


FORM OF ORDER SHEET

Court of _____

Appeal No. 2544/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/12/2023	<p>The appeal of Mr. Shaukat Bahadar resubmitted today by Mr. Fazal Shah Mohmand Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ . Parcha Peshi is given to the counsel for the appellant.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

BEFORE THE SERVICES TRIBUNAL KPK PESHAWAR.

Shaukat Bahadar

.....Appellant

VERSUS

PPO & Others.

.....Respondents

APPLICATION FOR FIXATION OF TITLED SERVICE APPEAL AT PRINCIPLE SEAT PESHAWAR.

Respectfully Submitted:-

1. That the above titled service appeal is submitted today i.e 7-12-2023 in which no date of hearing is fixed.
2. That in the instant service appeal the appellant belonging to swat while the counsel for the appellant is from peshawar.
3. That due to alot of cases in honorable Peshawar high court as well as services tribunal Peshawar the counsel for the appellant is unable to travel to out stations.

It is therefore most humbly prayed, that on acceptance of this application, the above mentioned appeal may kindly be fixed for preliminary hearing at principle seat Peshawar.

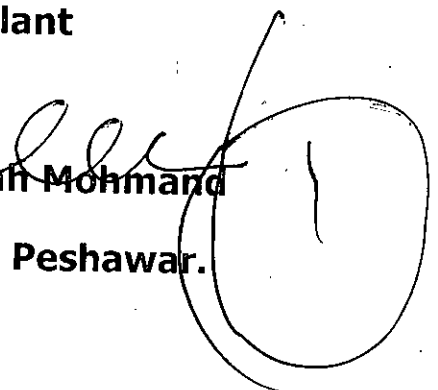
Dated:--07-12-2023

Appellant

Through

Fazal Shah Mohmand

Advocate Peshawar.

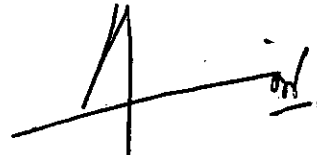


The appeal of Mr. Shaukat Bahadar received today i.e on 27.11.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days:

- 1- Check list is not attached with the appeal.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Annexures of the appeal are unattested.
- 4- Memorandum of appeal is not signed by the appellant.
- 5- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- 6- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No: 3725 /S.T.

DL: 28/11/2023.




REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

~~Mr. Shaukat Bahadar~~ Adv.
High Court Peshawar.

Fazal Sheh Muhammad
Advocate, Peshawar,

Sir, Resubmitted ~~with~~ after removal of objections, however charge sheet and show cause notice was not communicated to the appellant, nor any inquiry was conducted in the matter, hence copies of the same are not available, therefore the appeal may please be placed before the honorable Tribunal.



7-12-23

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No 2544/2023

Shaukat Bahadar. **Appellant**

V E R S U S

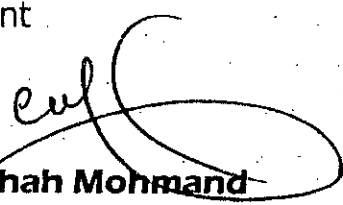
Regional Police Officer, Malakand & others. **Respondents**

I N D E X

S.No	Description of Documents	Annexure	Pages
1.	Service Appeal with affidavit		1-4
2.	Application for condonation of delay with Affidavit		5-6
3.	Copy of Naqal Mad dated 20.09.2022	A	7
4.	Copy of Order dated 22-03-2023	B	8
5.	Copy of Departmental Appeal dated 03-07-2023	C	9
6.	Copy of Order dated 03-10-2023	D	10
7.	Vakalat Nama		11

Dated:-27-11-2023

Through Appellant


Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan.

OFFICE:-
Cantonment Plaza Flat 3/B Khyber Bazar
Peshawar Cell# 0301 8804841
Email:-
fazalshahmohmand@gmail.com

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 9496

Dated 27-11-2023

Service Appeal No 2544/2023

Shaukat Bahadar, Ex Constable No 480, District Police Swat.

...Appellant

V E R S U S

1. Regional Police Officer, Malakand at Saidu Sharif, Swat.
2. District Police Officer, Swat.
3. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.

...Respondents

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT 1974 AGAINST THE ORDER DATED
03.10.2023 (RECEIVED BY THE APPELLANT ON
02.11.2023) WHEREBY DEPARTMENTAL APPEAL OF THE
APPELLANT FILED AGAINST THE ORDER DATED
22.03.2023 HAS BEEN FILED.

PRAYER:-

On acceptance of this appeal the impugned Order dated 03.10.2023 and order dated 22.03.2023, may kindly be set aside and the appellant may kindly be ordered to be reinstated in service with all back benefits.

Respectfully Submitted:-

1. That the appellant was enlisted in District Police Swat in the year 2008 and since enlistment, the appellant performed his duties with honesty and full devotion and to the entire satisfaction of his high ups.
2. That in the year 2022, the appellant while lastly posted to Police Lines Kabal Swat, his brother namely Liaqat Bahadar fell

seriously ill and as there was no other male family member, so the appellant after informing his incharge Saleh Muhammad and proceeded home with his permission. The brother of the appellant was admitted in Hospital and thus the appellant was compelled to look after his ailing brother.

3. That the appellant as deputed for duty with Federal Minister Mr. Murad Saeed vide Naqal Mad No.64 dated 20.09.2022, where he performed duty for few weeks. **(Copy of Naqal Mad dated 20-09-2022 is enclosed as Annexure A).**
4. That strangely the appellant was dismissed from service by respondent No 2 vide Order dated 22-03-2023, however copy of impugned Order was not communicated to the appellant and the appellant through his own efforts obtained copy of the same on 06-06-2023. **(Copy of Order dated 22-03-2023 is enclosed as Annexure B).**
5. That the appellant preferred departmental appeal before respondent No 1 on 03-07-2023, which was filed vide Order dated 03-10-2023, copy of which was not commented to the appellant and copy of same was received by the appellant through his own efforts on 02-11-2023. **(Copy of departmental appeal dated 03-07-2023, & Order dated 03-10-2023 is enclosed as Annexure C & D).**
6. That the impugned Order dated 22-03-2023 and Order dated 03-10-2023 are against the law, facts and principles of justice on grounds inter-alia as follows:-

GROUNDS:-

- A. That the impugned Orders are illegal, unlawful, without lawful authority and void ab-initio.
- B. That mandatory provisions of law and rules have been badly violated by the respondents and the appellant has not been treated according to law and rules in violation of Article 4 and 25 of the Constitution.

- C. That the impugned orders are in total disregard of the law on the subject and as such void ab-initio.
- D. That the appellant has been dismissed from service on the basis of absence from duty, while the appellant duly informed his incharge regarding illness of his brother and with his permission proceeded home, thus the alleged absence was not wilful and deliberate rather the same was due to circumstances which were compelling in nature and were beyond his control as well.
- E. That no Charge Sheet and Statement of allegations and Show Cause Notice was communicated to the appellant hence too the appellant is entitled to be reinstated in service.
- F. That no inquiry was conducted in the matter to have found out the true facts and circumstances.
- G. That even no proceedings mandatory in case of absence were conducted, hence too the impugned Order is liable to be set at naught on this score alone.
- H. That ex-parte action has been taken against the appellant and has been condemned unheard.
- I. That the appellant was not afforded opportunity of personal hearing.
- J. That the appellant is jobless since his illegal dismissal from service.
- K. That the appellant has about 15 years of service with unblemished service record.
- L. That the appellant seeks the permission of this honorable tribunal for further/additional grounds at the time of arguments.

It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for in the heading of the appeal.

Any other relief deemed appropriate and not specifically asked for, may also be granted in favor of the appellant.

Dated:-27-11-2023

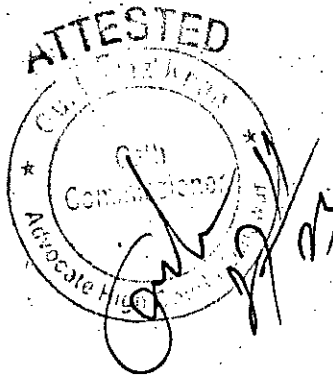
Appellant
Through

Fazal
Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan

AFFIDAVIT

I, Shaukat Bahadar, Ex Constable No 480, District Police Swat, do hereby solemnly affirm and declare on oath that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

Shaukat Bahadar
DEPONENT



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

In Re:

Service Appeal No _____/2023

Shaukat Bahadar. **Applicant/Appellant**

V E R S U S

Regional Police Officer, Malakand & others. **Respondents**

APPLICATION FOR CONDONATION OF DELAY IF ANY

Respectfully Submitted:-


1. That the accompanying appeal is being filed today in which no date of hearing has been fixed so far.
2. That the grounds of appeal may be considered as integral Part of this application and the appellant was never comminuted copy of impugned Order rather he with his own efforts obtained copy of the same on 02-11-2023; thus instant appeal is well within time.
3. That since the impugned order is void ab-initio being passed in utter violation of law and rules on the subject hence too the instant appeal is as such well within time furthermore lis are to be decided on merit instead of technicalities.
4. That no evidence of any sort has been collected in support of the allegations which were never substantiated.
5. That law as well as the dictums of the superior Courts also favors decisions of cases on merit.

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

Dated:-27-11-2023

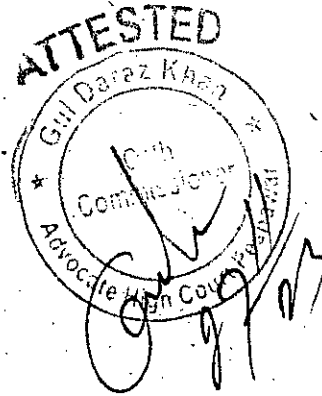
Through

Applicant/Appellant


Fazal Shah Mohmand
 Advocate,
 Supreme Court of Pakistan

AFFIDAVIT

I, Shaukat Bahadar, Ex Constable No 480, District Police Swat, do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.




 DEPONENT

(7)

آئی پوائس لوشن

صلح سوات

تقلید 64 روز ناجی 20⁰⁹/₀₂₂

رد 64 اطلاع فون / روٹس 10 وقت 20⁰⁹/₀₂₂ فورم 20⁰⁹/₀₂₂ درج ہیں
 اس وقت P50 پو جناب DPO صاحب کلیم خان نے بذریعہ فون اطلاع
 دی کہ لوشن ہذا سے ایک گنر حسب الطکم آفسران بالا MNA
 سراد سعید صاحب کیلئے بمقام اسلام آباد سینٹر ہونے کا بندوبست
 کرے۔ پس آفدہ اطلاع درج زور ناجی سے ہو کر بالا اطلاع کی
 پس نظر لوشن ہذا سے کسٹل شوکت بھادر 480 پیس
 سامان سرکاری و نجی کے ساتھ کل صبح 08:00 بجے
 نذر کلیم سر ایڈیوٹ جانے کی ہدایت کرتے روانہ کیا گیا
 جناب عالی

نقل مطابق اصل سے

MAR-01-Swat
66-12-023



40

DISTRICT POLICE OFFICER, SWAT
Ph: 0946-9240393 & Fax No. 0946-9240402,
Email: dposwat@gmail.com

B

ORDER

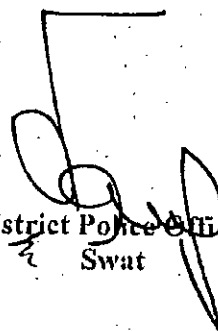
8

This order will dispose of the departmental enquiry conducted against Constable Shaukat Bahadar No.480 while posted to JIS Police Lines Kabal Swat has absented himself from lawful duties without prior permission or leave from his immediate officer vide, DD No.50 w.e.f. 27-09-2022 to 08-11-2022 as per report of MASI JIS Police Line Kabal Swat Dated 29-11-2022. Also absented himself from lawful duties without prior permission or leave from his immediate officer vide No.20 w.e.f. 12-07-2022 to 20-09-2022 (2 Months & 07 days). As per report of Line Officer JIS Police Line Kabal dated 22-09-2022. Furthermore, the said constable is also absented himself from lawful duties without prior permission or leave from his immediate officer vide, DD No.22 w.e.f. 21-12-2022 up till now as per report of MHC PP Behar dated 27-12-2023.

He was issued Charge Sheet No.216/PA dated 16-12-2022 and DSP Headquarters Lower Swat was deputed as Enquiry Officer to conduct proper departmental enquiry. The Enquiry Officer, DSP Headquarters Lower Swat conducted proper departmental enquiry against the above named delinquent constable, recorded statements of all concerned. The Enquiry Officer has provided ample opportunity to the delinquent constable to defend the charges leveled against him. After conducting proper departmental enquiry, the Enquiry Officer submitted his findings report, wherein he intimated that the allegations leveled against him are proved and delinquent constable has absented himself w.e.f. 27-09-2022 to 08-11-2022. The Enquiry Officer further stated that the delinquent constable is habitual absentee is not more willing to join his official duty in Police Department and recommended the delinquent constable for Major punishment. Charge Sheet No.119/PA dated 24-11-2022 was also issued to him and SDPO Kabal Circle was deputed as Inquiry Officer. In Charge Sheet No.119/PA the EO recommended the delinquent constable for appropriate punishment. Furthermore, Charge Sheet No.53/PA dated 15-03-2023 was also issued to the delinquent official and DSP Headquarters Lower Swat was deputed as inquiry officer. In Charge Sheet No.53/PA the defaulter constable has absented himself w.e.f 21-12-2022 up till now, which is gross misconduct on his part.

Foregoing in view, the undersigned is of considered opinion that there are no chances that Constable Shaukat Bahadar No.480 will become an efficient Police Official. His further retention in service is bound to affect the discipline of the entire force. Therefore, in exercise of the powers vested in the undersigned under Rules 2 (iii) of Police Disciplinary Rules-1975, I, SHAFIULLAH KHAN GANDAPUR, District Police Officer, Swat as a competent authority agreed with the finding report of the enquiry officer and awarded him major punishment of Dismissal from service from the date of absence i.e 21-12-2022 and the absence period is hereby treated as leave without pay.

Order announced.


District Police Officer
Swat

O.B. No. 42

Dated 27/3 /2023.

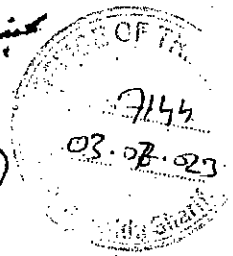
OFFICE OF THE DISTRICT POLICE OFFICER SWAT

No. 221-24 /PA, dated Saidu Sharif the, 24 / 03 /2023.

- Copy for information to the;
- 1) DSP Headquarters Lower Swat.
- For necessary action to the;
- 2) Pay Officer, Swat.
 - 3) OASI, Swat.
 - 4) EC

C

جنوب صواب



(9)

ڈپٹی انسپیکٹر جنرل آف پولیس ملائقہ کراچی
عنوان: رقم ۲۲۲۲۲۲ آریبل / حاجیہ عرفان
مغربی باغی ملائقہ کراچی

12101

5/7/23

No 9394 F
Dt 26-6-23

En/ops Swat
for detail
Comments along with
Complete Enquiry
File Etc.

Regional Police Officer
Malakand Region,
Saidu Sharif, Swat.

BC
District Police Officer
SWAT.

صواب عالی / ذہن عرض ہے

۱۔ منبہ ملکہ پولیس میں سہ ماہی
کا معرقتی ہے

۲۔ منبہ نے کہیں طریقے سے خوش

آسٹریلیا کے ساتھ آگیا ڈیوٹی آدھ کا

۳۔ منبہ نے آسٹریلیا کو کفر شہادت کا

صدقہ بینا دیا ہے

۴۔ باغی کے پیاروں پر غیر جانبداری

۵۔ باغی کے دماغی حالات خراب رہ سکتے

گھر میں دیگر نارینہ فرد نے سے

سب سے غیر جانبداری پر

۶۔ ادا منبر اور غیر جانبداری پر ڈسٹنس سہ ماہی

۷۔ ڈسٹنس آڈر ۲۲۲۲۲۲

۸۔ منبہ ذہن ۲۲۲۲۲۲

۹۔ منبہ کے مجموعی حالات کو نوٹ کر کے غیر جانبداری پر جانچ و تفتیش
دعا کروا کر گا۔ (الغرض)

۱۰۔ ریگنٹا لہور سہ ماہی کراچی - شہادت عطا درمیں ۴۸۰

03351907882

03437457203



(70) D
ef

**OFFICE OF THE
REGIONAL POLICE OFFICER,
MALAKAND**

AT SAIDU SHARIF SWAT.

Ph: 0946-9240388 & Fax No. 0946-9240390

Email: ebmalakandregion@gmail.com

ORDER

This order will dispose of appeal of Ex-Constable Shaukat Bahadar No.480 of Swat District in connection with major punishment awarded by the District Police Officer, Swat vide OB No.42, dated 22-03-2023 i.e. Dismissal from Service.

Brief facts of the case are that Ex-Constable Shaukat Bahadar No.480 of Swat District while posted to JIS Police Lines, Kabal had absented himself from lawful duties without prior permission or leave from his immediate officer vide DD No.50 w.e.f 27-09-2022 to 08-11-2022 also absented himself vide DD No.20 w.e.f 12-07-2022 to 20-09-2022 and DD No.22 w.e.f 21-12-2022 up till dismissal. He was issued charge sheet coupled with statement of allegations and DSP Headquarters, Lower Swat was deputed as Enquiry Officer. The E.O. conducted proper departmental enquiry and recorded statements of all concerned. The E.O, submitted his findings report wherein he intimated that the allegations leveled against above named Constable were proved and the delinquent Constable had habitual absentee and recommended him for major punishment. Furthermore, he was also issued charge sheet couple with statement of allegations and SDPO, Kabal Circle Swat was deputed as Enquiry Officer. The E.O recommended him for appropriate punishment. Moreover, he was issued another charge Sheet and DSP Headquarters, Lower Swat was deputed as Enquiry Officer, the E.O submitted that the delinquent Constable absented himself w.e.f 21-12-2022 up till dismissal, which was gross misconduct on his part. Being found guilty of the charges leveled against him, the District Police Officer, Swat awarded him major punishment of Dismissal from Service from the date of absence i.e. 21-12-2022 and his absence period was treated as leave without pay vide OB No. 42, dated 22-03-2023.

He was called in Orderly Room on 26-09-2023 in this office and heard him in person, but he could not produce any cogent reason to defend the charges leveled against him, therefore, his appeal is hereby filed.


**Regional Police Officer,
Malakand at Saidu Sharif, Swat**

No. 13791 /E,

Dated 03-10-2023.

Copy to the District Police Officer, Swat for information and necessary action with reference to his office Memo: No.19346/E, dated 27-07-2023. Service Roll and Fuji Missal containing enquiry files of above-named Ex-Constable, received with the memo: under reference, are returned herewith for record in your office.

Encl S-Roll
F-MISSAL

VAKALATNAMA
BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR.

service appeal No. /2023

Shaukat BahadarAppellant

VERSUS

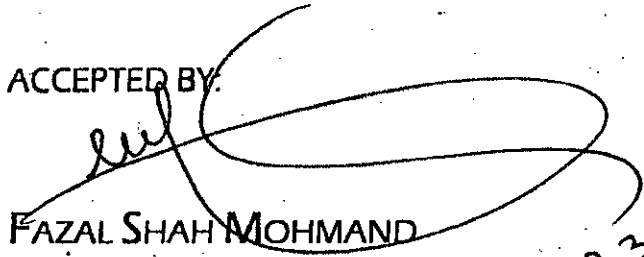
Regional Police officer etcRespondent(s)

I, _____, do hereby appoint and constitute, **Fazal Shah Mohmand** Advocate Supreme Court & To act, appear and plead in the above-mentioned matter and to withdraw or compromise the said matter or submit to arbitration any differences or dispute that shall arise touching or in any manner relating to the said matter and 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 matter.

1. To draft and sign files at necessary pleadings, applications, objections, affidavits or other documents as shall be deemed necessary and advisable for the prosecution of the said matter at all its stages.
2. To employ any other Legal Practitioner, authorizing him to exercise the power as conferred on the undersigned Advocate, wherever he may think fit to do so.

AND I hereby agree to ratify whatever the Advocate or his substitute shall do in the above matter. I also hereby agree not to hold the Advocate or his substitute responsible for the result of the said matter in consequence of his absence from the Court when the said matter is called up for hearing. I further hereby agree that in the event for the whole or any part of the fee to be paid to the Advocate remaining unpaid, he shall be entitled to withdraw from the above matter. Received by me on _____

ACCEPTED BY:


FAZAL SHAH MOHMAND
ADVOCATE,
SUPREME COURT OF PAKISTAN.

27.11.23



OFFICE:-Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841
(Clerk) Cell# 03339122477
Email: - fazalshahmohmand@gmail.com.