BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL SHAWAR

Service Appeal No.8828/2020

Date of Institution ... 05.08.2020
Date of Decision ... 10.01.2023

Sardar Munir, Ex Constable No. 1859, District Police Peshawar.

... (Appellant)

VERSUS

1. Capital City Police Officer, Peshawar.
2. Superintendent of Police, Cantt. Peshawar.
3. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.

... (Respondents)

Fazal Shah Mohmand
Advocate ... For appellant.

Naseer Ud Din Shah,
Assistant Advocate General ... For respondents.

Mrs. Rozina Rehman ... Member (J)
Miss. Fareeha Paul ... Member (E)

JUDGMENT

ROZINA REHMAN, MEMBER: The appellant has invoked the jurisdiction of this Tribunal through above titled appeal with the prayer as copied below:

"On acceptance of this appeal, the impugned order dated 24.07.2020 of respondent No.1 and order dated 18.02.2020 of respondent No. 2 may kindly be set aside and the appellant may kindly be ordered to be reinstated in service with all back benefits."

2. Brief facts of the case are that appellant joined the police department as constable in the year 1991. During service, while posted at PS Tatara Peshawar, he fell ill and was unable to perform his duties. He, therefore, informed SHO concerned and visited different doctors. After recovery, he reported for duty on 17.03.2020 but due to Covid-19 and lockdown, offices were closed and no one was allowed to move or enter into offices. The appellant was informed regarding his dismissal from service on 15.06.2020. He then filed departmental appeal which was also rejected; hence the present service appeal.

3. We have heard Fazal Shah Mohmand, Advocate learned counsel for the appellant and Naseer Ud Din Shah, learned Assistant Advocate General for respondents and have gone through the record and the proceedings of the case in minute particulars.

4. Fazal Shah Mohmand Advocate, learned counsel for appellant submitted that impugned orders were wrong, illegal, against law and facts as mandatory provisions of law and rules were badly violated by the respondents and appellant was not treated in accordance with law and rules. He argued that no charge sheet and show cause notice was issued and communicated to the appellant and as such impugned orders were not maintainable in the eyes of law. He further submitted that no proper inquiry was conducted in order to unearth the hidden facts and that no witness was examined in the presence of the appellant. It was contended that the appellant was not given any opportunity of personal hearing and absence on the part of appellant was neither willful nor

deliberate rather the same was due to circumstances compelling in nature and were beyond the control of the appellant. He therefore, requested for acceptance of the appeal.

5. Conversely, learned AAG submitted that appellant while posted at PS Mechani Gate Peshawar absented from his official duty with effect from 26.05.2019 to 04.07.2019 and 09.12.2019 to 18.02.2020 without proper permission from the competent authority. In that regard he was issued charge sheet alongwith statement of allegations and SDPO Hayatabad was appointed as inquiry officer. During the course of inquiry he was summoned time and again but he did not turn up. The inquiry officer submitted his report and after fulfillment of all codal formalities he was awarded major punishment of dismissal form service.

6. From the record it is evident that the appellant was departmentally proceeded against on the allegation of absence. He, while posted at PS Mechani Gate absented himself from lawful duty w.e.f 26.05.2019 to 04.07.2019 and 09.12.2019 till the date of dismissal from service i.e 19.12.2020. He was charge sheeted on 23.07.2019 and for the purpose of scrutinizing his conduct, DSP Town was appointed as inquiry officer. He was summoned by the inquiry officer but he failed to attend his office. There is difference in respect of his absence in the impugned order as well as in the inquiry report. The dismissal order dated 19.02.2020 would reveal that he was shown absent for 109 days, while the inquiry report submitted by DSP would reveal his absence w.e.f 26.05.2019 to 04.07.2019 (for 39 days). The competent authority clearly

mentioned his absence from Mechani Gate w.e.f 26.05.2019 to 04.07.2019 for (39 days), while the inquiry officer reported his absence from PS Hayatabad. There is no inquiry regarding his absence from 09.12.2019 to 19.02.2020. Speaking about the apparent delay occurring by submission of departmental appeal it was stated that appellant had fallen ill (necessary medical record provided) and on the other hand conditions prevailing due to lock down because of covid-19 and closure of offices caused such delay. So in view of the available record delay is condoned. Keeping in view the last request of the learned counsel for appellant and without touching other merits of the case, we are of the view that since the appellant has put in considerable regular service, it would be appropriate, keeping in view the circumstances of the case, to convert major penalty awarded in the shape of dismissal from service into that of compulsory retirement from service. As such, we convert the said penalty into that of compulsory retirement. Absence period is treated as leave without pay. Order accordingly. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
10.01.2023

(Fareeha Paul)
Member (E)

(Rozina Rehman)
Member (J)

ORDER

10.01.2023

Fazal Shah Mohmand, Advocate for appellant present.

Naseer Ud Din Shah, learned Assistant Advocate General for respondents present.

Vide our detailed judgment of today placed on file, keeping in view the circumstances of the case it would be appropriate to convert major penalty awarded in the shape of dismissal from service into that of compulsory retirement from service. As such, we convert the said penalty into that of compulsory retirement. Absence period is treated as leave without pay. Order accordingly. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
10.01.2023

(Farkeha Paul)
Member (E)

(Rozina Rehman)
Member (J)

09.01.2023 Appellant present thorough counsel.

Muhammad Riaz Khan Pinadakhel learned Assistant Advocate General for respondents present.

Arguments heard. To come up for order on 10.01.2023 before D.B.

Fareeha Paul)
Member (E)

(Rozina Rehman)
Member (J)

19th Oct., 2022 Junior to counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Request for adjournment was made on behalf of learned counsel for the appellant due to his engagement in Honourable Peshawar High Court today. Last opportunity is granted To come up for arguments on 10.11.2022 before the D.B.

(Fareeha Paul)
Member (E)

(Kalim Arshad Khan)
Chairman

10.11.2022 Junior to counsel for the appellant present.

Mr. Muhammad Adeel Butt, learned Additional Advocate General for the respondents present.

Former requested for adjournment due to engagement of learned senior counsel for the appellant in august Supreme Court of Pakistan. Adjourned. To come up for arguments on 09.01.2023 before the D.B.

(Fareeha Paul)
Member (E)

(Rozina Rehman)
Member (J)

30.03.2022 Learned counsel for the appellant present.

Mr. Ahmad Jan S.I (Legal) alongwith Mr. Asif Masood Ali Shah, learned Deputy District Attorney for the respondents present and submitted copies of inquiry record consisting of 8 sheets. Copies of the same also handed over to the learned counsel for appellant who sought adjournment on the ground that she has not gone though the aforementioned record. Adjourned. To come up for arguments on 13.05.2022 before D.B.

(Rozina Rehman)
Member (J)

(Salah-Ud-Din)
Member (J)

13-5-22 Proper DB not available the case is adjourned on 9-6-22

Reader

9.6.22 Proper DB is on Tour, therefore the case is adjourned to 9-8-22 for same.

9-8-2022 Due to the Public holiday the case is adjourned to 19-12-2022

Reader

07.10.2021 Junior to counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG alongwith Aziz Shah, H.C for the respondents present.

Learned counsel for the appellant is stated to be busy before the august Supreme Court of Pakistan and request for adjournment is made on his behalf. Request is accorded. To come up for arguments on 06.12.2021 before the D.B.

(Mian Muhammad)
Member(Executive)

Chairman

06.12.2021 Counsel for the appellant and Mr. Noor Zaman, District Attorney alongwith Aziz Shah, H.C for the respondents present.

Counsel for the appellant seeks adjournment in order to further prepare the brief. Request is accepted. To come up for arguments before the D.B on 20.01.2022.

(Salah-ud-Din)
Member(J)

Chairman

20.01.2022 Clerk to counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

Clerk to counsel for the appellant requested for adjournment on the ground that his counsel is not available today due to general strike of the bar. Adjourned. To come up for arguments before the D.B on 30.03.2022.

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

Chairman

08.02.2021 Appellant with counsel present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Aziz Shah, Reader for respondents present.

Appellant submitted rejoinder which is palced on file. Requested for adjournment was made for addressing the arguments. The request is acceded to and the appeal is adjourned 08.04.2021 for arguments before D.B.

(Mian Muhammad)
Member (E)

(Muhammad Jamal Khan)
Member(J)

08.04.2021 Due to demise of learned Chairman, Tribunal is defunct, therefore, case is adjourned to 26.7.21 for the same as before

Reader

26.07.2021 Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments before the D.B on 07.10.2021.

(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

(SALAH-UD-DIN)
MEMBER (JUDICIAL)

18.09.2020 Counsel for the appellant present.

Contends that the impugned order dated 19.02.2019 was passed against the appellant without conducting proper/regular enquiry. The so-called proceedings culminated into passing of major penalty of dismissal from service against the appellant. Further, no statement of allegations or charge sheet was communicated to the appellant during the departmental proceedings which was also violative of the relevant rules. Speaking about apparent delay occurring in submission of departmental appeal, learned counsel stated that on one hand the appellant had fallen ill (necessary medical record provided) and on the other the conditions prevailing due to lock down because of COVID 19 and closure of offices, caused such delay. In peculiar circumstances the same could be disregarded, it was added.

Subject to all just exceptions, instant appeal is admitted to regular hearing. 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 16.11.2020 before S.B.

Appellant Deposited
Security & Process Fee

Chairman

SCANNED
KPST
Peshawar

16.11.2020 Junior to counsel for the appellant and Addl. AG alongwith Aziz Shah Reader for respondents present.

Representative of the respondents has furnished reply/comments. Placed on record. The matter is assigned to D.B for arguments on 08.02.2021. The appellant may furnish rejoinder within a fortnight, if so advised.

Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 8828/2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/08/2020	The appeal of Mr. Sardar Munir presented today by Mr. Fazal Shah Mohmand Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. REGISTRAR
2-		This case is entrusted to S. Bench for preliminary hearing to be put up there on 18/09/2020 CHAIRMAN

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 8828 /2020

Sardar Munir.....**Appellant**

V E R S U S

CCP and Others.....**Respondents**

I N D E X

S.No	Description of Documents	Annexure	Pages
1.	Service Appeal		1-4
2.	Copies of Medical Chits	A	5-15
3.	Copy of Order dated 18-02-2020, Departmental Appeal & Order dated 24-07-2020	B, C & D	16-18
4.	Copy of Letter dated 10-07-2020	E	19.
5.	Vakalat Nama		20

Dated:-04-08-2020

Appellant
Through (Sardar Munir)

Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan.

OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841
Email:- fazalshahmohmand@gmail.com

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 8328 /2020

Sardar Munir Ex Constable No 1859, District Police Peshawar.

.....Appellant

V E R S U S

1. Capital City Police Officer Peshawar
2. Superintendent of Police, Cantt. Peshawar.
3. Provincial Police Officer KPK Peshawar. .....Respondents

APPEAL U/S 4 0F THE KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 24-07-2020 PASSED BY RESPONDENT NO 1 WHERE BY DEPARTMENTAL APPEAL OF THE APELLANT FILED AGAINST THE ORDER DATED 18-02-2020 OF RESPONDENT NO 2 HAS BEEN REJECTED/DISMISSED.

PRAYER:-

On acceptance of this appeal the impugned Order dated 24-07-2020 of respondent No 1 and Order dated 18-02-2020 of respondent No 2 may kindly be set aside and the appellant may kindly be ordered to be reinstated in service with all back benefits.

Respectfully Submitted:-

1. That the appellant joined the respondent Department as Constable in the year 1991 remained posted to various Police Stations and since enlistment he performed his duties with honesty and full devotion.

2. That the appellant while lastly posted to Police Station Tatara Peshawar fell ill during duty and was unable to have performed his duties, so informed the SHO concerned and thus time and again visited the Doctors who advised him medicines and bed rest. **(Copies of Medical Chits are enclosed as Annexure A).**

3. That after recovery the appellant reported for duty on 17-03-2020 but due to Covide-19 and Lockdown the offices were closed and no one was allowed to move or enter the offices, and finally after about three months of Lockdown when easing the Lockdown on 15-06-2020 the appellant was told that he has been dismissed from service by respondent No 2 vide order dated 18-02-2020, the appellant obtained copy of his dismissal order at the same time and filed departmental appeal before respondent No 1 which was also rejected/dismissed vide Order

dated 24-07-2020 on the ground of limitation. **(Copy of Order dated 18-02-2020, departmental Appeal & Order dated 24-07-2020 is enclosed as Annexure B, C & D).**

4. That the impugned order dated 24--07-2020 of respondent No 1 and order dated 18-02-2020 of respondent No 2 are against the law, facts and principles of justice on grounds inter alia as follows:-

GROUNDS:-

A. That the impugned orders are illegal and void ab-initio.

B. That mandatory provisions of law and rules have badly been violated by the respondents and the appellant has not been treated according to law and rules and the appellant did nothing that amounts to misconduct.

C. That the impugned order is void being issued by incompetent authority and as such time factor becomes irrelevant in such eventuality.

D. That no Charge Sheet and Show Cause Notice was communicated to the appellant and as such the impugned orders are not void and maintainable in the eyes of law.

E. That no proper inquiry was conducted in presence of appellant to find out the true facts and circumstances, no one was examined in presence of the appellant, thus too the impugned order is void.

F. That ex-parte action has been taken against the appellant and was never associated with proceedings.

G. That the appellant was not provided opportunity of personal hearing.

H. That even no proceedings under the law in case of absence were taken.

I. That even otherwise the absence from duty was not willful and deliberate rather the same was due to circumstances compelling in nature and were beyond the control of the appellant as well.

J. That malafide is proved from the letter dated 10-07-2019 which was addressed to the DPO Mardan and on the same very letter before the issuance of Show Cause Notice the appellant was dismissed from service. **(Copy of letter dated 10-07-2019 is enclosed as Annexure E).**

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No_____/2020

Sardar Munir.....**Appellant**

V E R S U S

CCP and Others.....**Respondents**

Application for condonation of delay if any

Respectfully Submitted:-

1. That the accompanying appeal is being filed today in which no date of hearing has been fixed so far.

2. That the grounds of appeal may be considered as integralPart of this application.

3. That ex-parte action has been taken against the appealing, impugned order has been issued by incompetent authority, furthermore due to Covide-19 and Lockdown the offices were closed and no one was allowed to move or enter the offices, and finally after about three months of Lockdown when easing the Lockdown on 15-06-2020 the appellant was told that he has been dismissed from service by respondent No 2 vide order dated 18-02-2020, the appellant obtained copy of his dismissal order at the same time and filed departmental appeal before respondent No 1, hence not only time factor becomes irrelevant in such eventuality rather as per law the appellant soon after coming to know of the impugned order filed departmental appeal on the same very day, the departmental appeal was well within time.

4. That the law as well as the dictums of the superior Courts also favors decisions of cases on merit.

It is therefore prayed that on acceptance of this application, the delay if any in filing of appeal may kindly be condoned.

Dated:-04-08-2020

Appellant
Through (Sardar Munir)

ATTESTED

Gul Daraz Khan
City Commissioner
Advocate High Court Peshawar

Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan

A F F I D A V I T

I, Sardar Munir Ex Constable No 1859, District Police Peshawar, do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

DEPONENT

"A"

Assistant Professor

Dr. Tariq Ahmad

MBBS (Pesh), FCPS (Urology)
Clinical fellowship Paediatric urology (SIUT)

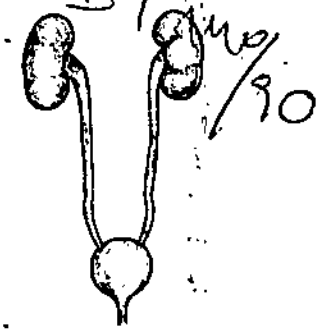
Bacha Khan Medical College Mardan
Conusltant Urologist & Incharge Urology Unit
Mardan Medical Complex
Member Pakistan Urological Association

Patient Name: Sardar Muneer Age 47yrs Date 24/5/201

Nausea, vomiting
Epigastric pain
vertigo + fever.

Pass IV Line

B.P 120/90



Inj Pyclas 1V stat
Inj Tramadol 1V stat
Inj Nosps 40mg 1V stat
Inj Meksun 40mg 1V stat
Inj Onset 8mg 1V stat
Inj Oxidel 2gm x 100ml Drip ex.

Tab Nosps 40mg
ایک ٹیبلٹ رات کو

Tab Meksun 40mg
ایک ٹیبلٹ رات کو

Syp Lansoprazole
ایک چمچہ

Syp Pantoprazole
ایک چمچہ

Tab Motilet 200mg
ایک ٹیبلٹ

Adv
ALT
Bilirubin
S/Amylase
Urine R/E

20
Twenty days Bed Rest

24/05/2019 to 29/06/2019

یورالوجسٹ:
ڈاکٹر طارق احمد
ایم بی بی ایس (پشاور)، ایف سی پی ایس (یورالوجی)
کلینیکل فیلو چلڈرن یورالوجی (ایس آئی یو ٹی)
اسسٹنٹ پروفیسر مردان میڈیکل کمپلیکس

مردان کلینک: خیبر ہسپتال شمسی روڈ مردان
موبائل: 0313-5702052 فون: 0937-871991-92
0937-866165

گردہ، مثانہ، پتھری، پراسٹریٹ

ALLERGIES

MEDI-CARE

MCCL

CLINICAL LABORATORY

Medical Record No: 1439-08-019

Patient Name;SARDAR MUNEER

Registration Date: 24 ,,,,,05 ,,,2019

Father/Husband Name: ?

Age/Sex: Yrs/ FE MALE

Reference.; SELF

Specimen: Urine

URINE R/E

TEST	RESULT

Physical Examination.

Color	:	P.YELLOW
Appearance	:	CLEAR
Blood	:	NIL

Chemical Examination.

Sugar Test	:	NIL
Albumin	:	(+)
pH	:	NIL

Microscopic Examination.

Pus Cells		NUMROUS
RBC's Cells	:	02....04
EPitelial cells	:	NIL
Mucous Threads	:	NIL
A Urats	:	(+ +)
c-oxalate	:	NIL
CRYSTAL	:	NIL

REAL TIME PCR HISTOPATHOLOGY, MICROBIOLOGY, HAEMATOLOGY, CHEMICAL PATHOLOGY, IMMUNOLOGY, VIRAL MARKERS MONITORING.

NOT VALID COURT PURPOSE.

DR. SAID UL ABRAR
MBBS
M.PHIL and Phd public health.

DR. ILYAS Khan
Bs microbiology
M.PHIL and phd microbiology

NOOR UL HUSSAIN
BS Pathology
DMLT

AWAL GUL
Laboratory
Tecnician.

ADD; JAMSHEER PLAZA SHOP(3) OPP EMERGENCY GATE MMC MARDAN

ATTESTED

-7-

MEDI-CARE

MCCL

CLINICAL LABORATORY

Medical Record No: 1767
Patient Name: SARDAR MUNEER
Father/Husband Name: ?
Age/Sex: Yrs/ MALE

Registration Date ; 24-06-2019

Reference ; SELF
Specimen: BLOOD

BIO-CHEMISTRY REPORT

TEST	NORMALE VALUE	UNIT	Result
• *SGPT (ALT)*	*Up to 42*	*U/L*	*45*

BIO-CHEMISTRY REPORT.

TEST	NOMALE VALUE	UNIT	RESULT
• S.AMYLASE	UP TO 96	U/L	198

REAL TIME PCR HISTOPATHOLOGY, MICROBIOLOGY, HAEMATOLOGY, CHEMICAL PATHOLOGY, IMMUNOLOGY, VIRAL MARKERS MONITORING.

NOT VALID COURT PURPOSE.

DR. SAID UL ABRAR
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DMLT

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Assistant Professor

Dr. Tariq Ahmad

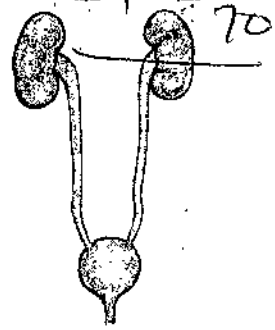
MBBS (Pesh), FCPS (Urology)
Clinical fellowship Paediatric urology (SIUT)

Bacha Khan Medical College Mardan
Consultant Urologist & Incharge Urology Unit
Mardan Medical Complex
Member Pakistan Urological Association

Patient Name: Sardar Munir Age 47y Date 28-06-20

-Fever
Nausea. vomiting
vertigo
- Cholelithis
-Renal calculi

B.P 100/70



pass Melin

Inj Tramal 1 amp stat Melstat
- Inj Esso 40mg IV Melstat
- Inj Toradol 1 amp stat
- N/S 500ml Melstat
- Inj Flagyl Melstat

Tab Tramal 50mg
ٹیب ٹرامل ۵۰ ملی گرام
- Cap Esso 40mg
ایک کیپسول
- Cap Ofloxacin 400mg
ایک کیپسول
- Clean mat Sache
ایک گندی بالٹی

AC
Urine R/E
ALT
CBC

8th days Bed Rest
28-06-2019 To 5-07-2019

یورالوجسٹ
ڈاکٹر طارق احمد
ایم بی بی ایس (پشاور)، ایف سی پی ایس (یورالوجی)
کلینیکل فیلو چلڈرن یورالوجی (ایس آئی یو ٹی)
اسسٹنٹ پروفیسر مردان میڈیکل کمپلیکس

مردان کلینک: خیبر ہسپتال شمسی روڈ مردان
موبائل: 0313-5702052 فون: 0937-871991-92
0937-866165

ماہر امراض:
گردہ، مثانہ، پتھری، پراسٹریٹ

ATTESTED

MEDI-CARE

MCCL

CLINICAL LABORATORY

Medical Record No: 1439-08-019

Patient Name;SARDAR MUNEER

Registration Date: 28 ,,,,06 ,,2019

Father/Husband Name: ?

Age/Sex: Yrs/ MALE

Reference.; SELF

Specimen: Urine

URINE R/E

TEST	RESULT

Physical Examination.

Color	:	P.YELLOW
Appearance	:	CLEAR
Blood	:	NIL

Chemical Examination.

Sugar Test	:	NIL
Albumin	:	(+)
pH	:	NIL

Microscopic Examination.

Pus Cells		10....12
RBC's Cells	:	02....04
EPitelial cells	:	NIL
Mucous Threads	:	N
A Urats	:	(+ +)
c-oxalate	:	NIL
CRYSTAL	:	NIL

REAL TIME PCR HISTOPATHOLOGY, MICROBIOLOGY, HAEMATOLOGY, CHEMICAL PATHOLOGY, IMMUNOLOGY, VIRAL MARKERS MONITORING.

NOT VALID COURT PURPOSE .

DR. SAID UL ABRAR	***DR. ILYAS Khan***	***NOOR UL HUSSAIN***	***AWAL GUL***
MBBS	*Bs microbiology.*	*BS Pathology*	***Laboratory***
M.PHIL and Phd public health.	*M.PHIL and phd microbiology*	*DMLT*	***Tecnician.***

ADD; JAMSHEER PLAZA SHOP(3) OPP EMERGENCY GATE MMC MARDAN

ATTESTED

Assistant Professor

Dr. Tariq Ahmad

MBBS (Pesh), FCPS (Urology)
Clinical fellowship Paediatric urology (SIUT)

Bacha Khan Medical College Mardan
Consultant Urologist & Incharge Urology Unit
Mardan Medical Complex
Member Pakistan Urological Association

Patient Name: Sardar Muneer Age 47 yrs Date 31-06-20

Heart Burn.
Restricts
- Nausea, vomiting
- High Grade Fever. 103 F

B.P 130/80

Pass IV Line

Inj Flagyl IV Stat
Inj Novidat IV Stat
Inj Relispa 40mg IV Stat
RLD 100ml IV Stat
Inj Provas IV Stat.

Tab Flagyl 400mg
مریض کے لئے 1-1
- Tab Ciprofloxacin 500mg
مریض کے لئے 1-1
- Tab Spasdix
مریض کے لئے 1-1
ORS

Adv
S/ Electrolytes
FBC
MP
Typhidot

Twenty Seven days Full Bed Rest.
31-06-19 To 26-06-2019.

یورالوجسٹ
ڈاکٹر طارق احمد
ایم بی بی ایس (پشاور)، ایف سی پی ایس (یورالوجی)
کلینیکل فیلو چلڈرن یورالوجی (ایس آئی یو ٹی)
اسسٹنٹ پروفیسر مردان میڈیکل کمپلیکس

ماہر امراض:
گردہ، مثانہ، پتھری، پراسٹریٹ

مردان کلینک: خیبر ہسپتال شمسی روڈ، مردان
موبائل: 0313-5702052 فون: 0937-871991-92
0937-866165

MEDI-CARE

CLINICAL LABORATORY

MCCL

Medical Record No: 1936-08-0 19
Patient Name:SARDAR MUNEER
Father/Husband Name: ?
Age/Sex: Yrs/ 47MALE

Registration Date: 31,,,,06,,,2019

Reference;; MMC
Specimen: BLOOD

- BIO-CHEMISRTY REPORT (SERUM ELECTROLYTES)

TEST	NOMALE VALUE	UNIT	RESULT
• Potassium (K+)	3.50—5.50	mmol/L	2.40
• Sodium (Na)	135---150	mmol/L	139.2
• Chloride (Cl)	96----110	mmol/L	99.3

- Potassium , Raised in shock or circulatory failure, too raped parental administration of solution containing potassium, orally excess administration of K+ salts failure of adequate administration activity ↑
  Lowered in excessive loss of K form the gut , & form kidney, of extra cellular fluids by fluids containing inadequate K during dehydration etc ↓
- Sodium , Raised in loss of water & excess of salt in take, excess of circulating adrenal mineral corticosteroid ↑
  Lowered in loss of NA+ form the gut, loss of NA+ form kidney water intoxication etc ↓
- Chloride , Raised in uretero – sigmoid anastomosis prolonged sweating , diabetes insipidus , rained failure with gross dehydration etc ↑
  Lower in loss of chlorides.by vomiting, chronic renal failure, adrenocortica deficiency, water intoxication ↓

NOT VALID COURT PURPOSE .

DR. SAID UL ABRAR
MBBS
M.PHIL and Phd public health .

DR. ILYAS Khan
Bs microbiology
M.PHIL and phd microbiology

NOOR UL HUSSAIN
BS Pathology
DMLT

AWAL GUL
Laboratory Tecnician.

ADD; JAMSHEER PLAZA SHOP(3) OPP EMERGENCY GATE MMC MARDAN

- LISA (v,Hbs,Hiv, H.pylori)
- Pcr (Qualitative Quantitive Genotype)
- HBV(Profile)
- Coagulation profile (Pt,Aptt,INR, FDPs, BT,CT...)
- G6PD
- HB1AC
- Culture/ Sensetivity
- TFTs (TSH,T3,T4)
- Hormones Profile (Lh, FSH, Prolectien, Estrogen, ...)
- Lifid(Profile)
- Beta HCG
- Alpha feto Protien
- Sputum AFB
- Torch Profile
- BIOPSY
- SERUM Electrolyte
- D.DIMER
- Vitamin D
- Anti (CCP)
- CORTISOL (AM., PM)
- S.(Ferritin)
- (HB Electrophoresis
- (P S A)
- CA (125)
- (CPK)

MEDI-CARE MCCL

CLINICAL LABORATORY

Medical Record No: 1439-06-020
Patient Name; SARDAR MUNEER
Father/Husband Name: ?
Age/Sex: ***Yrs/MALE***

Registration Date: 31,,,,06,,,2019

Reference.; ***MMC***
Specimen: ***BLOOD***

CNIC:

HEMATOLOGY REPORT

TEST		RESULT	NORMALE
• TLC		15.000	(4000 – 11000/cmm)
• Hb% Test	:	12 7g/dl	(12 – 16 g/dl)
• Platelets		2.30,000 /cmm	(150000 – 400000 /cmm)
Differential Leucocytes Count.			
• Neutrophils	:	79%	48 – 73%
• Lymphocytes	:	15%	18 – 48%
• Monocytes	:	05 %	02 – 09%
• Eosinophils	:	01 %	00 – 05%
• Basophils	:	00 %	00 – 02%

NOT VALID COURT PURPOSE .

DR. SAID UL ABRAR MBBS M.PHIL and Phd public health

DR. ILYAS Khan Bs microbiology M.PHIL and phd microbiology

Shehzad Ali BS Pathology

NOOR UL HUSSAIN BS Pathology DMLT

AWAL GUL Laboratory Tecnician.

ADD; JAMSHEER PLAZA SHOP(3) OPP EMERGENCY GATE MMC MARDAN.

MEDI-CARE

CLINICAL LABORATORY

MCCL

Medical Record No: 1736-10-019
Patient NamE; SARDAR MUNEER
Father/Husband Name: ?
Age/Sex: Yr MALE

Registration Date:31 ,,,,06,,,2019

Reference:SELF
Specimen: BLOOD

IMMUNOLOGICAL REPORT

TEST	RESULT
TYPHIDOT IgG	POSITIVE (+. VE)
TYPHIDOT IgM	POSITIVE (+ VE)
H.PYLORI	POSITIVE (+VE)
MP (ICT)	NEGATIVE (- VE)

NOT VALID COURT PURPOSE.

DR. SAID UL ABRAR
MBBS
M.PHIL and Phd public health.

DR. ILYAS Khan
Bs microbiology
M.PHIL and phd microbiology

NOOR UL HUSSAIN
BS Pathology
DMLT

AWAL GUL
Laboratory Tecnician.

ADD; JAMSHEER PLAZA SHOP(3) OPP EMERGENCY GATE MMC MARDAN.

Attested

-14-

Assistant Professor

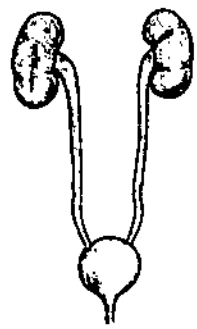
Dr. Tariq Ahmad

MBBS (Pesh), FCPS (Urology)
Clinical fellowship Paediatric urology (SIUT)

Bacha Khan Medical College Mardan
Consultant Urologist & Incharge Urology Unit
Mardan Medical Complex
Member Pakistan Urological Association

Patient Name: Sardar Munir Age 47yrs Date 11-12-2019

Weakness
Heart Burn
- Constipation



Tab Serbex-2
روزانہ کھانے کے بعد ①

Cap Risek 40mg
روزانہ ①

Syp Trimeta 5ml
روزانہ ②

- Tab Moxiget 400mg
کھانے کے بعد ①

- Xylocaine Gel
ضرورت کے تحت

- Full Bed Rest
- 11-12-2019 to 29-12-2019

یورالوجسٹ
ڈاکٹر طارق احمد
ایم بی بی ایس (پشاور)، ایف سی پی ایس (یورالوجی)
کلینیکل فیلو چلڈرن یورالوجی (ایس آئی یو ٹی)
اسسٹنٹ پروفیسر مردان میڈیکل کمپلیکس

ماہر امراض:
گردہ، مثانہ، پتھری، پراسٹریٹ

مردان کلینک: خیبر ہسپتال شمی روڈ مردان
موبائل: 0313-5702052 فون: 0937-871991-92
0937-866165

Assistant Professor

Dr. Tari[illegible]rad

[illegible] (Urology)

Clinical fellowship Paediatric urology (SIUT)

Bacha Khan Medical College Mardan

Consultant Urologist & Incharge Urology Unit

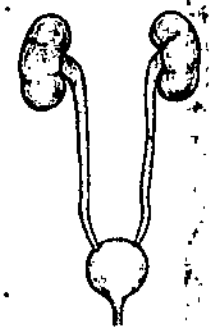
Mardan Medical Complex

Member Pakistan Urological Association

Patient Name: Sardar Muneer Age 47yrs Date 02-01-2020

BP 90/60

Epigastric pain + Bleeding per rectum



Pass urine.

Inj Tilan 2gm IV OD.

Inj Pladex IM

3 دن تک دن میں ایک بار

Tab Ciprokin 500mg (1+0+1) x 5 days

Tab Klot 500mg (1+0+1) x 5 days

Syp Mucaid Pot (5ml+0+5ml) x 5 days

Full days Rest

02-01-2020

یورالوجسٹ

ڈاکٹر طارق احمد

ایم بی بی ایس (پشاور)، ایف سی پی ایس (یورالوجی)

کلینیکل فیلو چلڈرن یورالوجی (ایس آئی یو ٹی)

اسسٹنٹ پروفیسر مردان میڈیکل کمپلیکس

ماہر امراض: گردہ، مثانہ، پتھری، پراسٹریٹ

مردان کلینک: خیبر ہسپتال شمسی روڈ مردان

موبائل: 0313-5702052 فون: 0937-871991-92 0937-866165

-16- "B"

ORDER

This office order will dispose off the departmental proceedings against **Constable Sardar Munir No. 1859** who while posted at Police Station Gate absented himself from his lawful duty with effect from 26.05.20 to 04.07.2019 & 09.12.2019 to till date.

Under Police Rules 1975 (amended 2014) proper charge sheet alongwith summary of allegation were issued against Constable Sardar Munir No. 1859 and SDPO Hayatabad was appointed as enquiry officer to scrutinize the conduct of Constable Sardar Munir No. 1859.

The enquiry officer submitted finding and stated that the allegations leveled against him is proved. Hence, he was issued final show cause notice, and sent to the alleged constable to his home address through DPO Mardan vide memo no. 88/PA dated 10.01.2019. But he did not submit reply nor appear before the undersigned within specified period. This shows his lack of interest in official duty and shows negligence. He is neither joined enquiry proceedings nor appeared before the undersigned. P. 19

Keeping in view of the above and recommendation of the Enquiry Officer, I, Tassawar Iqbal (PSP), SP Cantt, Peshawar being a competent authority, agreed with the recommendation of the enquiry officer. Therefore, **under Police Disciplinary Rules 1975, Constable Sardar Munir No. 1859 is hereby awarded major punishment of dismissal from service,** with immediate effect.

No: 647 PA
Dt: 31/12/2020

Date 18-2-2020

(TASSAWAR IQBAL) PSP
SUPERINTENDENT OF POLICE,
CANTT: PESHAWAR

No. 647 /SP/Cantt: dated Peshawar, the 18/2/2020.

Copy for information and necessary action to the:-

1. The Sr: Superintendent of Police, Operation, Peshawar.
2. The Superintendent of Police Headquarter: Peshawar.
3. SDPO Town enquiry officer.
4. Pay Officer.
5. CRC,
6. OASI branch.
7. Fauji Missal branch with enquiry file for record.
8. Official concerned.

HC/OSI/Cantt

Senior Superintendent of Police
Operations, Peshawar

597
15-06-2020

No 60-68
15/6/2020

"C"
-17

بخدمت جناب کمشنر سٹی پولیس آفیسر صاحب پشاور

عنوان:۔ محکمانہ اپیل برخلاف حکم محاربہ زیر دستخطی جناب DSP کینٹ پشاور جسکی بنا پر سائل کو ملازمت سے برخواست کیا گیا ہے

جناب عالی! خودبانہ گزارش ہے کہ سائل سال 1991ء کو محکمہ پولیس میں بطور کانسٹیبل بھرتی ہوکر تھانہ ماسی گئے ریکروٹ کورس سائل ٹریننگ سنٹر پشاور کے مختلف تھانہ جات اور چوکیات میں حسب الحکم افسران بالا تعینات رہ کر بے داغ ملازمت انجام دی۔ اور محکمہ پولیس میں تقریباً 30/31 سال ملازمت انجام دی ہے۔

جناب عالی! سائل کی ڈیوٹی سے غیر حاضری قصداً عمداً نہیں تھی۔ بلکہ دوران ڈیوٹی سخت بیمار ہوکر مختلف ڈاکٹرز کے حکم لاکر علاج معالجہ میں سائل ڈیوٹی سے قاصر رہا۔ اور زندگی اور موت کی کشمکش میں گزاری۔ تھوڑا صحت ہونے پر حاضر آکر کر رہا ہوں گا رہا لیکن خدا کے فضل و کرم سے صحت ہوا۔

علاوہ ازیں سائل کا بڑا بھائی بحق ہیڈ کانسٹیبل نمبر 3302 جو کہ تھانہ حیات آباد میں تعینات تھا 14 اگست 2015ء کو نامعلوم خودکش حملہ آور کی فائرنگ سے لگ کر شہید ہوئے (FIR کاپی ہمراہ لف ہے) جس کے جواں الاولاد 10 لڑکیاں اور ایک بیٹا کی کفالت اور نگرانی بھی سائل کے ذمہ ہے۔ جس سے سائل اب بھی پریشان حال ہے۔ سائل اب ضعیف العمری میں مبتلا ہو چکا ہے۔ اور جسمانی طور پر بھی کمزور ہوا ہے۔ محکمہ میں 30/31 سال کے داغ ملازمت، بھائی کی شہادت اور موجودہ بیماری کو مدنظر رکھ کر سائل کو ملازمت پر بحال کرنے کا حکم صادر فرما کر مشکور فرمائیں۔ سائل کو انکوائری میں سماعت کا موقع بھی نہیں دیا گیا ہے۔ اور سائل بے قصور ہے۔ کاپی بیان ہمراہ لف ہے۔

سپرد دار سپہ

ایکٹا تعداد کانسٹیبل سپرد دار نمبر 1859 حال ڈسمس سپاہی
FC

0344-9746570

DSP Legal
Kohat Region
Pl. [illegible]
16/6

P.T.O

"D"

OFFICE OF THE
CAPITAL CITY POLICE OFFI
PESHAWAR
Phone No. 091-9210989
Fax No. 091-9212597

ORDER.

This order will dispose of the departmental appeal preferred by **Ex-Constable Sard Munir No.1859** who was awarded the major punishment of **"Dismissal from service "** by SP/Ca Peshawar vide OB No.554, dated 18-02-2020.

2- The allegations leveled against him were that he while posted at Police Sta Mechani gate absented himself from his lawful duty w.e.from 26-05-2019 to 04-07-2019 (28 da and 09-12-2019 till the date of dismissal i.e 18-02-2020 (69 days) for a total period of 107 d without leave or permission from the competent authority.

3- He was served Charge Sheet and Summary of allegations by SP/Cantt: Peshawar SDPO Hayatabad Peshawar was appointed as enquiry officer to scrutinize the conduct of delinq official. The enquiry officer after conducting proper enquiry submitted his findings and stated tha allegations stands proved. The competent authority i.e SP/Cantt: Peshawar after perusal of enc report issued him Final Show Cause Notice but failed to submit his reply to the Final Show C Notice. He neither joined enquiry/ proceedings nor appeared before the competent authority, h awarded the above major punishment.

4- He was heard in person in O.R. The relevant record along with his explana perused. He has not a clean service record and contains 49 bad entries all on account of abs During personal hearing the appellant failed to produce any plausible explanation in his def **Therefore, keeping in view his record, his appeal to set aside the punishment order award him by SP/Cantt: Peshawar vide OB No.554, dated 18-02-2020 is hereby rejected /dism being also time barred for 03 months and 27 days.**

(MUHAMMAD ALI KHAN)PS
CAPITAL CITY POLICE OFFIC
PESHAWAR.

No. 864-69 /PA dated Peshawar the 24-07-2020

Copies for information and n/a to the:-

1. SP/Cantt: Peshawar.
2. Pay Officer/ CRC, OASI
3. FMC along with FM
4. Official concerned.

ATTESTED

"6"

OFFICE OF THE SUPERINTENDENT OF POLICE CANTT: PESHAWAR

No. 88 **/P.A dated** 10/07 **/2019.**

-19-

To The District Police Officer,
Mardan.

Subject: **DEPARTMENTAL INQUIRY AGAINST CONSTABLE SARDAR MUNAIR NO. 1859 S/O SHER KHAN R/O KATLANG MARDAN**

Memo: -

It is submitted that Constable Sardar Munair No. 1859 has absented himself from his lawful duty w.e.f 26.05.2019 to 04.07.2019, (total 39 days) and 19.12.2019 till date from PS Tatara. He is living in Katlang Mardan. His departmental inquiry is still pending in this office.

It is therefore, requested that final show cause notice (duplicate) may please be served to Constable Sardar Munair No. 1859 and the same may be returned if no longer required please.

(TASSAWAR IQBAL) PSP
SUPERINTENDENT OF POLICE
CANTT: PESHAWAR

Dismiss

SUPERINTENDENT OF POLICE CANTT
PESHAWAR

بعدالت سروس ٹریبونل پشاور

سروس اپیل نمبر 8828/2020

مورخہ ۔۔۔۔۔۔۔۔
مقدمہ ۔۔۔۔۔۔۔۔
دعویٰ ۔۔۔۔۔۔۔۔
جرم ۔۔۔۔۔۔۔۔

منجانب 2020ء سردار منیر CCP وغیرہ
سردار منیر بنام

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی وجواب دہی وکل کاروائی متعلقہ آن مقام لنڈاور کیلئے خصر بشاہ محمد Adv.+A.S.C + ذوالعرش مظفر ایڈووکیٹ

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے وتقرر ثالث وفیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور صولی چیک وروپیہ ارعرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرایں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برامدگی اور منسوخی نیز دائر کرنے اپیل نگرانی ونظر ثانی وپیروی 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 بااختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہرجانہ التوائے مقدمہ کے سبب سے وہوگا۔ کوئی تاریخ 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 سند رہے۔

المرقوم 4 ماہ اگست 2020ء

العبد ۔۔۔۔۔۔ گواہ العبد ۔۔۔۔۔۔

بمقام لنڈاور

کے لئے منظور ہے۔

Attested & Accepted

Accepted (Adv)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.8828/2020

Ex- Constable Sardar Munir No.1859 of CCP, Peshawar.....**Appellant.**

VERSUS.

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

Reply by Respondents No. 1, 2, &3.

Respectfully Sheweth:-

PRELIMINARY OBJECTIONS.

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

FACTS:-

(1) First part of para is correct to the extent that the appellant was appointed as constable in the year 1991 in the respondent department, while rest of para is denied on the ground that the appellant has not a clean service record and contains 49 bad entries on the charges of absence on different occasions in his service.

(2) Incorrect. The appellant while posted at PS Mechani Gate Peshawar absented from official and lawful duty w. e. from 26.05.2019 to 04.072019 and 09.12.2019 to 18.02.2020 without prior permission or leave from the competent authority. In this regard he was issued charge sheet with statement of allegations. SDPO Hayatabad Peshawar was appointed as enquiry officer. During the course of enquiry he was summoned time and again, but he did not turn up. The enquiry officer finalized the enquiry and submitted findings report wherein allegations were proved against the appellant. After observing all codal formalities, he was awarded major punishment of dismissal from service.

(3) Para is totally incorrect. In fact during the period of lock down of Covide-19 police carried out matchless duty with great devotion and achieved targeted results, despite the fact that numbers of Police officers/officials were affected by Covide-19. The appellant is giving wrong picture just to save his skin of willful absence of lawful

duty. Departmental appeal of the appellant was dismissed on the grounds that it was badly time barred for 03 months and 27 days.

(4) Incorrect. The orders of the respondents are based on facts, justice and in accordance with law/rules. Appeal of the appellant being devoid of merits may liable to be dismissed on the following grounds.

GROUNDS:-

A. Incorrect. The orders are legal lawful and passed in accordance with facts and law/rules.

B. Incorrect. The appellant was treated as per law/rules and no violation of law has been done by the replying respondent.

C. Incorrect. The orders have been passed by the competent authority in accordance with facts and law/rules.

D. Incorrect. Proper charge sheet with statement of allegations was issued to appellant, but he failed to submit his reply.

E. Incorrect. Proper departmental enquiry was conducted against the appellant. The enquiry officer called time and again but he did not turn up. The allegations were proved against him; hence he was awarded appropriate punishment in accordance with facts and rules.

F. Incorrect. Proper departmental enquiry was conducted against appellant. He was called time and again to appear before the enquiry officer and defend himself but he failed to appear before the enquiry officer.

G. Incorrect. The appellant willfully absented from duty and enquiry proceedings despite repeated summon/notice.

H. Incorrect. The appellant is a habitual absentee. He earned 49 bad entries on the charges of absence on different occasions in his service.

I. The appellant is a habitual absentee and appellant deliberately absented himself from his lawful duty without taking leave/permission.

J. Incorrect. The respondents have treated the appellant in accordance with law/rules and never acted in malafide manners.

K. Incorrect. The appellant has a blemish service record. The appellant himself is responsible for the situation by committing gross misconduct.

L. Respondents also seek permission of this Honorable Tribunal to raise additional grounds at the time of arguments.

PRAYERS:-

In view of the above, and keeping in view the gravity of slackness, willful negligence and misconduct of appellant, it is prayed that appeal being devoid of merit may kindly be dismissed with cost please.

Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No. 01)

Capital City Police Officer,
Peshawar.
(Respondent No. 02)

Superintendent of Police,
Cantt: Peshawar.
(Respondent No. 03)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.8828/2020

Ex- Constable Sardar Munir No.1859 of CCP, Peshawar.....**Appellant.**

VERSUS.

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

AFFIDAVIT

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

Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No. 01)

Capital City Police Officer,
Peshawar.
(Respondent No. 02)

Superintendent of Police,
Cantt: Peshawar.
(Respondent No. 03)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

Service Appeal No 8828/2020

Sardar Munir.....**Appellant.**

V E R S U S

CCPO & Others.....**Respondents.**

REPLICATION ON BEHALF OF THE APPELLANT.

REPLY TO PRELIMINARY OBJECTIONS.

All the objections raised by the respondents are incorrect and as such denied. The appellant has got a valid cause of action and locus standi to bring the present appeal, the appellant has approached this honorable tribunal with clean hands and has concealed nothing from this honorable tribunal. The appellant has come to this honorable tribunal having case based on law and facts, the appellant is not estopped by his conduct to file instant appeal and this honorable tribunal has got the jurisdiction to entertain and adjudicate upon the matter.

REPLY TO FACTS/GROUNDS:

Comments of the respondents are full of contradictions, rather amounts to admissions and are based on malafide. Respondents have failed to show that the version of the appellant is incorrect. Even respondents have failed to show and substantiate their version referring to any law and rules. In the circumstances the appellant has been deprived of his rights without any omission or commission on his part and he has been deprived of his rights guaranteed by the Constitution and law of the land. All offices were sealed/closed due to Covid-19 and lock down /due to circumstances compelling in nature and were beyond the control of the appellant as well. No charge sheet, Show Cause Notice was issued to him. An Ex-Parte action has been taken against the appellant and has been condemned unheard

instead, told to be dismissed from service. In the month of June when easing lockdown, the appellant obtained a copy of dismissal order at the same time and filed departmental appeal well within time which was rejected by respondents too. Hence, the malafide proved from the letter addressed to appellant on dated 10-07-2019 which placed on file as Annexure E, and as such too the impugned order being void issued by incompetent authority and as such time factor becomes irrelevant in such eventuality hence, the impugned order liable to be struck down.

Respondents have tried to twist the facts, and tried to cover their, omissions, commissions and lacunas. The valuable rights of the appellant are involved from which he cannot be deprived. The appellant could not be made to suffer for the fault of others as no one could be punished for the fault of others. In the circumstances the appellant has not been treated according to law and rules being his fundamental right.

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

Dated:-08-02-2021

Appellant

Through

Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan.

AFFIDAVIT

I, Sardar Munir, Ex Constable No. 1859, District Police Peshawar (the appellant), do hereby solemnly affirm and declare on oath that the contents of this **Replication** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

DEPONENT

ATTESTED NOTARY PUBLIC