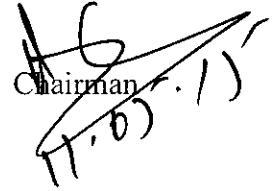


11.05.2015

None present for applicant. Asstt: AG for the respondents present. Record perused.

Since the appeal of the applicant/appellant was dismissed for want of deposit of security and process fee under Rule-10(2) of Khyber Pakhtunkhwa Service Tribunal Rules,1974 as such the application for restoration of appeal is not maintainable. Dismissed for the above reasons. File be consigned to the record.

Announced
11.05.2015


Chairman
11.05.15

21.11.2014

Counsel for the applicant present. The Tribunal is incomplete. To come up for further proceedings on 11.02.2015.


Reader

3 11.02.2015

Counsel for the applicant present. Notice of application be issued to the respondents for 3-4-15 before S.B.


Chairman

03.04.2015

Counsel for the applicant and Asstt. AG for the respondents present. Learned counsel for the applicant requested for adjournment. To come up for arguments on application on 27.04.2015 before S.B.


Chairman

27.04.2015

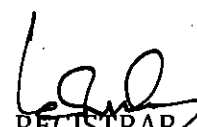
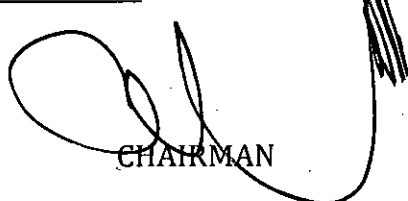
Mr. Noor Muhammad Khattak Advocate on behalf of counsel for the applicant and Mr. Khawas Khan, S.I (legal) alongwith Assistant AG for respondents present. Requested for adjournment. To come up for arguments on application on 11.5.2015 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Miscellaneous application No. 46 /2014

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1-	29/8/2014	<p>The application for restoration of appeal No.357/2014 submitted by Mr.L. Nawab Ali Noor Advocate, may be entered in the relevant register and put up to the Court for further order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	29-9-14	<p>This Miscellaneous application be put up before Final Bench-<u>I</u> on <u>21-11-14</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

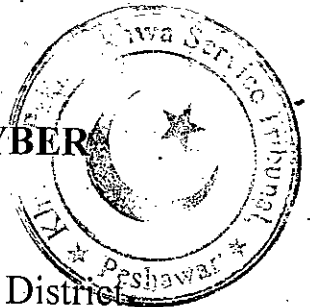
جناب صاحب جسٹس سپریم کورٹ پاکستان
شاہجہان آباد حکومت پاکستان
دفعہ 107(1) آئین پاکستان کے تحت درخواست
اپیل جو کہ پورے سکوائٹی خارج کرنے

744
29-8-14

جناب عالی! یہ عنوان یاد اپیل عدالت سپریم کورٹ میں آج بھی قائم ہے
یہ اپیل عدالت بذات خود دیکھ کر ہی اس واردات میں دستبرد
نہ مارا گیا ہے جس کی وجہ سے اپیل پورے کٹا جا رہا ہے
یہ اپیل عدالت کو دیکھ کر ہی چاہیے کہ وہ اس کی روشنی میں
کس کس پر یہ نوٹ اور سٹیٹل میں اس کے عدالت کا وارنٹ جاری
یہ کہ سکوائٹی آج ضابطہ دلیل اس عدالت آج کے لئے رہتا ہے
یہ کہ سکوائٹی کے لئے کرانا درحقیقت ناقابلِ ملاحظہ بلکہ وجود
یہ کہ اس عدالت کے فیصلے اور اس عدالت کی سپریم کورٹ تمام
زندگی کا کیس ہے سپریم کورٹ

یہ کہ درخواست سے *Time barred* ہے
انہی اس کے لئے کہ مانتے ہوئے درخواست گزار اس میں
سکوائٹی کے لئے اور *Restore* کرنے کے احکامات کے لئے
29/8/14
اپیل جو کہ پورے سکوائٹی خارج کرنے

Handwritten signature and initials with an arrow pointing to the text above.



BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTUNE KHWA PESHAWAR.

S.Apel No. 57/2014.

Shah Hussain Constable District Police Swat No.940 District police Swat presently posted P.S Takht Bhai.

(Appellant)

VERSUS

1. Abdullah Khan PSP Regional Police Officer, Malakand at Saidu Sharif Swat.

2. District police officer Swat, *Saidu Sharif Swat*.

3. DSP Legal District Swat.

4. E.O District Police Swat, *at Saidu Sharif Swat*.

5. SHO Police Station Matta Kamran Khan (Presently Posted at P.S Takht Bahi as inquiry officer.

6. Sher Akbar S.ST PSP DPO Swat, *at Saidu Sharif Swat*.

7. Muhammad Zaib SI Presently posted at P.S Chuprial.

8. Daud SI presently posted P.S Chuprial. *at P.S Chuprial*.

9. Alam Bacha Presently posted P.S Chuprial.

(Respondents)

Appeal U/S 4 of the service tribunal Act of 1974 against the order dated 10.02.2014 of the regional police officer malakand at saidu Sharif Swat, may kindly be set aside

and restore the three annual increments to appellant. Prayer in appeal.

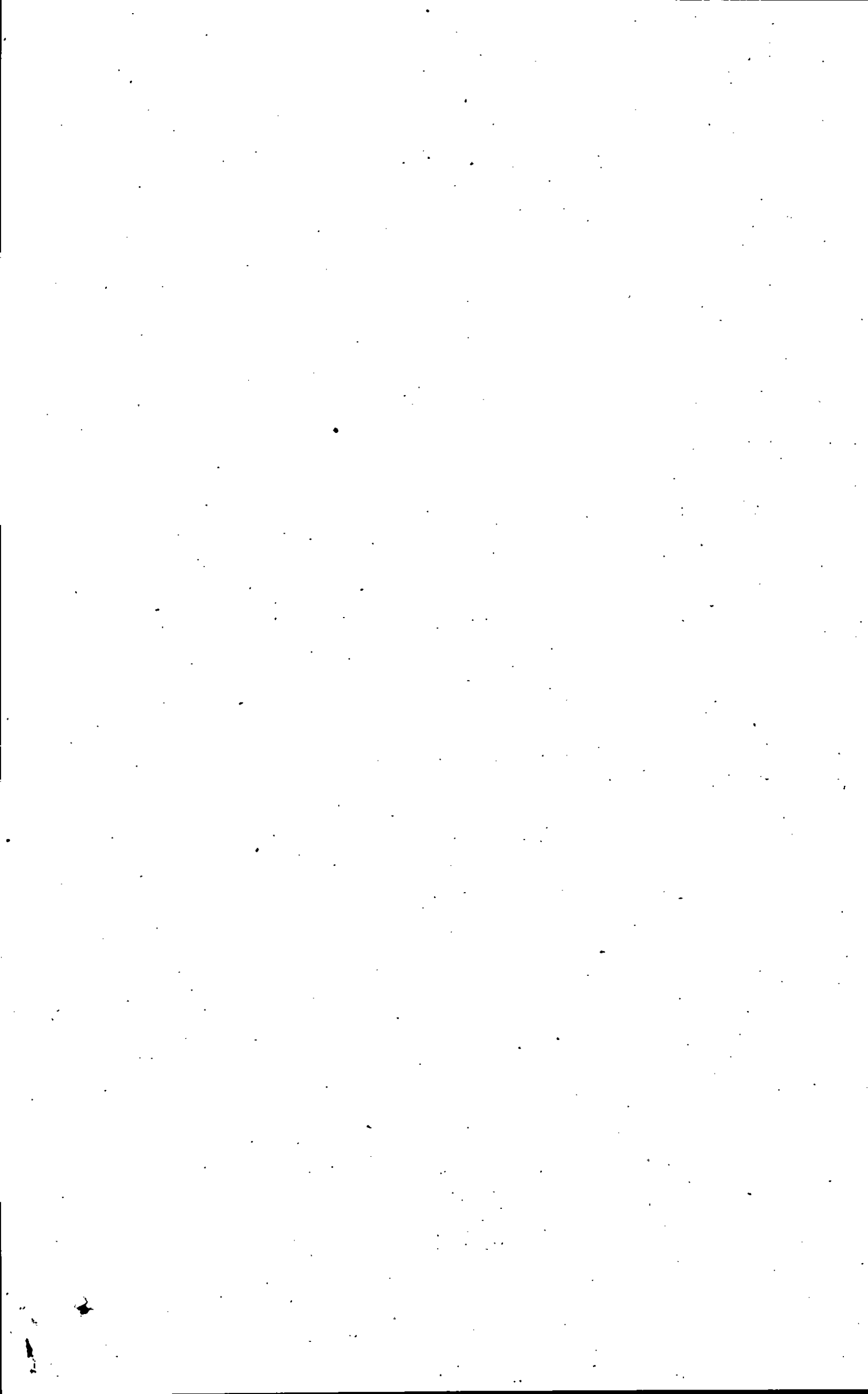
6/3/14

Received and filed.

6/3/14

ATTESTED

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

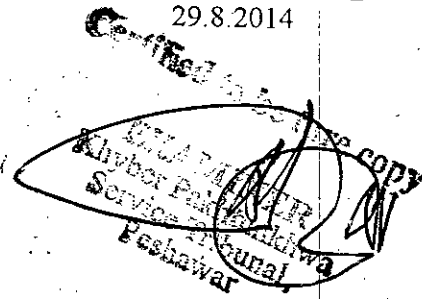


29.8.2014

No one is present on behalf of the appellant inspite of service of the appellant through registered post. Due to non-deposit of security and process fee, notices were ordered to be issued to the appellant and his counsel for proof of deposit of security and process fee, but neither the appellant is present despite his service nor counsel for the appellant has appeared, though informed about non-deposit of security and process fee by Reader of the Court. Since proof of deposit of security and process fee is not forthcoming despite notices to the appellant and his counsel, the appeal is dismissed for want of deposit of security and process fee under rule-10(2) of NWFP (KPK) Service Tribunals Rules, 1974. File be consigned to the record.

ANNOUNCED
29.8.2014

Sd/-
Chairman

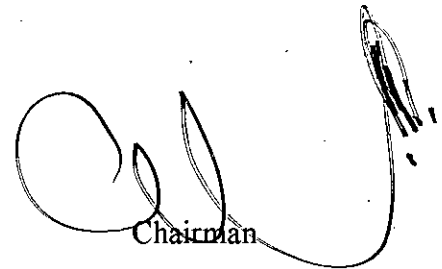


Date of Presentation of Petition	1-9-2014
Number of Petitions	300
Copying	6
Urgent	-
Total	6
Name of Copy	
Date of Completion	2-9-2014
Date of Delivery of Copy	2-9-2014

29.8.2014

No one is present on behalf of the appellant inspite of service of the appellant through registered post. Due to non-deposit of security and process fee, notices were ordered to be issued to the appellant and his counsel for proof of deposit of security and process fee, but neither the appellant is present despite his service nor counsel for the appellant has appeared, though informed about non-deposit of security and process fee by Reader of the Court. Since proof of deposit of security and process fee is not forthcoming despite notices to the appellant and his counsel, the appeal is dismissed for want of deposit of security and process fee under rule-10(2) of NWFP (KPK) Service Tribunals Rules, 1974. File be consigned to the record.

ANNOUNCED
29.8.2014



Chairman

Appeal No. 357/2014
Mr. Shah Hussain

14.05.2014

Counsel for the appellant present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the original order dated 28.10.2013, he filed departmental appeal on 13.11.2013, which has been rejected on 10.02.2014 as received to the appellant on 25.02.2014, hence the present appeal on 10.03.2014. He further contended that the impugned order dated 10.02.2014 has been issued in violation of Rule-5 of the Civil Servant (Appeal) Rules 1986. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents. To come up for written reply/comments on 07.08.2014.

14.05.2014

This case be put before the Final Bench  for further proceedings.

Member

Chairman

07.08.2014

Neither appellant nor counsel for the appellant present, and notices to the respondents have also not been issued due to non-deposit of security and process fee. Notices be issued to the appellant and his counsel for proof of deposit of security and process fee, otherwise the appeal will be disposed of accordingly on 29.08.2014.



Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 357/2014


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	17/03/2014	<p>The appeal of Mr. Shah Hussain resubmitted today by Mr. L. Nawab Ali Noor Advocate, may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	20-3-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>14-5-2014</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Shah Hussain Constable Distt. Police Swat No. 940 received today i.e. on 10.03.2014 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Addresses of respondent Nos. 4 to 9 are incomplete which may be completed according to Khyber Pakhtunkhwa Service Tribunal Rules 1974.
- 2- Heading of appeal is incomplete which may be completed.
- 3- Copies of charge sheet, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.

No. 412 /S.T,

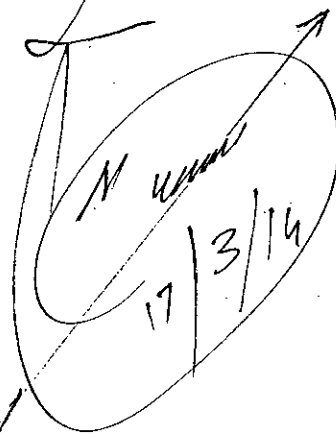
Dt. 11/03 /2014.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. L.Nawab Ali Noor Adv. Pesh.

Respectfully Submitted,

Needfull done, as per concerned the objection
No 3 all these documents which available to
appellant are annex kindly put before
the court.


N. Nawab
17/3/14

**BEFORE THE SERVICE TRIBUNAL KHYBER
PUKHTUNE KHWA PESHAWAR.**

S.Apel No. ³⁵⁷/2014.

Shah Hussain Constable District Police Swat No.940 District
police Swat presently posted P.S Takht Bhai.

(Appellant)

VERSUS

1. Abdullah Khan PSP Regional Police Officer, Malakand at
Saidu Sharif Swat & others.

(Respondents)

INDEX

S.No.	Description of Documents	Annexure	Pages
1.	Service appeal		1-4
2	Affidavit		5
3	Copy of order dated 28.10.2013	A	6
4.	Copy of order dated 29.11.2013	B	7
5.	Copy of appeal	C	8
6.	Copy of order dated 11.2.2014	D	9
7.	Copy of letter dated 21.2.2014	E	10
15	Waklat Nama		11

Lawyer
Petitioner

Through

L.Nawab Ali Noor Advocate
High Court Peshawar.
03469076945

①

**BEFORE THE SERVICE TRIBUNAL KHYBER
PUKHTUNE KHWA PESHAWAR.**

S.Appeal No. 357/2014.

Shah Hussain Constable District Police Swat No.940 District
police Swat presently posted P.S Takht Bhai.

(Appellant)

VERSUS

1. Abdullah Khan PSP Regional Police Officer, Malakand at
Saidu Sharif Swat.

2. District police officer Swat, *Saidu Sharif Swat.*

3. DSP Legal District Swat.

4. E.O District Police Swat, *at Saidu Sharif Swat.*

5. SHO Police Station Matta Kamran Khan (Presently Posted at
P.S Takht Bahi as inquiry officer.

6. Sher Akbar S.ST PSP DPO Swat, *at Saidu Sharif Swat.*

7. Muhammad Zaib SI Presently posted *at P.S Chupryal.*

8. Daud SI presently posted P.S Chuprial. *at P.S Chupryal.*

9. Alam Bacha Presently posted P.S Chuprial.

(Respondents)

*Appeal U/S 4 of the service tribunal Act of 1974 against the
order dated 10.02.2014 of the regional police officer
malakand at saidu Sharif Swat, may kindly be set aside
& restore the three annual increments to appellant.
Prayer in appeal.*

*re-submitted to day
and filed.*

17/3/14

*363
10-3-2014*

On acceptance of this appeal the order dated 10.2.2014 passed by respondent No.1, whereby uphold the order of District Police Officer, Swat, whereby the appellant has been awarded minor punishment of stoppage of three increments with cumulative effect vide OB NO. 175 dated 28.10.2013 under police rules 1975 against the appellant, may kindly be set-aside and restore the three annual increments to appellant.

Respectfully sheweth:

- 1. That the appellant is serving as constable in police department district swat presently posted P.S takht bahi District Mardan.
- 2. That the appellant the performed his duty excellently in till date there is no complaint against him from the public or in his own department.
- 3. That baseless allegations were made against the appellant on the basis of the said allegations three annual increments were stoppage with cumulative effect.
(Copy of the order dated 28.10.2013 is annexure A)
- 4. That appellant filed appeal against the order dated 28.10.2013 before the DPO Malakand Division .
- 5. That the application of appellant was filed on 29.11.2013 by the DPO Swat.
((Copy of the order dated 29.11.2013 is annexure B).
- 6. That the appellant filed appeal before the RPO Malakand Division against the order of the DPO Swat.
(Copy of the appeal is annexure C).

- 7. That the RPO uphold the order of the DPO against the appellant on 10.2.2014.
(Copy of the order dated 10.2.2014 is annexure D).
- 8. That on 21.2.2014 a letter was communicated by the DPO swat to DPO Mardan for making necessary entry in the service. **(Copy of the letter dated 21.2.2014 is annexure E).**
- 9. That the appellant was not communicated the said order DATED 10.2.2014 of the RPO Malaknd Region & got the information about the said on 25.2.2014.
- 10. That appellant try their best to approach the respondents to inform their own self for the reason of stoppage of innaual increments but at least the appellant orally informed on 28.2.2014 that due to inquiry inpast the appellant annual increments has been stop & till date no inquiry report or any other information been delivered/ given in written to appellant & with efflux effort appellant got the above mentioned documents.
- 11. That due to the above said order there was no way except to approach this honorable tribunal for seeking justice on the following grounds amongst others.

GROUND:

- a). **THAT** the order dated 28.10.2013 & 10.2.2014 in question were against the law, rules of service and facts.
- b). **THAT** before passing the order in question the relevant procedure on the subject, as provided by the law, has not been followed.

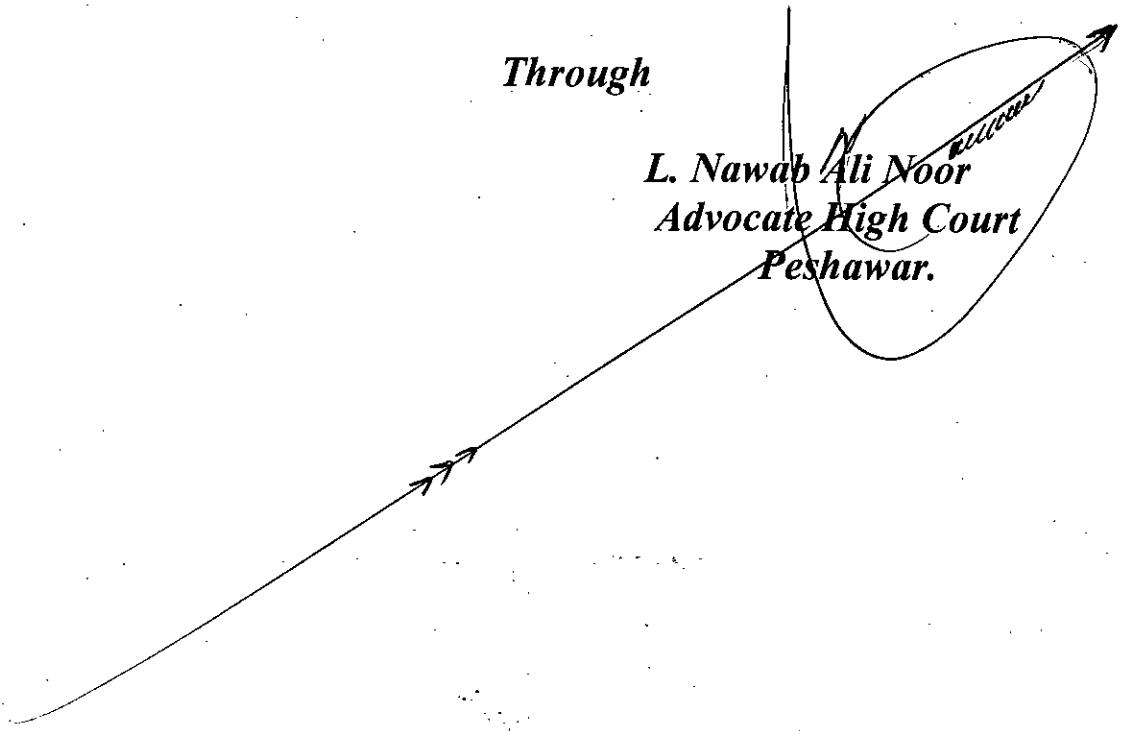
- c). **THAT** no show cause notice was issued to the appellant before passing order of his stoppage of annual increments' neither any opportunity of hearing has been provided to him nor any inquiry was conducted properly.
- d) **THAT** the appellant is serving in the police department for more than years, and he has unblemished record and performed his duty honestly and to the best satisfaction of his superior.
- e). **THAT** the respondent made the episode with pre plane and to vacate the post for there blue eyed person & to punish the appellant.
- f). **THAT** astonishment to the to appellant that instead of awarding award of his honesty rather appellant been punished.
- g). **THAT** it is very interesting to see by your honor that appellant punished without following the procedure of civil servant rules to giving notice or Show Cause Notice or to heard in the inquiry.

It is therefore respectfully prayed that on acceptance of this appeal the impugned orders 28.10.2013 & 10.2.2014 may kindly be seaside and the appellant may kindly be restore three annual increments with cumulative effect.

[Handwritten Signature]
Appellant

Through

L. Nawab Ali Noor
Advocate High Court
Peshawar.



B

**BEFORE THE SERVICE TRIBUNAL KHYBER
PUKHTUNE KHWA PESHAWAR.**

S.Apel No. 2014.

Shah Hussain Constable District Police Swat No.940 District
police Swat presently posted P.S Takht Bhai.

(Appellant)

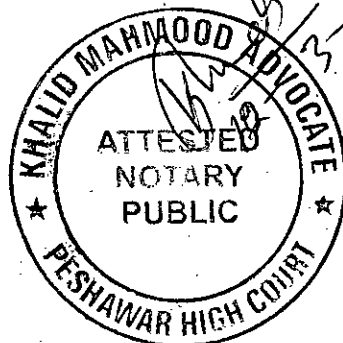
VERSUS

1. Abdullah Khan PSP Regional Police Officer, Malakand at
Saidu Sharif Swat & others.

(Respondents)

AFFIDAVIT .

I, Shah Hussain Constable District Police Swat No.940 District
police Swat presently posted P.S Takht Bhai , do hereby
solemnly affirm and declare on oath that the contents of the
accompanying service appeal are true and correct to the best of
my knowledge and belief and nothing been canceled from this
honorable tribunal.




Deponent.

CNIC No.

1560292300505

940 Ann. A. C

ORDER

This order will dispose off the departmental enquiry against Constable Shah Hussain No.940 who has been allegedly escorting the timber smugglers in Matta.

He was issued Charge Sheet alongwith Statement of Allegations and DSP/City, Swat was deputed as Enquiry Officer. The Enquiry Officer conducted proper departmental enquiry against the delinquent Officer and recorded the statements of all concerned officers. He provided ample opportunity to the delinquent officer to present justification for the chargers leveled against him. After conducting proper departmental enquiry, the Enquiry Officer submitted his findings wherein he recommended the delinquent officer for Major Punishment. Consequently he was issued Final Show Cause Notice with the direction to submit his reply within seven days of the receipt of Final Show Cause Notice. He was heard in Orderly Room. However, he could not present any plausible defense.

Therefore, in exercise of the powers vested in the undersigned in Rules 2 (iii) of Police Disciplinary Rules-1975, I, Sher Akbar S.St. P.S.P. District Police Officer, Swat as a competent authority am constrained to award him the punishment of stoppage of three increments with cumulative effect.

District Police Officer, Swat.

O.B. No. 175

Dated 28/10/2013.

Ahmed
[Signature]

Ann-13-7

From: The District Police Officer, Swat

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

No. 16521 /E, dated Gulkada the 28-11-2013

Subject: APPLICATION FOR REINSTATEMENT IN SERVICE.

Memorandum:

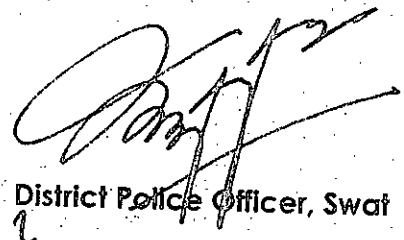
Kindly refer to your Office Endst No.10199/E, dated 13-11-2013.

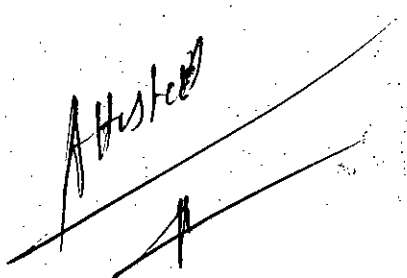
Brief facts of the case are that Constable Shah Hussain No. 940 while posted as driver to Police Station Matta, escorting the Timber Smugglers in Matta as per report of SHO Police Station Matta.

DSP City conducted proper departmental enquiry against him. During enquiry the EO recoded statement of all concerned officers. The charges leveled against him proved. Hence the EO held him responsible and recommended for major punishment.

After completion of codal formalities of the enquiry he was found guilty of the charges, hence he was awarded punishment of stoppage of three increments with cumulative effect vide OB No. 175 dated 28-10-2013.

In view of the above facts and circumstances the application of the applicant may kindly be filed.


District Police Officer, Swat



کے طور پر رکھ کر پولیس آفسر صاحب ملاکنڈ میں سروس کے لئے
عدوان - درخواست ہر ایک کالی میں سالانہ اینڈیکس

9354
Date: 4/11/13

موجودہ انداز پر ایک سال میں کیا ہو سکتا ہے اور نقصان تھا کہ کسی دور
میں پر ایک کے بعد الزام عائد کیا گیا کہ اس میں ٹیکس سمٹان کر کے پلا ہو
اور یوں بعد از انکوائری سے اس سے سالانہ DPD کا صلح ہونے کے لئے کو آرڈر
نمبر 175 تاریخ 28/10/2013 میں سالانہ اینڈیکس کوٹی کاٹنے کا حکم
صادر کیا ہے جو تین سالوں میں کوئی نہ سائل کے اس کے استیجابی دہانہ
پس کو فریڈ سے ہر چارہ دی میں اور ایسی قسم کی غیر قانونی نوکٹ کرنا میں
سب سے بھی نہیں ملتا، لہذا ایک سال کے غریب کو ان کا واحد لفظ ہے
اور تین سالانہ اینڈیکس کی کوٹی سے سائل کے متواہ پر لیس زیادہ انداز
پڑے

13088
18/11/13 بحال لیس کا صلح صادر فرمائیں وہ کو سائل ڈیٹا فورس کا
ال آر آر

ال آر آر
990
FC
شاہ حسین

No. 10199/E
Dt. 13-11-2013

DPE - Swat
For comments

Attal

EC/OSP/legal.
For comments

Regional Police Officer,
Malakand, at Sajdu Sharif Swat.

13/11/13

Am. D-9

OFFICE OF THE REGIONAL POLICE OFFICER, MALAKAND
REGION, AT SAIDU SHARIF SWAT



ORDER:

This order will dispose off the appeal preferred by Constable Shah Hussain No. 940 of Swat District for restoration of three increments with cumulative effect.

Brief facts are that, the above named Constable while posted as driver to Police Station, Matta, escorting the timber smugglers in Matta as per report of SHO Police Station, Matta. DSP City Swat conducted proper departmental enquiry against him. During enquiry the charges levelled against him were proved. Hence the Enquiry Officer held him responsible and recommended for major punishment. After completion of codal formalities of the enquiry he was found guilty of the charges, hence the District Police Officer, Swat awarded him minor punishment of stoppage of three increments with cumulative effect vide OB No. 175 dated 28/10/2013, under Police Rules 1975.

The appellant was called in Orderly Room on 06/02/2014 and heard in person, but he did not produce any substantive materials in his defense. Therefore I uphold the order of District Police Officer, Swat, whereby the appellant has been awarded minor punishment of stoppage of three increments with cumulative effect.

Order announced.

(Signature)
(ABDULLAH KHAN) PSP
Regional Police Officer,
Malakand, at Saidu Sharif Swat
Naqi

No. 1232 /E,

Dated 10-2-2014.

Copy to District Police Officer, Swat for information and necessary action with reference to his office Memo: No. 16521/E, dated 29/11/2013.

O.B / EC - P.O. / A.S.
for collection

DSP Swat
10/02/14

OB. No. 26
12-2-14

(Signature)

Ann E - 10

From: The District Police Officer, Swat.

To: The District Police Officer, Mardan.

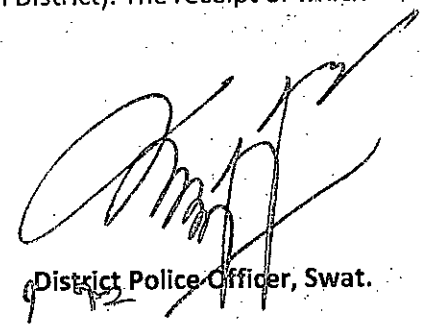
No. 3115 /E dated Gulkada the 21 / 02 /2014.

Subject: APPLICATION FOR RESTORATION OF THREE ANNUAL INCREMENTS.

Memorandum:-

Enclosed please find herewith order passed by Regional Police Officer, Malakand at Saidu Sharif, Swat vide Region Office, Swat Endst: No.1232/E, dated 10-02-2014 and this office O.B.No.26 dated 12-02-2014 for making necessary entry in the Service Roll of Constable Shah Husain No.940 of this District Police (Now Mardan District). The receipt of which may please be acknowledged.

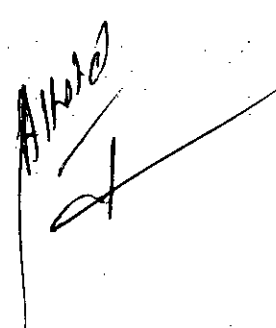
Enclose: (04 pages)



District Police Officer, Swat.

EC/OAS:


DPO Mardan.



بعدالت

Before The Service
Tribunal K.P.K
Peshawar.

2، پنجاب

بنام

Sheik Hussain

vs

Abdullah Khan R.P.O
Malakand at Saidu
Sharif Saidu & Others
باعث تحریر آنک

مورثہ

مقدمہ

دعویٰ

جزم

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام سروس منسوخ کیلئے اپیل کی گئی ہے۔ نو نو علی شریف اور سید صاحب کو
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 و تقرر ثالث و فیصلہ کے لئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور لالہ صاحب ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ اپیل کی برآمدگی
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار 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 باختیارات حاصل ہوں گے
اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے
سبب سے وہ ہوگا۔ 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 لکھ دیا کہ سند ہے۔

2014

10 ماہ

المرقوم

الع د گ واہ الع

مقام سروس منسوخ کیلئے منظور ہے۔