

FORM OF ORDER SHEET

Court of _____

Appeal No. 2507/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	04/12/2023	The appeal of Mr. Anwar Said presented today by him. It is fixed for preliminary hearing before touring Single Bench at Swat on

By the order of Chairman


REGISTRAR

6. IP a
Before The Justice Tribunal K.P at Peshawar

Appeal No. 2507/2023

**Anwar said s/o Awal Said R/o Haryan kot Tehsil Dargai
District Malakand and serving as constable in police at
police station Mingora District
Swat.....petitioner**

Versus

- 4) Inspector General of police Khyber PakhtunKhwa
Central Police Office Peshawar.**
- 5) Regional Police Officer at Saidu Sharif District Swat.**
- 6) District Police Officer at Gulkada Saidu Sharif Swat.
.....(Respondents)**

INDEX

S.No	Description of Document	Annexure	Page (S)
1	Copy of appeal		1-3
2	Affidavit		4
3	Memo Addresses/ Addresses of the parties.		5
4	Suspension application		6
5	Copy of CNIC, Service card and order dated:24/07/2023	A	7-9
6	Copy of the departmental appeal is attached	B	10
7	Copy of the role no is annexed	C	11
8	Notice		12
9	Power of attorney		13

Appellant

Through

Pukhtoon Wali
Advocate, High Court

Email: Pukhtoonwaliadvocate@gmail.com

**Chamber Address: Room No 19 1st
Floor Sultan Tower Makanbagh
Mingora District Swat**

Before The Service Tribunal K.P at Peshawar

Appeal No. 2507/2023

Anwar said s/o Awal Said R/o Haryan kot Tehsil Dargai District Malakand and serving as constable in police at police station Mingora District Swat.....petitioner

Versus

- 1) Inspector General of police Khyber Pakhtunkhwa Central Police Office Peshawar.
 - 2) Regional Police Officer at Saidu Sharif District Swat.
 - 3) District Police Officer at Gulkada Saidu Sharif Swat.
-(Respondents)

Appeal under section 4 of Khyber Pakhtunkhwa service Tribunals Act 1974 against the impugned order dated: 26/07/2023 whereby the appellant has withdrawn from lower school course illegally, unlawfully against the prevailing laws, rules & regulations, without any plausible cause and against the fundamental rights as enshrined in the constitution

Prayer of Appeal:

On acceptance of the instant Appeal the impugned order 24/07/2023 may kindly be declared illegal, unlawful, ultra-vires and void ab-initio and the appellant may graciously be allowed for lower school course.

Respectfully Sheweth;

It is very humbly stated

- 1) That the appellant is a law abiding citizen of Pakistan and was duly appointed vide appointment order dated: 13/10/2010, against the post of Constable (BPS-7) in Police of Khyber Pakhtunkhwa District Swat. (Copies of CNIC, service card and order dated: 24/07/2023 are attached herewith annexure A)
- 2) That the appellant submitted departmental appeal in the office of District Police Officer dated: 20/08/2023. (Copy of Departmental appeal is attached is annexed as annexure B)
- 3) That after appointment the petitioner served in police for last nearly 13 year, in his entire service he performed his duties wholeheartedly, with full devotion and commitment, with the entire satisfaction of the High-ups and no objection whatsoever in any shape was made against the appellant.

- 12) That the withdrawn of the appellant from lower school course is illegal, perverse, discriminatory, whimsical and void ab-initio. Hence the impugned order is liable to be set-aside.
- 13) That the qualifier of the first batch of B1 examination is about to complete the lower school course while the second batch will be sent nearly on 01-12-2023 while last batch will be sent on 1st April 2024 and the opportunity is awaiting yet for the appellant.
- 14) That the appellant is the family head of his family and the only and lonely source of their livelihood and deprivation of him from the relief prayed as above will effect the other family members of the appellant.
- 15) That other grounds will be pressed during arguments by the prior permission of this Hon'ble Court.

It is therefore humbly prayed that on acceptance of the instant Appeal the impugned order dated: 26/07/2023 may kindly be declared illegal, unlawful, ultra-vires and void ab-initio and the appellant may graciously be allowed for lower school course

Appellant



Anwar said

Constable Police Station
Mingora District Swat.

Through Counsel:

Pukhtoon Wali 
Advocate High Court

Cell No. 0345-3423708

Before The Service Tribunal K.P at Peshawar

Anwar said s/o Awal Said R/o Haryan kot Tehsil Dargai District Malakand, Currently serving in investigation wing police station Mingora District Swat (also residing in swat).....petitioner

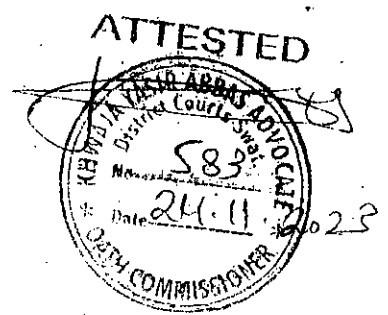
Versus

- 1) Inspector General of police Khyber PakhtunKhwa Central Police Office Peshawar.*
 - 2) Regional Police Officer at Saidu Sharif District Swat.*
 - 3) District Police Officer at Gulkada Saidu Sharif Swat.*
-(Respondents)*

Affidavit

I, Mr.Anwar Said S/o Awal Said R/o Haryan kot Tehsil Dargai District Malakand, Currently serving in investigation wing police station Mingora District Swat (also residing in swat) do hereby solemnly affirm and declare on oath that the contents of this appeal are true and correct to best of my knowledge and belief, and no such like appeal is pending, decided by any competent court between the parties and it is also praying this case may be transferred to service tribunal camp court swat. It is also hereby submitted this very petition may kindly be send to service tribunal (Camp Court) Swat because the appellatant is serving in Swat.

Deponent: _____
Anwar Said



Before The Service Tribunal K.P at Peshawar

Anwar said s/o Awal Said R/o Haryan kot Tehsil Dargai District Malakand and serving as constable in police at police station Mingora District Swat.....petitioner

Versus

- 1) Inspector General of police Khyber PakhtunKhwā Central Police Office Peshawar.*
 - 2) Regional Police Officer at Saidu Sharif District Swat.*
 - 3) District Police Officer at Gulkada Saidu Sharif Swat.*
-(Respondents)*

Addresses of the parties:

ADDRESS OF APPELLANT :

Anwar said s/o Awal Said R/o Haryan kot Tehsil Dargai District Malakand

ADDRESS OF RESPONDENTS :

- 1) Inspector General of police Khyber PakhtunKhwā Central Police Office Peshawar.*
- 2) Regional Police Officer at Saidu Sharif District Swat.*
- 3) District Police Officer at Gulkada Saidu Sharif Swat.*

*Appellant: 
Anwar said*

Before The Service Tribunal K.P at Peshawar

*Anwar said s/o Awal Said R/o Haryan kot Tehsil Dargai
District Malakand and serving as constable in police at
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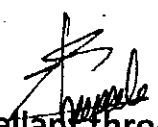
Application for suspension of the order dated 26/07/2023

Respected shewith

1. That the appellant has strong prima facie case against the respondent.
2. That irreparable loss will be occasioned to the appellant and his talent, hardwork and expectations will be drained into naught.
3. That the balance of conveyance is also in favor of suspension of the order dated:26/07/2023.
4. That other grounds will be raised during arguments.

Prayer

It is most humbly prayed the instant application may kindly be accepted and the order dated above may be suspended.


Appellant through Council

Pukhtoon Wali

Advocate High Court

9

ORDER.

In the light of CPO Peshawar letter No. 5450/E-IV, dated 22-06-2023, and Region Office, Swat Endst: No.10332/EC, dated 14-07-2023, regarding guidance of selection for Lower School Course-2023. The following Constables of this District Police /Investigation Wing, Swat who passed B-1 Examination through ETEA are hereby withdrawn from Lower School Course as they were overaged about 09 months and 11 days and 11 months and 07 days respectively for B-1 examination according to Standing Order No.14/2014.

1) Anwar Said No.3114

2) Umar Ali No.1955

Furthermore, departmental enquiry has been initiated against the dealing hand who were responsible to carry out proper scrutiny of record and date of birth of the officials mentioned above, however they failed to do same.

OB No. 109
Dated 26-7-2023.

NO 19285-89 IE,
dt 28-07-2023

District Police Officer
Swat

Copy of above is submitted for information and necessary action to the;
1) Inspector General of Police, Khyber Pakhtunkhwa, Peshawar with reference to CPO Peshawar letter No. quoted above.

2) Regional Police Officer, Malakand at Saidu Sharif, Swat.

3) Superintendent of Police, Investigation Wing, Swat.

4) DSP Legal, Swat.

5) PA

C.T.C
[Signature]

8/23

Annexure: B

جناب عالی!

نہایت ادب و احترام کے ساتھ گزارش کی جاتی ہے، کہ سائیل ابتدا ہی سے خدمت خلاق کا جذبہ رکھتا تھا اسی جذبہ سے سائیل محکمہ پولیس میں 31-10-2010 کو مستقل بنیاد پر بھرتی ہو سائیل کا برطابق CNIC تاریخ پیدائش 20-03-1982 ہے۔ سائیل B1 کی جملہ لوازمات پر پورا ہو کر اس سال 2023 میں نمبرات 101 حاصل کر کے B1 امتحان میں کامیابی حاصل کی۔ اب سائیل کو معتبر ذرائع سے معلوم ہو چکا ہے کہ سائیل کی 40 سال میں محض 09 مہینوں کے زیادتی کی وجہ سے سائیل کا پاس کردہ B1 امتحان منسوخ کر دیا گیا ہے۔

یہ امر قابل ذکر ہے کہ سال 2019/2020 پوری دنیا کو ناوباء کی لپیٹ میں تھی۔ بدیں وجہ اس سال B1 امتحان نہیں ہوا اگر اگلے سال امتحان ہوتا تو سائیل کو 09 مہینوں کا معتمہ پیدا نہیں ہوتا اس طرح پالیسی گائیڈ لائن نمبر 4 میں عمر کی لحاظ سے بھی رعایت موجود ہے۔

لہذا بذریعہ درخواست ہذا استدعا ہے کہ سائیل 2019/2020 میں کرنا کی وجہ سے امتحانات نہ ہونے پالیسی گائیڈ لائن نمبر 4 میں عمر کے لحاظ سے رعایت موجود ہونے اور سائیل پر خصوصی مرحمت فرما کر سائیل کی عمر میں محض 09 مہینے کی زیادتی کو معاف کرنے اور سائیل کا پاس کردہ B1 امتحان Genuine قرار دینے کا حکم صادر فرمادیں۔ سائیل مشکور رہے گا۔

۹۶

الحاضر

Forwarded

کاشمیل انور سید نمبر 257 انومٹی کمیشن ویبک تھانہ جکوره

موبائل نمبر: 0333-9546059

20-03-2023
071 Ps minjer

Allowed

C.T.C

20/03/2023

20/03/2023



Educational Testing & Evaluation

Government of Khyber Pakhtunkhwa

ROLL NUMBER

(ETEA) (S)

Signature: C

Roll Number Slips for B1 Examination 2022 for KP Police Department

Reference to your application for the above referred test, the test is scheduled as per detail mentioned below

ROLL NUMBER : 41061
CNIC No : 1540107143091
NAME : ANWAR SAID
FATHER NAME : AWAL SAID
GENDER : MALE
RELIGION : MUSLIM
APPLIED FOR : B1
DOMICILE : SWAT
TEST DATE : 15-Jan-2023
REPORTING TIME : 9:00 AM
TEST CENTER : KABAL GROUND (KABAL) - SWAT



C-T-S
Faisal

نوٹ: امتحان میں موبائل فون یا کوئی بھی میکانی آلہ ساتھ لانا اور اس کا استعمال ممنوع ہے۔ نیز کسی قسم کا مطبوعہ مواد ساتھ رکھنے کی اجازت نہیں ہے۔ خلاف ورزی کی صورت میں آپ کا پیپر منسوخ کیا جائے گا، آئندہ دو سال کے لیے ایٹا میں بلیک اسٹ کیا جائے گا اور متعلقہ قانون کے تحت ایف آئی آر درج کی جائے گی، جس کی سزا قید و جرمانہ کی صورت میں ہو سکتی ہے۔

General Instructions:

- 1 - You are admitted to the above test/exam provisionally. Make sure your eligibility in all respects before appearing in the test/exam: as per terms & conditions of the advertisement. Your candidature will be cancelled if you were found ineligible at any stage for any reason and in that case you will NOT be included in further process.
- 2 - Test center is allotted as per your opted center (subject to min: of 500 candidates at that particular center) in the online application form. Therefore any request for center change will NOT be entertained.
- 3 - Before appearing in Test, must ensure that you do not possess dual Domicile.
- 4 - You must bring this Roll Number Slip and Original Computerized National Identity Card (CNIC), Armed License, Driving License, Original Passport, Form-B or Any other Original Identification Document having latest photo for identification purpose. Otherwise you will NOT be allowed in the exam Hall.
- 5 - Do not copy anything from the Question paper to any other paper
- 6 - Bring Black/Blue thin marker or Ball point pen or pointer to fill the bubbles on the answer sheet, and paper board.
- 7 - Only the candidate duly identified and verified will be allowed to enter the test premises.
- 8 - No candidate will be allowed to enter the Exam: Hall after 15 Minutes of the commencement of test.
- 9 - No extra time will be given to any candidate.
- 10 - No candidate will be allowed to leave the Exam: Hall before half time of test duration.
- 11 - Any candidate caught using Unfair Means (UFM) during test, will be proceeded against as per SOPs.

Plot No. 22, Street No. 13, Sector E-8, Phase 7, Near Hajj Complex, Hayatabad, Peshawar.

Phone :091-9219049,091-9219078

Fax :091-9217851

Email : info@etea.edu.pk

Website :www.etea.edu.pk

120

Before The Service Tribunal K.P at Peshawar

*Anwar said s/o Awal Said R/o Haryan kot Tehsil Dargai
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- 2) Regional Police Officer at Saidu Sharif District Swat.*
- 3) District Police Officer at Gulkada Saidu Sharif Swat.
.....(Respondents)*


Subject: Notice

Dear,

I am going to file a Appeal on behalf of Appellant Mr. Anwar Said, against the action & inaction of the respondents. (Copy of the said Appeal is send along with this notice for your information please).

Thanks


PUKHTOON WALI
Advocate High Court

<p>بار کونسل نمبر: BC-191-11-985</p> <p>بار ایسوسی ایشن نمبر: 436</p> <p>رابطہ نمبر: 0345-3423708</p> <p>ای میل ایڈریس: ۷۷</p>	<p>129805 بریل نمبر:</p>  <p>ڈسٹرکٹ بار ایسوسی ایشن سوات</p>
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بعدالت جناب: سر سید سرفراز بیونیل

<p>منجانب: ایبلاریٹ</p> <p>انفوسا</p> <p>K.P.K</p>	<p>دعویٰ اور خواست:</p> <p>علت نمبر:</p> <p>مورخہ:</p> <p>جرم:</p> <p>تھانہ:</p>
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بابت تحریر آئیکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے برائے پیروی مقدمہ

Pukhtoon Wali
Advocate High Court

آن مقام ملکہ کیلئے کو مقرر کر کے

اقرار کیا جاتا ہے، کہ صاحب موصوف کو مقدمہ کی کل کارروائی کو کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث کرنے، دعویٰ، جواب دعویٰ، اقبال دعویٰ اور درخواست برائے سرسبزی مقدمہ، منسوخی ڈگری یکطرفہ، اجراء و پیروی کرنے کا مختار ہوگا نیز دائر کرنے اپیل نگرانی، نظر ثانی و پیروی کرنے کا مختار ہوگا۔ اور مقدمہ مذکورہ کیلئے کل وقتی یا جزوی کارروائی کیلئے کسی دیگر وکیل یا مختار قانون کو اپنے ہزارہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی جملہ مذکورہ اختیارات حاصل ہوں گے، اور اس کا ساختہ ذپرداختہ منظور قبول ہوگا، بدوران مقدمہ جو خرچہ و ہر جانہ کسی بھی سبب سے حاصل ہوگا، وہ وکیل موصوف وصول کرنے کا حقدار ہوگا، کوئی تاریخ پیشی مقام مذکورہ بالا سے باہر ہو، تو وکیل صاحب پیروی مقدمہ کرنے کے پابند نہ ہوں گے، مقدمہ کسی عدالت میں بعدم پیروی خارج ہونے یا ڈگری یکطرفہ ہونے کے صورت میں وکیل صاحب ذمہ دار نہیں ہوں گے، لہذا وکالت نامہ لکھ دیا کہ سندر ہے

انفوسا سید

مقام: سید سرفراز ملکہ کے لئے منظور ہے۔