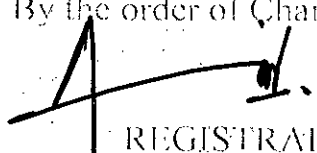


FORM OF ORDER SHEET

Court of \_\_\_\_\_

**Appeal No. 2310/2023**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	.07/11/2023	<p>The appeal of Mr. Adil Bacha resubmitted today by Mr. Noor Muhammad Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on Parcha Peshai is given to the counsel for the appellant.</p> <p>By the order of Chairman  REGISTRAR</p>

The appeal of Mr. Adil Bacha Ex-Constable No. 1908 Police Department Warden received today i.e on 01.11.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copies of charge sheet, statement of allegations, show cause notice and replies thereto are not attached with the appeal be placed on it.
- 2- Copy of departmental appeal is not attached with the appeal be placed on it.

No. 3496 /S.T,

Dt. 2/11 /2023.



REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Noor Muhammad Khattak Adv.  
High Court Peshawar.

R/sir

Regarding objection no. 2 the same is attached with the appeal as annexure E at page no. 10. However regarding objection no. 1 no such documents are had been provided nor the same were send upon the appellant. The subject documents were asked from the authority through an application but in vain.

Resubmitted  
for perusal  
06/11/23

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

APPEAL NO. 2310 /2023

**ADIL BACHA VS POLICE DEPARTMENT**

**INDEX**

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4.	Copy of the departmental appeal, application for providing copy of office order dated 13/06/2022 & Office Order dated 13/06/2022	D, E & F	8-11
5.	Wakalat Nama	-----	12

**APPELLANT**

Through:

  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE SUPREME COURT**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

**APPEAL NO. 23/0 /2023**

Mr. Adil Bacha, Ex-Constable No. 1908,  
Police Department, KP Mardan Region.

..... **APPELLANT**

**VERSUS**

- 1- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2- Regional Police Officer, Mardan Region, Mardan.
- 3- District Police Officer, Mardan Region, Mardan.

..... **RESPONDENTS**

**APPEAL UNDER SECTION 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974  
AGAINST THE IMPUGNED ORDER DATED 03/09/2015  
WHEREBY THE APPELLANT HAS BEEN DISMISSED  
FROM SERVICE AND AGAINST THE APPELLATE ORDER  
DATED 13/06/2022, COMMUNICATED TO THE  
APPELLANT THROUGH AN APPLICATION DATED  
10/10/2023 ON 11/10/2023 WHEREBY THE  
DEPARTMENTAL APPEAL OF THE APPELLANT HAS  
BEEN REJECTED ON NO GOOD GROUNDS.**

**PRAYER:**

**That on acceptance of this appeal the impugned order  
dated 03/09/2015 and subsequent appellate order  
dated 13/06/2022 communicated to the appellant on  
11.10.2023 may very kindly be set aside and the  
appellant may kindly be re-instated into service with  
all consequential back benefits. Any other remedy  
which this august Tribunal deems fit that may also be  
awarded in favor of the appellant.**

**R/SHWETH:**

**ON FACTS:**

- 1. That appellant was enrolled as Constable (BPS-05) in the respondent Department in the year 2011 after fulfilling all the codal formalities required for appointment to the post. That after appointment the appellant started performing his duty quite efficiently and to the entire satisfaction of his high ups. Copy of appointment order is attached as annexure.....A

2. That, the respondent Department initiated inquiry against the appellant vide Office Order/Letter No 1035/R/DAPR, dated 12/10/2015, whereby the appellant was dismissed vide order dated 03/09/2015 from his service. Copies of Inquiry & order dated 03/09/2015 are attached as annexure..... **B&C.**
3. That the appellant filed an appeal before the appellate authority and the same was also met the same face, dismissed vide Officer Order dated 13/06/2022 on no good ground. It is pertinent to mention here that the office order dated 13/06/2022 was concealed from the appellant and the respondent was not interested to issue the office order dated 13/06/2022, the appellant time and again requested the respondent, but they were not ready to provide copy of the office order dated 13/06/2022, ultimately the appellant filed an application to the respondent to provide a copy of the mentioned order and thereafter the copy of the mentioned order was provided to the appellant. Copy of the departmental appeal, application for providing copy of office order dated 13/06/2022 & Office Order dated 13/06/2022 are attached as annexure.....**D, E & F**
4. That appellant feeling highly aggrieved from both the impugned orders dated 03/09/2015 & appellate order dated 13/06/2022 issued by the respondents and having no other remedy but to file the instant appeal on the following grounds amongst the others.

**GROUND:**


- A- That impugned dismissal order dated 03/09/2015 & appellate order dated 13/06/2022 issued by the respondents are void in nature against the law, facts and norms of natural justice hence not tenable and is liable to be set aside.
- B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the codal formalities required for the major penalty has not been fulfilled by the respondents while issuing the impugned dismissal order dated 03/09/2015 & appellate order dated 13/06/2022.
- D- That no charge sheet and statement of allegation has been served on the appellant before issuing the impugned dismissal order dated 03/09/2015.

- E- That no chance of personal hearing/defense has been provided to the appellant before issuing the impugned order.
- F- That, the respondent Department acted in arbitrary and malafide manner while issuing the impugned dismissal order dated 03/09/2015.
- G- That, no regular or fact-finding inquiry has been conducted in the matter which is pre-requisite as per the judgments of the Apex Supreme Court of Pakistan in punitive matters.
- H- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 24/10/2023

THROUGH:

APPELLANT  
  
ADIL BACHA  
NOOR MUHAMMAD KHATTAK  
ADVOCATE SUPREME COURT  
UMER FAROOQ MOHMAND  
MAHMOOD JAN  
MUHAMMAD AYUB  
WALEED ADNAN  
Khanzad Gul  
&  
Khanzad Gul  
ADVOCATES HIGH COURT

**AFFIDAVIT**

I, Adil Bacha, Ex-Constable No. 1908, Police Department, KP Mardan Region, do hereby solemnly affirm and declare that the contents of the accompanying **Appeal** true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

  
DEPONENT

4-

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

CM NO. \_\_\_\_\_/2023

In

APPEAL NO. \_\_\_\_\_/2023

**ADIL BACHA                      VS                      POLICE DEPARTMENT**

**APPLICATION FOR CONDONATION OF DELAY IN FILING THE**  
**ABOVE NOTED APPEAL**

**R.SHEWETH:**

- 1- That the appellant has filed an appeal along with this application in which no date has been fixed so far.
- 2- That the appellant prays for the condonation of delay in filing the above noted appeal inter alia on the following grounds:

**GROUND OF APPLICATION:**

- A- That valuable rights of the appellant are involved in the case hence the appeal deserve to be decided on merit.
- B- That it has been the consistent view of the Superior Courts that cases should be decided on merit rather on technicalities including the limitation. The same is reported in 2004 PLC (CS) 1014 and 2003 PLC (CS) 76.

It is therefore prayed that on acceptance of this application the delay in filing the above noted appeal may please be condoned.

**APPELLANT**

*Adil Bacha*  
**ADIL BACHA**

**THROUGH:**

*Noor Mohammad Khattak*  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE SUPREME COURT**

**AFFIDAVIT**

I, Adil Bacha, Ex-Constable No. 1908, Police Department, KP Mardan Region, do hereby solemnly affirm and declare that the contents of the accompanying **Application** true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

*Adil Bacha*  
**DEPONENT**

"A" -5-


ENLISTMENT ORDER

Name Syed. Adil. Bacha  
Syed. Shahid. Bacha No. Mohab. Banda  
G.K. Officer Member is hereby enlisted as constable time  
with effect from 01-10-2011

5-8k  
33x37

F.A

12.03.1988

  
District Police Officer,  
Mardan



ENLISTMENT ORDER

Name: Syed Adil Bacha

Father Name : Syed Shahid Badshah R/o Mohallah Banda G.K

District Mardan is hereby ensiled as constable time scale on three years probation with effect from 01/10/2011.

Height 5 Feet 8-1/2 Inches

Chest 35 Inches x 34 Inches

Qualification F.A

Date of Birth 12/03/1988

No 3558

Dated 01/10/2011

District Police Officer  
Mardan

ENQUIRY REPORT OF CONSTABLE ADIL BACHA No. 1908. "B" - 6 -

Undersigned was deputed to conduct Enquiry of Constable Adil Bacha No. 1908, by the Worthy District Police Officer Mardan through office Letter No. 1035/R/D.A.P.R/1975, Dated 12/8/2015.

BRIEF FACTS.

As per report of line office PTS Toru vide DD No.03 dated 03-8-2015 that today on 08:15 am on the commencement of course No.07 all staff member made their arrival except constable Adil Bacha No. 1908. After verification it came to light the constable Adil Bacha went abroad to Dubai without any permission / leave of the competent authority.

PROCEEDINGS.

The proceedings of the enquiry have been conducted strictly in accordance with the NWFP Police Rules 1975.

FINDINGS.

The alleged constable is absent from Police Training School Toru since 3/8/2015 however a written parwana was sent upon him / his parents thorough local police to inform him about enquiry against him but according to his family he has gone to unknown place, while during secret investigation it is transpired that he has gone abroad on security guard visa and working there.

CONCLUSION.

The undersigned has reached to the conclusion that this act of the alleged constable is totally against discipline, therefore he may be given major punishment please.

No: 1383 /S  
Dt: 31-08-2015  
Encl: ( 2 )

*[Signature]*  
Deputy Superintendent of Police  
City Circle, Mardan

*Dismissed from Service*  
*[Signature]*  
01.9.2015

**INQUIRY REPORT OF CONSTABLE ADIL BACHA NO. 1908,**

The undersigned was deputed to conduct Enquiry of Constable Adil Bacha No 1908, by the Worthy District Police Officer Mardan through office Letter No. 1035/R/D.A.P.R/1975, Dated 12/8/2015.

**BRIEF FACTS,**

As per report of line office PTS Toru vide DD No.03 dated 03-8-2015 that today on 08:15 am on the commencement of course No.07 all staff member made their arrival except constable Adil Bacha No. 1908. After verification it came to light that Constable Adil Bacha went abroad to Dubai without any permission leave of the competent authority.

**PROCEEDINGS**

The proceedings of the enquiry have been conducted strictly in accordance with the NWFP Police Rules 1975.

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The alleged constable is absent from Police Training School Toru since 3/8/2015, however a written Parwana was sent upon him/his parents thorough local police to inform him about enquiry against him but according to his family he has gone to unknown place, while during secret investigation it is transpired that he has gone abroad on security guard visa and working there.

**CONCLUSION**

The undersigned has reached to the conclusion that this act of the alleged constable is totally against discipline, therefore he may be given major punishment please.

No: 1383 /S

Dt: 31-08-2015

Encl: (8)

Deputy Superintendent of Police,  
City Circle, Mardan

POLICE DEPARTMENT

1908 "C" - 7 -  
J.H.  
MARDAN DISTRICT

**ORDER**

My this order will dispose of the departmental inquiry, which is conducted against Constable Adil Bacha No. 1908, on the allegation that as per report of Line officer PTS Toru vide DD No. 03 dated 03.08.2015 that on 08:15 am on the commencement of course No. 07 all staff member made their arrival except constable Adil Bacha No. 1908. After verification it came to light that he went abroad to Dubai without any permission/leave of the competent authority. His this attitude adversely reflected on his performance, while discharge his official duty which is an indiscipline act and gross misconduct on his part as defined in rule 2(iii) of Police Rules 1975.

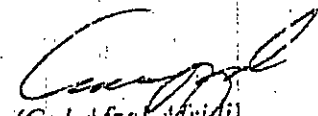
In this connection, Constable Adil Bacha No. 1908, was issued charge sheet vide this office No. 1035/R, dated 12.08.2015 and also proceeded against departmentally through the Shamreez Khan DSP/City Mardan, who after fulfilling necessary process, submitted his findings to the undersigned vide his office endorsement No. 1383/S dated 31.08.2015 as the allegations have been established against him and recommended him for major punishment.

The undersigned agreed with the findings of enquiry officer and the alleged Constable Adil Bacha No. 1908, is hereby dismissed from service while his absence period treated as leave without pay in exercise of the power vested in me under the above quoted rules.

Order announced

O.B No. 1540

Dated 1/9/2015

  
(Gul Afzal Afridi)  
District Police Officer,  
Mardan.

No. 7855-60/R dated Mardan the 3-9/2015

Copy for information and necessary action to:-

1. The Deputy Inspector General of Police Mardan Region-1, Mardan.
2. The S.P Operations, Mardan.
3. The DSP/HQrs Mardan.
4. The Pay Officer (DPO) Mardan.
5. The E.C (DPO) Mardan.
6. The OHC (DPO) Mardan.

ORDER

My this order will dispose of the departmental inquiry, which is against Constable Adil Bacha No. 1908, on the allegation that as per report of Line officer PTS Toru vide DD No. 03 dated 03.08.2015 that on 08:15 am on the commencement of course No. 07 all staff member made their arrival, except constable Adil Bacha No 1908 After verification it came to light that he went abroad to Dubai without any permission/leave of the competent authority. His this attitude adversely reflected on his performance, while discharge his official duty which is an indiscipline act and grass misconduct on his part as defined in rule 2(iii) of Police Rules 1975.

In this connection Constable, Adil Bacha No. 1908, was issued charge sheet vide this office No. 1035/R, dated 12.08.2015 and also proceeded against departmentally through the Shamreez Khan DSP/City Mardan, who after fulfilling necessary process submitted his findings to the undersigned vide his office endorsement No. 1383/S dated 31/08/2015 as the allegations have been established against him and recommended him for major punishment.

The undersigned agreed with the findings of enquiry officer and the alleged Constable Adil Bacha No. 1908, is hereby dismissed from service, while his absence period treated as leave without pay in exercise of the power vested in me under the above quoted rules.

**Order announced**  
OB No 1540  
Dated 01/09/2015

(Gul Afzal Afridi)  
District Police Officer,  
Mardan.

No.7855-60 dated Mardan the 03/09/2015

Copy for information and necessary action to:-

1. The Deputy Inspector General of Police Mardan Region-1. Murdan
2. The S.P Operations, Mardan.
3. The DSP/HQrs Mardan
4. The Pay Officer' (DPO) Mardan
5. The EC (DPO) Marda
- 6 The OHC (DPO) Mardan

"D"

-8-

ORDER.

This order will dispose of the departmental appeal preferred by Ex-Constable Adil Bacha No. 1908 of Mardan District against the order of District Police Officer, Mardan whereby he was awarded major punishment of dismissal from service vide OB No. 1540 dated 01.09.2015 by the then District Police Officer, Mardan. The appellant was proceeded against departmentally on the allegations that he while posted at Police Training School, Toru, District Mardan as per report of LHM officer Police Training School, Toru vide daily diary No. 03 dated 03.08.2015, at 09.15 am on the commencement of course No. 07 all staff members made their arrival except constable Adil Bacha No. 1908. After verification it came to light that he went abroad to Dubai without any permission/leave of the competent authority.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Deputy Superintendent of Police, City, Mardan was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings wherein he reported that the defaulter Officer was contacted time and again to appear before the enquiry Officer but according to his family he has gone to unknown place. However, through secret probe it came to light that the delinquent Officer has gone abroad and working as Security Guard. He recommended the delinquent Officer for ex-parte action.

Therefore, after perusal of enquiry papers and recommendations of the enquiry Officer, the delinquent Officer was awarded major punishment of dismissal from service by the then District Police Officer, Mardan vide his office OB No. 1540 dated 01.09.2015.

Feeling aggrieved from the order of District Police Officer, Mardan, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 08.06.2022 but he failed to appear rather his father appeared and stated that the appellant came on leave to Pakistan and now has again gone abroad to Dubai.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations leveled against the appellant have been proved beyond any shadow of doubt. As the father of appellant stated in a categorical manner that his son named above (appellant) is serving in Dubai who when came on leave filed the instant departmental appeal, however, on expiry of his leave he has again gone abroad. Hence, the absence period i.e. 29 days of the appellant clearly

This Order will dispose off the departmental appeal preferred by Ex-Constable Adil Bacha NO 1908 of Mardan District against the order of District Police Officer, Mardan, whereby he was awarded major punishment of dismissal from service vide OB No 1540 dated 01/09/2015 by the then District Police Officer, Mardan. The appellant was proceeded against departmentally on the allegation that he while posing at Police Training School Toru, District Mardan as per report of Line Officer Police Training School Toru District vide Daily Diary No 03 dated 03/08/2015 at 08:15 am on the commencement of course No 07 all staff members made their arrival except constable Adil Bacha No 1908. After verification it came to the light that he went to abroad to Dubai without any permission/leave of the competent authority.

Proper departmental enquiry proceedings of the competent authority were initiated against him, he was issued Charge Sheet alongwith Statement of allegations and Deputy Superintendent of Police City, Mardan was nominated as Enquiry Officer. The Enquiry OFFICER after fulfilling codal formalities submitted his findings wherein he reported that the defaulter officer was contacted time and again to appear before the enquiry officer, but according to his family he has gone to unknown place. However, through secret probe it came to light that the delinquent officer has gone abroad and working as Security Guard. He recommended the delinquent Officer for ex-parte action.

Therefore, after perusal of enquiry papers and recommendations of the Enquiry Officer, the Delinquent Officer was awarded major punishment of dismissal from service by the then District Police Officer, Mardan vide his Office OB No 1540 dated 01/09/2015.

Feeling aggrieved from the order of District Police Officer Mardan the appellant preferred the instant appeal. He was summoned and heard in person in orderly Room held in this Office on 08/06/2022, but he failed to appear rather his father appeared and stated that the appellant came on leave to Pakistan and now has again gone abroad to Dubai.

From the perusal of the enquiry file and service record of the appellant it has been found that allegations levelled against the appellant has been proved beyond any shadow of doubt. As the father of the appellant stated in a categorical manner that his son named above (appellant) is serving in Dubai who when came on leave filed the instant departmental appeal. However, on expiry of his leave he has again gone abroad. Hence the absence period i.e. 29 days of the appellant clearly

depicts the casual and lethargic attitude towards his official duties as the very conduct of appellant is unbecoming of a disciplined Police Officer. It is worthwhile that the appellant approached this forum with the delay of 06 years, 08 months and 15 days without advancing any cogent reason, hence, badly time barred. Therefore order passed by the competent authority does not warrant any interference.

Based on the above, I, Yaseen Farooq, PSP (Regional Police Officer, Mardan), being the appellate authority, find no substance in the appeal therefore, the same is rejected and filed, being bereft of any substance, as well as badly time barred for 06 years, 08 months and 15 days.

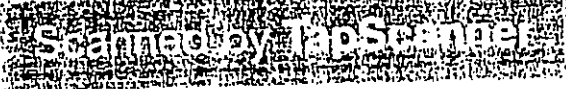
Order Announced.

  
Regional Police Officer,  
Mardan.

No. 6110 /ES, Dated Mardan the 12/06 /2022.

Copy forwarded to District Police Officer, Mardan for information and necessary w/r to his office Memo: No. 122/LB dated 24.05.2022. His Service Record is returned herewith.

(24/5/22)





عنوان: رقم ایبل بابت بحالی سروس

خوابی

تراش کر سائل مورخہ ۱۱/۱۰/۵۸ کو اف پولیس سردار میں لکھتی ہوئی تھی۔

کیا صرف ۵۸/۵۸/۵۸ روز نامہ پورٹ میں وہ کو اپنے ڈیوٹی پولیس ٹریننگ سٹیشن  
ظہور سے غائب ہو گیا تھا۔ جبکہ اس کے سے خارج شدہ نمبر ۱۵۳۵/۵۸ مورخہ ۱۲/۰۸/۵۸ پر  
سائل کے خلاف کیلیف کا دعویٰ تھا۔ جی ایس ای سی کے ساتھ لکھی گئی اور ۳۰/۰۸/۵۸ کو من  
کے خلاف مورخہ ۱۲/۰۸/۵۸ کے ساتھ لکھی گئی اور ۳۰/۰۸/۵۸ کو من  
۱۲/۰۸/۵۸ کو اف پولیس سے برطانت لیا گیا۔

اس کے سے من سائل پر عمر من کرنا پڑا ہے اور اس کے سائل نے حکم سے جیٹا عمر آئینہ طہری میں  
کی قی بلکہ کو نہ خدمت اور بے لیس من سائل خدمت مذکورہ کیلئے دی گئی اور یہ سائل  
من سائل مالی لحاظ سے اشتیاقی کمزور تھا اور والدین کی دیکھ بھال اور سارے گھرانے کی ذمہ  
من سائل پر تھی۔

کیلئے ڈی بائرنل سے واپس آتے ہیں من سائل نے آپ صاحبان کے خدمت میں اپنی بحالی کیلئے رقم در  
کی۔ ایسے اصرار صاحبان سے اشتیاقی کمزور سائل نے بچوں کو والدین پر رقم فدا کرے اور  
ولیس اپنے سروس پر بحالی فدا کرے سائل تاحیات رہا اور ۱۲/۰۸/۵۸۔

حاصل

مارچ ۱۹۵۸

11-11-2023

خدا کے نام سے

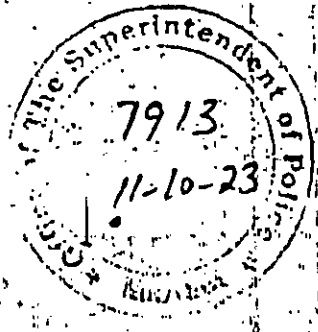
گزارش حاصل کی کہ اس سے طرف  
میں نے اس کے ساتھ سے  
میں نے اس کے ساتھ سے  
میں نے اس کے ساتھ سے  
میں نے اس کے ساتھ سے  
میں نے اس کے ساتھ سے

سال 1908ء

10-10-2023

فائل

OSI  
For information



DP/10/23

12

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

Appeal No      /2023

Adil Bacha

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Police Dept

(RESPONDENT)  
(DEFENDANT)

I/We \_\_\_\_\_

Do hereby appoint and constitute **Noor Mohammad Khattak Advocate Supreme Court** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_\_/\_\_\_\_/202

  
**CLIENT**

**ACCEPTED**

  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE SUPREME COURT**

  
**WALEED ADNAN**

  
**UMAR FAROOQ MOHMAND**

  
**MUHAMMAD AYUB**

&

  
**MAHMOOD JAN**  
**ADVOCATES**

**OFFICE:**

Flat No. (TF) 291-292 3<sup>rd</sup> Floor,  
Deans Trade Centre, Peshawar Cantt.  
(0311-9314232)