

12<sup>th</sup> July, 2023

1. Appellant in person present. Mr. Fazal Shah Mohmand, Additional Advocate General for the respondents present.
2. Appellant submitted an application for adjournment which is placed on file. Adjourned by way of last chance. To come up for arguments on 02.08.2023 before D.B. P.P given to the parties.

SCANNED  
KPST  
Peshawar

\*Mutazem Shah\*

(Fareeha Paul)  
Member (E)

(Kalim Arshad Khan)  
Chairman

2<sup>nd</sup> August, 2023

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

2. Clerk to counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is out of station. Another last chance is given. To come up for arguments on 23.11.2023 before the D.B. PP given to the parties.

SCANNED  
KPST  
Peshawar

(Fareeha Paul)  
Member (E)

(Rashida Bano)  
Member (J)

\*Kaleemullah

22.03.2023

Learned counsel for the appellant present.

Mr. Asif Masood Ali Shah learned Deputy District Attorney for respondents present.

Learned Member Judicial (Mrs. Rozina Rehman) is on leave, therefore, case is adjourned to 01.06.2023 for arguments before D.B. Parcha Peshi given to the parties.

(Muhammad Akbar Khan)  
Member (E)

1<sup>st</sup> June, 2023

1. Junior to counsel for appellant present. Mr. Fazal Shah Mohmand, Additional Advocate General for respondents present.

2. Junior to counsel for appellant made a request for adjournment as senior counsel for appellant is not available. Adjourned. To come up for arguments on 12.07.2023 before D.B. P.P given to the parties.



(Salah-Ud-Din)  
Member (J)

\*Mutazem Shah\*



(Kalim Arshad Khan)  
Chairman

SCANNED  
KPST  
Peshawar

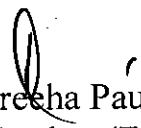
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KPST  
Peshawar

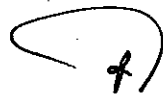
12.12.2022

Appellant not present. Muhammad Jan learned District Attorney for respondents present.

Maaz Madani Advocate requested for adjournment in order to submit proper Wakalatnama on behalf of appellant. Request acceded to. He represents appellant in connected Service Appeal No. 9619/2020. He is directed to submit proper Wakalatnama and make sure the personal attendance of the appellant on the next date. To come up for arguments on 03.02.2023 before D.B.

SCANNED  
Pe...wat


  
(Fareeha Paul)  
Member (E)


  
(Rozina Rehman)  
Member (J)

3<sup>rd</sup> Feb, 2023

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

Lawyers are on strike, therefore, case is adjourned. To come up for arguments on 22.03.2023 before D.B. Office is directed to notify the next date on the notice board as well as on the website of the Tribunal.

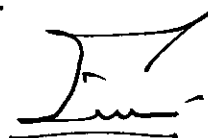
  
(Muhammad Akbar Khan)  
Member (E)

  
(Kalim Arshad Khan)  
Chairman

19.05.2022

Appellant in person present. Mr. Ihsanullah ASI alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned Member (Judicial) Ms. Rozina Rehman is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 20.07.2022 before the D.B.



(Salah-ud-Din)  
Member (Judicial)

20.07.2022

Appellant present in person.

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

Appellant requested for adjournment as his counsel is not available today. Adjourned. To come up for arguments on 20.09.2022 before D.B.



(Fareeha Paul)  
Member (E)

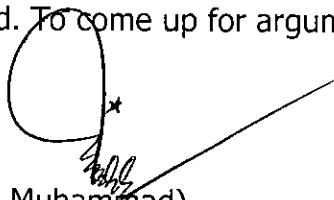


(Rozina Rehman)  
Member (J)

20.09.2022

Appellant in person present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his counsel is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 12.12.2022 before D.B.



(Mian Muhammad)  
Member (E)




(Salah-Ud-Din)  
Member (J)

07.07.2021


Junior to counsel for appellant present.

Muhammad Adeel Butt learned Additional Advocate General for respondents present.

Former made a request for adjournment as senior counsel is away from station. Request is accorded. To come up for arguments on 23.11.2021 before D.B.



(Rozina Rehman)  
Member(J)



Chairman

23.11.2021

Appellant in person present.

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

Former made a request for adjournment as his counsel is not available today. Adjourned. To come up for arguments on 14.03.2022 before D.B.



(Atiq Ur Rehman Wazir)  
Member (E)



(Rozina Rehman)  
Member (J)

14.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 19.05.2022 for the same as before.



Reader.

02.12.2020

Appellant in person present.

Kabirullah Khattak learned Additional Advocate General present.

Former requests for adjournment as his counsel is not available. Adjourned. To come up for arguments on 05.02.2021 before D.B



(Atiq-Ur-Rehman Wazir)  
Member (E)



(Rozina Rehman)  
Member (J)

05.02.2021

On account of Public Holiday (Kashmir Day), the case is adjourned to 06.04.2021 for the same.



Reader

06.04.2021

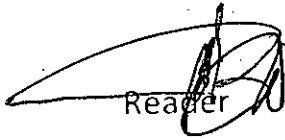
Due to demise of Hon'able Chairman, the Tribunal is defunct, therefore, the case is adjourned to 07.07.2021 for the same.



Reader

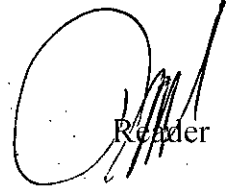
12-5.2020

Due to COVID19, the case is adjourned to 06/8/2020 for the same as before.

  
Reader

06.08.2020

Due to summer vacation case to come up for the same on 08.10.2020 before D.B.


  
Reader

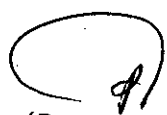
08.10.2020

Appellant with counsel present.

Mr. Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Former requests for adjournment. Adjourned. To come up for arguments on 02.12.2020 before D.B.

  
(Atiq ur Rehman Wazir)  
Member (E)

  
(Rozina Rehman)  
Member (J)

18.03.2020 Appellant in person present. Mr. Kabirullah Khattak learned Addl. AG alongwith Ihsan SI for the respondents present and submitted written reply/comments alongwith cost of Rs. 1000/- which is handed over to the appellant. Adjourned. To come up for rejoinder if any, and arguments on 12.05.2020 before S.B.

P

  
(Hussain Shah)  
Member



15.11.2019

Appellant in person and Addl. AG for the respondents present.

The Worthy Chairman is on leave, therefore, the matter is adjourned to 19.12.2019 for the same.

  
Reader

19.12.2019

Junior to counsel for the appellant and Addl. AG alongwith Ihsanullah, ASI for the respondents present.

Representative of respondents seeks further time to furnish reply/comments. Last opportunity granted. To come up for written reply/comments on 03.02.2020 before S.B.

  
Chairman

03.02.2020

Counsel for the appellant present. Addl: AG for respondents present. Written reply not submitted despite last opportunities. Requested for further adjournment. Adjournment granted subject to payment of cost of Rs. 1000/- which shall be borne by respondents from their own pockets. Notices be also issued to the respondents for submission of written reply/comments. To come up for written reply on 18.03.2020 before S.B.


  
Member

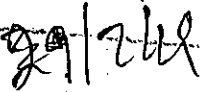
29.07.2019

Appellant in person present.

Appellant has submitted an application for extension of time to deposit the security and process fee. It is stated that due to ignorance of appellant the requisite charges could not be deposited within the prescribed period.

The application is allowed and the time for making required deposit is extended by three working days. After the deposit, notices be issued to respondents for submission of written reply/comments on 13.09.2019 before S.B.

  
Appellant Deposited  
Security & Process Fee



13.09.2019

Counsel for the appellant and Addl. AG for the respondents present. No representative of the respondents is available.

Learned AAG is required to ensure attendance of the representatives and submission of written reply/comments of the respondents on the next date of hearing.

Adjourned to 11.10.2019 before S.B.

  
Chairman

11.10.2019


Appellant in person and Addl. AG for the respondents.

Learned AAG requests for further time for submission of reply/comments of the respondents. Adjourned to 15.11.2019 on which date requisite reply/comments shall positively be submitted.

  
Chairman

24.04.2019

Counsel for the appellant present and seeks adjournment.  
Adjourned. Case to come up for preliminary hearing on 13.06.2019  
before S.B.

  
(Ahmad Hassan)  
Member

13.06.2019

Counsel for the appellant present.

Learned counsel for the appellant contended that final show cause notice was issued to the appellant for proceedings under Khyber Pakhtunkhwa Police Rules, 1975. On the other hand, the impugned order dated 05.04.2017 was passed under Rule 12.21 of Police Rules, 1934. It was argued that the appellant was discharged from service on the basis of his absence while no such penalty, minor or major, was provided in Rules, 1975. It was also stated that the medical record of appellant was not considered by the respondents, hence the impugned order was liable for setting aside.

The points raised by learned counsel warrant admission of instant appeal for regular hearing which is accordingly admitted. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 29.07.2019 before S.B.

  
Chairman

06.12.2018


Learned counsel for the appellant requests for time for further documentation of appeal. May do so within 10 days. Adjourned to 18.02.2019 before S.B.

  
Chairman

18.1.2019

Learned counsel for the appellant requests for more time to place on record some documents necessary for proceeding in the matter.

Adjourned to 12.2.2019 on which date the matter shall be heard on the strength of available record.

  
Chairman

12.02.2019

Appellant absent. Learned counsel for the appellant absent. Adjourn. To come up for preliminary hearing on 25.03.2019 before S.B.

  
Member


25.03.2019

Learned counsel for the appellant present and seeks adjournment. Adjourn. To come up for preliminary hearing on 24.04.2019 before S.B.

  
Member


24.07.2018

Appellant in person present and seeks adjournment. Adjourned. To come up for preliminary hearing on 04.09.2018 before S.B.

  
(Ahmad Hassan)  
Member

04.09.2018

Counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 22.10.2018 before S.B.

  
(Muhammad Amin Khan Kundi)  
Member

22-10-2018

Due to Retirement of Honorable  
Chairman the Tribunal is nonfunctional  
Therefore the case is adjourned to come up  
for the same on 6/12/2018  
Reader

06.12.2018

Learned counsel for the appellant requests for time for further documentation of appeal. May do so within 10 days. Adjourned to 18.12.2018 before S.B.

Chairman

26.03.2018

Appellant in person present and seeks adjournment on the ground that his counsel is not available today. Adjourned. To come up for preliminary hearing on 13.04.2018 before S.B.

  
(Muhammad Amin Khan Kundi)  
Member

13.04.2018

Appellant absent. Learned counsel for the appellant absent. Adjourn. To come up for preliminary hearing on 04.05.2018 before S:B

  
MEMBER

04.05.2018

The Tribunal is non-functional due to retirement of our Hon'ble Chairman. Therefore, the case is adjourned. To come up for same on 29.06.2018.

  
Reader




29.06.2018

Appellant absent. Learned counsel for the appellant absent. Adjourned. To come up for preliminary hearing on 24.07.2018 before D.B.

  
Member

Form-A  
FORM OF ORDERSHEET

Court of \_\_\_\_\_  
Case No. 236/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	19/02/2018	<p>The appeal of Mr. Akhtar Ali resubmitted today by Mr. Jehan Afsar Khan Advocate may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	26/02/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>08/03/18.</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	08.03.2018	<p>Junior counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 26.03.2018 S.B.</p> <p style="text-align: right;"> (Gul Zeb Khan) Member</p>

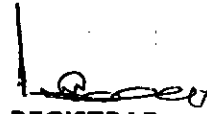
SCANNED  
BY  
P. S. Awan

The appeal of Mr. Akhtar Ali son of Wali Muhammad r/o Wali Muhammad Ex- Foot Constable FRP Headquarter received today i.e. on 14.02.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- ① Copy of departmental appeal and revision petition mentioned in the memo of appeal are not attached with the appeal which may be placed on it.
- 2- Annexures of the appeal may be attested.

No. 350 /S.T,

Dt. 15/02 /2018

  
REGISTRAR 15/2/18  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Jehan Afsar Khan Pinda Khel Adv.

Sir

All the objections removed & re-submitted on 19-2-18





**BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,**  
**PESHAWAR**

Service Appeal No: 236 of 2018

**AKHTAR ALI**

**VERSUS**

**GOVT: OF KHYBER PAKHTUNKHWA, ETC**


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**Appellant**

**Through**

Dated: 14/02/2018

  
**JEHAN AFSAR KHAN PAINDA KHEL**  
Advocate High Court, Peshawar.  
**0333-9433554**

①

**BEFORE KHYBER PAKHTUN KHWA, SERVICE TRIBUNAL,  
PESHAWAR**

Service Appeal No. \_\_\_\_\_ /2018

**Akhtar Ali**, S/O Wali Muhammad, R/O Lahore Thana Cham, District Swabi  
(Ex-FC No. 965, FRP/Head Quarter, Peshawar).

Appellant

**VERSUS**

1. **GOVT. OF KHYBER PAKHTUNKHWA,**  
Through Secretary to Govt. of Khyber Pakhtun Khwa,  
Home and Tribal Affairs,  
Civil Secretariat, Peshawar
2. **Inspector General of Police,**  
Khyber Pakhtun khwa Peshawar,  
Central Police Office, Peshawar.
3. **Commandant Frontier Reserve Police,**  
Khyber Pakhtun Khwa, Peshawar.
4. **Deputy Commandant Frontier Reserve Police,**  
Headquarter, Peshawar.

Respondents

**SERVICE APPEAL UNDER SECTION-4 OF THE SERVICE TRIBUNAL  
ACT, 1974 AGAINST THE ACT OF THE RESPONDENT NO. 2 WHO  
ISSUED IMPUGNED ORDER Dated: 15-01-2018 (RECEIVED TO THE  
APPELLANT ON 26-01-2018), VIDE WHICH THE DEPARTMENTAL  
REPRESENTATION OF THE APPELLANT WAS DISMISSED AND THE  
IMPUGNED ORDER DATED: 26-10-2017 PASSED BY RESPONDENT No.  
3 AND DATED: 05-04-2017 PASSED BY RESPONDENT No. 4 WAS  
UPHELD.**

**Prayer:-**

**ON ACCEPTANCE OF THE INSTANT APPEAL THE  
IMPUGNED ORDERS OF THE RESPONDENTS NO. 2 TO 4  
DATED: 15-01-2018, 26-10-2017 AND 05-04-2017 MAY BE SET  
ASIDE AND RESULTANTLY THE APPELLANT MAY**

**KINDLY BE REINSTATED IN SERVICE WITH ALL FINANCIAL AND BACK BENEFITS.**

**Respectfully Sheweth:**

**FACTS:-**

Facts leading to the institution of the instant appeal are as under:-

1. **That** the present appellant was appointed as Constable in Frontier Reserve Police after recommendation/selection of the competent authority on 30-12-2014.

{True copy of appointment order is attached, marked as **Annex-A**}

2. **That** the appellant after appointment, was working with great zeal and devotion since date of arrival according to the rules of service and according to the wishes of the Superiors and having no complaint against the present appellant since his appointment.

3. **That** the appellant due to road accident got serious and severe injuries especially on spinal card and legs, in the month of June, 2016 and due to said injuries, he was shifted to hospital and after examination he was on regular treatment with different intervals.

{True copies of prescriptions are attached, marked as **Annex-B**}

4. **That** due to said accident, the appellant was unable to walk for few months and after sometime with the advice of doctor he used to walk with the help of elbow sticks.

5. **That** due to the ailment, the appellant failed to appear and perform his duties, so the respondents first of all issued charge sheet to the appellant and later on issued show cause notice to the appellant and after this, the respondent No. 4 passed the impugned order dated: 05-04-2017 vide which he has been discharged from his duties/service.

{True copies of charge sheet, show cause notice and impugned order dated: 05-04-2017 are attached, marked as **Annex-C, D & E**}

6. That after passing of the impugned order dated: 05-04-2017, the appellant preferred departmental appeal, which was also dismissed by respondent No. 3 vide impugned order dated: 26-10-2017.

{True copy of impugned order dated: 26-10-2017 is attached, marked as Annex-F}

7. That the appellant thereafter preferred representation (under Police Rules) to the respondent No. 2 but the respondent No. 2 also dismissed his representation vide impugned order dated: 15-01-2018 which order has been received by the appellant on 26-01-2018.

{True copy of representation and impugned order dated: 15-01-2018 are attached, marked as Annex-G & H}

8. That the appellant feeling aggrieved from the impugned orders dated: 15-01-2018, 26-10-2017 and 05-04-2017 and having no other adequate, alternate and efficacious remedy, seeks indulgence of this august tribunal for the redressal of grievances on the following grounds inter alia.

**GROUND:-**

A. **Because** the impugned orders are passed by the respondents No. 2 to 4 without lawful authority, hence the same are illegal, unlawful, void ab initio and inoperative upon the rights of the appellant guaranteed and secured to the appellant under the law.

B. **Because** the respondents were time and again informed by the appellant and they were fully aware of the fact that the appellant sustained severe injuries in road accident and that he is unable to walk but they while acting in haste, despite of the knowledge of injured condition, passed the impugned order of discharging from service

against the appellant, which illegal order has no room in the eyes of law.

**C. Because** the findings/logic of the worthy respondents in the impugned orders are not tenable because the appellant was paralyzed for considerable period which fact is evident from the medical prescriptions which shows the inability of the appellant for appearing before the respondents for explaining his position, hence the impugned orders are not tenable.

**D. Because** the absence of the appellant was not willful and also not deliberate but because of the injuries sustained by him in road accident, hence the impugned orders are not sustainable in the eyes of law.

**E. Because** impugned orders offend the provision of Article 4 of the Constitution to enjoy the protection of law and to be treated in accordance with law which is the inalienable right of every citizen, wherever he may be every other person for the time being with in Pakistan.

**F. Because** the actions and inactions are bad in law.

**G. Because** the impugned orders are passed without adopting proper criteria and codal requirements by the respondents, which is against the worthy ruling of the Hon'ble Superior Courts of Pakistan and therefore, the same are illegal practice and such practice adversely effects efficiency of incumbents and also reduces their confidence and faith in public, hence the impugned orders referred above are liable to be un-held on this score also.

**H. Because** no chance of personal hearing was given by the respondents while dealing with the rights of the appellant in service and the whole episode was done in a cursory manner, which is alien to the norms of justice.

- I. **Because** no inquiry was conducted by the respondents which is against the norms of justice and service laws.
- J. **Because** the appellant was condemned unheard, hence the impugned orders are against the service laws and rules.
- K. **Because** the appellant had been made victim of discrimination, demerits, partiality and favoritism without any just and reasonable cause thereby offending the fundamental rights of the appellant as provided by the constitution of 1973, hence the impugned orders detailed above are liable to be set at naught.
- L. **Because** the respondents in utter disregard to the principles of the fairness, merit and transparency, passed the impugned orders which are against the law, illegal, unlawful and void ab initio and liable to be turned down.
- M. **Because** the appellant is very hardworking and punctual in his duty, therefore, no complaint received by the Respondents against the appellant.
- N. **Because** the appellant was condemned unheard, his departmental appeal was not properly adjudicated in the manner as provided by the law, hence needs interference of this Hon'ble Tribunal.
- O. **Because** the present impugned orders are illegal, illogical, against facts, without jurisdiction and suffering from material irregularity, hence they are untenable and liable to be struck down.
- P. **That** the appellant crave for leave to add further grounds at the times of oral arguments highlighting further contravention of the law and constitution.

(6)

★ **PRAYER:-**

**It is humbly submitted** that on acceptance of the present appeal, this Hon<sup>ble</sup> Tribunal may graciously be pleased to:

- i. **Declare** the impugned orders dated: 15-01-2018 of Respondent No. 2, dated: 26-10-2017 of Respondent No. 3 and dated: 05-04-2017 of respondent No. 4 as illegal, unlawful, without lawful authority and void ab initio.
- ii. **Reinstate** the appellant in service with all back benefits.
- iii. **Any further** better relief may also kindly be granted in the circumstances of the appellant's case.

**Appellant**

**Through**

Dated: 14/02/2018

  
**JEHAN AFSAR KHAN PAINDA KHEL**  
Advocate High Court, Peshawar.

(7)

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,**  
**PESHAWAR**

Service Appeal No: \_\_\_\_\_ of 2018

**AKHTAR ALI**


**VERSUS**

**GOVT: OF KHYBER PAKHTUNKHWA, ETC**

**AFFIDAVIT**

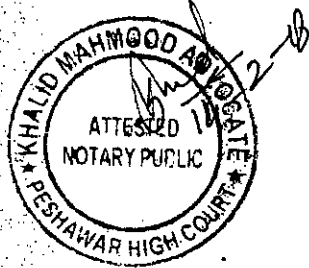
I, **Akhtar Ali**, S/O Wali Muhammad, R/O Lahore Thana Cham, District Swabi (Ex-FC No. 965, FRP/Head Quarter, Peshawar), do hereby solemnly affirm & declare that the contents of the attached appeal are true and correct to the best of my knowledge & belief & nothing has been concealed or withheld from this Honorable Tribunal.

Identified by

  
**JEHAN AFSAR KHAN PAINDA KHEL**  
Advocate High Court, Peshawar.

  
Deponent

16201-7957196-17





(8)

**BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,  
PESHAWAR**

**Service Appeal No: \_\_\_\_\_ of 2018**

**AKHTAR ALI**

**VERSUS**

**GOVT: OF KHYBER PAKHTUNKHWA, ETC**

**MEMO OF ADDRESSES**

**Akhtar Ali**, S/O Wali Muhammad, R/O Lahore Thana Cham, District Swabi  
(Ex-FC No. 965, FRP/Head Quarter, Peshawar).

Appellant

**VERSUS**

- 1. GOVT. OF KHYBER PAKHTUNKHWA,**  
Through Secretary to Govt. of Khyber Pakhtun Khwa,  
Home and Tribal Affairs,  
Civil Secretariat, Peshawar
- 2. Inspector General of Police,**  
Khyber Pakhtun khwa Peshawar,  
Central Police Office, Peshawar.
- 3. Commandant Frontier Reserve Police,**  
Khyber Pakhtun Khwa, Peshawar.
- 4. Deputy Commandant Frontier Reserve Police,**  
Headquarter, Peshawar.

Respondents

**Appellant**

**Through**

Dated: 14/02/2018



**JEHAN AFSAR KHAN PAINDA KHEL**  
Advocate High Court, Peshawar.

**BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,  
PESHAWAR**

**Service Appeal No: \_\_\_\_\_ of 2018**

**AKHTAR ALI**

**VERSUS**

**GOVT: OF KHYBER PAKHTUNKHWA, ETC**

**APPLICATION FOR CONDONATION OF DELAY**

**Respectfully Sheweth:**

1. That the accompanied appeal is filed, in which no date of hearing is fixed.
2. That the appellant preferred representation under bonafide intention as provided under police rules, so the delay has been caused during the course of representation/review preferred by appellant.
3. That although the present appeal is filed within time against the final order of respondent No. 2, however, if the Hon'ble Tribunal comes to the conclusion that the appellant failed to prefer appeal against the order dated: 26-10-2017 then in that eventuality, the delay may kindly be condoned.
4. That the delay in not intentional and deliberate but due to the reason mentioned above.
5. That the law, equity and fair play demands that the subject appeal may kindly be heard at merits rather on technicalities.

It is, therefore, most respectfully prayed that the delay in filing appeal may kindly be condoned and the decision may kindly be made on merits.

**Appellant**

**Through**

Dated: 14/02/2018



**JEHAN AFSAR KHAN PAINDA KHEL**  
Advocate High-Court, Peshawar.

**BEFORE KHYBER PAKHTUN KHWA, SERVICE TRIABUNAL, PESHAWAR**

Service Appeal No: \_\_\_\_\_ of 2018

**AKHTAR ALI**

**VERSUS**

**GOVT: OF KHYBER PAKHTUNKHWA, ETC**

**AFFIDAVIT**

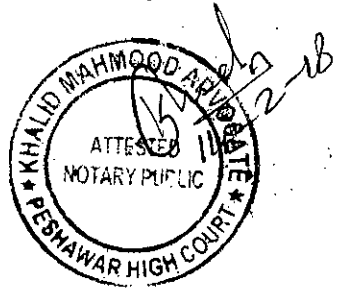
I, **Akhtar Ali**, S/O Wali Muhammad, R/O Lahore Thana Cham, District Swabi (Ex-FC No. 965, FRP/Head Quarter, Peshawar), do hereby solemnly affirm & declare that the contents of the attached application are true and correct to the best of my knowledge & belief & nothing has been concealed or withheld from this Honorable Tribunal.

Identified by

**JEHAN AFSAR KHAN PAINDA KHEL**  
Advocate High Court, Peshawar.

Deponent

16201-7957196-2



ORDER.

Consequent upon the recommendation/Selection through National Testing Service (NTS) 2014, result received vide CPO, Peshawar Memo No.4520-51/E-IV, Dated :15.07.2014, The following candidates as per merit list downloaded from the official website of NTS, After verification of Antecedent and medical examination/Fitness are hereby appointed as constables in BPS -05 on three years' probation period against the existing vacancies of this District Police with immediate effect. They are also allotted constabulary No's as noted against each their names.

Sr	RollNo	IDRollNo	Name	FatherName	R/O	Physical Requirements		Academic Marks [out of 5]	Total Marks [out of 108]		Allotted BNO.	
						Height	Chest	(A)	Education	Total Marks		
1	77	100648	575691	AZIZ KHAN	WAHED SHAH	Yarhussain M.khel	5-7"	33 ½ x 35 ½"	68	2	70	715
2	78	125601	575577	NADEEM AFSAR	WAFADAR KHAN	Manki Shaheed Abad	5-7 ½"	33x34 ½"	70	0	70	501
3	79	100178	575268	AZIZ ULLAH	FAZAL KARIM	Gandaf Moh:Ali sher	5-7"	33x35 ½"	66	4	70	931
4	80	127638	575164	MUHAMMAD BILAL	MUHAMMAD NISAR	Kalu khan Bazikhel	5-7"	33x35"	68	2	70	34
5	81	120413	575122	AZAM HILAL	MUHAMMAD FAROOQ	Kalu khan Manankhel	5-8"	33x34 ½"	68	2	70	223
6	82	114151	574945	ZAHHEER ABBAS	AMEER ABBAS	Kabgani Katgram	5-9"	32 ½ x 34 ½"	66	4	70	127
7	83	127581	574921	HAMID KHAN	QASIR KHAN	Jalsai Gul bahar	5-9"	33x34 ½"	66	4	70	1011
8	85	119194	575791	YASIR JANGREZ	JANGREZ MUHAMMAD	Adina Dawatkhel	5-9"	32 ½ x 34 ½"	67	2	69	271
9	86	128342	575494	ASIF KHAN	SHER ALI KHAN	Kabgani Shangray	5-8"	33x35 ½"	69	0	69	629
10	87	109072	575420	AYAZ ALI	ZARDALA ALI	KSK Khudarkhel	5-9"	33x35"	67	2	69	605
11	88	126738	575286	SCHAIL AHMAD	NIZAR ALI	Dubian Loharan	5-7"	34x36"	67	2	69	522
12	89	112110	575245	MUHAMMAD IRSHAD	MUHAMMAD ANWAR	Menai Shakrai	5-8 ½"	33x34 ½"	67	2	69	553
13	90	127394	575119	AKHTAR ALI	WALI MUHAMMAD	Lahore Thana cham	5-8"	33x35"	67	2	69	96
14	91	133873	575021	KASHIF	HUSAN ALI	Kalabat	5-11 ½"	35x38"	69	0	69	140
15	92	127956	574925	BAZ KHAN	MUHAMMAD KHAN	Topi Boba	5-8"	34x35 ½"	69	0	69	447
16	94	109455	574821	MURAD KHAN	NASEEB GUL	Urtla	5-7"	33x34 ½"	65	4	69	422
17	95	112761	574814	SAJJAD ALI	GUL NARAS	Jalsai bazaar cham	5-8 ½"	35x36 ½"	67	2	69	210


12

### 10 % POLICE SON,S QOUTA

18	143	106808	575126	ZIA UR REHMAN	GHANI UR REHMAN	Parmuli Serai	5-8 ½"	34x35 ½"	62	2	64	770
19	163	132728	574886	MUHAMMAD ZAKIR	SULTAN ROOM	Kalu khan Bazid khel	5-7 ½"	34x36"	61	2	63	109

OB NO 1524

Dated: 30 11/2014

  
District Police Officer  
Folu Swabi

Copy of above is forwarded to the:

1. Provincial Police Officer, Khyber Pakhtunkhwa Peshawar w/r to his office Memo: No.4520-51/E-IV, dated 15.07.2014 for favour of information please.
2. Deputy Inspector General of Police Mardan Region-I, Mardan w/r as noted above.
3. District Account Officer, Swabi.
4. All Concerned.

OUT DOOR PATIENT TICKET

Sent To: \_\_\_\_\_

CRP No: (13) B

District \_\_\_\_\_

Facility Name \_\_\_\_\_

Name Akhtar Ali Age: \_\_\_\_\_ Sex: \_\_\_\_\_

Father's/Husband's Name \_\_\_\_\_

Monthly OPD Serial No. \_\_\_\_\_

Provisional Diagnosis: \_\_\_\_\_

Date

Clinical Findings / Investigations / Treatment / Referred / Test Findings

Pan  
① Flame  
colitis  
(learn to grow)



Inj. roxels.  
(1/1 x 1000)  
Cure

Ans  
U/S Acid/relivis  
(con KUP)

③ TAB. ARTIFON ⑤  
(1/1 x 1000) 1 + 1

② TAB. Nospa-pon  
1 + 1

ll

ll

(14)

DHIS-02(F)

### OUT DOOR PATIENT TICKET

Sent To: \_\_\_\_\_

District: ~~CASUALTY~~  
Bacha Khan Medical  
Complex Swabi

CRP No: \_\_\_\_\_

Facility Name: \_\_\_\_\_

Name: AKhtar Ali Age: \_\_\_\_\_ Sex: \_\_\_\_\_

Father's / Husband's Name: \_\_\_\_\_

26-01-2017

Monthly OPD Serial No. 4518

Provisional Diagnosis: \_\_\_\_\_

Date

Clinical Findings / Investigations / Treatment / Referred / Test Findings

Renal colic

Dr. Dr. Daba Khan

Trans/gastro

trig vesicle EFSH  
referred to OPD



DHIS - 02(F) OPD TICKET

Sent To:

# OUT DOOR PATIENT TICKET

DRS-02 (5)

CRP No: 1487

District \_\_\_\_\_

Facility Name \_\_\_\_\_

Name: Shri Age: \_\_\_\_\_ Sex: \_\_\_\_\_

Father's/Husband's Name \_\_\_\_\_

Monthly OPD Serial No. \_\_\_\_\_

Provisional Diagnosis: \_\_\_\_\_

Date	Clinical Findings / Investigations / Treatment / Referred / Test Findings
8/11/16	<p>⇒ Auscult</p> <p>⇒ Drains for 3 days. Rx</p> <p>⇒ Broken crown @ cap. Amoxicill 500mg</p> <p>1/2</p> <p>2/2</p> <p>⇒ Pain</p> <p>Tabs Rexam 400mg</p> <p>1-1-1</p> <p>Tabs Inflammatory. JH</p> <p>1-1</p>



(16)

DHIS-02(F)

Sent To:

### OUT DOOR PATIENT TICKET

District Sindh CRP No: 35

Facility Name AMTAR ALI

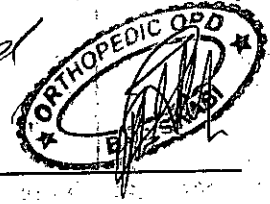
Name AMTAR ALI Age: Sex: (M)

Father's /Husband's Name Wali Muhammad

Monthly OPD Serial No. 1528

Provisional Diagnosis: 2nd deg vert

Date	Clinical Findings / Investigations / Treatment / Referred/Test Findings
02/9/2016	- RAS 1/2 capsule
2 sup	(inj) Augmentin 1g SID 1/2
LPH	- Eas Proxer 400 L-L
pulm	- Eas Flazyl 400mg L-L
fcs	- 847 menacid L-L
Hcb	



DHIS - 02(F) OPD TICKET

*[Handwritten signature]*

Sent To:

OUT DOOR PATIENT TICKET

District Saleshy CRP No: 20

Facility Name BMC

Name AKHTAR ALI Age: \_\_\_\_\_ Sex: M

Father's /Husband's Name: WALI MUHAMMAD

Monthly OPD Serial No. 1430

Provisional Diagnosis: Left leg Pain

Date

Clinical Findings / Investigations / Treatment /Referred/Test Findings

28/6/2016

A. Raza

Left leg

pain

Handwritten signature

Each Augmentin 1 gm

OD

Each Enoxal uromy

FD 5

Each Dantrolene 10-5

1-1

Each Brufen 400

1-1

Each Rised uromy

1-1



Handwritten mark

Sent To: \_\_\_\_\_

OUT DOOR PATIENT TICKET

District Swabi

CRP No: 40

Facility Name \_\_\_\_\_

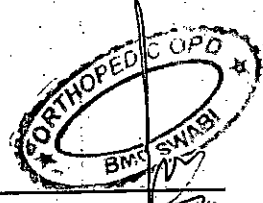
Name MUHAMMAD ALI Age: \_\_\_\_\_ Sex: M

Father's /Husband's Name MALL MUHAMMAD  
M

Monthly OPD Serial No. 1340

Provisional Diagnosis: Q - LIP

Date	Clinical Findings / Investigations / Treatment /Referred/Test Findings
13/8/2016	Eg b Reflex 30mm
K well	L-1
LIP	Eg b nonstan font
ed me	L-1
POP	Eg b Scribble - 2
various	w; 0
POP	<i>[Signature]</i>



Dr. Asif Amin

B.sc Orthopaedic Technology (Peshawar)  
Diploma Physiotherapy (LRH Pesh)  
ISPO Member (Denmark)  
Member of Social Welfare Department (Swabi)  
Incharge Officer (PRCD) Swabi  
Specialist in Physical Rehabilitation



19

ڈاکٹر آصف امین

بی ایس سی، آرٹھوپڈیک ٹیکنالوجی (پشاور)  
ڈپلومہ فزیوتھراپی (ایل آر ایچ) (پشاور)  
آئی ایس پی او ممبر (ڈنمارک)  
ممبر آف سوشل ویلفیئر ڈیپارٹمنٹ (صوابی)  
کنسلٹنٹ فزیکل ریبیلیٹیشن

بڈی، جوڑ، پیٹ، عرق النساء اور فزیوتھراپی

ماہر امراض

Name Akhtar Ali Sex male Date 20/10/2016

Rx

Post traumatic  
Case

Recovery done

History identified

Patient is able to walk  
with elbow crutches.

Patient is  
able to  
walk with  
elbow crutches

Physiotherapy should  
continue for further one  
month. feeling pain during  
walking

Tab Nuberox forte

Tab flogem

گٹا زور



PRCD Near Fauji Foundation Hospital Gulbahar Topi Road Swabi

Mob:0342-3356870

Dr. Asif Amin

B.sc. Orthopaedic Technology (Peshawar)  
Diploma Physiotherapy (LRH Pesh)  
ISPO Member (Denmark)  
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Incharge Officer (PRCD) Swabi  
Specialist in Physical Rehabilitation



(20)

ڈاکٹر آصف امین

بی ایس سی، آرٹھوپیدک ٹیکنالوجی (پشاور)  
ڈپلومہ فزیوتھراپی (ایل آر ایچ) (پشاور)  
آئی ایس پی اومبر (ڈنمارک)  
ممبر آف سوشل ویلفیئر ڈیپارٹمنٹ (سوابی)  
کنسلٹنٹ فزیکل ریہیبیلیٹیشن

ماہر امراض ہڈی، جوڑے، پٹہ، عرق النساء اور فزیوتھراپی

Name Abdul Ali Sex male Date 15/7/2016

Rx  
Post traumatic  
Road side  
Accident.

Pop. done.

edema subside

Tab Eucodal  
روزانہ ایک گولہ

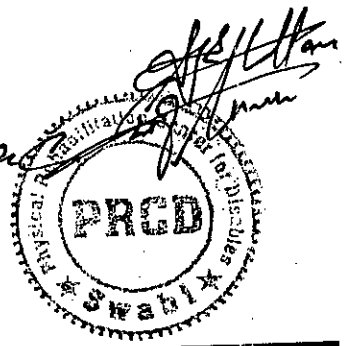
Back Slab  
Remove

Tab Nise  
کانز کریم

POP done  
for 60 days.  
چھٹی بروز اتوار

Tab Acec  
کانز کریم

اوقات کار صبح 9 سے 3 بجے تک



PRCD Near Fauji Foundation Hospital Gulbahar Topi Road Swabi

Mob:0342-3356870

Dr. Asif Amin

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Diploma Physiotherapy (LRH Pesh)  
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Incharge Officer (PRCD) Swabi  
Specialist in Physical Rehabilitation



ڈاکٹر آصف امین

بی ایس سی، آرٹھو پیڈک ٹیکنالوجی (پشاور)  
ڈپلومہ فزیو تھراپی (ایل آر ایچ) (پشاور)  
آئی ایس پی او ممبر (ڈنمارک)  
ممبر آف سوشل ویلفیئر ڈیپارٹمنٹ (صوابی)  
کنسلٹنٹ فزیکل ریہیبیلیٹیشن

ماہر امراض ہڈی، جوڑے، پشہ عرق النساء اور فزیو تھراپی

Name Akhter Ali Sex male Date 10/9/2016

Rx

Pop Remove

Refer to physiotherapy

Patient is  
Stable

① Hot sponging

Stiffness in  
Ankle joint

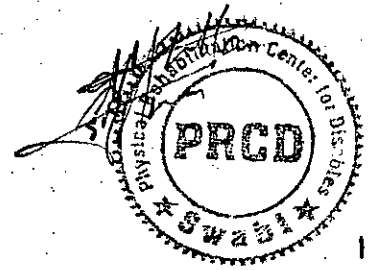
② Active & passive  
exercises

unable to  
Walk

Review after 01 month.

چھٹی بروز اتوار

اوقات کار صبح 9 سے 3 بجے تک



PRCD Near Fauji Foundation Hospital Gulbahar Topi Road Swabi

Mob: 0342-3356870

Dr. Asif Amin

B.sc. Orthopaedic Technology (Peshawar)  
Diploma Physiotherapy (LRH Pesh)  
ISPO Member (Denmark)  
Member of Social Welfare Department (Swabi)  
Incharge Officer (PRCD) Swabi  
Specialist in Physical Rehabilitation



(22)

ڈاکٹر آصف امین

بی ایس سی، آرٹھو پیڈک ٹیکنالوجی (پشاور)  
ڈپلومہ فزیو تھراپی (ایل آر ایچ) (پشاور)  
آئی ایس پی او ممبر (ڈنمارک)  
ممبر آف سوشل ویلفیئر ڈیپارٹمنٹ (صوابی)  
کنسلٹنٹ فزیکل ریہیبیلیٹیشن

ہمارا مشن بڑی، جوڑ، پینہ، عرق النساء اور فزیو تھراپی

Name Alkhan Ali Sex male Date 26/6/2016

Referred from orthopaedic Surgeon

Rx  
Post traumatic  
Road Side  
accident.

Back Strep done to  
avoid eclena.

x-ray Lumber  
+ spine

Patient is advised  
to visit after 15 days.

(+) Ankle  
joint.

medial mclolus  
fracture.

Tab Nuberal forte  
+  
Pain

Tab Celestium



چھٹی بروز اتوار  
اوقات کار صبح 9 سے 3 بجے تک

Inf  
velocel - فیزیو تھراپی

PRCD Near Fauji Foundation Hospital Gulbahar Topi Road Swabi

Mob: 0342-3356870

Dr. Asif Amin

B.sc. Orthopaedic Technology (Peshawar)  
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Incharge Officer (PRCD) Swabi  
Specialist in Physical Rehabilitation



(23)

ڈاکٹر آصف امین

بی ایس سی، آرٹھو پیڈک ٹیکنالوجی (پشاور)  
ڈپلومہ فزیو تھراپی (ایل آر ایچ) (پشاور)  
آئی ایس پی او ممبر (ڈنمارک)  
ممبر آف سوشل ویلفیئر ڈیپارٹمنٹ (سوابی)  
کنسلٹنٹ فزیکل ریہیبیلیٹیشن

ماہر امراض ہڈی، جوڑے، عرق النساء اور فزیو تھراپی

Name Akhter Ali Sex male Date 5/12/2016

Rx

Post traumatic  
Ankle (L)

Full range  
of movements  
possible.

Patient is  
able to walk  
without any  
support.

چھٹی بروز اتوار  
اوقات کار صبح 9 سے 3 بجے تک

Patient is allowed to jog  
and run daily for 01  
hour maximum

Revisit after 03 months  
for general examination.

No needs for any kind  
of medicines.



PRCD Near Fauji Foundation Hospital Gulbahar Topi Road Swabi

Mob: 0342-3356870

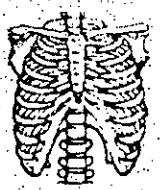


# واصل خان میڈیکوز اینڈ ایکس رے کلینک

ریٹائرڈ (LRH) ڈپلومہ ان فارمیسی توڑ ڈھیر۔ صوابی پروپرائیٹرز: حیدر زمان اینڈ آصف خان

مریض کا نام \_\_\_\_\_ اعراسی \_\_\_\_\_ تاریخ 03/12/16

Rx



① Both Cervical  
1-27 #



② Lumbar  
1-27 #



③ Cervical  
1-27 #



④ Elbow  
1-27 #

# واصل خان میڈیکوز اینڈ ایکس رے کلینک

ریٹائرڈ (LRH) ڈپلومہ ان فاریسی توڑ ڈھیر۔ صوابی پروپرائیٹر: حیدر زمان اینڈ آصف خان

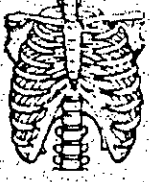
16/11/2027

تاریخ

رضیعی

مریض کا نام

Rx



①

Proxim 20+

1-9 Cap



②

NISB R

1-9



③

Bone D<sub>3</sub>

1-9 R



Dr. Muhammad Saleh

M.B.B.S., R.M.P.

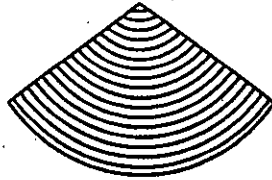
M.U.S.P.

Ultrasound Specialist

Clinic:

Mal Lara Jehangira Road,

Swabi Phone: 0938-221470



چھٹی بروز جمعہ

26

ڈاکٹر محمد صالح

ایم بی بی ایس، آر ایم پی

ایم یو ایس پی

الٹراساؤنڈ سپیشلسٹ

کلینک: مال لارا جھانگیرہ روڈ صوابی

Pt's Name

JS 71

Age

Sex

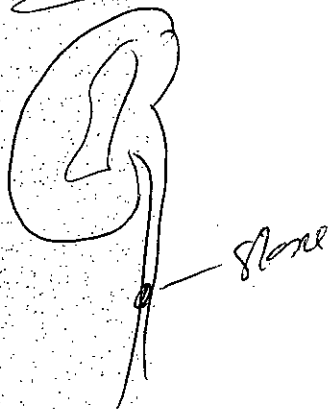
Date

28/1/17

o Rt kidney - Normal size mild hydronephrosis  
with hyperechoic area in calyx  
size 6mm.

o Lt kidney - Normal size  
hydronephrosis

normal



o Rt kidney mild  
hydronephrosis

o Lt kidney  
calyx  
size 6mm

Signature

(27) = K

CHARGE SHEET U/S 6(1) (A) POLICE RULES 1975


You Constable Akhtar Ali No.965 Posted at FRP/ HQrs: Peshawar is hereby charged for committing the following omission/commissions.

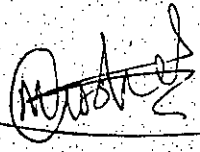
You Constable Akhtar Ali No.965 while posted at FRP/HQrs, you remained absent from duty 23.06.2016 till to date without taking any leave of the competent authority.

You are hereby called upon to submit your written defense against the above charges before the enquiry officer.

Your reply should reach the Enquiry Officer within seven (7) days from date of receipt of this Charge Sheet, failing which ex-parte action shall be taken against you.

Summary of allegations is enclosed herewith.

  
Deputy Commandant  
Frontier Reserve Police  
Khyber Pakhtunkhwa Peshawar

  
C - 16203-0363039-7  
ID-03459030296  
03-11-2016

سید محمد حیات زید صاحب  
کے نام سے کانسٹیبل کو مطلع کیا گیا۔  
اس سبب سے

**FINAL SHOW CAUSE NOTICE UNDER POLICE RULES 1975.**

I, Deputy Commandant, FRP, KPK as competent authority do hereby serve you Constable Akhtar Ali No.965 of FRP/HQrs, Peshawar.

(1) i- That consequent upon the completion of enquiry conducted against you by RI, FRP/HQrs: for which you were given full opportunity of hearing.

ii- On going through the findings/recommendations of the Enquiry Officer; the material available on record and other connected papers I, am satisfied that you have committed the following acts/omissions per Police Rules 1975.

Whereas you Constable Akhtar Ali No.965 of FRP/HQRS; Peshawar remained absent from duty w.e. from 23.06.2016 till to date without any leave/permission of the competent authority.

(2) Therefore, I, Deputy Commandant, FRP, KPK as competent authority has tentatively decided to impose upon you Major/Minor penalty including dismissal from service under the said Rules.

(3) You are, therefore, required to Show Cause as to why not the aforesaid penalty should not be imposed upon you.

(4) If no reply to this Final Show Cause Notice is received within the 14 days of its delivery in the normal course of circumstances, it shall be presumed that you have no defence to put in and consequently ex-parte action shall be taken against you.

Handwritten signature and date: 1-02-2017

Deputy Commandant,  
Frontier Reserve Police,  
Khyber Pakhtunkhwa, Peshawar.

Handwritten notes: 11c-16201-7957186-7  
12-03132829880

(29) E

/ 20

O.R.D.E.R.


This order shall dispose off on the Departmental Enquiry against Constable Akhtar Ali No.965 of FRP/HQrs: Peshawar.

Brief facts of the case are that Constable Akhtar Ali No.965 of FRP HQrs: Peshawar absented himself from duty with effect from 23.06.2016 till to date without any leave/permission of the Competent Authority.

In this regard formal departmental proceedings were initiated against him and RI/FRP/HQrs: was nominated as Enquiry Officer. After proper enquiry, the EO submitted his findings, wherein he recommended the defaulter constable for ex-parte action. Upon the findings of Enquiry Officer he was issued Final Show Cause Notice to which he received personally, but he failed to submit any reply in response to the Final Show Cause Notice. He was called for personal hearing, but failed to do so. Besides a Notice was published in daily newspaper "Aaj" dated 10.03.2017 to join duty but in-vain.

Keeping in view the recommendations of the Enquiry Officer and other material available on record it has come crystal clear that the said Constable has deliberately absented himself from duty and still at large and did not bother to reply in response to the Show Cause Notice. He has no interest to serve in Police Department and there is no likely hood of his becoming good Police Officer in future. He is not fit for Police service. Therefore, Constable Akhtar Ali No. 965 of FRP HQrs is hereby discharged from service under Police Rules 12.21 from the date of his absence i.e. 23.06.2016 and the period of absence is treated as leave without Pay.

Order announced.

  
Deputy Commandant,  
Frontier Reserve Police  
Khyber Pakhtunkhwa Peshawar

No. 416-20 PA dated Peshawar, the 05 / 04 / 2017.

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

1. ✓ Commandant, FRP Khyber Pakhtunkhwa Peshawar.
2. ✓ Accountant P/HQrs Peshawar.
3. ✓ SRC/OAS/II HQrs Peshawar.
5. ✓ FMC/FRP/II Peshawar with original Enquiry file.

ORDER

This order will dispose of the departmental appeal preferred by Ex-constable Akhtar Ali No. 965 of FRP HQrs; against the order of discharged from service passed by Deputy Commandant FRP Khyber Pakhtunkhwa, Peshawar vide order Endst: No. 416-20, dated 05.04.2017. The applicant was proceeded against on the allegations that he absented himself from lawful duty with effect from 23.06.2016 till the date of discharged from service i.e 05.04.2017, 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 and Line Officer FRP HQrs: Peshawar was nominated to conduct enquiry into the matter, who submitted his findings wherein he recommended him for ex-parte action, as the delinquent officer had failed to join the enquiry proceedings.

Upon the findings of Enquiry Officer, he was issued Final Show Cause Notice which he received personally, but he failed to submit his reply within stipulated period. He was called for personal hearing, but he failed to turn up. Besides, a Notice was also published in Daily newspaper "AJJ" dated 10.03.2017 direction him to join his duty but in-vain.

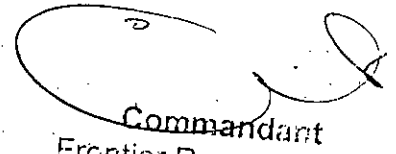
Keeping in view the recommendation of Enquiry Officer and other material available on record, the applicant was discharged from service from the date of absence i.e 23.06.2016 vide office order Endst: No. 416-20/PA, dated 05.04.2017.

Feeling aggrieved against the impugned order of Deputy Commandant FRP Peshawar, the applicant preferred the instant appeal. The applicant was summoned and heard in person in Orderly Room held on 26.10.2017.

From perusal of the enquiry file and the service record of the applicant, it has been found that the delinquent official has been showing irresponsible attitude in utter disregard of the discipline of the force. He could not present any cogent justification for such long absence from duty. Moreover, it has also been found that the impugned order of discharged was passed on 05.04.2017 and the instant departmental appeal has been filed by the applicant on 07.09.2017, hence his appeal is time barred.

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

Order Announced.



Commandant  
Frontier Reserve Police  
Khyber Pakhtunkhwa, Peshawar.

No 8/22-23/EC, dated Peshawar the 26/10 /2017.

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

- 1. Deputy Commandant FRP Khyber Pakhtunkhwa, Peshawar. His service record alongwith D file sent herewith.
- 2. Ex-constable Akhtar Ali No. 965 S/O Wali Muhammad, Village Lahore, Police Station Lahore, District Swabi.





OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

No. S/ 307 /18, dated Peshawar the 15/01/2018.

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-FC Akhtar Ali No. 965. The petitioner was discharged from service by Deputy Commandant, FRP, Khyber Pakhtunkhwa, Peshawar vide order Endst: No. 416-20/PA, dated 05.04.2017 on the charge of absence from duty for 09 months and 12 days.

Meeting of Appellate Board was held on 28.12.2017 wherein petitioner was heard in person. During hearing petitioner contended that he was injured in road accident.

Perusal of record revealed that Akhtar Ali No. 965 Ex-Constable was dismissed from service on charges of willful and deliberate absence from duty for 09 months and 12 days vide impugned order dated 05.04.2017 of Deputy Commandant, FRP, Khyber Pakhtunkhwa, Peshawar. His departmental appeal was rejected by Commandant, FRP, Khyber Pakhtunkhwa, Peshawar vide order dated 26.10.2017.

Petitioner was heard in detail but he failed to advance any plausible explanation in rebuttal of the charges. Therefore, the Board decided that his petition is hereby rejected.

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

(AHSAN SAIFULLAH)  
AIG/Establishment,

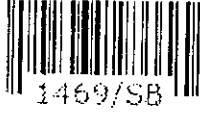
For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.

No. S/ 308-14 /18,

Copy of the above is forwarded to the:

1. Commandant, FRP, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Commandant, FRP, Khyber Pakhtunkhwa, Peshawar.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

(1) محمد صفا - انسٹیبل جنرل اور پرائس مینر جنٹون خواجہ لیاقت



عنوان - درخواست برآمد بجائی سرویس

صفا علی

گزارش میں ہے - کہ مسائل شدید بیمار ہو چکا تھا اور اس  
وہد سے عبوراً غیر معمولی تھا اور لہذا میں مسائل کو فرہم  
اعترفاً مہتری فوٹری سے صورت  $\frac{04}{2017}$  05 کو Dismissed کیا گیا -

صحت یابی کے بعد صفا نے گمانڈنٹ FRP کے ذریعہ میں بجائی  
تسلیم میں کیا - اور ساتھ میں بیماری سے تعلق کاغذات میں پیش کیے  
تسلیم مسائل کی اس صورت  $\frac{26}{17}$  کو reject کیا گیا -

چونکہ مسائل ایسا نیا بین عزیز خاندان سے تعلق رکھتے  
اور دیگر ذریعہ معاش نہیں ہے - اور جووری کے تحت غیر حاضر  
رہ چکا تھا -

اس لیے ابتدائی ادب کے ساتھ التماس ہے - کہ مسائل  
کی معاش اور عبوروں کو مد نظر رکھتے ہوئے فوٹری پر دوبارہ  
بحال کرنے کا حکم صادر فرمایا جائے -

علی نواز شیخ

الغیر

تاریخ: 07-11-2017

مسائل Ex - کنٹریس ایف ایف ایف 965 FRP میں اور

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فون نمبر - 03132829680

0346-3709806

Smart Secret

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Office of the...

بعدالت جناب جسٹریٹ میں سروس ٹریڈ یونین کے جی کے لیساور  
 اختر علی (ایسٹاٹ) بنام آئی جی کے جی کے وغیرہ  
 منجانب ایسٹاٹ دعویٰ اجرم سروس اپیل  
 تھانہ ایف آئی آر تاریخ

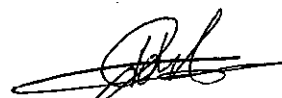
باعث تحریر آنکہ  
 مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی بمقام سروس ٹریڈ یونین لیساور کے لئے

### جہان افسر پائندہ خیل ایڈووکیٹ ہائی کورٹ، پشاور کو بدین شرط وکیل مقرر کیا ہے کہ میں

ہر پیشی پر خود یا بذریعہ مختار خاص روبرو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر  
 حاضر عدالت کروں گا اگر پیشی پر من مظہر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے برخلاف ہو گیا تو صاحب  
 موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے کسی اور جگہ یا پکھری کے مقررہ اوقات  
 سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ اگر مقدمہ علاوہ صدر مقام پکھری کے کسی اور جگہ سماعت ہونے یا  
 بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر من مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ  
 کے ادا کرنے یا مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داخستہ صاحب موصوف مثل کردہ  
 ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجراء ڈگری و نظر ثانی اپیل و نگرانی ہر قسم کی  
 درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجرا کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور  
 داخل کرنے اور ہر قسم کے بیان دینے اور سپرد تالی و راضی نامہ کو فیصلہ برخلاف کرنے، اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت  
 اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم انتاعی یا قرتی یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادا سنگی  
 علیحدہ مختار نامہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی  
 کے واسطے یا بصورت اپیل، اپیل کے واسطے کسی دوسرے وکیل یا بیرٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو ہر  
 امر میں وہی اور ویسے ہی اختیارات حاصل ہوں گے۔ جیسے کہ صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التواء  
 پڑے گا۔ وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف  
 کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا  
 یہ مختار نامہ لکھ دیا کہ سند ہے مورخہ 2018-02-19 مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

اصطلاحی اصطلاحات  
 (4)

ATTESTED & ACCEPTED:

  
 JEHAN AFSAR KHAN  
 PAINDAKHEL  
 Advocate, Peshawar  
 Cell No. 0333-9433554

لقد كنت صا - سرلا شريف علي

23/6/18  
رہیل

الحکومت

دعوت میرا دیکھ کر وہ سکون میں چلے گئے اور انھوں نے

جا بسالی

دعا پر کہ سائل نے مذکورہ بالا کیس عدالت سے  
چھٹی ہے جو آج عدالت سے چھٹی ہے

29/7/19

دعا پر کہ مذکورہ بالا کیس سکون میں چلے کر وہ کام  
صاف ہو گیا ہے اور دعوت چھٹی ہے

سرکار عالی  
عدالت سکون میں چلے کر وہ کام صاف ہو گیا ہے

المرفوع 29/7/19

سرکار عالی

محمد علی

محمد علی

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 236/2018.

Akhtar Ali S/o Wali Muhammad R/o Lahore Thana Cham, District Swabi (Ex-FC No. 965, FRP Head Quarter, Peshawar.....Appellant.

**VERSUS**

1. **Government of Khyber Pakhtunkhwa,**  
Through Secretary to Govt. of KPK,  
Home and Tribal Affairs,  
Civil Secretariat, Peshawar.
2. **Inspector General of Police,**  
Khyber Pakhtunkhwa, Peshawar,  
Central Police Office, Peshawar.
3. **Commandant FRP,**  
Khyber Pakhtunkhwa, Peshawar.
3. **Deputy Commandant FRP,**  
Khyber Pakhtunkhwa, Peshawar.....Respondents.

**PRELIMINARY OBJECTIONS**

1. That the appeal is badly time barred.
2. That the appeal is not maintainable in the present form.
3. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
4. That the appellant has no cause of action to file the instant appeal.
5. That the appellant has not come to this Honorable Tribunal with clean hands.
6. That the appellant is estopped due to his own conduct to file the instant Service Appeal.
7. That the appellant is trying to conceal material facts from this Honorable Tribunal.

**WRITTEN REPLY ON BEHALF OF RESPONDENTS.**

**RESPECTED SHEWETH.**

**FACTS:-**

1. Pertain to the appellant's record, needs no comments.
2. Incorrect and denied, that the appellant has found an irresponsible and habitual absentee.
3. Incorrect and denied. That appellant was remained absent from lawful duties with effect from 23.06.2016 to 05.04.2017 for a long period of 10 months and 18 days, without any proper leave or prior permission of the competent authority.
4. Incorrect and denied. The plea of road accident taken by the appellant is propounded story. In fact the appellant continually remained absent from lawful duty without any leave or prior permission of his seniors.
5. Incorrect and denied. On the allegations of willful absence the appellant was issued Charge Sheet alongwith Summary of Allegations and Enquiry Officer, was nominated to unearth the actual facts. The appellant deliberately failed to submit his reply of Charge Sheet. Upon the findings of Enquiry Officer the appellant was served with Final Show Cause Notice, but he again failed to submit his reply within stipulated period. Besides, a notice was also published in the daily Newspaper with the direction to join his duty, but in vain. (Copy of

newspaper cutting is attached herewith as annexure "A"). After fulfilling all codal formalities, the appellant was removed from service by the competent authority.

6. Incorrect and denied. That departmental appeal submitted by the appellant was thoroughly examined and rejected on sound grounds.
7. Incorrect and denied. Review petition submitted by the appellant was thoroughly examined by the Appellate Board as the appellant was heard in person, but he failed to present any plausible justification before the Board concerned therefore, his review petition has also rejected on merit.
8. The appellant has not come to this Honorable Tribunal with clean hands; therefore, the instant appeal may kindly be dismissed on the following grounds.


**GROUND:-**


- A. Incorrect and denied. All the impugned orders of the appellant have been passed by lawful authority under the relevant law, which is legally justified and in accordance to law/rules.
- B. Incorrect and denied. The appellant was remained absent from lawful duty for a long period of 10 months and 18 days without any leaver or prior permission of the competent authority. Proper departmental enquiry was initiated against him, the appellant deliberately neither submitted reply of Charge Sheet nor Show Cause Notice to defend himself. He was also informed through daily Newspaper AAJ dated 10.03.2017 to join his duty, but he did not turn up. After fulfilling the due codal formalities he was discharged under Police Rules 12-21 as his service is less than 03 years. Moreover, the plea of road accident taken by the appellant is a propounded story and he trying to conceal the facts from this Honorable Tribunal.
- C. Incorrect and denied. The appellant was remained absent from lawful duty without any leave or prior permission of his seniors. Moreover, the plea of medical inability mentioned by the appellant, he supposed to have taken this plea before the Enquiry Officer or before the competent authority, during the course of enquiry.
- D. Incorrect and denied. The appellant was deliberately absent from his lawful duty. In this regard proper departmental enquiry was initiated against him. During the course of enquiry the appellant deliberately failed to submit reply of Charge Sheet or Show Cause Notice, even to appear before the Enquiry Officer or before the competent authority to defend himself and after fulfilling the due codal formalities he was discharged from service accordingly.
- E. Incorrect and denied. As explained in the preceding Paras proper departmental enquiry was initiated against the appellant and the opportunity of defence in the shape of Charge Sheet and Show Cause Notice was also provided by the respondents during the course of enquiry, but he failed to defend himself.
- F. Incorrect and denied. The action taken by the respondents against he appellant is legally justified and accordance to law/rules.


- G. Incorrect and denied. Proper departmental enquiry was conducted against the appellant under special law/ i.e Police Rules 1975 amended 2014 and it is evident from Charge Sheet and Show Cause Notice. After fulfilling all codal formalities required as per law. The impugned orders have been issued by the respondents in accordance to law/rules.
- H. Incorrect and denied. An ample opportunity of personal hearing was also provided to the appellant during the course of enquiry. Finally he was called through daily Newspaper AAJ dated 10.03.2017 with the direction to join his duty or to be produced written statement within 10 days positively, but he failed to do so.
- I. Incorrect and denied. Proper departmental enquiry was conducted by the competent authority against the appellant as per law/rules. (Copy of enquiry report attached herewith as annexure "B")
- J. Incorrect and denied. An ample opportunity of personal hearing was already provided to the appellant, but he did not bother to avail this opportunity.
- K. Incorrect and denied. The allegations are false and baseless. The appellant has already been dealt with proper enquiry under the relevant law, as explained in the preceding Paras above. Moreover, the allegations leveled against the appellant have been fully established during the course of enquiry.
- L. Incorrect and denied. Proper departmental enquiry was conducted against the appellant and after fulfilling all codal formalities required as per law, the impugned orders have been passed by the respondents in accordance to law/rules.
- M. Incorrect and denied. The appellant being a member of disciplined force found an irresponsible person in utter disregard the disciplinary of the force as he left his assigned duty and remained absent form duty for a long period of 10 months and 18 days, without any proper leave or prior permission of the competent authority.
- N. Incorrect and denied. The appellant was summoned and heard in person in person by the appellate authority in orderly room held on 07.09.2017, but he failed to present any justification regarding to his innocence, therefore, his departmental appeal was rejected on merit.
- O. Incorrect and denied. The impugned orders issued by the respondents are legally justified and in accordance to law, as the same were passed, after fulfilling of basic criteria required as per law.
- P. The respondents may also be permitted to create additional grounds at the time of arguments.


**PRAYERS:-**

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

  
**Secretary, Home and Tribal Affairs,**  
Government of Khyber Pakhtunkhwa.  
(Respondent No. 1)

  
**Inspector General of Police,**  
Khyber Pakhtunkhwa, Peshawar,  
(Respondent No. 2)

  
**Commandant FRP,**  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 3)

  
**Deputy Commandant FRP,**  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 4)



A

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پشاور ایجنٹ آباد اور اسلام آباد سے بیک وقت شائع ہونے والا کثیر الاشاعت قومی روزنامہ۔

رہنمائی کی خدمت آج کا نصب العین

**روزنامہ**

**پشاور**  
**پاکستان**

ایڈیٹر  
**عبدالواحد یوسفی**

صفحات 12

جلد 28 - 10 مارچ 2017 - 10 جمادی الثانی 1438 - قیمت 13 پیسے - بے لے ای 1 نمبر 61

**افغان نیشنل انٹرنیٹ**

آپ کا نیشنل انٹرنیٹ نمبر 965 ایف آر بی ایڈکارڈ پشاور پولیس لائن سے مورچہ 23-08-2016 سے دستور  
خبر حاضر ہو چارج شیٹ دہری آف اگلیس آف اٹائل سٹاکا ڈانس ایئر ہو کر آپ کے گھر کے پتہ پر ڈیرہ DFC بھیجا  
جا کر آپ نے دست خورد وصول کیا ہے لیکن آپ نے ابھی تک کوئی جواب نہیں دیا۔  
آپ کو ڈیرہ پشمارہ ذرا مطلع کیا جاتا ہے کہ اس دن کے اندر اپنے اپنی ماضی اجروئی بیان پیش کریں ورنہ آپ  
کوٹاہ سیکورٹی ڈائریکشن میں لائی جائیگی۔

**بھکم ڈیس کی کمیونٹی**

**"SAY NO TO CORRUPTION"**

INF(P) 1089

DB 1 10-03-2017

انڈیا کی پوسٹ

جناب عالی

جوام شروع اتوار کی تاریخ پر ملائی گئی اور  
لیٹ نمبر 9655 سے متعلقہ تمام مذکورہ گیسٹوں کو 23/11/56ء  
کوئی نوٹ سے یہ سٹیٹس نہیں حاضر ہے

جاری لیٹ نمبر FRP 110 اس کے تحت  
کے اجازت ناموں کے حدود میں مذکورہ گیسٹوں کے اجازت ناموں کی تیسرے نمبر  
کنٹرول فرم FRP 110 سے اس کے ذاتی حوالے سے 296-9030-0345  
پر عمل کر کے جاری لیٹ پر عمل متعلقہ اقامتوں پر جانے کے لئے

(15) دن کے بعد مذکورہ گیسٹوں کے حوالے سے تامل کوئی تحریر  
نہیں دینا چاہیے اور نہ ہی مذکورہ گیسٹوں کے اجازت ناموں  
کی رپورٹ کی ہے۔ بطریق اجازت عالی کوئی نوٹ نمبر مذکورہ گیسٹوں  
23/11/56ء کوئی نوٹ سے یہ سٹیٹس نہیں حاضر ہے

مذکورہ گیسٹوں کے حوالے سے اجازت ناموں کی تیسری نمبر (15) دن کے بعد  
یہ کیا ہے جو کہ برائے سواہ میں سٹیٹس پر ہے  
لہذا یہ سٹیٹس اتوار کی تاریخ پر ملائی گئی اور اجازت ناموں کے تحت  
دفعہ 110 کے تحت ہے۔

Siv May issue lim ASKN

Handwritten signature

W/DY: Commandant

PAID/11/56

LOI/11/56  
18-11-56

R;

**CHARGE SHEET U/S 6(1) (A) POLICE RULES 1975**


You Constable Akhtar Ali No.965 Posted at FRP/ HQrs: Peshawar is hereby charged for committing the following omission/commissions.

You Constable Akhtar Ali No.965 while posted at FRP/HQrs, you remained absent from duty 23.06.2016 till to date without taking any leave of the competent authority.

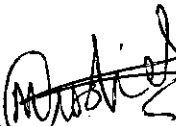
You are hereby called upon to submit your written defense against the above charges before the enquiry officer.

Your reply should reach the Enquiry Officer within seven (7) days from date of receipt of this Charge Sheet, failing which ex-parte action shall be taken against you.

Summary of allegations is enclosed herewith.

  
**Deputy Commandant**  
**Frontier Reserve Police**  
**Khyber Pakhtunkhwa Peshawar**





Nic - 16263-0363039-7  
Mobil - 0345 9030296  
date - 03-11-2016

په پشاور کې زندگي کولو لپاره  
په پشاور کې کور لخوا  
په پشاور کې کور لخوا  
په پشاور کې کور لخوا

B/2

**ORDER**

**UNDER SUB-SECTION-3 & SECTION 5 POLICE RULES, 1975**

I, Deputy Commandant FRP, Khyber Pakhtunkhwa Peshawar as Competent Authority Charge Constable Akhtar Ali No.965 of FRP HQrs: is prima facie guilty of the following acts to be dealt with u/s 5 (3) of Police Rules, 1975.

While posted at FRP/HQrs, remained absent from duty w.e from 23.06.2016 till to date without taking any leave/permission competent authority.


The act of delinquent Official falls within the ambit of gross misconduct and is liable to be proceeded under Police Rule 1975.

For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations. I, Deputy Commandant FRP, Khyber Pakhtunkhwa, being authorized officer hereby nominate enquiry officer as below to enquire into the charges within the meaning of 2(iii) under Police Rules 1975.


**LO-I, FRP/HQrs:**

The enquiry officer after completing all enquiry proceedings should submit findings to the undersigned within stipulated period of (10) days per u/s 6(5) of the Rules.

Charge Sheet and Statement of Allegations are issued against the accused officer separately. Reply should be submitted before the Enquiry officer within the period of (07) days from the date of receipt

  
**Deputy Commandant,  
Frontier Reserve Police,  
Khyber Pakhtunkhwa, Peshawar.**

No. 945 /PA, dated Peshawar the

04 /10 /2016. 

Encl: Papers (04) in Original.

ب/3

**FINAL SHOW CAUSE NOTICE UNDER POLICE RULES 1975.**

I, Deputy Commandant, FRP, KPK as competent authority do hereby serve you Constable Akhtar Ali No.965 of FRP/HQrs, Peshawar.

(1) i- That consequent upon the completion of enquiry conducted against you by **RI, FRP/HQrs:** for which you were given full opportunity of hearing.

ii- On going through the findings/recommendations of the Enquiry Officer, the material available on record and other connected papers I, am satisfied that you have committed the following acts/omissions per Police Rules 1975.


Whereas you Constable Akhtar Ali No.965 of FRP/HQRS; Peshawar remained absent from duty w.e. from 23.06.2016 till to date without any leave/permission of the competent authority.

(2) Therefore, I, Deputy Commandant, FRP, KPK as competent authority has tentatively decided to impose upon you Major/Minor penalty including dismissal from service under the said Rules.

(3) You are, therefore, required to Show Cause as to why not the aforesaid penalty should not be imposed upon you.

(4) If no reply to this Final Show Cause Notice is received within the 14 days of it delivery in the normal course of circumstances, it shall be presumed that you have no defiance to put in and consequently ex-parte action shall be taken against you.

SA  
40-1-1  
1-02-2017

  
Deputy Commandant,  
Frontier Reserve Police,  
Khyber Pakhtunkhwa, Peshawar.



W/c- 16201-7957196-7

mob/g- 03132829880

B/12

**O.R.D.E.R.**

This order shall dispose off on the Departmental Enquiry against Constable Akhtar Ali No.965 of FRP/HQrs: Peshawar.

Brief facts of the case are that Constable Akhtar Ali No.965 of FRP HQrs: Peshawar absented himself from duty with effect from 23.06.2016 till to date without any leave/permission of the Competent Authority.

In this regard formal departmental proceedings were initiated against him and RI/FRP/HQrs: was nominated as Enquiry Officer. After proper enquiry, the EO submitted his findings, wherein he recommended the defaulter constable for ex-parte action. Upon the findings of Enquiry Officer he was issued Final Show Cause Notice to which he received personally, but he failed to submit any reply in response to the Final Show Cause Notice. He was called for personal hearing, but failed to do so. Besides a Notice was published in daily newspaper "Aaj" dated 10.03.2017 to join duty but in-vain.

Keeping in view the recommendations of the Enquiry Officer and other material available on record it has come crystal clear that the said Constable has deliberately absented himself from duty and still at large and did not bother to reply in response to the Show Cause Notice. He has no interest to serve in Police Department and there is no likely hood of his becoming good Police Officer in future. He is not fit for Police service, Therefore, Constable Akhtar Ali No. 965 of FRP/HQrs is hereby discharged from Service under Police Rules 12.21 from the date of his absence i.e. 23.06.2016 and the period of absence is treated as leave without Pay.

Order announced.

*(Signature)*  
Deputy Commandant,  
Frontier Reserve Police  
Khyber Pakhtunkhwa Peshawar

B (311 / 10-4-17)

No. 416-20 /PA dated Peshawar, the 05 / 04 /2017.

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

1. Commandant, FRP Khyber Pakhtunkhwa Peshawar.
2. Accountant /FRP/HQrs: Peshawar.
3. SRC/OASI/FRP HQrs: Peshawar.
5. FMC/ FRP/HQrs: Peshawar with original Enquiry file.

*Enc (09) files in original*

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR.

In Ref: to Service Appeal No. 1470/ of 2018.

Miss Sony, Ex-FWW ...VERSUS ...Population Welfare Department etc.

Rejoinder on behalf of the Appellant.

**RESPECTFULLY SHEWETH:-**

**PRELIMINARY OBJECTIONS:**

1. Incorrect. The Appellant has a locus standi being erected on factual as well as legally wedded principles & a good arguable case having prima facie a good cause of action.
2. Incorrect. Injustice has really been done to the Appellant while overlooking & ignoring his stance totally.
3. Incorrect. That the appellant has prima facie good arguable case having a balance of convenience in her favor and she is hopeful and confident for her success.
4. Incorrect. That the appellant came to this Tribunal with clean hands on the score that she has a strong case both on factual as well as legal footings.
5. Incorrect. The appeal is fully mature and is maintainable one.
6. Incorrect. No rule of estoppel is applicable to the instant case as the Appellant never committed an action or inaction to be estopped as such by it.

**ON FACTS:-**

1. Para-1 of the appeal is self-explanatory and based on fact properly supported by the record of the Office.
2. Para-2 is admitted as correct.
3. Incorrect. The appellant was neither reinstated in service nor her arrival report was honored/accepted and hence the order/judgment passed in Service Appeal No. 163/2016 dated 22-12-2017 was totally bulldozed. The Committee constituted dated 13-02-2018 for the purpose of conducting de-novo enquiry was time and again questioned/objected by the appellant and after regretting her

objection petitions by the Director General, Population Welfare, the appellant did submitted her appeal before the Secretary Population Welfare, Khyber Pakhtunkhwa Peshawar but the same was also met with the same fate and the de-novo enquiry was never conducted fairly, justly and was kept continued on the back of the appellant.

4. Incorrect. Detail reply has been given in Para-3 above.
5. Incorrect. Detail reply has been given in Para-3 above.
6. Incorrect. In preceding Paras, the answering respondents have denied the reply of the appellant to the Charge-Sheet, Statement of allegation and Show-cause notice submitted by the appellant and strangely admits the same in Para-6 . However no chance of personal hearing was ever bestowed upon to the appellant.
7. Incorrect. Had the application/appeal of the appellant for change of members of the enquiry committee been accorded and had any regular de-novo enquiry been ever conducted fairly and justly in accordance with law on the subject and if the appellant was given a chance to cross examine the PWs and their statements would have been recorded on oath, the situation would have definitely been changed.
8. Para-8 is legal one.

**ON GROUNDS:**

- a) Incorrect. The reply submitted is ambiguous and misconceived. Having a bird eye view glance at the whole episode on the strength of available record, it could be inculcated that the appellant being highly eligible, having passed her matriculation examination in the year 2005 by obtaining 553 out of 1050 marks, being the requisite qualification. The appellant had also passed her intermediate examination (Grade-B) with 676/1100 marks which would be deemed an extra/higher qualification, as per advertisement (annexure-A) and had joined the services as family welfare Worker (FWW). The required educational qualification for the post of FWW is/was Matric and nothing more The appellant had procured her job on the basis of educational qualification mentioned above coupled with the other allied/relevant technical qualification in terms of LHV Diploma, 2 years ultrasound Diploma and other different care course viza-viz, arranged by different NGOs wherein there is no fake Certificate/Diploma.



- b) Incorrect. The order/judgment passed in Service Appeal No. 163/2016 dated 22-12-2017 has never been implemented in its letter and spirit and the de-novo enquiry was never completed within stipulated period as directed by this august Tribunal.
- c) Incorrect. The fate of the appellant while conducting so-called de-novo enquiry has never been dealt with fairly, justly and in accordance with law.
- d) Incorrect. Since no regular enquiry has ever been conducted neither in previous nor subsequent proceedings of de-novo enquiry. The so-called de-novo enquiry was conducted only to strengthen the previous impugned termination order by stating in Para-"d" that the first termination order dated 24-11-2015 was rightly been issued. The original Matric and F.A Certificates have never been considered at-all. It was the prerogative duty casted upon the enquiry Committee to unearth the dealing hands behind the scene that who was the ill-wisher and who had played the ill-natured and devilish game by substituting the original certificates with a fake one.
- e) Incorrect. Detail reply has been given in Para-"a" above.
- f) Incorrect. As has readily been discussed no impartial inquiry has ever taken place in the light of the judgment of this honorable tribunal rather a mockery is played on law and decision of this worthy tribunal.
- g) Incorrect. Detail reply has been given in Para-"a" above.
- h) Incorrect. As time and again has been brought into the worthy consideration of this august Tribunal that the appellant was in no need to use fabricated marks in matric certificate or to show her BA Degree as for the post advertised requisite requirements of qualification were already met to, and the whole episode is arranged just to satisfy the instinct of personal grudge.
- i) Incorrect. As explained in preceding para-1 of the facts, it is, belligerent inculcation added once for more that, the reply is totally ambiguous & misconceived and awarding the major penalty of removal from service on the behest of personal grudge of such malicious, vexatious, and frivolous grounds & without consulting

the canons of accepted and acknowledged law on the subject having but credence to be adjudged as nullity in the eyes of law.

It is therefore humbly prayed that the comments submitted by the respondents be set at naught and the appeal of the appellant may graciously be accepted by redressing her grievances as prayed for in the appeal.

*Sony*  
**APPELLANT**

Through

*9/9/2020*  
Muhammad Usman Khan  
Turlandi  
Advocate Supreme Court.

**AFFIDAVIT.**

I, Miss Sony D/O Basweer Gul R/O Mohallah: Pir Gulab Shah, inside Hashtnagri, Tehsil and District Peshawar, Ex-Family Welfare Worker (FWW), Population Welfare Department, KPK Peshawar and was lastly posted as FWW (BPS-8) at FW Centre Rano Gari, Peshawar, do hereby solemnly affirm and declare on oath that the contents of the accompanying Execution petition are true and correct to the best of my knowledge and belief and nothing has been kept secret or concealed therein.

*Sony*  
**Deponent.**



*12-01-2021*