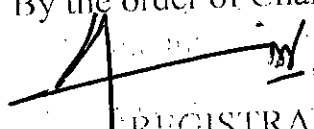


FORM OF ORDER SHEET

Court of _____

Appeal No. 2462/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/11/2023	<p>The appeal of Mr. Muhammad Saced resubmitted today by Mr. Yasir Saleem 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. Muhammad Saeed received today i.e on 17/11/2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal is not signed by the appellant.
- 2- Copies of charge sheet, show cause notice, enquiry report and replies thereto are not attached with the appeal be placed on file.
- 3- Copy of departmental appeal is not attached with the appeal be placed on it.
- 4- Page nos. 05, 06, 08, 09 & 10 of the appeal are illegible which may be replaced by legible/better one.
- 5- One copy/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 3624/S.T.

Dt. 20/11/2023.



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Yasir Saleem Adv.
High Court Peshawar

*R/S in
All the objections are
duly removed. documents
mentioned in No. 2 were neither
communicated nor sent up. The appellant
has the documents. Re-submitted today.
The appellant is unable to attach
these documents.*



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

Appeal No. 2462/2023

Muhammad Saeed, FC No 2811 Constable, District Police Khyber.
(Appellant)

VERSUS

The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.

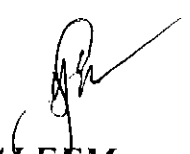
(Respondent)

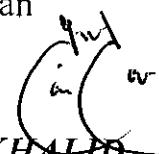
INDEX

S. No	Description of Documents	Annexure	Page No
1	Memo of Appeal & Affidavit		1-4
2	Copy of the FIR	A	5
3	Copy of the acquittal order 17.04.2023	B	6
4	Copy of the dismissal order 03.06.2023	C	7
5	Copy of the rejection order is 17.07.2023	D	8
6	Copy of the order is 02.08.2023	E	9-10
7	Vakalatnama.		

Through


Appellant


YASIR SALEEM
Advocate Supreme Court
of Pakistan

& 
YASIR KHALID
Advocate High Court,
Peshawar

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

Appeal No. 2462/2023

Muhammad Saeed, Ex- Constable FC No 2811, District Police Khyber.
(Appellant)

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police, Officer Peshawar.
3. District Police Officer, Khyber.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the office order dated 03.06.2022, communicated to the appellant after his release from jail on acquittal in the month of April 2023, vide which the appellant was awarded the major penalty of dismissal from service, against which his departmental and revision petition were concurrently dismissed vide dated 17.07.2023 and 02.08.2023 respectively. The order dated 02.08.2023 was communicated 18.10.2023.

Prayer in Appeal: -

On acceptance of instant service appeal, all the impugned orders may please be set-aside and the appellant may please be re-instated in service with full back and consequential benefits of service.

Respectfully Submitted:


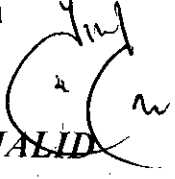
1. That the appellant, while performing his duties as Constable with the Respondents was falsely implicated in case FIR No 9, u/s 9 D CNSA, 11 A CNSA, dated 07.03.2022 PS: Central Mishtimala District Orakzai. (*Copy of the FIR is attached as Annexure "A"*)
2. That after his arrest he remained in judicial Custody and trial was started. It is pertinent to mention that the appellant has been acquitted in said FIR vide order dated 17.04.2023 by the learned Session Judge, Orakzai. (*Copy of the acquittal order 17.04.2023 is attached as Annexure "B"*)
3. That while he was in judicial custody he was proceeded departmentally and was awarded, in his absentia, major penalty dismissal from service vide order dated 03.06.2022. (*Copy of the dismissal order 03.06.2023 is attached as Annexure "C"*)
4. That after his acquittal order on 17.04.2023 the appellant visited to office of respondent to join his duty he was informed that he has already been dismissed from service.
5. That feeling aggrieved the appellant preferred departmental appeal, however the same was rejected vide order dated 17.07.2023. (*Copy of the rejection order is 17.07.2023 attached as Annexure "D"*).
6. That the appellant then preferred revision petition to the respondent No 1 whoever the same was also dismissed vide order dated 02.08.2023. it is pertinent to mention here that the said order was communicated to the appellant on upon his frequent request on 18.10.2023. (*Copy of the order is 02.08.2023 attached as Annexure "E"*)
7. That the impugned Orders are illegal unlawful against law and facts and without lawful authority, hence liable to be set aside inter alia on the following grounds :

GROUND OF DEPARTMENTAL APPEAL.

1. That the appellant has not been treated in accordance with law hence his rights secured and guaranteed under the law are badly violated.
2. That appellant has not committed any act or omission which could be termed as misconduct, he was falsely implicated which is evident from the fact that he has been acquitted from all the charged level against him by the court of competent jurisdiction.
3. That all the proceeding (if any) was conducted in his absence neither any witness was examine in his presence nor any opportunity was given to the appellant by any means to cross examine such witness. So all the proceeding were defective in the eye of law.
4. That no charge sheet was serve or communicated to the appellant, so it can be validly said that the appellant was condemned unheard. It was wrongly observed in the appellate and revisional order that the appeal was time barred. The appellant was behind the bar till his acquittal and no order of dismissal was ever communicated to him. After his acquittal, when he visited to the office of Respondents to join his duty, he was informed about his dismissal, where after he obtain the copy of dismissal order and preferred his departmental appeal. So it cannot be said that his appeal against the dismissal order was time barred.
5. That the appellant has not been given free and fair opportunity to defend himself against the charges leveled, thus the order of penalty is grave violation of the principles of natural justice.
6. That the appellant also seeks permission of this Honorable Tribunal to rely on additional grounds at the time of hearing of the instant appeal.

It is, therefore, humbly prayed that on acceptance of this appeal the order dated 03.06.2022, 17.07.2023 and 02.08.2023 may

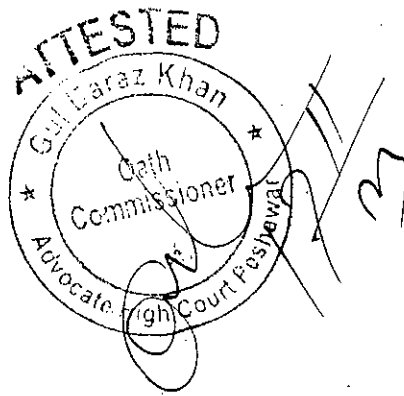
please be set-aside and the appellant may please be re-instated in service with full back benefits of service.

Appellant
Through

YASIR SALEEM
Advocate Supreme Court
of Pakistan
&

YASIR KHALID
Advocate High Court,
Peshawar

AFFIDAVIT

It is solemnly affirm and declare on oath that the contents of the above noted appeal are true and correct and that nothing has been kept back or concealed from this Honourable Tribunal.


Deponent



وقت و تواریخ: 15/05/2017	وقت: 16:00 بجے
مقام: قلعہ سترائے قلعہ	مقام: قلعہ سترائے قلعہ
موضوع: ...	موضوع: ...
...	...
...	...
...	...

ابتدائی اطلاع نیچے درج کرو۔ بہ سبیل ڈاک

اس وقت ایک تحریری مراسلہ مینا سب ...

اختر میسران ASDP بدست کنسل مراد نکل 1284 وصول ہو کر درج ذیل ہے۔

عبدالستار خان (پیدائش 1264) قندلر 252 بتواری سرکاری مجازی گشت علامتہ ...

بد تواری گشت قسیر کے اطلاع پر زیر قیادت جناب SOPہ صاحب کونٹر لوٹ وقت بمقام بالانامہ ...

کرکہ دوران نام بندی جانب ڈپواری سے شہر بیلم میں گھنٹہ وار سے لے کر ایک شخص کے ...

عبدالستار ولد رخصیت خان قوم شیخ بہ دورہ پل نواز آباد پورہ ...

برقیہ نیل ملیغ ضیر تھلا کر شکوک جان کر ملزم ایس ڈی کے پلاٹ ...

بر لگانہ سے ہا پیکٹ جس جو زرد سلوٹن پیسہ ...

وزن کرنٹی پیکٹ 1000 گرام 4000 گرام نکلی جن میں ہر ایک پیکٹ سے چار گرام ...

سلام علیحدہ علیحدہ بند پارسل اتنا 11 جیک بقایا جس سے 3950 گرام ...

جیک ملزم عبدالستار کے تھفر سے بند ...

جو زرد پارسل 1000 گرام ...

گرام نکلی جن میں سے ہر ایک پیکٹ سے 1000 گرام ...

بقایا جس سے وزن 3950 گرام ملی بقایا جس سے 1000 گرام ...

ایک پلاٹک لوری برنگ سفید ...

میں لیس ہوئی ہر ایک ہر ایک جو وزن کرنے پر فی پیکٹ 1000 گرام ...

میں ہر ایک پیکٹ سے 1000 گرام جس پلوڈہ ...

بقایا جس سے 9910 گرام جس سے 1000 گرام ...

پکٹ ہر پکٹ سے سا بند جب سے ایک پلاٹک لگانہ ...

سرکار پنج آفس ایس ڈی ڈی

B/16

17⁰⁴/₂₀₂₃ سرکاری نوٹس (8.3.2023) ج.7 8/3

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Magistrate and that of parties or counsel etc.
1	2	3
Order No.42	17-04-2023	

Accused Muhammad Saeed produced in custody
 Accused Abdul Sattar on bail present. MRWA
 him and his sureties stand cancelled. Accused
 Ullah on bail, produced in custody
 Judgment pronounced. Accused Abdul Sattar
 of today, separately placed on bail. Accused
 Ullah, Abdul Sattar and Muhammad Saeed
 acquitted of the charge levelled against them by estab-
 lish the benefit of doubt. Accused Abdul Sattar
 Abdul Sattar are on bail. Their bail bonds stand
 and their sureties are released of the liability of
 bonds. Accused Muhammad Saeed's bail bond
 released but will not be re-created if he is
 case property he shall be liable for the
 period provided in appeal for
 Law Council.

Pronounced
 17-04-2023

(SHAMUZZAMAN)
 S.2 (a), P.W. 1, J.7, 8
 Court, Chakralat B.L.

FIR-09, Dated: 07⁰³/₂₂
 U/s 4D/NSA, P/s - Mishra, N.S.A.
 U.A.P.N.S.A

OFFICE OF THE
DISTRICT POLICE OFFICER
KHYBER



C/7

No. 2758 /PA-DPO Khyber

Dated 23/06/2022

DISMISSAL ORDER

FC Muhammad Saeed No. 2811 s/o Sayed Ahmad was suspended vide Order No. 884 – 89/PA-DPO Khyber dated 21/03/2022 due to his involvement in Case FIR No. 09 u/s 9D-CNSA, 11A-CNSA dated 07/03/2022 of Police Station Central Mishti Mela, District Orakzai.

Inquiry was initiated against him vide Order No. 890/PA-DPO Khyber dated 21/03/2022 to probe into the matter. Chargesheet and Statement of Allegations were issued against the defaulter official. However, in the above-mentioned Case FIR, the defaulter was already under custody in Headquarters Sub Jail, Babur Mela, Hangu. Thus, vide Letter No. 1694/PA-DPO Khyber dated 22/04/2022, chargesheet and statement of allegations were served to the defaulter official. However, he failed to submit any cogent reply in his defense.

Further, a ground check was performed against the defaulter official. It was found that he was already nominated in another Case FIR No. 01 u/s 392/34 PPC, dated 06/01/2022 of Police Station Tirah, District Khyber. And later nominated in above-mentioned Case FIR. Further it was revealed that he was a habitual offender and had many complaints against him. Thus, Inquiry Officer recommended the Major Punishment of Dismissal as per rule.

Keeping in view of the above recommendation and in order to maintain regimental norms and discipline in the force, the undersigned is satisfied that the defaulter official shall be awarded with Major Punishment of Dismissal as per Section 4-b(iv) of Police (E&D) Rules 1975 (With Amendments – 2014).


IMRAN KHAN (PSP)
DISTRICT POLICE OFFICER,
KHYBER

No. 2740-14 /PA. DPO Khyber

Copies to.

1. DSP HQs/RI Lines, DPO Khyber
2. OHC DPO Khyber for Record
3. Accountant, DPO Khyber to stop his salaries
4. Service Record Branch, DPO Khyber for Service Book Record

بخدمت جناب CCPO صاحب آف خیبر پختونخوا پولیس

بنوان: بھالی ڈیوٹی

جناب عالی!

موجودہ گزارش کی جاتی ہے کہ سائل عرصہ 8 سالوں سے ڈسٹرکٹ خیبر پولیس میں ملک و عوام کی بے لوث خدمت کر رہا ہوں۔ اور بد قسمتی سے چھٹی پر ہارہ خیبر سے تیرا میدان اپنے گھر جا رہا تھا۔ کہ بہ تمام پیشی میاں ضلع اور کڑی میں پولیس نے شک کی بناء پر پکڑا اور پھر جبونا چارج شیٹ بنا اور میں ہیڈ کوارٹر اور کڑی ہنگو میں حوالات میں بند تھا اور اداروں کے تحقیق کے بعد میں کس سے بری ہوا اور اب مجھے اپنی ڈیوٹی پر بھالی مقصود ہے۔ تاکہ میں اپنی ملک وطن کے لئے خدمت جاری رکھ سکوں۔

ابذا حضور سے التجا کرتا ہوں کہ میرے بچوں و اہلخانہ پر رحم کر کے اپنی ڈیوٹی پر بھالی کا حکم فرما کر انصاف کا بول بالا کر کے ثواب دارین حاصل کریں۔ تازہ دست دغا گور ہونگا۔

اپکا تابعدار کا نشیبل محمد سعید ولد سید احمد شلو بر تحصیل ہارہ ضلع خیبر۔

پلٹ نمبر: 2811 خیبر پولیس ہارہ

شناختی کارڈ نمبر: 21201-2559246-5

موبائل نمبر: 0333-9192352/0331-9534199



CAPITAL CITY POLICE OFFICER,
PESHAWAR

0/8

ORDER.

This order will dispose of the departmental appeal preferred by Ex Constable Muhammad Saeed No. 2811, who was awarded the major punishment of "dismissal from service" under KP PR-1975 (amended 2014) by DPO Khyber vide order No. 2769/PA-DPO Khyber, dated 03.06.2022.

2. Brief facts leading to the instant appeal are that the defaulting Constable proceeded against departmentally on the charges of his involvement in case FIR No. 100, dated 07.03.2022 u/s 9D-CNSA, PS Central Mishri Meia, District Orakzai and case FIR No. 100, dated 06.01.2022 u/s 392/34 PPC PS Tirah District Khyber.

3. He was issued Charge Sheet and Summary of Allegations by DPO Khyber DSP/Traffic & Highway, Khyber was appointed as Enquiry Officer to scrutinize the conduct of the accused official. The Enquiry Officer after conducting proper departmental enquiry submitted his findings in which the defaulting Constable was recommended for major punishment. The competent authority in light of the findings of the Enquiry Officer awarded him the major punishment of dismissal from service.

4. He was heard in person in Orderly Room. During personal hearing, he was given an opportunity to prove his innocence. However, he failed to submit any plausible explanation in his defense. Therefore, his appeal for setting aside the punishment awarded to him by DPO Khyber vide order No. 2769/PA, dated 03.06.2022 is hereby rejected/failed being also time barred for 10 months.

"Order is announced"

CAPITAL CITY POLICE OFFICER,
PESHAWAR

No. 2531-32 /PA, dated Peshawar the 17 /07/2023

Copies for information and necessary action to the:-

1. District Police Officer Khyber, along with complete inquiry file.
2. DSP/HQrs Khyber.
3. Accountant & OASI Khyber.
4. Official concerned.

CAPITAL CITY POLICE OFFICER,
PESHAWAR

ORDER

This order will dispose of the departmental appeal preferred by Ex-Constable Muhammad Saeed No. 2811, who was awarded the major punishment of "dismissal from service" under KP FIR-1975 (amended 2014) by DPO Khyber vide order No. 2709/PA-DPO Khyber, dated 03.06.2022.

2. Brief facts leading to the instant appeal are that the defaulter Constable was proceeded against departmentally on the charges of his involvement in case FIR No. 09, dated 07.03.2012 w/s 9D-CNSA, PS Central Mishri Mela, District Orakzai and case FIR No. 01, dated 06.01.2022 w/s 392/34 PPC PS Tirah District Khyber.

3. He was issued Charge Sheet and Summary of Allegations by DPO Khyber. DSP/Traffic & Highway, Khyber was appointed as Enquiry Officer to scrutinize the conduct of the accused official. The Enquiry Officer after conducting proper departmental enquiry submitted his findings in which the defaulter Constable was recommended for major punishment. The competent authority in light of the findings of the Enquiry Officer awarded him the major punishment of dismissal from service.

4. He was heard in person in Orderly Room. During personal hearing, he was given an opportunity to prove his innocence. However, he failed to submit any plausible explanation in his defense. Therefore, his appeal for setting aside the punishment awarded to him by DPO Khyber vide order No. 2709/PA, dated 03.06.2022 is hereby rejected/filed being also time barred for 10 months.

"Order is announced"

CAPITAL CITY POLICE OFFICER,
PESHAWAR

No. 2534-38 /PA, dated Peshawar the 17 10/7/2023

Copies for information and necessary action to the:-

1. District Police Officer Khyber, along with complete inquiry file.
2. DSP/HQrs Khyber.
3. Accountant & OASI Khyber.
4. Official concerned.

بخدمت جناب انسپکٹر جنرل صاحب آف ٹیبر پبلسٹیٹھ انچوائس پولیس لاہور، محکمہ ایویٹی

ذیل پر

میں نے اپنی پوری زندگی میں سب سے زیادہ محنت سے اپنی تعلیم حاصل کی ہے اور اس کے نتیجے میں میں نے ایک پروفیشنل پولیس آفیسر کے طور پر کام کیا ہے۔ میں نے اپنی زندگی میں سب سے زیادہ محنت سے اپنی تعلیم حاصل کی ہے اور اس کے نتیجے میں میں نے ایک پروفیشنل پولیس آفیسر کے طور پر کام کیا ہے۔

یہ درخواست ہے کہ میں اپنی موجودہ جگہ پر بحال کیا جائے۔

تاریخ: 11 مارچ 2011ء

فون: 21201-2659246

0333-9192352/0331-9534199



بخدمت جناب انسپکٹر جنرل صاحب آف خیبر پختونخوا پولیس

بعنوان: بحالی ڈیوٹی

جناب عالی!

موجودہ بانڈ گزارش کی جاتی ہے کہ سائل عرصہ 8 سالوں سے ڈسٹرکٹ خیبر پولیس میں ملک و عوام کی بے لوث خدمت کر رہا ہوں۔ اور بدقسمتی سے چھٹی پر باڑہ خیبر سے تیراہ میدان اپنے گھر جا رہا تھا۔ کہ بہ تمام میشتی میلہ ضلع اور کزئی میں پولیس نے شک کی بناء پر پکڑا اور پھر جیسوٹا چارج شیٹ بنا اور میں ہیڈ کوارٹر اور کزئی ہنگو میں حوالات میں بند تھا اور اداروں کے تحقیق کے بعد میں کس سے بری ہوا اور اب مجھے اپنی ڈیوٹی پر بحالی متنسور ہے۔ تاکہ میں اپنی ملک وطن کے لئے خدمت جاری رکھ سکوں۔

ابند حضور سے التجا کرتا ہوں کہ میرے بچوں و اہلخانہ پر رحم کر کے اپنی ڈیوٹی پر بحالی کا حکم فرما کر انصاف کا بول بالا کر کے ثواب دارین حاصل کریں۔ تازیت دعا گور ہونگا۔

اپکا تابعدار کانشیل محمد سعید ولد سید احمد شلو بر تحصیل باڑہ ضلع خیبر۔

پلٹ نمبر: 2811 خیبر پولیس باڑہ

شاختی کارڈ نمبر: 5-2559246-21201

موبائل نمبر: 0333-9192352/0331-9534199

E/10

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar.

No. S/ 20016 /23, dated Peshawar the 02/08 /2023.

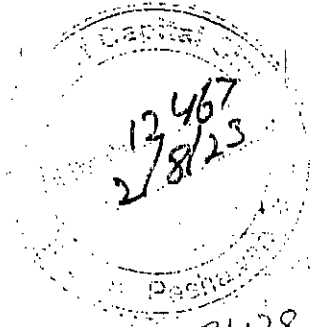
To: The Capital City Police Officer,
Peshawar.

Subject: - REVISION PETITION.

Memo:

The Competent Authority has examined and filed the revision petition submitted by Ex-FC Muhammud Saeed No. 2811 against the penalty of dismissal from service awarded by DPO Khyber vide Order Endst: No. 27/09/PA-DPO Khyber, dated 02.06.2022 being badly time barred.

The applicant may please be informed accordingly.



[Signature]
2/8/23

(AFSAR JAN)
Registrar.

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

3478

8-8-23

-
-
-
-
-
-
-
-
-
-
-

DPO - khyber.

P.A

02/08/23

BETTER COPY PAGE# E-10

**OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar
No. S/20016/23, dated, Peshawar the 02/08/2023**

To

The Capital City Police Officer
Peshawar.

Subject: **REVISION PETITION**

Memo:

The Competent Authority has examined and filed the Revision Petition submitted by Ex-FC Muhammad Saeed No. 2811 against the penalty of dismissal from service by DPO Khyber vide order Endst 2709/PA-DPO Khyber, dated: 03-06-2022 being badly time barred.

The applicant may please be informed accordingly.

-sd-

(AFSAR JAN)

Registrar

For Inspector General of Police
Khyber Pakhtunkhwa Peshawar

POWER OF ATTORNEY

In the court of K.P. Senior Tribunal Peshawar

M. Saeed **Versus** - PPO

..... Petitioner/Plaintiff/Appellant

..... Respondent/Defendant

KNOW ALL to whom these presents shall come that I the undersigned appoint:

Mr. YASIR SALEEM, ^{Q YASIR KHALID Ad.} Advocate Supreme Court of Pakistan, (herein after called the advocate) to be the Advocate for the Petitioner/Plaintiff/Appellant or Respondent/Defendant in the above mentioned case, to do all the following acts, deeds and things or any of them, that is to say

- 1) To act and plead in the above mentioned case in this court or any other Court in which the same may be tried or heard in the first instance or in appeal or review or execution or in any other stage of its progress until its final decision.
 - 2) To sign, verify and present pleadings, appeals, cross-objections, petitions for execution, review, revision, withdrawal, compromise or other petition or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of said case in all its stages.
 - 3) To withdraw or compromise in the said case or submit to arbitration any difference or dispute that shall arise touching or in any manner relating to the said case.
 - 4) To receive money and grant receipts therefore and to do all other acts and things which may be necessary to be done for the progress and the course of the prosecution of the said case.
 - 5) To engage any other Legal practitioner authorizing him to exercise the power and authorities hereby conferred on the Advocate whenever he may think fit to do so.
- AND I hereby agree to ratify whatever the Advocate or his substitute shall do in the promises.

AND I hereby agree not to hold the Advocate or its substitute responsible for the result of the said case and in consequence of his absence from the court when the said case is called up for hearing

AND I hereby that in the event of the whole or any part of the fee agreed by me to be paid to the Advocate remaining unpaid, He shall be entitled to withdraw from the prosecution of the said case until the same is paid.

IN WITNESS WHEREOF I hereunto set my hand to these presents the contents of which have been explained to and understood by me, this ____ day of _____ 2023.

Executant/Executants Saeed

Accepted subject to the terms regarding Professional Fee

YASIR KHALID
Advocate High Court
Peshawar

YASIR SALEEM
Advocate Supreme Court of Pakistan
Legal Advisor, Services & Labor Law Consultant
FR-4, 4th Floor, Bilour Plaza, Peshawar Saddar.
Cell No. 0331-8892589 Email: yasirsaleemadvocate@gmail.com