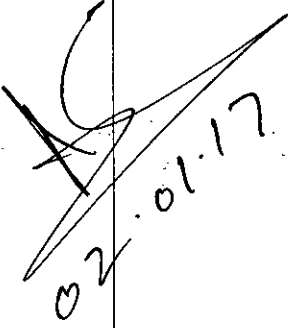


S. No.	Date of Order, or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	02.01.2017	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>CAMP COURT SWAT</u></p> <p style="text-align: center;">Service Appeal No. 1214/2015 Adil Said Versus the Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and 2 others.</p> <p style="text-align: center;"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:</u></p> <p>Counsel for the appellant and Mr. Muhammad Zubair, Senior Government Pleader alongwith Mr. Muhammad Imran, S.I (Legal) for respondents present.</p> <p>2. Adil Said Ex-Constable No. 763, District Swat hereinafter referred to as the appellant has preferred the instant service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against impugned order dated 29.12.2008 vide which he was awarded major penalty of dismissal from service against which his departmental appeal/mercy petition dated 4.6.2014 was also rejected vide order dated 17.08.2012 and 01.09.2015 communicated to the appellant on 11.09.2015.</p> <p>3. Brief facts giving rise to the present appeal are that the appellant was serving as constable when subjected to enquiry on the allegations of wilful absence and dismissed from service vide impugned order referred to above.</p> <p>4. Learned counsel for the appellant during the course of hearing referred to orders dated 4.3.2016, 18.03.2016, 29.03.2016 and similar</p>

other orders placed on record vide which similarly placed employees removed from service on the allegations of wilful absence during the insurgency period were reinstated in service by the Commandant, FRP Khyber Pakhtunkhwa, Peshawar while the intervening period of absence from service was treated as extra-ordinary leave without pay. Learned counsel for the appellant argued that the appellant is also entitled to similar treatment as laid down by the august Supreme Court of Pakistan in case of Hameed Akhtar Niazi reported as 1996-SCMR-1185 and Tara Chand reported as 2005-SCMR-499.


5. Learned Senior Government Pleader has argued that it is not ascertainable from record that the case and grievances of the appellant are similar to those who were reinstated in service by the Commandant FRP. That in the absence of any such record it cannot be ascertained that the appellant is entitled to treatment, similar in nature and extended to the said civil servants.

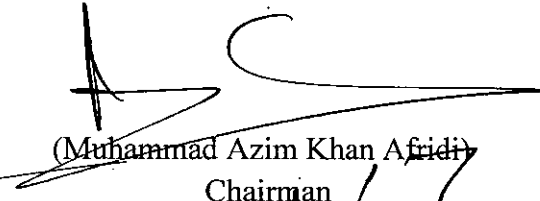
6. We have heard arguments of learned counsel for the parties and perused the record.

7. The Commandant FRP vide orders referred to above had reinstated ex-constables including Khailur Rahman, Bashir Khan, Arshad Iqbal, Basir Khan and similar others vide orders referred to above. We are not in a position to ascertain from the record that the case of the appellant is similar to the afore-stated constables who were reinstated in service despite their absence during the period of insurgency and militancy. In such a situation we are left with no option but to accept the present appeal, set aside the impugned orders and direct

~~02~~ 01.17.

that the appellate authority shall examine the case of the appellant with the cases of those constables who were reinstated in service by the Commandant FRP and in case the appellant is found entitled to similar treatment as extended to the said constables then the said authority shall also extend the same treatment to the present appellant. The appellant shall be afforded opportunity of hearing during the proceedings which shall be conducted and concluded within a period of 2 months from the date of receipt of this judgment. Parties are left to bear their own costs. File be consigned to the record room.



(Ahmad Hassan)
Member


(Muhammad Azim Khan Afridi)
Chairman
Camp Court, Swat.

ANNOUNCED
02.01.2017

01.08.2016


Counsel for the appellant and Mr. Muhammad Zubair, Sr.GP for the respondents present. Due to non-submission of rejoinder and non-availability of D.B arguments could not be heard. To come up for rejoinder and final hearing On 03.10.2016 before D.B at camp court, Swat.


Chairman
Camp court, Swat.

03.10.2016

None present for the parties due to notification of public holiday on the eve of first Moharram. The appeal is therefore, adjourned for final hearing before the D.B to 02.01.2017 at camp court, Swat.


Member


Chairman
Camp court, Swat.

03.03.2016

Counsel for the appellant and Mr. Imranullah, Inspector (legal) alongwith Assistant AG for respondents present. Learned counsel for the appellant argued that the appellant was serving as Constable when dismissed from service on the allegations of wilful absence vide impugned order dated 29.12.2008 where-against he preferred departmental appeal on 17.8.2012 followed by review petition which was rejected by review board on 1.9.2015 and hence the instant service appeal on 2.10.2015.

Appellant Deposited
Security & Process Fee

That due to wave of militancy in the area the appellant and similarly placed employees were not in a position to perform duties and that for scrutinizing the cases of similarly placed employees a committee was constituted vide order dated 16.11.2010. That the appellant is also entitled to reinstatement in service on the analogy of alike treatment extended to more than 253 similarly placed employees.

Points urged need consideration. Admit, subject to limitation. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 6.4.2016 before S.B at Camp Court Swat as the matter pertains to the territorial limits of Malakand Division.


Chairman

06.04.2015

Appellant in person and Imranullah, S.I (Legal) alongwith Sr.Gp for the respondents present. Written statement of the respondents submitted. The appeal is assigned to D.B for rejoinder and final hearing for 01.08.2016 at Camp court, Swat.


Chairman
Camp Court Swat

30.12.2015

Counsel for the appellant present. Pre-admission notice be issued to Additional Advocate General for 28.1.2016 before S.B.

Note to Sir
MA
23/1/16


Member

28.1.2016

Agent of counsel for the appellant and Assistant AG for respondents present. Seeks adjournment. To come up for preliminary hearing on 24.2.2016 before S.B.

W. S. S. S.

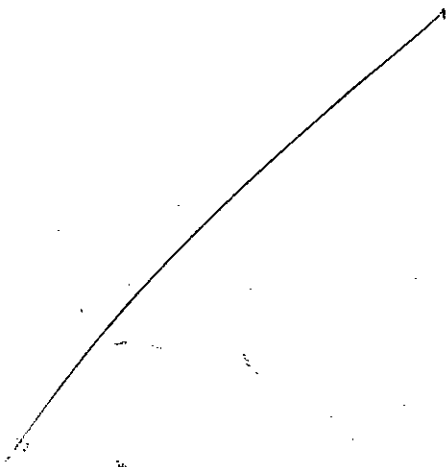
71 - 11 - 51


Chairman

24.02.2016

Agent of counsel for the appellant and Assistant AG for respondents present. Requested for adjournment. Adjourned for preliminary hearing to 3.3.2016 before S.B.

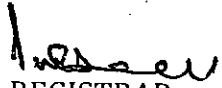




Member



Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1214/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	30.10.2015	<p>The appeal of Mr. Adil Said resubmitted today by Mr. Ijaz Anwar Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>12-11-15</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2	12.11.2015	<p>Agent of counsel for the appellant present. Seeks adjournment. Adjourned to 1.12.2015 for preliminary hearing before S.B.</p> <p style="text-align: right;"> Chairman</p>
	01.12.2015	<p>None present for appellant. The appeal be relisted for preliminary hearing for 30.12.2015 before S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Adil Said Ex-Constable No. 736 S/O Bacha Said R/O Tehsil Babuzai District Swat received to-day i.e. on 02.10.2015 is incomplete on the following score which is returned to his counsel for completion and resubmission within 15 days.

1. The appeal is not signed by the appellant which may be got signed from him.
2. The appeal is not annexurewise/pagewise, which may be done. Order dated 30.11.2010 is illegible, which may be replaced by legible one.
3. Annexures of the appeal may be placed as per index of the appeal.
4. Six more copies of appeal alongwith annexures i.e. complete in all respect may also be submitted with the appeal.


No. 1532 /ST,

Dated 5/10 /2015


REGISTRAR
KPK SERVICE TRIBUNAL,
PESHAWAR.

MR. IJAZ ANWAR, Advocate.

- 1- The appeal is signed by the appellant.
- 2- The appeal is corrected / made annexurewise /
pagewise. similar order dated 30.11.2010 is
replaced with legible copy.
- 3- Annexure of Appeals are placed according
to index.
- 4- Six more copies are attached with
appeal. All objections are addressed according to
and appeal is hereby re-submitted after
completion please.


SAYED IJAZ
Advocate

Deponent

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Appeal No. 1214 /2014

Adil Said Ex- Constable No 736 S/O Bacha Said R/O Tehsil
Babuzai District Swat.

(Appellant)

VERSUS

The Provincial Police Officer, Khyber Pakhtunkhwa,
Peshawar and others.


(Respondents)


INDEX

S. No	Description of Documents	Annexure	Page No
1	Memo of Appeal		1-4
2	Application for condonation and affidavit		5-6
3	Dismissal order dated 29.12.2008	A	7
4	Orders dated 16.11.2010 and 30.11.2010.	B & C	8-15
5	Rejection order dated 17.08.2012	D	16
6	Review petition dated 04.06.2014 and rejection order dated 01.09.2015	E & F	17-19
7	Vakalatnama.		20

Through


Appellant


IJAZ ANWAR
Advocate Peshawar

&

SAJID AMIN
Advocate, Peshawar

①

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

A. W. P. PROVINCE
Service Tribunal
Diary No. 1139
Dated 2-10-2015

Appeal No. 1214 /2015

Adil Said Ex- Constable No 736 S/O Bacha Said R/O Tehsil
Babuzai District Swat.

(Appellant)

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police Malakand Range Saidu Sharif Swat.
3. District Police Officer, Swat.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the impugned order dated 29.12.2008 vide which the appellant was awarded the major penalty of Dismissal from service, against which his departmental appeal and review/mercy petition dated 04.06.2014 have also been rejected vide orders dated 17.08.2012 & 01.09.2015, communicated to the appellant on 11.09.2015

Filed to-day
2/10/15

PRAYER IN APPEAL:

re-submitted to-day
and filed:

30/10/15

On acceptance of this appeal the impugned orders dated 29.12.2008, 17.08.2012 and 01.09.2015 may graciously be set aside and the appellant may kindly be reinstated in service with full back wages and benefits

Respectfully Submitted:

1. That the appellant was enlisted as Constable in the Police Department in the year 2007, he had also successfully completed recruit training course. Ever since his enlistment the appellant had performed his duties with zeal and devotion and there was no complaint what so ever regarding his performance.
2. That the appellant while posted at Police Station Khwaza Khela the Taliban miscreants challenged the writ of the govt. and had got total control in district Swat. Moreover Govt. servants particularly the police officials were threatened of their lives and number of police officials were publicly executed. The appellant and his family also received several treats. Due to compelling circumstances the appellant was forced to leave his home along with his family. When the situation became normal and the civil authorities were given charge of some areas, the appellant returned to join his duties & report arrival, it came to light that in his absence he has been proceeded departmentally and has been dismissed from service vide order dated 29.12.2008. *(Copy of the dismissal order dated 29.12.2008, is attached as Annexure A)*
3. That after the military operation when the situation in the area normalized, a good number of police officials who either resigned or were removed from service were allowed reinstatement in view of the peculiar circumstances, similarly committees were also constituted vide order dated 16.11.2010 to consider the cases of those police officers who were dismissed, removed or compulsory retired from service during the period of insurgency in Swat, the committee after considering the case, reinstated a good number of similarly placed employees vide 30.11.2010. *(Copies of order dated of the order dated 16.11.2010 and order dated 30.11.2010, are attached as Annexure B and C)*
4. That the appellant also submitted his departmental appeal in the light of the order dated 30.11.2010, however it has been rejected vide order dated 17.08.2012. *(Copy of the rejection order dated 17.08.2012, is attached as Annexure D)*
5. That thereafter the appellant also filed his review/ mercy petition dated 04.06.2014, which remained under consideration for quite some time and was lastly rejected vide order dated 01.09.2015, copy of the order was, however, communicated to the appellant on 11.09.2015. *(Copy of the mercy petition dated 04/06/2014 and rejection order dated 01.09.2015, is attached as Annexure E & F)*
6. *That the impugned orders are illegal unlawful against the law and facts, and discriminatory upon the rights of the appellant hence liable to be set inter alia on the following grounds*

GROUND OF SERVICE APPEAL ;


- A. That the appellant has not been treated in accordance with law, he has never involved in any commission or omission that could be termed as misconduct, and the proceedings conducted against appellant are thus illegal and unlawful.
- B. That in-fact at the time of initiation of departmental proceedings there was no communication system, all the Police stations were left abandoned, no government servant could disclose his identity, thus there was no occasion for the appellant to left his family unattended or joined duties.
- C. That no proper proceedings has been conducted before the dismissal from service of the appellant he has not been served with any charge sheet, show cause notice or any absence notice. No proper inquiry has been conducted moreover the appellant has not been given opportunity of personal hearing. Thus proceeding conducted at the back of the appellant is illegal and not tenable.
- D. That the appellant has not been given opportunity of personal hearing thus he has been condemned unheard.
- E. That the appellant did not absented himself from duties willfully but it was due to the compelling circumstances beyond his control however it was not appreciated and the appellant was awarded the major penalty of dismissal from service.
- F. That the order of dismissal has been given retrospective, since no penalty order can be made with retrospective effect, therefore on this score alone the impugned order being void ibinetio is liable to be struck down.
- G. That the appellant has been discriminated as other similarly placed employees who either resigned or were removed from service during the period of insurgency in Swat were allowed reinstatement in view of the peculiar circumstances, while the appellant has been denied the same relief and thus discriminated.
- H. That even the Honourable Court has in identical cases granted the relief to the employees, thus being a similar matter the appellant is also entitled to the same treatment.

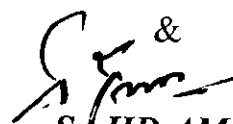
- I. That it has been consistently held by the superior courts that “ if the service Tribunal or Supreme Court decides a point of law relating to the terms of service of a civil servant which cover not only the case of civil servant who litigated, but also of other civil servants, who may have not taken any legal proceedings, in such a case, the dictates and rules of good demands that the benefit of such judgment by Service Tribunal/Supreme Court be extended to other civil Servant, who may not be parties to the litigation instead of compelling then to approach the service tribunal or other forums” (SCMR 1996 page 1185,PLD 2004 SC 77, 2005 SCMR 499,2009 SCMR page 1.)
- J. That the appellant has never committed any misconduct, he has performed his duties and showed no dereliction from duty, the circumstances and the situation was beyond his control however it was not appreciated and the appellant was awarded the major penalty of dismissal from service.
- K. That the penalty imposed upon the appellant is harsh and liable to be set aside on this score alone.
- L. That the appellant is jobless since his illegal dismissal from service.
- M. That the appellant seeks the permission of this Honourable Tribunal to rely on the additional grounds at the hearing of this appeal.

It is therefore prayed On acceptance of this appeal the impugned orders dated 29.12.2008, 17.08.2012 and 01.09.2015 may graciously be set aside and the appellant may kindly be reinstated in service with full back wages and benefits.


Appellant

Through


IJAZ ANWAR
Advocate Peshawar


&
SAJID AMIN
Advocate, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Appeal No. _____/2015

Adil Said Ex- Constable No 736 S/O Bacha Said R/O Tehsil
Babuzai District Swat.

(Appellant)

VERSUS

The Provincial Police Officer, Khyber Pakhtunkhwa,
Peshawar and others.

(Respondents)

APPLICATION FOR CONDONATION OF DELAY,
IF ANY IN FILING THE TITLED APPEAL

Respectfully submitted:

1. That the appellant has today filed the accompanied appeal before this honorable tribunal in which no date of hearing is fixed so far.
2. That the applicant prays for condonation of delay if any in filing the instant appeal inter alia on the following grounds:-

GROUND OF APPLICATION

- A. That the appellant throughout agitated the matter before the departmental authority and never remained negligent in perusing his remedy. Since similarly placed employees were reinstated by the department by constituting committees for considering their cases, therefore the appellant was also hopeful that his case may also be favorably considered and therefore he waited for the outcome of his departmental appeal and then review petition, lastly the mercy petition of the petitioner was rejected vide dated 01.09.2015, copy of which was communicated to him on 11.09.2015
- B. That the delay if any in filing the instant appeal was not willful nor the same can be attributed to the appellant, since it was due to the late communication of the rejection order by the respondents, therefore the

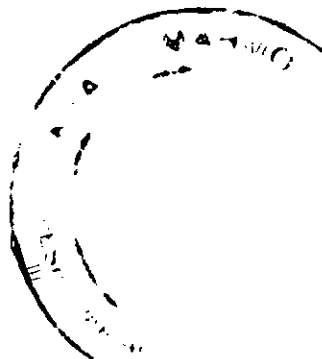
same deserves to be condoned.

- c. That no proper proceedings has been conducted before the dismissal from service of the appellant he has not been served with any charge sheet, show cause notice or any absence notice. No proper inquiry has been conducted, the appellant has not been given opportunity of personal hearing. Moreover the impugned penalty order has been made with retrospective effect, thus the whole proceedings as well as the the order of penalty is illegal and void and no period of limitation run against such an illegal and void order.
- D. That the impugned orders are illegal and void abanitio and no period of limitation is applicable against a void order.
- E. That valuable rights of the appellant are involved in the instant case in the instant case, hence the delay if any in filing the instant case deserves to be condoned.
- F. That it has been the consistent view of the Superior Courts that causes should be decided on merit rather than technicalities including limitation. The same is reported in 2014 PLC (CS) 1014 2003 PLC (CS) 769.

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

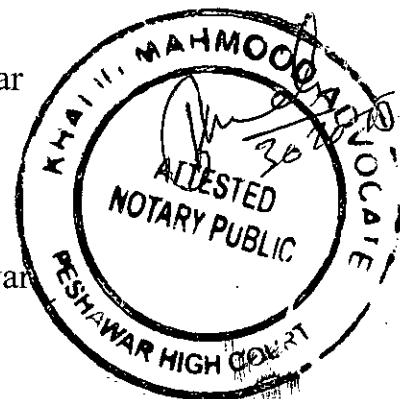
A. Said
Applicant

Through



Ijaz Anwar
Advocate Peshawar

Sajid Amin
Advocate, Peshawar



AFFIDAVIT

I, *Adil Said Ex- Constable No 736 S/O Bacha Said R/O Tehsil Babuzai District Swat*, do hereby solemnly affirm and declare on oath that the contents of the above noted appeal as well as application for condonation of delay are true and correct and that nothing has been kept back or concealed from this Honourable Tribunal.

A. Said
Deponent.

ORDER

~~SECRET~~ ~~SECRET~~ ~~SECRET~~ ANNEX A 7

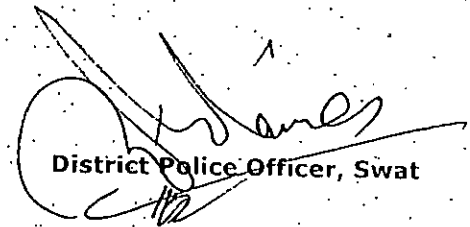
This order will dispose off the enquiry initiated against Constable Adil Said No.736, who while posted to Police Station Khwaza Khela absented himself from duty with vide DD No.19, dated 01/09/2008 and failed to report. Thus absented himself from his legitimate duty and a report to this effect was entered at Police Station Khwaza Khela DD No.19, dated 01/09/2008.

He was issued charge sheet with statement of allegations. Enquiry was initiated against him and DSP Legal was appointed as Enquiry Officer. The Enquiry Officer in his finding report submitted that the defaulter Constable was summoned time and again, but did not appear to record his statement. Hence he was recommended for Major punishment of the Enquiry Officer. He was issued Final Show Cause Notice No. 453/E, dated 20/11/2008 but no reply has been received.

This constitutes misconduct, cowardice on his part and as such he is liable for action under section 5 sub section (4) of the Removal from service (Special Powers) Ordinance 2000 (Amendment) Ordinance 2001.

This constitutes misconduct/disinterest on his part and as such he is liable for action under section 5 Sub Section (4) of the Removal from service (Special Power) Ordinance 2000 (Amendment) Ordinance 2001 and dispose with the enquiry proceeding as laid down in the Ordinance and am further satisfied that there is no need of holding further departmental enquiry. Since the defaulter Constable has been found guilty of gross misconduct as defined in the said Ordinance, I Mr. Dilawar Khan Bangash DPO Swat as a competent authority, therefore impose major penalty by dismissing him from service from the date of absence i.e 01/09/2008.

Order announced.


District Police Officer, Swat

O.B. No. 236.

Dated. 29.12.08.

4/16

ANNEX B

5

COMMITTEE TO SCRUTINIZE THE CASES FOR REINSTATEMENT

WHEREAS on 12/11/2010 a meeting was held in CPO under the Chairmanship of Provincial Police Officer, Khyber Pukhtoonkhwa, Peshawar where besides other matters, the reinstatement of dismissed Constables was also considered.

AND WHEREAS after thorough discussion, the Chair approved that a committee be constituted in each district to re-consider the cases of dismissed Constables. He further emphasized that all those who have a sound track record; and are sincere workers be considered compassionately.

NOW THEREFORE in pursuance of the said direction of worthy Provincial Police Officer, Khyber Pukhtoonkhwa, Peshawar, a Committee comprising of the following officers is hereby constituted to review all such applications / appeals thoroughly on case to case basis and submit its report within 05 days:-

- | | |
|--|----------|
| 1. District Police Officer, Swat | Chairman |
| 2. Superintendent of Police Upper Swat | Member |
| 3. Superintendent of Police Invest: Swat | Member |
| 4. DSP Special Branch | Member |

J. O. Shah

Deputy Inspector General of Police,
Malakand Region, Saidu Sharif, Swat.

SAIF

No. 9871-77/E, Date: 16/11/2010

Copy for information to the:-

1. Provincial Police Officer, Khyber Pukhtoonkhwa, Peshawar.
2. Addl: Inspector General of Police, Operations, Khyber Pukhtoonkhwa, Peshawar.
3. Addl: Inspector General of Police, Hqrs: Khyber Pukhtoonkhwa, Peshawar.
4. DPO Swat/Chairman of the Committee alongwith the applications received. _____ pages.
5. All concerned.
6. Registrar, CPO Peshawar with the request to return the applications of Ex-Police personnel for reinstatement in service submitted to CPO Peshawar with this office Memo: No. 9752/E dated 08/11/2010 today by special messenger for further necessary action.

Y

ANNEXURE C (9)

ORDER

WHEREAS as per the approval of the Provincial Police Officer, Khyber Pakhtunkhwa a Committee had been constituted vide this office No: 9871-77/E dated 16/11/2010, headed by DPO Swat to reconsider the cases of the personnel dismissed during militancy.

AND WHEREAS the Committee has, after thorough deliberations and scrutiny of the relevant record, submitted its findings vide No: 14732/E dated 29/11/2010 wherein 253 personnel have been recommended for reinstatement in service.

NOW THEREFORE, as per the approval of the Provincial Police Officer, the following personnel recommended by the Committee are hereby reinstated in service with effect from the date of their dismissal. The period during which they remained out of service after dismissal and the period of their absence will be treated as leave without pay.

S.No.	Name and No.
1.	Ex-Constable Bahader Khan No. 1322
2. ✓	Ex-HC Mian Said Rehman No. 582 <i>AMW</i>
3.	Ex-Constable Muhammad Saeed No. 1543
4.	Ex-Constable Fida Hussain No. 751
5.	Ex-Constable Zia-u din No. 1531
6.	Ex-Constable Sami Ullah No. 103
7.	Ex-Constable Sadiq Akbar No. 340
8.	Ex-Constable Ayaz Ali No. 1482
9.	Ex-PASI Ijaz Ali No. 315 (Shaheed Son)
10.	Ex-Constable Farman Ali No. 757
11.	Ex-Constable Shafullah No. 293
12.	Ex-Constable Sher Ali Khan No. 443
13.	Ex-Constable Sabir Hussain No. 1421
14. ✓	Ex-Constable Sharafat Khan No. 776
15.	Ex-Constable Fazal Anwer No. 1091
16.	Ex-Constable Asmat Ali No. 1304
17. ✓	Ex-Constable Niaz Muhd No. 822 ✓
18.	Ex-Constable Abdul Wadud No. 151
19.	Ex-Constable Muhammad Sheeb No. 112/RR
20.	Ex-Constable Shah Hussain No. 1257
21.	Ex-HC Abdul Wali Khan No. 378
22.	Ex-Constable Naseer-Un-din No. 1415
23.	Ex-Constable Ajmal Khan No. 1524

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24.	Ex-Constable Gul Faraz Khan No. 1512
25.	Ex-Constable Fazal Wadood No. 1238
26.	Ex-Constable Sultanat Khan No. 556
27.	Ex-Constable Bakht Nawab No. 141/RR
28.	Ex-Constable Saeed ullah No. 1043
29.	Ex-Constable Nasir Ali No. 1074
30.	Ex-Constable Zahoor Ahmad No. 1038
31.	Ex-Constable Said Akbar No. 1118
32.	Ex-Constable Muhammad Ali No. 1350 ✓
33.	Ex-Constable Falak Zeb No. 887
34.	Ex Constable Adalat Khan No. 1254
35.	Ex-Constable Malak Zada No. 953 ✓
36.	Ex-Constable Zahoor Ahmad No. 165/RR
37.	Ex-Constable Akhtar Ali No. 49
38.	Ex-Constable Shakir Hussain No. 290
39.	Ex-Constable Akbar Ali No. 1306
40.	Ex-Constable Akber Ali No. 1528
41.	Ex-Constable Zoor Muhammad Khan No. 549
42.	Ex-Constable Muhammad Alam No. 512
43.	Ex-Constable Amir Khatam No. 30
44.	Ex-Constable Naseer-ullah Khan No. 1428
45.	Ex-Constable Muhammad Zeb Khan No. 371
46.	Ex-Constable Hayat Muehd Khan No. 143
47.	Ex-Constable Subhan ullah No. 186/RR ✓
48.	Ex-Constable Asad-ullah Jan No. 1226 ✓
49.	Ex-Constable Rasheed Khan No. 33/RR
50.	Ex-Constable Habib-ur- Rehman No. 205/RR
51.	Ex-Constable Abdullah No. 885
52.	Ex-Constable Niaz Ali Shah No. 130/RR
53.	Ex-Constable Sher Alam Khan No. 144/RR ✓
54.	Ex Constable Said Mehmood Jan No. 615
55.	Ex-Constable Muhammad Shoaib No. 645
56.	Ex-Constable Ajab Khan No. 172
57.	Ex-Constable Tariq No. 1534
58.	Ex-Constable Karim Ullah Khan No. 608
59.	Ex-Constable Shafi Ullah No. 1506
60.	Ex-Constable Bashir Ahmad No. 457
61.	Ex-Constable Izzat Mond No. 1244
62.	Ex-Constable Shehzada No. 364
63.	Ex-Constable Umar Zaib No. 1448
64.	Ex-Constable Majeed Khan No. 81

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65.	Ex-Constable Shamsheer Khan No. 508
66.	Ex-Constable Sabz Ali Khan No. 1447
67.	Ex-Constable Baktawar Khan No. 1251
68.	Ex-Constable Bacha Wali No. 1434
69.	Ex-Constable Rasheed Ahmad No. 1791
70.	Ex-Constable Muhd Sher Ali Khan No. 463
71.	Ex-Constable Adalat Khan No. 275
72.	Ex-Constable Mian Said Parvez No. 752
73.	Ex-Constable Jahan Parvez No. 293
74.	Ex-Constable Rehmat Ali No. 927
75.	Ex-Constable Abdul Hameed No. 206
76.	Ex-Constable Bakht Ullah No. 92
77.	Ex-Constable Shokat Ali No. 1371
78.	Ex-Constable Zikriya No. 421
79.	Ex-Constable Zahir Ahmad No. 1150
80.	Ex-Constable Said Ahmad Khan No. 717
81.	Ex-Constable Bakht Zarin No. 1694
82.	Ex-Constable Riaz Muhammad No. 1467
83.	Ex-Constable Zahid Ullah No. 1394
84.	Ex-Constable Bakht Namroz No. 667
85.	Ex-Constable Mian Said Gul No. 344
86.	Ex-Constable Hidayat Ullah Khan No. 335
87.	Ex-Constable Umar Rehman No. 728
88.	Ex-Constable Gohar Ali No. 625
89.	Ex-Constable Said Azam No. 42/RR
90.	Ex-ASI Aman Khan ✓
91. ✓	Ex-Constable Najib Ullah No. 1481
92. ✓	Ex-Constable At'ia Ullah No. 1514
93. ✓	Ex-Constable Feroz Khan No. 961
94.	Ex-Constable Ubaid Ullah No. 190
95. ✓	Ex-Constable Akbar Bach No. 852 ✓
96. ✓	Ex-Constable Sher Alam No. 996
97. ✓	Ex-Constable Muhammad Ayaz No. 488
98. ✓	Ex-Constable Anwar-ul-Haq No. 572
99. ✓	Ex-Constable Muhammad Iqbal No. 369
100. ✓	Ex-Constable Gohar Ali No. 642
101. ✓	Ex-Constable Rizwan Ullah No. 1454
102. ✓	Ex-Constable Yousaf Khan No. 350
103. ✓	Ex-Constable Farooq No. 13
104.	Ex-Constable Muhammad Shoaib No. 1528
105. ✓	Ex-Constable Ali Muhammad No. 1456

145.	Ex-Constable Liaqat Ali No. 1345
146.	Ex-Constable Aziz-ul-Hassan No. 1170

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106.	✓	Ex-Constable Mumtaz Ali No. 62
107.	✓	Ex-Constable Shah Wali Khan No. 1502
108.		Ex-Constable Mian Khaliq Jan No. 383 ✓
109.		Ex-Constable Luqman Ali No. 95
110.	✓	Ex-Constable Jehan Ali No. 195
111.	✓	Ex-Constable Musharaf Khan No. 1113
112.	✓	Ex-Constable Amir Muhammad No. 176/RR
113.	✓	Ex-Constable Alam Khan No. 1078
114.	✓	Ex-Constable Sher Shah No. 862
115.	✓	Ex-Constable Amjid Ali No. 1044
116.	✓	Ex-Constable Sher Ali Khan No. 1353
117.	✓	Ex-Constable Iftikhar No. 564
118.	✓	Ex-Constable Bakht Akbar No. 1288
119.	✓	Ex-Constable Taj Muhd; No. 1111
120.	✓	Ex-Constable Alam Badshah No. 1196
121.	✓	Ex-Constable Liaqat Ali No. 225
122.	✓	Ex-Constable Liaqat Ali No. 253
123.	✓	Ex-Constable Azam Khan No. 1427
124.	✓	Ex-Constable Habib Ullah No. 1446
125.	✓	Ex-Constable Yar Badshah No. 933
126.	✓	Ex-Constable Nadar Shah No. 468
127.		Ex-Constable Nazir Muhd No. 1379
128.	✓	Ex-HC Asghar Khan No. 31
129.		Ex-Constable Ali Rasheed No. 1480
130.	✓	Ex-Constable Fazal Rehman No. 784
131.	✓	Ex-Constable Bakhtaj No. 1329
132.		Ex-Constable Ibrar Hussain No. 420
133.		Ex-Constable Zafar Alam No. 653
134.		Ex-Constable Muhd Rafiq No. 1633
135.		Ex-Constable Sajjad Khan No. 1518
136.		Ex-Constable Umar Khitab No. 1109
137.		Ex-Constable Ahmad Ali No. 1318
138.		Ex-Constable Rehmat Ali No. 175
139.		Ex-Constable Iqbal Hussain No. 1486
140.		Ex-Constable Rehmat Ullah No. 1466 ✓
141.		Ex-Constable Ayaz Ahmad No. 320
142.		Ex-Constable Sadiq No. 1470
143.		Ex-Constable Shafiq-ur-Rehman No. 851 ✓
144.		Ex-Constable Bashir Ahmad No. 1377
145.		Ex-Constable Liaqat Ali No. 1345
146.		Ex-Constable Aziz-ul-Hassan No. 1170

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SD INV.

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147.	Ex-Constable Zakir Hussain No. 308
148.	Ex-Constable Midrarullah No. 533
149.	Ex-Constable Muslim Khan No. 194/RP
150.	Ex-Constable Zafar Ali Shah No. 74
151.	Ex-Constable Najib Ullah Khan No. 1439
152.	Ex-Constable Rahim Khan No. 571
153.	Ex-Constable Azam Khan No. 45
154.	Ex-Constable Mian Said Bacha No. 136
155.	Ex-Constable Hazrat Azam No. 1570
156.	Ex-Constable Irfan Ud Din No. 1549 ✓
157.	Ex-Constable Sher Hassan Khan No. 685
158.	Ex-Constable Muhd Rafiq No. 131/RR
159.	Ex-Constable Mian Said Farooq No. 333
160.	Ex-Constable Muhammad Tahir No. 1703
161.	Ex-Constable Bahadur Nawab Khan No. 1635
162.	Ex-Constable Amir Khan No. 1604
163.	Ex-Constable Sami Ullah No. 1588
164.	Ex-Constable Muhammad Qasim No. 1688
165.	Ex-Constable Muhd. Asif Khan No. 1393
166.	Ex-Constable Asmat Ali No. 1723
167.	Ex-Constable Farhad Ali No. 1761
168.	Ex-Constable Mian Said Ghani No. 1689
169.	Ex-Constable Inam Ullah No. 1145
170.	Ex-Constable Umar Farooq No. 1677
171.	Ex-Constable Israr Ahmad No. 1622
172.	Ex-Constable Amal Khan No. 1569
173.	Ex-Constable Rehmat Ali No. 496 ✓
174.	Ex-Constable Zara War No. 134
175.	Ex-Constable Anwar Ullah No. 1000
176.	Ex-Constable Bakht Karam No. 1800
177.	Ex-Constable Anwar Ali No. 1574
178.	Ex-Constable Aziz Ullah Khan No. 1591
179.	Ex-Constable Hazrat Bilal No. 1776
180.	Ex-Constable Farman Ali No. 217/RP
181.	Ex-Constable Muhd Alam Khan No. 1774
182.	Ex-Constable Asghar Mian No. 1720
183.	Ex-Constable Abdullah No. 1651
184.	Ex-Constable Mohammad Azim No. 971 ✓
185.	Ex-Constable Said Samiullah No. 1600
186.	Ex-Constable Samin Khan No. 1724
187.	Ex-Constable Salman Bashir No. 1575

4/6/79

188.	✓	Ex-Constable Hayat Ali No. 1614
189.	✓	Ex-Constable Liaqat Ali Khan No. 1414
190.	✓	Ex-Constable Yaqub Khan No. 1601
191.	✓	Ex-Constable Farman Ali No. 1069
192.	✓	Ex-Constable Rehmat Zaib No. 1679
193.	✓	Ex-Constable Fayaz Ali No. 914
194.	✓	Ex-Constable Wali Ahmad No. 841
195.	✓	Ex-Constable Barkat Ali Khan No. 190/RR
196.	✓	Ex-Constable Nazir Mahrnood No. 1771
197.	✓	Ex-Constable Mohim Bacha No. 1608
198.	✓	Ex-Constable Muhd. Kashif No. 1579
199.	✓	Ex-Constable Nisar Ahmad No. 1505
200.	✓	Ex-Constable Fazal Haq No. 1589
201.	✓	Ex-Constable Ajab Khan No. 1553
202.	✓	Ex-Constable Shah Ali Yar Khan No. 1645
203.	✓	Ex-Constable Hazrat Ali No. 1797
204.	✓	Ex-Constable Zia Ullah No. 104/RR
205.	✓	Ex-Constable Naeem Iqbal No. 1716
206.	✓	Ex-Constable Amjid Ali No. 1624
207.	✓	Ex-Constable Farhad Ali No. 127
208.	✓	Ex-Constable Hazrat Usman No. 1691
209.	✓	Ex-Constable Umar Zaman No. 160/RR
210.	✓	Ex-Constable Zafar Ali No. 159
211.	✓	Ex-Constable Saeed Ullah No. 1513
212.	✓	Ex-Constable Sher Bahadar Shah No. 211/RR
213.	✓	Ex-Constable Arif Ali Shah No. 828
214.	✓	Ex-Constable Fazal Ahad No. 1647
215.	✓	Ex-Constable Abdur Rehman No. 1607
216.	✓	Ex-Constable Muhammad Ikram No. 240
217.	✓	Ex-Constable Inayat Ullah No. 1665
218.	✓	Ex-Constable Sajid Ullah No. 1672
219.	✓	Ex-Constable Karim Ullah No. 1788
220.	✓	Ex-Constable Umar Muhammad No. 1361
221.	✓	Ex-Constable Nawab Rehman No. 1664
222.	✓	Ex-Constable Zai Ullah Khan No. 9/RR
223.	✓	Ex-Constable Qayum Khan No. 1586
224.	✓	Ex-Constable Imran Ali No. 531
225.	✓	Ex-Constable Nasir Ali No. 1623
226.	✓	Ex-Constable Riaz Ali No. 1559
227.	✓	Ex-Constable Haider Ali No. 1667
228.	✓	Ex-Constable Badshah Muhammad No. 142/RR

229. ✓	Ex-Constable Sher Zaman No. 1167
230. ✓	Ex-Constable Muhammad Jan No. 1708
231. ✓	Ex-Constable Mian Gul Bacha No. 1696
232. ✓	Ex-Constable Saif Ullah No. 1769
233. ✓	Ex-Constable Zahir Ullah No. 1644
234. ✓	Ex-Constable Parveez Khan No. 65/RR
235. ✓	Ex-Constable Muhammad Naeem No. 1746
236. ✓	Ex-Constable Fazal Bacha No. 605
237. ✓	Ex-Constable Barkat Ali No. 1312
238. ✓	Ex-Constable Amir Zeb No. 1787
239. ✓	Ex-Constable Kalim Ullah Jan No. 1856
240. ✓	Ex-Constable Zai-ur-Rehman No. 1694
241. ✓	Ex-Constable Muhammad Alam No. 1730
242. ✓	Ex-Constable Fazal Hayat No. 1658
243. ✓	Ex-Constable Hazrat Nawaz Khan No. 721
244. ✓	Ex-Constable Ikram Ullah No. 1666
245. ✓	Ex-Constable Tariq Rahim No. 1787
246. ✓	Ex-Constable Wali Khan No. 712/RR
247. ✓	Ex-Constable Abdali Khan No. 188/RR ✓
248. ✓	Ex-Constable Muhammad Parveez No. 63/RR
249. ✓	Ex-Constable Muhammad Zahir No. 71/RR
250. ✓	Ex-Constable Sardar Ali No. 45/RR
251. ✓	Ex-Constable Luqman No. 95
252. ✓	Ex-Constable Bahadar Ali No. 4388/FRP
253. ✓	Ex-Constable Sher Afzal No. 4388/FRP

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2/12/10

Order announced.

O.B. No. 244
1-12-10

OBI/EC
[Signature]
DPO/Swat

(QAZI JAMIL-UR-REHMAN)
Deputy Inspector General of Police,
Malakand Region, Saidu Sharif, Swat.

No. 102/14-16/E, 30/11/10
Dated 30/11/2010.

- Copy for information and necessary action to the:-
1. Provincial Police Officer, Khyber Pukhtoonkhwa, Peshawar.
 2. District Police Officer, Swat.
 3. Superintendent of Police, FRP, Swat.

[Signature]

ANNEX "D" (16)

5892
28/8/12

From : The Deputy Inspector General of Police,
Malakand Region, Saidu Sharif, Swat.

To : The District Police Officer, Swat.

No. 5733 /E, dated Saidu Sharif, the 17/08 /2012.

Subject: APPLICATION FOR REINSTATEMENT IN SERVICE.

Memorandum:

Reference your office Memo: No. 7871//E, dated 06/08/2012.

The application of Ex-Constable Adil Said No. 736 has been examined and filed by the Regional Police chief.

He may be informed accordingly.

✓ Deputy Inspector General of Police,
Malakand Region, Saidu Sharif, Swat.
Sajjad

Ec
for records - signed by
Command official.

[Handwritten signature]
DP/mt

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مختصر ضابطہ - 15 ماہ قبل پولیس میں رجسٹرڈ ہو کر نیا بیگ لیا

سابقہ کنٹینر عدل سید پر 736 ولد باجہ سید ساکن پورہ علاقہ
جائیداد قبیل باغیچہ ضلع سوات

عنوان :- رقم در قیامت کابل سابقہ، صوفی کتب خانہ
29 12 236 - 236 - 236

ضابطہ کابل انسپریشن کے تحت
1 :- یہ سابقہ پولیس میں رجسٹرڈ کنٹینر سال 1952 میں
تعمیر ہوا تھا اور باقاعدہ طور پر رجسٹرڈ تھا

2 :- اس وقت ضلع سوات حالات انیسواں شورشا زور سے لگتا
تھوڑے شورشا کے باوجود بھی بائینے دیوگی بطریق احسن انجام دیا

3 :- چونکہ ضلع سوات میں سرکاری ملازمین خاص طور پر پولیس اہلکاران
کو شدید خطرہ تھا اور رجسٹرڈ پولیس اہلکاران کو ہتھیار جان سے خارج

4 :- سابقہ کو حتمی طالبان کے جانب سے توڑی پھونکنے اور جانے
کارنے کی رو سے ان کے لئے بھی ہتھیار بنانے پر سابقہ نے جان بچانے
کے خاطر توڑی پھونکی اور نتیجتاً بائینے کو 29 12 52 کو ہتھیار
سے خارج کیا گیا۔ لٹل لٹل

5 :- یہ بائینے توڑی پھونکنے کے بعد بیرونی ملک کا ارادہ کرنے
پہنچ گیا تھا۔

6 :- یہ اس دوران ضلع سوات کے حالات کھٹک ہوئے کے بعد صومالیہ

54



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE, PESHAWAR

ANNEX "F"

ORDER

This order is hereby passed to dispose off departmental appeal under Rule 11-a of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-Constable Adil Said No. 736 of Swat District against the Punishment Order i.e dismissal from service passed against the appellant by DPO/Swat vide OB No. 236 dated 29.12.2008.

In the light of recommendations of Appeal Board meeting held on 20.08.2015, the board examined the enquiry in detail & other relevant documents. It revealed that the appellant was served with Charge Sheet/Statement of Allegations and punishment order was announced on the basis of reply to the Charge Sheet and Statement of Allegations.

Present in person and was heard in detail. Record perused. The Ex-official was absent from duty w.e. from 01.09.2008 to 29.12.2008 for 03 months and 28 days. The Board rejected his appeal as he remained out of service for 06 years.


Order announced in the presence of appellant.

Sd/-
NASIR KHAN DURRANI
Inspector General of Police,
Khyber Pakhtunkhwa Peshawar.

No. 10585-89 /E-IV dated Peshawar the 01/09/2015

Copy of above is forwarded to the:-

1. Deputy Inspector General of Police, Malakand Region, Swat.
2. District Police Officer, Swat. The service Roll, Fauji Missal and Enquiry File of the above named official are returned herewith:
3. PSO to IGP/Khyber Pakhtunkhwa Peshawar.
4. PA to Addl: IGP/HQrs Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs Khyber Pakhtunkhwa, Peshawar.


(ASIF IQBAL MOHMAND)
AIG/Establishment
For Inspector General of Police,
Khyber Pakhtunkhwa Peshawar

5

POWER OF ATTORNEY

In the Court of Wahab Petroleum Chemical Services
Peshawar
Adil Said } For
} Plaintiff
} Appellant
} Petitioner
} Complainant

VERSUS

The Provincial Police officers } Defendant
Wahab Petroleum Chemical Services } Respondent
} Accused

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____
Fixed for _____

I/We, the undersigned, do hereby nominate and appoint

IJAZ ANWAR ADVOCATE, SUPREME COURT OF PAKISTAN

and Sajid Amin ple my true and lawful attorney, for me
in my name and on my behalf to appear at Peshawar to appear, plead, act and
answer in the above Court or any Court to which the business is transferred in the above
matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits.
Compromises or other documents whatsoever, in connection with the said matter or any
matter arising there from and also to apply for and receive all documents or copies of
documents, depositions etc, and to apply for and issue summons and other writs or sub-
poena and to apply for and get issued and arrest, attachment or other executions, warrants
or order and to conduct any proceeding that may arise there out; and to apply for and
receive payment of any or all sums or submit for the above matter to arbitration, and to
employee any other Legal Practitioner authorizing him to exercise the power and
authorizes hereby conferred on the Advocate wherever he may think fit to do so. any other
lawyer may be appointed by my said counsel to conduct the case who shall have the same
powers.

AND to all acts legally necessary to manage and conduct the said case in all
respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf
under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the
Court/my authorized agent shall inform the Advocate and make him appear in Court, if the
case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be
held responsible for the same. All costs awarded in favour shall be the right of the counsel
or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at Peshawar
the _____ day to _____ the year _____
Executant/Executants Ad Said
Accepted subject to the terms regarding fee _____

Accepted
Sajid Amin
Advocate, Peshawar

Ijaz Anwar
Advocate High Courts & Supreme Court of Pakistan

118/16

BEFORE THE KHYBER PAKHTUNKHWA TRIBUNAL PESHAWAR

Service Appeal No. 1214/2014.

Adil Said Ex Constable No. 736 s/o Bacha Said r/o Tehsil Babozai District Swat

..... Appellant

VS

District Police Officer, Swat & others

..... Respondents

INDEX

S.No	Documents	Annexure	Page
1	Parawise Comments	-	1-3
2	Affidavit	-	04
3	Authority Letter	-	05
4	Charge Sheet	"A"	06
5	Statement of Allegations	"B"	07
6	Final Show Cause Notice	"C"	08
7	Finding report	"D"	09
8	Dismissal <i>order</i>	"E"	10

Adil Said

District Police Officer, Swat

**District Police Officer,
Swat**



BEFORE THE KHYBER PAKHTUNKHWA TRIBUNAL PESHAWAR

Service Appeal No. 1214/2014:

Adil Said Ex Constable No. 736 s/o Bacha Said r/o Tehsil Babozai District Swat

..... Appellant

VS

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar
2. Deputy Inspector General of Police, Malakand Region Saidu Sharif Swat.
3. District Police Officer, Swat

..... Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS:

Respectfully Shewith:

Preliminary Objection:

1. That the service appeal is time barred.
2. That the appellant has got no cause of action and locus standi to file the instant appeal.
3. That the Service Appeal is not maintainable in the present form.
4. That the orders of the competent authorities have got finality and can't be challenged.
5. That the appellant has not come to this August Tribunal with clean hands.
6. That the appellant is estopped due to this conduct.

ON FACTS

1. Para No. 01 relates to the Service record of the appellant, therefore, needs no comments.
2. Para No. 02 is correct to the extent that writ of Govt: was challenged in Swat by Taliban insurgents. The appellant absented himself from lawful duties without any prior permission or sanctioned leave. Therefore, the appellant was awarded major penalty of dismissed from service. The appellant didn't apply for re-instatement in service.
3. Para No. 03 is correct. According to Policy of Provincial Govt: a message was disseminated dismissed Police Official should apply for re-instatement in service. Those Police Officials who applied for re-instatement in service well within time, after peace was restored were being re-instated, whereas the appellant didn't apply well within time for re-instatement.
4. Correct. The appellant applied for re-instatement in service after a long period since his dismissal from service, therefore, his application was filed by the Regional Police Chief.

- 5. Correct. The appellants revision petition u/s 11-A of Police disciplinary Rules 1975 was rejected because the appellant remained out of service for more than 6 years.
- 6. Incorrect. The orders passed by the competent authorities are legal, justified and in accordance with law therefore, the appeal needs rejection/dismissed.


GROUND:


- A. Incorrect. The appellant remained absented from lawful duty without permission which amounted gross misconduct on his part. The appellant has been treated in accordance with law/rules applicable to him.
- B. Incorrect. The appellant didn't join the departmental proceedings; although he was informed of the fact. Moreover, the appellant could have preferred departmental appeal well within the statutory limitation and time period.
- C. Incorrect. The departmental proceedings conducted against the appellant was proper, legal and justified in accordance with law of that time regulating disciplinary proceedings against Police Officials and other civil servants. Vide charge sheet and statement of allegations as annexure A & B respectively.
- D. Incorrect. The appellant intentionally avoided association with departmental proceedings.
- E. Incorrect the appellant intentionally absented himself from lawful duty without permission. He was rightly been dismissed from service vide final show cause Notice, finding report and dismissal order as annexure C, D & E respectively.
- F. Incorrect. The dismissal order of the appellant is legal, justified and final.
- G. Incorrect. Those Police Officials who timely applied for re-instatement in service were re-instated whereas, the appellant didn't apply within time. The appellant has not been discriminated.
- H. Incorrect. The appellants case is not similar and identical to other ones. Each case has its own facts, grounds and merits.
- I. Incorrect. The quoted rulings couldn't be applied to the case of the appellant.
- J. Incorrect. The appellant absented himself from lawful duty, therefore, committed gross misconduct.
- K. Incorrect. The penalty awarded is just and legal.
- L. Needs no comments.
- M. That the respondents also seek the permission of this August Tribunal to adduce more ground/points at the time of arguments.

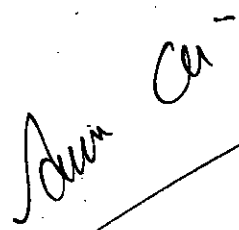
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PRAYER:

In view of the above comments on facts and ground; at most humbly prayed that the appeal of the appellant being devoid of merits, substance and logant reasons may graciously be dismissed with costs.


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


Deputy Inspector General of Police,
Malakand, Region at Saidu Sharif Swat
(Respondent No. 02)
Regional Police Officer,
Malakand, at Saidu Sharif Swat.


District Police Officer, Swat
(Respondent No. 03)
District Police Officer,
Swat

(4)

Service Appeal No. 1214/2014.

Adil Said Ex Constable No. 736 s/o Bacha Said r/o Tehsil Babozai District Swat

..... Appellant

VS

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar
2. Deputy Inspector General of Police, Malakand Region Saidu Sharif Swat
3. District Police Officer, Swat

..... Respondents

POWER OF ATTORNEY

We, the undersigned No. 01 to 03 do hereby appoint Imran Ullah Inspector Legal Swat as Special representative on our behalf in the above noted appeal. He is authorized to represent us before the Tribunal on each and every date fixed and to assist the Govt: Pleader attach to Tribunal.

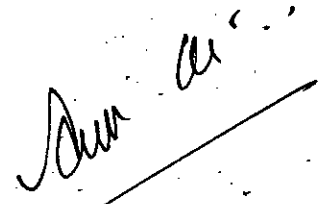


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 01)



Deputy Inspector General of Police,
Malakand, Region at Saidu Sharif Swat
(Respondent No. 02)

Regional Police Officer,
Malakand, at Saidu Sharif Swat.



District Police Officer, Swat
(Respondent No. 03)

District Police Officer,
Swat

Service Appeal No. 1214/2014.

Adil Said Ex Constable No. 736 s/o Bacha Said r/o Tehsil Babozai District Swat

..... Appellant

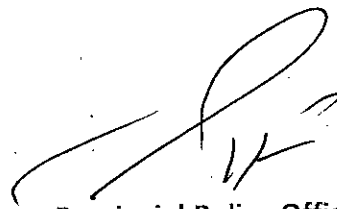
VS

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar
2. Deputy Inspector General of Police, Malakand Region Saidu Sharif Swat
3. District Police Officer, Swat

..... Respondents

AFFIDAVIT

We, the above respondents do hereby solemnly affirm on oath and declare that the contents of the appeal are correct/true to the best of our knowledge/behalf and nothing has been kept secrete from the honorable Service Tribunal Khyber Pakhtunkhwa, Peshawar.

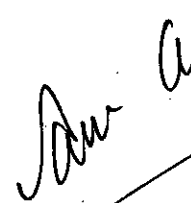


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 01)



Deputy Inspector General of Police,
Malakand, Region at Saidu Sharif Swat
(Respondent No. 02)

Regional Police Officer,
Malakand, at Saidu Sharif Swat.



District Police Officer, Swat
(Respondent No. 03)

District Police Officer,
Swat

DISCIPLINARY ACTION

I Mr. Dilawar Khan, DPO, Swat District Police Officer, Swat as competent authority, am of the opinion that Constable Adil Said No.736 has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meaning of section 3 of the N.W.F.P Removal from Service (Special Powers) Ordinance, 2000.

STATEMENT OF ALLEGATIONS

That he while posted Police Station Khwaza Khela absented himself from duty with effect from 01/09/2008 till to date vide DD No.19 dated 01/09/2008.

All these based on your malafied intention, negligence, omission and disinterest in duty which is gross misconduct on your part.

2. For purpose of scrutinizing the conduct of the said accused with reference to the above allegations, an Enquiry committee consisting of the following is constituted under section 3 of the Ordinance.

1. Mr. Mohammad Ayaz Khan, DSP Legal
2. _____

3. The enquiry Committee shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused, record its findings and make within, 25 Days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place given by the enquiry Committee.

[Signature]
District Police Officer, Swat

No. 453 /E, Dated Gulkada the, 24/10 2008.

Copy of above is forwarded to the:-

1. Mr. Mohammad Ayaz Khan, DSP Legal
2. _____ } for initiating proceeding against the Officer/Official under the provisions of the NWFP/Removal from Service (Special Powers) Ordinance 2000.

✓ 3. Constable Adil Said No.736 Through PS. K. Khela

With the direction to appear before the enquiry Committee on the date time and place fixed by the Committee for the purpose of he proceeding

ATTESTED

[Signature]
Deputy Superintendent of Police Legal,
Swat.

A. Haq/*

7

CHARGE SHEET

I Mr. Dilawar Khan, DPO Swat as competent authority, hereby charge you, Constable Adil Said No.736 as following that you, while posted to K. Khela committed the following irregularities:

You Constable Adil Said No.736 while posted to Police Station Khwaza Khela absented yourself from duty with effect from 01/09/2008 till to date vide DD No.19 dated 01/09/2008 of Police Station Khwaza Khela.

All these based on your malafied intention, negligence, omission and disinterest in duty which is gross misconduct on your part.

2. By reasons of the above, you appear to be guilty of misconduct under Section-3 of the NWFP (Removal from Service) Special powers ordinance 2000, and have rendered yourself liable to all or any of penalties specified in section-3 of the ordinance.

3. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the Enquiry officer / Committee, as the case may be.

4. Your written defense, if any, should reach the Enquiry Officer/ Committee within the specified period, failing which it shall be presumed that you have no defense to put in and in that case exparte action shall follow against you.

5. Intimate whether you desire to be heard in person.

6. A statement of allegations is enclosed.

[Signature]
District Police Officer, Swat

No. 453 /EB

Dated 28/10 /2008

ATTESTED

[Signature]
Deputy Superintendent of Police Local
Swat

(7)

CHARGE SHEET

I Mr. Dilawar Khan, DPO Swat as competent authority, hereby charge you, Constable Adil Said No.736 as following that you, while posted to K. Khela committed the following irregularities:

You Constable Adil Said No.736 while posted to Police Station Khwaza Khela absented yourself from duty with effect from 01/09/2008 till to date vide DD No.19 dated 01/09/2008 of Police Station Khwaza Khela.

All these based on your malafied intention, negligence, omission and disinterest in duty which is gross misconduct on your part.

2. By reasons of the above, you appear to be guilty of misconduct under Section-3 of the NWFP (Removal from Service) Special powers ordinance 2000, and have rendered yourself liable to all or any of penalties specified in section-3 of the ordinance.

3. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the Enquiry officer / Committee, as the case may be.

4. Your written defense, if any, should reach the Enquiry Officer/ Committee within the specified period, failing which it shall be presumed that you have no defense to put in and in that case exparte action shall follow against you.

5. Intimate whether you desire to be heard in person.

6. A statement of allegations is enclosed.


District Police Officer, Swat

No. 453 /EB

Dated 24/10 /2008

ATTESTED


Deputy Superintendent of Police, Swat.

8

FINAL SHOW CAUSE NOTICE

You Constable Adil Said no 736 while posted to Police PS K. Kheela absented your self form duty with effect form 1/9/08 uptill now with out any leave or permission from your immediate officer. The EO in his finding report recommended you for Major Punishment.

Your are, therefore, served with this final show cause notice to Show cause with in 03 days of the receipt of this notice as to why the proposed action, which may included you dismissal from service, should not be taken against you, in case your written reply is not received within 03 days, you will be definitely dismissed from service.

No. 453 /E

Dated 20/11 /2008

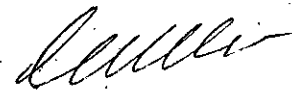

District Police Officer, Swat

o/c


20/11/08

Constable Adil Said No 736
S/Baretha Said
R/Barama Kalkata, PS Mingora
District Swat.

ATTESTED



Deputy Superintendent of Police Legal
Swat.

FINDING REPORT

This is regular departmental enquiry against Constable Adil Said No 736. According to the allegation, that the Constable while posted in Police Station Kihela absented himself from lawful duty with effect from 1/9/2008 uptill now with out getting prior permission of the high ups.

In this connection proper departmental enquiry was conducted and the undersigned was appointed as Enquiry Officer. The defaulter Constable was summoned for 10/11/08 but did not attend this office. According to report of MHC /S/O Kihela he is absent from 1/9/08 up to now. The charges/allegation were proved against the defaulter Constable Adil Said No 736 and found him guilty of the charges.

Being found guilty of charges/allegation, Constable Adil Said No 736 is recommended for major punishment.

[Signature]
Muhammed Ayaz
DSP/Legal, Swat

EC
Issue final show cause notice.

ATTESTED

[Signature]

Deputy Superintendent of Police Legal
Swat.

[Signature]
DPO/Swat.
08/11/08.

ORDER

736 (10) (13) pages

This order will dispose off the enquiry initiated against Constable Adil Said No.736, who while posted to Police Station Khwaza Khela absented himself from duty with vide DD No.19, dated 01/09/2008 and failed to report. Thus absented himself from his legitimate duty and a report to this effect was entered at Police Station Khwaza Khela DD No.19, dated 01/09/2008.

He was issued charge sheet with statement of allegations. Enquiry was initiated against him and DSP Legal was appointed as Enquiry Officer. The Enquiry Officer in his finding report submitted that the defaulter Constable was summoned time and again, but did not appear to record his statement. Hence he was recommended for Major punishment of the Enquiry Officer. He was issued Final Show Cause Notice No. 453/E, dated 20/11/2008 but no reply has been received.

This constitutes misconduct, cowardice on his part and as such he is liable for action under section 5 sub section (4) of the Removal from service (Special Powers) Ordinance 2000 (Amendment) Ordinance 2001.

This constitutes misconduct/disinterest on his part and as such he is liable for action under section 5 Sub Section (4) of the Removal from service (Special Power) Ordinance 2000 (Amendment) Ordinance 2001 and dispose with the enquiry proceeding as laid down in the Ordinance and am further satisfied that there is no need of holding further departmental enquiry. Since the defaulter Constable has been found guilty of gross misconduct as defined in the said Ordinance, I Mr. Dilawar Khan Bangash DPO Swat as a competent authority, therefore impose major penalty by dismissing him from service from the date of absence i.e 01/09/2008.

Order announced.

ATTESTED

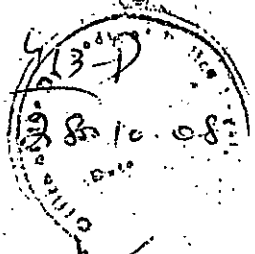
[Signature]
District Police Officer, Swat

O.B. No. 236

Dated. 29.12.08

[Signature]
Deputy Superintendent of Police Legal,
Swat.

(M)



وکیل پورہ (کوئٹہ) میں حضانہ کے احکامات 736 سہ 736 کے تحت جاری کیے گئے۔

غیر منسلک کارروائی حضانہ کے تحت، کارروائی حضانہ

28/10/08 کاغذات (کوئٹہ) میں حضانہ کے احکامات 736 سہ 736 کے تحت جاری کیے گئے۔

تعمیراتی نوٹس (کوئٹہ) 1/11/08
کے تحت جاری کیے گئے۔
DSP/Legal/Swat
28/10/08

2
تعمیراتی نوٹس (کوئٹہ) 1-11-08 کے تحت جاری کیے گئے۔
کوئٹہ میں جاری کیے گئے۔

ATTESTED

[Signature]

Deputy Superintendent of Police Legal Swat.

[Signature]
DSP/Legal Swat

1-11-08

دو کلاں
کا دل میں 736 میں 9
08
میں کلاں - کلاں کا کلاں
کلاں میں کلاں

(X2)

8770 P1-1266
3-11-08

ATTESTED

[Signature]

Deputy Superintendent of Police (Sgt.)
Swat

I: Mr
hereby charge
posted to — K
Khela
No

93

13

دفتر عدالت عوام سوات

تعارف نمبر

ضابطہ

والد مسٹر کمال بخش رفیق صاحب عدالت میں پیش کیے گئے۔

عدالت میں 19/9/08 سے 20/9/08 تک حاضری کی گئی۔
عدالت میں حاضری کی گئی۔

الغرض

یہاں تاہم عدالت عوام سوات تعارف نمبر

ضابطہ

کچھ حوالہ دے کر 19/9/08 سے 20/9/08 تک حاضری کی گئی۔
عدالت میں حاضری کی گئی۔

SHO: S. R. 12
07/9/08

ATTESTED

Deputy Superintendent of Police Legal Swat.

OB 178
8/9/9/08

Pay stopped and issue
Charge sheet.
8-9-2008

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

No. 80 /ST

Dated 11 / 1 / 2017


To

The District Police Officer,
Government of Khyber Pakhtunkhwa,
Swat.

Subject: - JUDGMENT

I am directed to forward herewith a certified copy of Judgment dated 2.01.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.