

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 1421/2023

Zubair Shah, Driver Constable No.483, Capital City Police, Peshawar.

.....Appellant

V E R S U S

Provincial Police Officer, KPK & others

.....Respondents

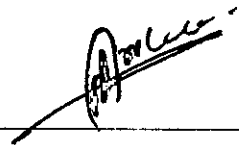
I N D E X

S.No	Documents	Annexure	pages
1	Reply	---	1-2
2	Copy of order	A	3
3	Copy of application	B	4
4	Copy of LPC	C	5
5	Copy of letter No.4851/EC dt 26.09.2011	D	6
6	Copy of Receiving Dak	E	7-10
7	Authority	-	11
8	Affidavit	-	12

RESPONDENTS

(Nazir Khan) PSP
District Police Officer,
Charsadda

Sign: _____



District Police Officer,

Stamp: Charsadda

04-1-24
Peshawar.

1

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR

Service Appeal No. 1421/2023

Zubair Shah, Driver Constable No.483, Capital City Police, Peshawar.

.....Appellant

V E R S U S

Provincial Police Officer, KPK & others

.....Respondents

REPLY/PARAWISE COMMENTS BY RESPONDENTS NO.3 & 4

Respectfully Sheweth:

Preliminary Objections:

Khyber Pakhtunkhwa
Service Tribunal

Entry No. 10047

Dated 22-12-23

1. That appellant has not approached to this Hon'ble tribunal with clean hands.
2. That the appellant has suppressed actual facts/factual position from this Hon'ble tribunal.
3. That the appeal of appellant is not based on facts.
4. That the appeal of appellant is bad for non-joinder and misjoinder of necessary parties.
5. That the appellant is estopped by his own conduct to file the present appeal.
6. That the appeal of the appellant is badly time barred.

REPLY ON FACTS:

1. Para correct to the extent that appellant was initially enlisted as Constable on 01.07.1990 in District Nowshera.
2. Para correct to the extent that on 09.03.2009 appellant was transferred from District Nowshera to District Charsadda, and later he was surrendered to Peshawar District vide Order No.4681/OASI dated 10.09.2011, as his services were no more required to district Charsadda. **Copy of order is annexed as (Annexure-A)**, while rest of the para is incorrect rather misleading as he had been surrendered to District Peshawar but he did not report his arrival there without any reason and remained absent for long years. Later in the year 2020 the appellant submitted an application to respondent No.2 wherein the appellant based on fabricated and baseless account, stated his illness as reason for his absence from service. **Copy of application is annexed as (Annexure-B)**.
3. Para incorrect. The appellant had visited the office of respondent No.3 in the year 2020 and he was informed that in the wake of his transfer, his LPC (last pay certificate) was sent to District Peshawar vide office dispatch No.4792/Acctt: dated 21.09.2011, and his pay had been stopped from district Charsadda w.e.from 01.09.2011 while his Service Record (fauji misal & service Roll) were delivered to CCP Peshawar vide letter No.4851/EC dated 26.09.2011 of Respondent No.3. **Copy of LPC & letter No.4851/EC are annexed as (Annexure-C & D)**. Receiving of each aforementioned/relevant record by the office of Respondent No.1 on respective dates are also annexed as **(Annexure-E)**.

- 4. Para incorrect. On the transfer of appellant to Peshawar District his pay was stopped w.e.from 01.09.2011 by Respondent No.3 and upon his arrival in Peshawar District the same would have been issued had he reported his arrival in the District Peshawar.
- 5. That appeal of appellant is liable to be dismissed on the following grounds amongst the others.

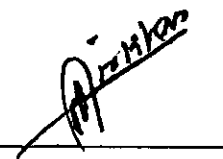
GROUNDS:

- A. Incorrect. No omissions or commissions, whatsoever, have been made by the respondents contrary to law.
- B. Incorrect. No provision of law or rules have been violated by the respondents, rather it was appellant's own ill conduct that he did not bother to report his arrival in the given time and deliberately remained absent for years.
- C. Incorrect. Law & rules do not allow any official/officer to remain absent from lawful duty for a decade without any justification.
- D. Para already explained.
- E. Incorrect. Absence of appellant from lawful duty for a decade without any justification amounts to gross misconduct and disentitle him to be a part of discipline force.
- F. Para already explained.
- G. Incorrect. Appellant remained absent for more than a decade from his lawful duty therefore, principle of "no work no pay" shall be applied.
- H. That the respondents seek permission of this Hon'ble Tribunal for further additional grounds at the time of arguments.

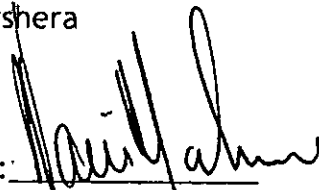
PRAYERS:

Keeping in view, the above legal and factual circumstances, the parawise comments on behalf of Respondent No.3 & 4 are hereby submitted, while additional comments on behalf of Respondents No.1 & 2 shall be submitted as soon as possible for which the Hon'ble Service Tribunal is requested to grant 30-days time, please.

Respondent No.3
(Nazir Khan) PSP
District Police Officer,
Charsadda

Sign: 
Stamp: District Police Officer,
Charsadda

Respondent No.4
(Nasir Mahmood) PSP
District Police Officer,
Nowshera

Sign: 
Stamp: District Police officer,
Nowshera,

Better Copy

ORDER

Constable Driver Zubair Shah No.229 is hereby surrendered to Peshawar District with immediate effect. His services are not more require to this District Police.

Sd/-

**District Police Officer,
Charsadda**

No. 4681/OASI dated Charsadda the 10/09/2011.

Copy forwarded for information to:

1. Capital City Police Officer, Peshawar.
2. DSP HQrs Charsadda.
3. EC/OASI

Attested

[Signature]

**Dy: Superintendent
of Police, Legal
Charsadda**

ORDER

Constable Driver Zubair Shah No. 229 is hereby surrendered to Peshawar District with immediate effect. His services are no more require to this District Police.

[Signature]
District Police Officer,
Charsadda.

No. 4681 /OASI, dated Charsadda the 10/9 2011

Copy forwarded for information to:-

- 1. Capital City Police Officer, Peshawar.
- 2. DSP HQrs; Charsadda.
- 3. ECOASI

Attested
[Signature]
Dy: Superintendent
of Police, Legal
Charsadda

اپنے فرائض کو سرانجام دینے کے لئے

Anex C

عزت مآب جناب آئی جی پی صاحب خیبر پختونخواہ

جناب عالی!

9

نوازش ہے کہ سائل 01/07/1990 نو شہرہ میں بحیثیت کنسٹیبل بھرتی ہوا تھا۔ سائل نے 18 سال نوکری نہایت خوش اسلوبی اور ایمانداری سے انجام دیکر بعد میں کچھ مجبوری کے بناء پر اپنا تبادلہ ضلع چارسدہ کو اپنی مرضی سے کرایا۔ اور پھر سائل کا تبادلہ ضلع چارسدہ سے پشاور کو افسران بالانے کر کے سائل اسی وقت بیمار تھا۔ سائل نے 2011 میں اپنی وقت پر پشاور میں حاضری نہیں کی۔ اور بعد بیماری سے سے ٹھیک ہونے پر سائل جب پشاور پولیس لائن آکر حاضری لگانے کے لئے تو پشاور میں سائل کا سروس رول اور آرڈر موجود نہیں تھا۔ دفتر ہذا والا نے بتایا کہ آپکا کاغذات یعنی سروس رول وغیرہ ہم نے چارسدہ کو واپس ارسال کیا ہے جب ہم نے چارسدہ والے سے معلومات کر کے تو چارسدہ والے نے بتایا کہ آپکا کاغذات ہمارے پاس نہیں ہے۔ آپکا کاغذات پشاور میں ہے۔ تو میں کس سے اپنی کاغذات کے بارے میں پوچھو نہ کوئی دفتر ولاد دیکھتا ہے تو اسی چکر یعنی کاغذات اور حاضری کرانے کے چکر میں 8 سال دفتروں کا چکر لگاتا ہوں اور نہ ہی سروس رول اور آرڈر کے بغیر میرا حاضری بھی نہیں کراتے ہیں۔

جناب عالی! پشاور ڈسٹرکٹ والے کو میزرا حاضری اور بلٹ نمبر دینے کے لئے احکامات جاری فرما کر اور میرا سروس رول کے بارے میں جانچ پڑتال کر کے تاکہ میں اپنا حاضری کرا لوں اور میرے تنخواہ بھی بند ہے سائل کے چھوٹے چھوٹے بچے ہیں دعا گور ہے گا۔ سائل بدوران ڈیوٹی 21 سال نوکری کرائی ہے۔

اس لئے آپ صاحبان مہربانی کر کے سائل اب ڈیوٹی کرانا چاہتا ہے۔ سائل کو اور دفتروں والوں کو میرا حاضری کرانے کے احکامات جاری فرما کر تاکہ سائل اپنا نوکری پورا کریں۔

درخواست کے ساتھ سائل کا آرڈر ٹرانسفر اور سروس رول چارسدہ اور پشاور کے آنے جانے کے ڈاگ یعنی فوٹو سٹیٹ بھی ہمراہ لف ہے۔ بندہ تاحیات آپکو دعا گور ہے گا۔

ATTESTED
TO BE TRUE COPY

العارض
17.6.20

آپکا تابعدار ڈرائیور ہیڈ کانسٹیبل زبیر شاہ نو شہرہ بلیک نمبر: 483 چارسدہ بلیک نمبر: 229 پشاور بلیک نمبر: NIII

NO. 1325/PRO

dt: 17/6/2020

Attested
D. Superintendent
of Police, Legal
Charsadda

Better Copy

P.No.137529

LAST PAY CERTIFICATE

1. Last Pay Certificate _____ HC Zubiar Shah No.
Of the _____ Distt: Police Charsadda
Proceeding _____ to CCP Peshawar.

2. He has been paid upto _____ 31.08.2011

as the following rates: -

Particulars:

Substantive Pay: -

Officiating Pay: -

Exchange Compensation Allowance: -

	10600	Rate
0001 B.Pay	10600	
1000 H.R.A	1059	
1300 M.A	1000	
1547 R.A	681	
1567 W.A	100	
1646 C.R.A	300	
1770 S.C.A	450	
1830 S.R.A		
1831 A.R (2005)		
1864 D.A		
1901 Risk All	5295	
1902 Spl. Incentive	775	
1908 A.R.2009		
Total Rs.		

Deduction: -

1. G.P.F Rs. 530 Pm _____

2. Addl group In 7 _____

3. Gop in... 67 _____

3. He made over charge of the Office of _____ his
_____ duty

on the _____ A _____ noon of _____

4. Recoveries are to be made from the pay of the Government servant as detailed on the reverse.

5. H has been paid leave salary as detailed below. Deductions have been made as noted on the reverse.

From _____ to _____ at Rs. _____ a month

From _____ to _____ at Rs. _____ a month

From _____ to _____ at Rs. _____ a month

6. He is entitled to draw the following: -

7. He is also entitled to joining time for _____ days.

8. The details to the Income Tax revered from him upto the date from the beginning of the current year are noted on the reverse.

Attested
[Signature]

By: Superintendent
of Police, Legal
Charsadda

LAST PAY CERTIFICATE

Annex B

DUPLICATE (6)

Last Pay Certificate of

of the

proceeding to

He has been paid upto

as the following rates:-

Particulars:

Officiating Pay:-

Exchange Compensation Allowance:-

Deductions:-

200 F.P.S. 100

200 S.C.P. 100

300 S.P. 100

He made over charge of the Office of

on the

Recoveries are to be made from the pay of the Government servant as detailed on the reverse.

He has been paid leave salary as detailed below. Deductions have been made as noted on the reverse.

From _____ to _____ at Rs. _____ a month

From _____ to _____ at Rs. _____ a month

From _____ to _____ at Rs. _____ a month

He is entitled to draw _____ days

He is also entitled to joining time for _____ days

The details to the Income Tax recovered from him upto the date from the beginning of the current year are noted on the reverse.

District Magistrate Officer Charsadda

Attested

Dy. Superintendent of Police, Legal Charsadda

Particulars	Rate
0001 H.Pay	10600
1000 H.R.A	1059
1300 M.A	1000
1567 W.A	100
1646 C.R.A	300
1770 S.C.A	150
1830 S.R.A	
1831 A.R (2005)	
1864 D.A	
1901 Risk All	5285
1902 S.P.I Incentive	375
1908 A.R 2009	
Total Rs.	

ATTEST TO BE

BETTER COPY



**GOVERNMENT OF
KHYBER PAKHTUNKHWA
OFFICE OF THE DISTRICT POLICE OFFICER,
CHARSADDA
TEL:9220061 FAX: 9220067**

No. 4851 /EC

Dated 26/9/2011

To,

The Capital City Police Officer,
Peshawar.

Subject:- **ORDER/SERVICE RECORD.**

Memo:

Kindly refer to this office order endst: No.4681/OASI dated 10.09.2011.

The service record of Driver Constable Zubair Shah No.229 is submitted for favour of your office record which may kindly be acknowledged, please.

Enclosures: S.Roll + F. Misal

Sd/-

**District Police Officer,
Charsadda**

Attested
[Signature]
Deputy Superintendent
of Police, Legal
Charsadda

⑥

P/MD

17200

26/9/2011



GOVERNMENT OF
FATA
OFFICE OF THE DISTRICT POLICE OFFICER,
CHARSADDA

TEL:9220061 FAX:9220067

No. 4851 /EC

Dated 26 /9/2011

To: The Capital City Police Officer,
Peshawar.

Subject: ORDER/SERVICE RECORD.

Memo:

Kindly refer to this office order endst: No. 4681/OASL dated 10.9.2011.

The service record of Driver Constable Zubair Shah No. 229 is submitted for favour of your office record which may kindly be acknowledged please.

Enclosures S.Roll+F.Misal.

Sauq.
District Police Officer,
Charsadda

- C.C.P.O. _____
- SSP/O _____
- SSP/I _____
- SP/Cantt _____
- SP/City _____
- SP/Rural _____
- SP/Sec _____
- SP/HQ _____
- SP/T.O _____
- SP/T. HQ _____
- DSP/L/OS _____
- P.O./C.C. _____

Attested
[Signature]

By: Superintendent
of Police, FATA
Charsadda

[Handwritten initials]
ckc

7

Form No. 35

DAK BOOK

GS&PD.KP-1408/95-400 B. of 190L-11/04. THE AIR FORCE DEPARTMENT

10-9-11

Date	To whom addressed	Contents of cover	Name of Nais Qasid	Initial of receiver
10/9/11	PPO, RPK, Peshawar.	4671 En	4658	
12/9/11	CCPO, Peshawar.	4684, 4683, 4681, 7952-60, 7915, 12572B	12/9/11	
11	AIG, Traffic 12PK, Peshawar	7987		

(Surrender Order)

Attested

[Signature]

Superintendent of Police, Legal Charsadda

op. to [unclear] 10/9/11

8

Form No. 35

21-9-2011

DAK BOOK

GS&PO, KI

LPC

ak Book

Date	To whom addressed	Contents of cover	Name of Naib Qasid	Initial of receiver
21/9/11	CCPO, Peshawar.	973/VRL 1338, 4789, 1328, 1331, 1327, 4790, 833, 834 8254/114, 8212/114, 8240/114 8244/114, 8208/114 21/9/11	834 P.S.S. 21/9/11	834 P.S.S. 21/9/11
11	AIG/ISB/Oct Peshawar.	1326, 1330		
11	DIG/Oct	1337, 801		

(LPC)

Attested

[Signature]

By: Superintendent
of Police, Legal
Charsadda

[Handwritten notes]

(Dated: 21-9-2011)

4790/TC

Commanding Officer, Mechanical
Transport Training Battalion
Army Service Corps Nowshera
Cantonment Nowshera.

جسٹس ایف ایچ
ایف ایچ ایف ایچ
ایف ایچ ایف ایچ

Attested

[Signature]

Dy. Superintendent
of Police, Legal
Charsadda

4791/BC

DAO chd

Revised pension case info in case file
Fardallah No. 737

4792/MSA

CC/P/PSM

L.P.C w/o P. Zubair Shah no. 205

4793/BC

DAO chd

Revised pension case info in case file David Khan
No. 460

4794/BC

CEO

issuance of notification in L/O cadet center
3871/00/196

285/TC

MDA

verification of DL No. 138420790

Ulema

WDO

PRO PESH

Destruction of 50 Nos. Hesco Bags

10

ure

P Routine No. 35

DAK BOOK

of receipts	Date	To whom addressed	Contents of cover	Name of Naib Qasid	Initial of receiver
		C.C.P.O. peshawar	4851, 1368, 1367, 1365, 13 1359, 1357, 1374, 130 386, 4855 / O.A.S. 527/R, 525/R 842 = 838 = 840 =		
	26/11	DIG/DCT,	1385, 1379, 1373, 1360,		

(Service Record)

Attested

[Signature]

By Superintendent of Police, Legal Charadda

op. to jin ... 31 ... 12

11



GOVERNMENT OF KHYBER PAKHTUNKHWA
OFFICE OF THE DISTRICT POLICE OFFICER CHARSADDA
PHONE# 091/9220400 FAX# 091-9220401
EMAIL: charsaddadpo@yahoo.com

**Authority Letter in Service Appeal No.1421/2023 -Title Zubair Shah VS
CCPO Peshawar**

Mr. Ijaz Hussain, DSP Legal Charsadda, is hereby authorized to appear before the Khyber Pakhtunkhwa Service Tribunal, Peshawar in the above captioned Service Appeal on behalf of answering respondents. He is also authorized to submit all required documents and replies etc as representative of the answering respondents through the Additional Advocate General, Khyber Pakhtunkhwa Peshawar.

Respondent No.3
(Nazir Khan) PSP

District Police Officer,
Charsadda

Sign: _____

Stamp: **District Police Officer,
Charsadda**

Respondent No.4
(Nasir Mahmood) PSP

District Police Officer,
Nowshera

Sign: _____

Stamp: **District Police officer
Nowshera.**

BEFORE THE HONORABLE KPK SERVICES TRIBUNAL PESHAWAR

Service Appeal No. 1421/2023

Zuabir Shah, Driver Constable No.483, Capital City Police, Peshawar.

.....Appellant

V E R S U S

Provincial Police Officer, KPK & others

.....Respondents

AFFIDAVIT

We the respodent No.03 & 04 do hereby solemnly affirm on oath that contents of reply to the appeal are true and correct to the best of our knowledge and belief and nothing has been concealed from the Honorable tribunal.

It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off.

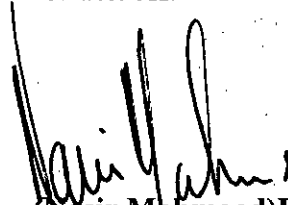


(Nazir Khan)PSP

District Police Officer,
Charsadda

Respondent No.03

District Police Officer
Charsadda



(Nasir Mahmood)PSP

District Police Officer,
Nowshera

Respondent No.04

District Police officer
Nowshera.



20/12/23