellant)

VERSUS

1. The Regional Police Officer, Malakand at Saidu Sharif Swat.
2. The District Police officer Bunner.

.....(Respondents)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER of RESPONDENT NO. 2 DATED 04.06.2013 WHEREBY, THE APPELLANT HAS BEEN DISMISSED FROM SERVICE AND AGAINST THE REJECTION ORDER DATED 03.04.2017 RECIVED BY APPELLANT ON 20.09.2018 WHEREBY, THE DEPARMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED FOR NO GOOD GROUNDS.

PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDERs DATED 04.06.2013 AND 03.04.2017 RECIVED BY APPELLANT ON 20.09.2018 MAY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPOPRIATE THAT MAY ALSO BE AWARADED IN FAVOUR OF APPELLANT.

♥ **RESPECTFULLY SHEWETH:**

FACTS:

Facts giving rise to the present service appeal are as under:

1. That the appellant was appointed as Constable in Police force and the appelland was perfomed his duties with entire satisfaction of his superiors.
2. That in 2013 due to some domestic problem the appellant was absent from duty with permission of his seniors.
3. That, thereafter, the appellant was departmentally proceeded, without charge sheet, statement of allegation, regular inquiry and even without showcause notice, the impugned order dated 04.06.2013 was passed against the appellant whereby the appellant was dismissed from service. The appellant been agrrieved from the impugned dismissal order preffered departmental appeal but the copy of the departmental appeal was not availiable with the appellant so the same will may be requisite from the department. The departmental appeal pof the appellant was rejected vide order dated 3.4.2017 for no good ground. **(Copy of impugned order and rejection order is attached as Annexure-A & B).**
4. That now the appellant come to this august Tribunal on the following grounds amongst others.

GROUND:

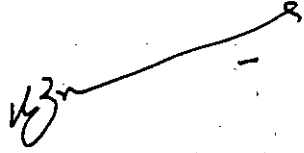
- A) That the impugned orders dated 04.06.2013 and 03.04.2017 are against the law, facts, norms of justice and void-ab-initio as has been passed with retrospective effect and material on record, therefore not tenable and liable to be set aside.
- B) That the impugned order was retrospective order which was void in the eye of law and according to Superiors Court Judgment reported as 2002 SCMR, 1129 and 2006 PLC 221.
- C) That there is no order in black and white form to dispense with the regular inquiry which is violation of law and rules and without charge sheet, statement of allegation and proper inquiry the appellant was dismissed from the service vide order dated 04.06.2013 without given personal hearing which is necessary and mandatory in law and rules before imposing major penalty. So the whole procedure conducted has nullity in the eye of law. So the impugned order is liable to be set aside.

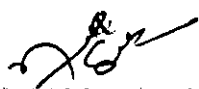
- D) That the appellant has been condemned unheard and has not been treated according to law and rules.
- E) That neither charge sheet, statement of allegation, show cause notice was served upon the appellant nor inquiry was conducted against the appellant, which was necessary and mandatory in law before imposing major punishment which is violation of law, rules and norms of justice.
- F) That the appellant has not been treated under proper law despite he was a civil servant of the province, therefore, the impugned order is liable to be set aside on this score alone.
- G) That the absent of the appellant was not intentionally but due to some domestic problem. So the penalty imposed upon the appellant was so harshed.
- H) That the appellant's guilt has not been proved beyond the shadow of doubt and the appellant has been punished on the basis of conjecture and surmises.
- I) That no chance of personal hearing was provided to the appellant and as such the appellant has been condemned unheard throughout.
- J) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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


APPELLANT
Tariq Ali

THROUGH:


(UZMA SYED)


(SYED NOMAN ALI BUKHARI)
ADVOCATES, PESHAWAR

Annex

(A)

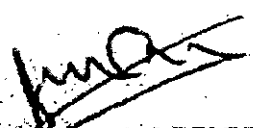
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ORDER

Constable Tariq Ali No. 766 while posted police lines Daggar, absented himself without leave or prior permission vide D.D. Report No. 51, dated 16.04.2013 and remained absent up till now. In this connection he was issued with show cause notice No. 255/E, dated 15.05.2013 and Last Notice No. 259/E, dated 22.05.2013 on his home address through SHO PS Totalai, but he was not found present in his native village, as per reply of his brother Constable Sher Aman No. 406 and statement of local elders as well as D.D Report No. 39, dated 03.05.2013 PS Totalai he has been reported gone abroad.

In view of above I. Jehan Zeb Khan D.P.O Buner, competent authority see no reason to believe, that the defaulter Constable Tariq Ali No. 766 will be returned for re-joining his official duty and award the defaulter constable Tariq Ali No. 766 major punishment i-e dismissal from Service from the date of his absence i-e 16.04.2013.

Order announced.


DISTRICT POLICE OFFICER,
BUNER.

O.B. No. 80
Dated 4/6 /2013

From :

The Regional Police Officer,
Malakand, at Saidu Sharif, Swat.

Annex (8)

To :

The District Police Officer, Buner.

No. 3135 /E, dated Saidu Sharif, the 03-04-2017.

Subject:

APPLICATION FOR REINSTATEMENT IN SERVICE.

Memorandum:

03/03/2017.

Please refer to your office memo: No. 1276/Enquiry, dated

Application of Ex-Constable Tariq Ali No. 766 of Buner District for
Re-Instatement In Service has been examined by Worthy Regional Police Officer,
Malakand, and filed being time barred.



(OFFICE SUPDT)

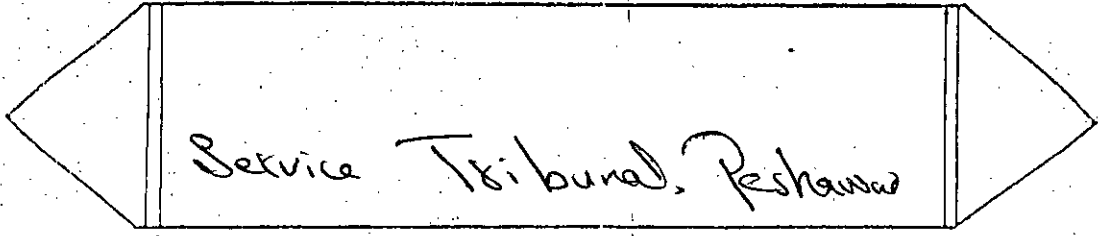
For Regional Police Officer,
Malakand, at Saidu Sharif Swat.

3/1/17

30/3/18

received on 20/9
2018.

بعدالت



2۔ منجانب

طارقی علی بنام

پولیس

موزخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آئینکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام Peshawar کیلئے علی بنام

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا۔ نیز

وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثتہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی

نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور

کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار

ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ

پرداخت منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا

کوئی تارتخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی

مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سدر ہے۔

المرقوم

2

ماہ 10

2018

واہ

بمقام

Peshawar

کے لئے منظور ہے۔

طارقی علی

Accepted

Accepted

**BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR**

Service Appeal No. 1297/2018

Tariq Ali Ex-Constable No. 766 r/o District Buner..... Appellant


VERSES

1. Regional Police Officer, Malakand Region at Saidu Sharif Swat.
2. District Police Officer, Buner.

..... Respondents

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DISTRICT POLICE OFFICER,
BUNER
(RESPONDENT NO. 02)
Distt. Police Officer,
Buner

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 1297/2018

Tariq Ali Ex-Constable No. 766 r/o district Buner..... Appellant

VERSUS

1. Regional Police Officer, Malakand Region at Saidu Sharif Swat.
2. District Police officer Buner.

..... Respondents

PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS.

Respectfully sheweth:

Preliminary Objections:-

1. That the present service appeal is badly time barred.
2. That the service appeal is not maintainable.
3. That the appellant did not come to this august Tribunal with clean hands.
4. That the instant appeal is bad due to mis-joinder and non-joinder of necessary parties.
5. That the appellant has concealed material facts from this august tribunal.
6. That the appellant has got no cause of action and locus standi to file instant appeal.
7. That the service appeal is bad in the present form and liable to be dismissed.

ON FACTS:

1. Para No. 01 relates to the service record of the appellant hence needs no comments.
2. Incorrect. That the appellant absented himself from his lawful duty without any permission of his seniors and did not make his arrival. The appellant also did not place any request before his superiors subject to his domestic problems.
3. Incorrect. That the appellant was issued proper Show cause Notice vide DPO office Endst: No. 255/E, dated 15.05.2013. it was verified vide DD No. 39 dated 03.05.2013 that appellant had gone to abroad Dubai. The same stance his also been admitted by his brother Sher Aman on same Show Cause Notice. Proving him guilty / i.e his travelling to abroad without any permission of his superiors the appellant was dismissed from service. (Copy of Show Cause Notice and other relevant papers are Annexure A and B).
4. That the service appeal of the appellant is liable to be dismissed on the following grounds.


✓ **GROUND**


- A. Incorrect. The impugned order dated 04.06.2013 and 03.04.2017 according to law rules, facts, norms and justice which may not to be set aside as per the material facts on record.

- B. Incorrect. As the appellant was serving in a discipline force, he did not submit any application subject to his domestic problems but willfully absented himself who was later on reported being gone to Dubai. He was issued Show Cause Notice which was not responded by him and even his brother and other alders of the area verified that the appellant had gone abroad to Dubai. Therefore impugned order was passed by the respondent which is not against the law and rules.
- C. Incorrect. As explained above in Para No. B of grounds the appellant absented himself from his lawful duty willfully. He was reported being gone abroad to Dubai. He did not reply Show Cause Notice. The impugned order was therefore passed which is not against the law and rules.
- D. Incorrect. As explained above in Para B and C.
- E. As explained above.
- F. Incorrect. The appellant has been treated in accordance with law and rules.
- G. Incorrect. The appellant did not submit any request before his seniors regarding his domestic problems but willfully absented himself therefore the imposed penalty on the appellant is suitable.
- H. Incorrect. It is a marital on record due to which the appellant his been proved guilty. On the basis of same he was punished.
- I. As above in various paras, Para No. I is incorrect.
- J. That the respondents seek permission of this Honorable tribunal to adduce more grounds / points at the time of arguments.

✓ **PRAYER:**

In view of the above detailed comments it is most humbly prayed that the appeal of the appellant may graciously be dismissed with costs.


 Regional Police Officer,
 Malakand Region at Saidu Sharif Swat
REGIONAL POLICE OFFICER, ,
MALAKAND REGION AT SAIDU SHARIF SWAT
(Respondent No. 01)


DISTRICT POLICE OFFICER,
BUNER.
(Respondent No. 02)
 Distt. Police Officer.
 Buner

**BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR**

Service Appeal No. 1297/2018

Tariq Ali Ex-Constable No. 766 r/o District Buner..... Appellant

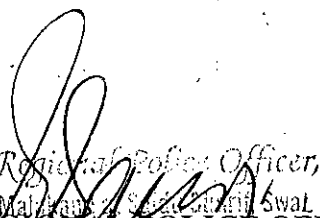
VERSES

1. Regional Police Officer, Malakand Region at Saidu Sharif Swat.
2. District Police Officer, Buner.

..... Respondents

AFFIDAVIT

We the above respondents do hereby solemnly affirm and state on oath that the hole contents of the accompany Para-wise comments or correct and true to our knowledge and belief and nothing has been concealed from this Honorable Tribunal.



**REGIONAL POLICE OFFICER,
MALAKAND REGION AT SAIDU SHARIF SWAT
(RESPONDENT NO. 01)**



**DISTRICT POLICE OFFICER,
BUNER
(RESPONDENT NO. 02)**

District Police Officer-
Buner

4

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR CAMP COURT SWAT

Service Appeal No. 1297/2018

Tariq Ali ex-constable r/o district Buner Appellant

VERSUS

- 1. Regional Police Officer, Malakand Region at Saidu Sharif Swat .
- 2. District Police Officer Buner

..... Respondents

AUTHORITY LETTER

We the above respondents , do hereby authorize and allow Mr. Bahramand Shah Inspector Legal Buner to file the accompany parawise comments ,in the Honorable Service Tribunal on our behalf and do whatever is needed in the Court.

Regional Police Officer,
Malakand Region at Saidu Sharif Swat
Regional Police Officer; Malakand Region at
Saidu Sharif Swat
 (Respondent No. 01)

NO
District Police Officer,
Buner
 (Respondent No. 02)
 Distt; Police Officer
 Buner

5

Annex
u
A

SHOW CAUSE NOTICE

WHEREAS YOU Const. Tariq Ali No. 766 while posted Police lines Daggan, absented yourself vide D.D. Report No. 51 dt. 16.04.2013 and remained absent up till now. You are also stopped vide this office O.B. No. 67, dt. 14.05.2013

You have therefore, committed misconduct which is punishable under rules 4 of Police Rules 1975.

NOW THEREFORE, as required by the N.W.F.P. Police 1975 I call upon MR. JEHAN ZEB KHAN District Police Officer, Buner to show cause as to why you should not be awarded major punishment as defined U/R-4 (b) of the said rules.

5

Your explanation should reach the undersigned, with in 5 days of the receipt of this notice.

You should state in writing as to whether you wish to be heard in person or not.

In case your written explanation is not received within the specified period, it should be presumed that you have no defence to offer.

M. N. A.
DISTRICT POLICE OFFICER,
BUNER.

No. 255 /E.
Dated 15/5 /2013

صاحب عالی محترم شہول شوکار نوشہرہ 255 ص 15/13

سی ایم کیسٹریٹ لارڈ علی 766 ہزار روپے کا ریسہ 15-10-76 DPO

موجودہ صورت حال کے تحت ہر ایک ہزار روپے کا ریسہ لارڈ علی 766

تو یہ فی سال قبل کا ریسہ ہے جس کی قیمت نو سو روپے تھی

پھر اس کے بعد فرسٹ لارڈ علی سے ہر ایک ہزار روپے کا ریسہ

بھی لارڈ علی کے ریسے داروں کو ہر ایک ہزار روپے کا ریسہ

سی ایم میں بیرون ملک مقدرہ ہے اور اس کے تحت سی ایم

اور لارڈ علی سے ہر ایک ہزار روپے کا ریسہ لارڈ علی کے

ریسے داروں کو لارڈ علی کے ریسے داروں کے ریسے لارڈ

صاحب عالی سے ہر ایک ہزار روپے کا ریسہ لارڈ علی 766 ہزار روپے

اور لارڈ علی سے بیرون ملک مقدرہ ہے اور اس کے تحت سی ایم

ریسے داروں کو لارڈ علی کے ریسے داروں کے ریسے لارڈ

صاحب عالی سے ہر ایک ہزار روپے کا ریسہ لارڈ علی 766 ہزار روپے

اور لارڈ علی سے بیرون ملک مقدرہ ہے اور اس کے تحت سی ایم

اللہ

شہول شوکار نوشہرہ

لارڈ علی 766 ہزار روپے کیسٹریٹ لارڈ علی 766 ہزار روپے

7-6254-042-15101

مجلس استاذان مدرسه

تاریخ 16/4/1353

صحنه

مجلس استاذان مدرسه 18.00 لغت 16/4/1353

مجلس استاذان مدرسه 1109 لغت 16/4/1353

مجلس استاذان مدرسه 1023 لغت 16/4/1353

مجلس استاذان مدرسه 1008 لغت 16/4/1353

مجلس استاذان مدرسه 90/90 لغت 16/4/1353

مجلس استاذان مدرسه 468 لغت 16/4/1353

مجلس استاذان مدرسه 766 لغت 15.20 لغت 16/4/1353

مجلس استاذان مدرسه 192 لغت 16/4/1353

مجلس استاذان مدرسه 1112 لغت 16/4/1353

مجلس استاذان مدرسه 1112 PL. Dagher

درخواست عمارت کاروباری

فائل نمبر

خارج 13

گزارش جمع کیں طارق علی م 766 طالع ص 51

خارج 16/4 سے پیشتر عمارت سے کیں مذکورہ کے متعلق

معلوم ہوا ہے۔ بیرونی عدالت کی طرف سے فہماری کی توقع ہے

مذکورہ مقامی عدالت کی طرف سے کیں کے متعلق عدالت کی طرف سے
کرتے حکام کاروباری شروع کرنے سے متعلق کی طرف سے

الو ہے

آرٹیکل نمبر 313 / 1112

Forwarded pl.
C/ma
DSP/HQ
05.5.13

Siv
Forwarded
CO/Binner
5/5/2013

adu
Pay stopped, issue

S.S.N.

M/O
114/08

UBN 67
Dt. 14.5.013

تعمیرات فون

9

نقل در 35 روز نامچ 3 ⁵/₁₃

اسلام آباد

— + — + — + — + —

در 35 اطلاع فون / اطلاع ASHTO وقت 18:10 دن 2 صبح اور
 وقت میرا پورہ فون یو ایس لائن ڈکٹریٹ بنزول فون اطلاع دی
 کنڈیل طرف علی 766 ٹراڈر 51 روز نامچ 4 ¹⁶/₁₃ سے یو ایس
 لائن ڈکٹریٹ غیر حاضر ملا آرہا ہے، غیر موجود فون کو اطلاع
 رکھیں آیا وہ فون کرنا چاہتا ہے یا نہیں، غیر موجود فون سے
 خبر میری پروانہ فون کر کے بعد از تعمیل یو ایس لائن ڈکٹریٹ کو
 بھجوا یا جائے۔ میں آئندہ اطلاع درجہ روز نامچ کے نقلہ علیہ
 مرتب کر کے کنڈیل ایف بی 446 کو بغیر فون تعمیل روانہ کر کے ہدیہ
 مناسبتاً

ضامی

نقل مطابق اصل دستاویز
 mm.Ps.Totalui
 03-05-013

بیک الڈسٹری
 OAS
 DSP
 16/5/2013

OAS
 DSP/HQ
 13/5/013

قائمہ طرز الی

نقل 38 روزہ 3 5/13 قائمہ طرز الی

39 عالمی ایگریکولچر 444/DFC وقت 30-19 ایگریکولچر 85/13

منہ وقت 35 ایگریکولچر وقت 766 ایگریکولچر وقت
ایگریکولچر وقت 766 ایگریکولچر وقت 766 ایگریکولچر وقت
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ایگریکولچر وقت 766 ایگریکولچر وقت 766 ایگریکولچر وقت

منا

نقل 38 روزہ 3 5/13 قائمہ طرز الی

mta/total
4-5-2013

۶۔ سیدہ ذیل غیمہ نے آئی او سرافردا، قلعہ ایف، پورہ، تحصیل ملائکہ علی 766 یو ایم 74
 13
 3 پر بیرونی سند دینی کو ویرٹ پر لیا گیا ہے۔ اور اسی سیدہ خود
 میں موجود ہے جسے ہم موجودی تمام دونوں تکرار کرتے ہیں

Amad

سیدہ ذیل، اول، شہور خان، سندھ، طویلانی
 1 - 0844340-15103-15122

Amad

سیدہ آمان خان، اول، زرین خان، سندھ، طویلانی
 7 - 0426254-15101-15122

سیدہ علی

محمیہ اللہ علیہ سے شہید طویلانی 766
 12
 ۶۔ بیرونی سند دینی جس کا بیان 1/3
 تمام تکراری تکراروں کو لکھا ہے اور وہ
 موجود ہے

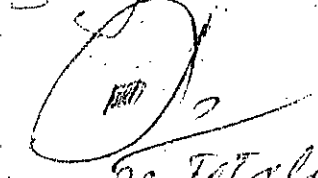
Attested

نمبر 5

DP/Totalur

4-5-2013

DP/Totalur



DP/Totalur

4-5-2013

نمبر A

DP/PS/Totalur

4-5-2013


تم کیٹیل طارق علی بجز 766 متعینہ پولیس لائن ڈیوٹی
بحوالہ سہ بجز 51 مورفہ 2013-2014 سے بہ ستور غیر فاضل
میلے ارہے ہو اور ابھی تک بہ ستور غیر فاضل ہو

تم کو آفری بار مطلع کیا جاتا ہے کہ (7) یوم کے اندر
اندر اپنے غیر فاضل کے وجوہات بیان کرنے کے لیے
ذمہ دہ خطی کو پیش ہو اگر تم مقدار مدت میں
پیش نہ ہونے میں ناکام رہا تو تمہارے خلاف ایک طرفہ
کارروائی عمل میں لایا جائے ملازمت سے ہر فاضل
کیا جائیگا


ڈسٹرک پولیس آفیسر
ضلع یونینہ

بجز 14 269
مورفہ 22.5.2013

S.H.O سمانہ طوطائی کو ہدایت دی جاتی ہے کہ مذکورہ نوٹس
کیٹیل طارق علی بجز 766 وہ زین خان سکندہ طوطائی پر قبیل کرے
اور نہ موجودگی صورت میں ایک کاپی متعلقہ کے مین دروازے پر
چسپاں کر کے اپنا رپورٹ (3) دن کے اندر دفتر دفتر ملنا برائے
مناسب کارروائی پیش کرے


ڈسٹرک پولیس آفیسر
ضلع یونینہ

ORDER

Constable Tariq Ali No. 766 while posted police lines Daggar, absented himself without leave or prior permission vide D.D. Report No. 51, dated 16.04.2013 and remained absent up till now. In this connection he was issued with show cause notice No. 255/E, dated 15.05.2013 and Last Notice No. 269/E, dated 22.05.2013 on his home address through SHO PS Totalai, but he was not found present in his native village, as per reply of his brother Constable Sher Aman No. 406 and statement of local elders as well as D.D Report No. 39, dated 03.05.2013 PS Totalai he has been reported ^{to} gone abroad.

In view of above I. Jehan Zeb Khan D.P.O Buner, competent authority see no reason to believe, that the defaulter Constable Tariq Ali No. 766 will be returned for re-joining his official duty and award the defaulter constable Tariq Ali No. 766 major punishment i-e dismissal from Service from the date of his absence i-e 16.04.2013.

Order announced.


DISTRICT POLICE OFFICER,
BUNER.

O.B. No. 80
Dated 4/6 /2013

BEFORE THE KPK, SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 1297/2018

Tariq Ali

VS

Education Deptt:

.....
REJOINDER ON BEHALF OF APPELLANT
.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

(1-7) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

- 1 No Comments endorsed by the respondent deptt: which means that the respondent deptt: admitted apar-1 of the appeal is correct as service record is already in the custody Deptt:.
- 2 Incorrect. While para-2 of the appeal is correct as mentioned in the main appeal of the appellant.
- 3 Incorrect. While para-3 of the appeal is correct as mentioned in the main appeal of the appellant.
- 4 Incorrect. While para-4 of the appeal is correct as mentioned in the main appeal of the appellant.

GROUNDS:

- A) Incorrect. The orders of the respondents are against the law, rules and norms of justice therefore not tenable and liable to be set aside. Further it is added that the departmental appeal was submitted within time from the date of communication.
- B) Incorrect. While para-B of the appeal is correct as mentioned in the main appeal of the appellant.
- C) Incorrect. Incorrect. While para-C of the appeal is correct as mentioned in the main appeal of the appellant.
- D) Incorrect. Incorrect. While para-D of the appeal is correct as mentioned in the main appeal of the appellant.
- E) Incorrect. Incorrect. While para-E of the appeal is correct as mentioned in the main appeal of the appellant.
- F) Incorrect. Incorrect. While para-F of the appeal is correct as mentioned in the main appeal of the appellant.
- G) Incorrect. Incorrect. While para-G of the appeal is correct as mentioned in the main appeal of the appellant.
- H) Incorrect. Incorrect. While para-H of the appeal is correct as mentioned in the main appeal of the appellant.
- I) Incorrect. Incorrect. While para-I of the appeal is correct as mentioned in the main appeal of the appellant.
- J) . Legal.

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

APPELLANT

Through:


(UZMA SYED)
Advocate High Court


SYED NOMAN ALI BUKHARI
Advocate High Court

AFFIDAVIT

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.


DEPONENT

BEFORE THE KPK, SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 1297/2018

Tariq Ali

VS

Education Deptt:

.....

REJOINDER ON BEHALF OF APPELLANT

.....

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GROUND:

- A) Incorrect. The orders of the respondents are against the law, rules and norms of justice therefore not tenable and liable to be set aside. Further it is added that the departmental appeal was submitted within time from the date of communication.
- B) Incorrect. While para-B of the appeal is correct as mentioned in the main appeal of the appellant.
- C) Incorrect. Incorrect. While para-C of the appeal is correct as mentioned in the main appeal of the appellant.
- D) Incorrect. Incorrect. While para-D of the appeal is correct as mentioned in the main appeal of the appellant.
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- G) Incorrect. Incorrect. While para-G of the appeal is correct as mentioned in the main appeal of the appellant.
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- I) Incorrect. Incorrect. While para-I of the appeal is correct as mentioned in the main appeal of the appellant.
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APPELLANT

Through:


(UZMA SYED)
Advocate High Court


SYED NOMAN ALI BUKHARI
Advocate High Court

AFFIDAVIT

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.


DEPONENT