

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR**  
**AT CAMP COURT D.I.KHAN.**

Service Appeal No. 214/2019

Date of Institution ... 01.02.2019

Date of Decision ... 25.11.2021

Muhammad Saleem S/O Sanaullah Khan, R/O Village Tajori, Police Station Mullazai, Tehsil & District Tank. Ex-Constable #8192/FRP.

... (Appellant)

VERSUS

Provincial Police Officer, (IGP), Khyber Pakhtunkhwa Central Police Officer Peshawar and two others.

... (Respondents)

-----  
MR. MUHAMMAD ABDULLAH BALOCH,  
Advocate

--- For appellant.

MR. NOOR ZAMAN KHATTAK,  
District Attorney

--- For respondents.

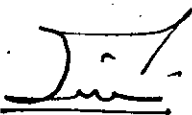
MR. AHMAD SULTAN TAREEN  
MR. SALAH-UD-DIN

--- CHAIRMAN  
--- MEMBER (JUDICIAL)

JUDGMENT:

SALAH-UD-DIN, MEMBER:-

Brief facts forming the background of the instant service appeal are that the appellant while serving as Constable FRP Dera Ismail Khan Range was proceeded against departmentally on the allegations of his absence from duty. On conclusion of the inquiry, the appellant was removed from service vide OB No. 475/FRP dated 18.07.2018, which was challenged by the appellant through filing of departmental appeal; however the same was also rejected vide order dated 01.11.2018. The revision petition



of the appellant was also filed vide order dated 10.01.2019, hence the instant service appeal.

2. Notices were issued to the respondents, who submitted their comments, wherein they refuted the contentions raised by the appellant in his appeal.

3. Learned counsel for the appellant has argued that the appellant was suffering from Sciatica and also remained hospitalized, which fact was well within the knowledge of his high-ups; that the appellant had taken specific plea of his illness in the departmental appeal filed by him, however the appellate Authority did not bother to make any inquiry in this respect and rejected the appeal of the appellant in a cursory manner; that whole of the inquiry proceedings were conducted at the back of the appellant without associating him in the inquiry proceedings; that no charge sheet or statement of allegations was served upon the appellant and he was condemned unheard; that as per charge sheet as well as statement of allegations, the absence period of the appellant has been mentioned with effect from 08.03.2018, while in the impugned order, certain period of alleged absence of the appellant pertaining to year 2017 has also been counted as absence period for awarding penalty to the appellant, therefore, on this score alone, the impugned orders are liable to be set-aside; that the appellant was not provided copy of the inquiry report alongwith final show-cause notice, therefore, the appellant was unable to properly defend himself. In the last he requested that the impugned orders being wrong and illegal may be set-aside and the appellant may be reinstated in service with all back benefits.

4. On the other hand, learned District Attorney for the respondents has contended that the appellant remained absent from duty without any leave or prior permission of the competent Authority, therefore, disciplinary action was taken against him; that a regular-inquiry was conducted into the matter by providing opportunity of self defense as well as

personal hearing to the appellant; that all legal and codal formalities were complied with in the inquiry proceedings and the appellant was found guilty of the charge leveled against him; that the appellant was in habit of habitual absence and previously too, he had remained absent on various occasions. In the last he requested that the impugned orders may be kept intact and the appeal in hand may be dismissed with costs.

5. Arguments heard and record perused.

6. A perusal of the record would show that disciplinary action was taken against the appellant on the allegations of his absence from duty. Charge sheet as well as statement of allegations were issued to the appellant on 12.04.2018, wherein his absence was mentioned with effect from 08.03.2018. Similarly, final show-cause notice issued to the appellant also mentioned absence period of the appellant with effect from 08.03.2018, however it is astonishing that as per the impugned order dated 18.07.2018 passed by the competent Authority, the alleged absence of the appellant i.e 29.05.2017 to 07.08.2017, 05.10.2017 to 18.10.2017, 24.10.2017 to 03.11.2017, 10.11.2017 to 18.11.2017, 22.11.2017 to 29.01.2018, 31.01.2018 to 05.02.2018, 20.02.2018 to 27.02.2018, 27.02.2018 to 02.03.2018, has also been counted for awarding penalty to the appellant despite the fact that the said period was neither mentioned in the charge sheet nor in the statement of allegations as well as in the inquiry report. On this score alone, the impugned orders are not sustainable in the eye of law.


7. It is the contention of the appellant that his absence was not willful, rather he was unable to attend his duty being suffering from Sciatica. In his departmental appeal too, the appellant stressed the plea of his illness by stating that relevant documents in this respect could be produced by him. In order to reach a just and right conclusion, it is necessary to ascertain as to whether the plea of the appellant regarding his illness was genuine or

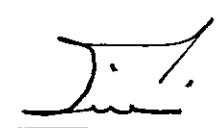
Di

otherwise. Keeping in view the facts and circumstances of the case, conducting of de-novo inquiry is necessary for reaching a just and right conclusion of the issue in controversy.

8. In view of the above discussion, the appeal in hand is allowed by setting-aside the impugned orders and the appellant is reinstated for the purpose of de-novo inquiry with directions to the competent Authority to conduct de-novo inquiry strictly in accordance with relevant law/rules within a period of 90 days of receipt of copy of this judgment. Needless to mention that the inquiry officer shall verify the genuineness or otherwise of the defense plea of the appellant regarding his illness. Appellant shall be associated with the inquiry proceedings by giving him fair opportunity of defending himself. The back benefits shall be subject to outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
25.11.2021

  
(AHMAD SULTAN TAREEN)  
CHAIRMAN  
CAMP COURT D.I.KHAN

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)  
CAMP COURT D.I.KHAN

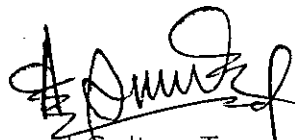
25.11.2021

Appellant alongwith his counsel Mr. Muhammad Abdullah Baloch, Advocate, present. Mr. Muhammad Hafeez, Clerk alongwith Mr. Noor Zaman Khattak, District Attorney for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the appeal in hand is allowed by setting-aside the impugned orders and the appellant is reinstated for the purpose of de-novo inquiry with directions to the competent Authority to conduct de-novo inquiry strictly in accordance with relevant law/rules within a period of 90 days of receipt of copy of this judgment. Needless to mention that the inquiry officer shall verify the genuineness or otherwise of the defense plea of the appellant regarding his illness. Appellant shall be associated with the inquiry proceedings by giving him fair opportunity of defending himself. The back benefits shall be subject to outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

25.11.2021



(Ahmad Sultan Tareen)  
Chairman  
Camp Court D.I.Khan



(Salah-Ud-Din)  
Member (J)  
Camp Court D.I.Khan

25 .01.2021

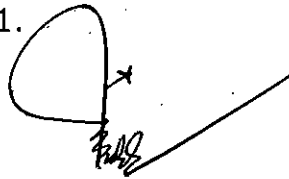
Due to COVID 19, the case is adjourned to  
24 .03.2021 for the same as before.

  
Reader

24.03.2021

Learned counsel for the appellant present. Mr. Rajab Ali, Senior Clerk alongwith Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.

Request for adjournment was made on the ground that the issue involved in the present appeal is pending adjudication before Larger Bench of this Tribunal in other appeals. Adjourned. To come up for arguments before D.B at Camp Court D.I.Khan on 27.07.2021.



(MIAN MUHAMMAD)  
MEMBER (EXECUTIVE)  
CAMP COURT D.I.KHAN



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)  
CAMP COURT D.I.KHAN

27 .07 .21

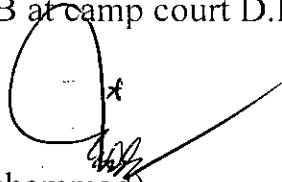
Due to non-availability of bench, the  
case is adjourned to 25-11-21

  
Reader

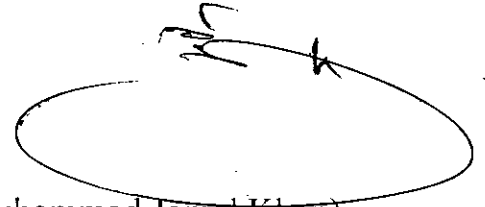
26.10.2020

Appellant is present in person. Mr. Muhammad Jan, Deputy District Attorney for respondents is present present.

Since the Members of the High Court as well as of the District Bar Association D.I.Khan are observing strike today, therefore, the case is adjourned to 24.11.2020 for arguments before D.B at camp court D.I.Khan.



(Mian Muhammad)  
Member(E)



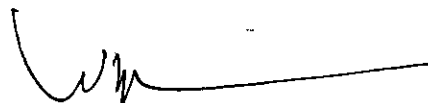
(Muhammad Jamal Khan)  
Member(J)  
Camp Court D.I Khan

24.11.2020

Appellant present through counsel.

Muhammad Jan learned Deputy District Attorney for respondents present.

A request for adjournment was made as issue in the present case is pending before a Larger Bench of this Tribunal. Adjourned. To come up for arguments on 25.01.2021 before D.B. at Camp Court DI.Khan.



(Atiq-ur-Rehman Wazir)  
Member (E)  
Camp Court, D.I Khan



(Rozina Rehman)  
Member (J)  
Camp Court, D.I Khan

Service Appeal No. 214/2019

27.11.2019

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Toqueer, Head Constable for the respondents present. Representative of the department submitted written reply on behalf of respondents No. 1 to 3 which is placed on record. Case to come up for rejoinder and arguments on 29.01.2020 before D.B at Camp Court D.I.Khan.



(Muhammad Amin Khan Kundi)  
Member  
Camp Court D.I.Khan

29.01.2020

Clerk to counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present. Clerk to counsel for appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to general strike of the Khyber Pakhtunkhwa Bar Council. Adjourned to 26.02.2020 for rejoinder and arguments before D.B at Camp Court D.I.Khan.



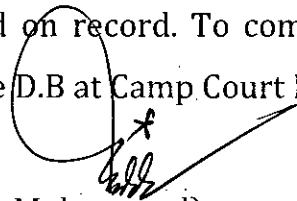
(Hussain Shah)  
Member  
Camp Court D.I.Khan



(M. Amin Khan Kundi)  
Member  
Camp Court D.I.Khan

26.02.2020

Appellant in person and Mr. Ziaullah, Deputy District Attorney for the respondents present. Appellant submitted rejoinder and requested for adjournment for arguments on the ground that his counsel is not available today. Rejoinder is placed on record. To come up for arguments on 20.04.2020 before D.B at Camp Court D.I.Khan.



(Mian Mohammad)  
Member  
Camp Court D.I.Khan




(M. Amin Khan Kundi)  
Member  
Camp Court D.I.Khan



26.06.2019

Appellant in person and Mr. Farhaj Sikandar, District Attorney for the respondents present. Neither written reply on behalf of respondents submitted nor representative of the department is present therefore, notices be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned to 24.09.2019 for written reply/comments before S.B at Camp Court D.I.Khan.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court D.I.Khan

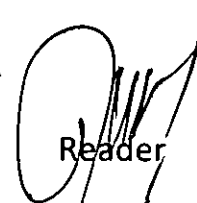
24.09.2019

Appellant in person present. Written reply not submitted. Toqeer H.C representative of the respondent department absent. Respondents as well as absent representative be put to notice for submission of written reply/comments. Adjourn. To come up for written reply/comments on 23.10.2019 before S.B at Camp Court D.I.Khan.

  
Member  
Camp Court, D.I.Khan

23/10/2019

Since tour to D.I.Khan has been cancelled .To come for the same on 27/11/2019.

  
Reader

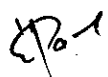
24.04.2019

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant (Ex-Constable) has filed the present service appeal u/s 4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 18.07.2018 whereby he was awarded major punishment of removal from service on the ground of absence from refresher course and absence from lawful duties. The appellant has also challenged the order dated 01.11.2018 through which his departmental appeal against the punishment order was reject/filed being time barred and meritless. The appellant has also assailed the order dated 10.01.2019 whereby the Revision Petition filed by the appellant was filed being badly time barred.

Points urged need consideration. The appeal is admitted for regular hearing subject to all the legal objections including the issue of limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 26.06.2019 before S.B at Camp Court, D.I.Khan.

Appellant Deposited  
Security & Process Fee

  
Member  
Camp Court, D.I.Khan

27.03.2019

Appellant in person present.

Requests for adjournment due to ailment of learned counsel for the appellant. Adjourned to 24.04.2019 before the S.B at camp court, D.I.Khan.



Chairman  
Camp Court, D.I.Khan



Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. \_\_\_\_\_ 214/2019 \_\_\_\_\_

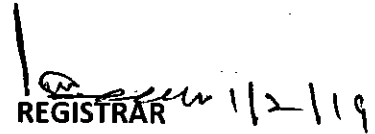
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/2/2019	<p>The appeal of Mr. Muhammad Saleem received today by post through Mr. Muhammad Abdullah Baloch Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 18/2/19</p>
2-	12-3-19	<p>This case is entrusted to touring S. Bench at D.I.Khan for preliminary hearing to be put up there on <u>27-3-2019</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Muhammad Saleem son of Sanaullah Khan r/o village Tajori Distt. Tank received today i.e. on 01.02.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Affidavit may be got signed by the Oath Commissioner.
- 2- Annexure-C of the appeal is illegible which may be replaced by legible/better one.
- 3- One copy/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 210 /S.T,

Dt. 01/2 /2019.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Muhammad Abdullah Baloch Adv.  
High Court Dera Ismail Khan.

To

The Registrar,  
Service Tribunal,  
KPK Peshawar.

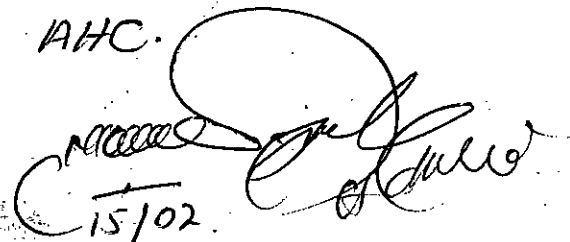
Subject:- Re Submission of Service Appeal.

D/Sir : All the three objections i.e.

- ① Affidavit has been attested by oath commissioner.
- ② Better copy Annexure-'c' is attached.
- ③ One set of appeal along with all the annexure is attached.

After removal of all the three objections the Service Appeal is being Re-Submitted today i.e. 15-02-19.

Through Counsel  
M. Abdullah Baloch  
AHC.

  
15/02.

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

In service Appeal No. 214 /2019

**Muhammad Saleem** **VERSUS**  
**(Appellant)**

**PPO KPK etc**  
**(Respondents)**

**I N D E X**

S.No.	Description of documents	Annexure	Pages
1.	Memorandum of Appeal and affidavit	--	1-12
2.	Copy of CNIC & discharge slip	A & B	13-15
3.	Copy of impugned order#Ob-475 dated 18/07/2018	C	16
4.	Copies of departmental appeal	D	17
5.	Copy of the letter No. 10905-06/EC dated 01/11/2018	E	18
6.	Copies of revision petition and impugned order thereon dated 10/01/2019	F	19-20
7.	Vakalatnama	--	21

Dated: 29 /01/2019

Your humble appellant

  
**Muhammad Saleem**

Through counsel

  
**Muhammad Abdullah Baloch**  
Advocate High Court

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL****PESHAWAR**Khyber Pakhtunkhwa  
Service TribunalService Appeal No. 214 /2019Diary No. 148Dated 01-2-2019

**Muhammad Saleem** son of Sanaullah Khan r/o village  
Tajori, Police Station Mullazai, Tehsil & District Tank.  
Ex-Constable#8192/FRP.

**(Appellant)****VERSUS**

1. Provincial Police Officer, (IGP), Khyber Pakhtunkhwa Central Police Office Peshawar.
2. Commandant Frontier Reserve Police, Khyber Pakhtunkhwa Peshawar.
3. Superintendent of Police, FRP, D.I.Khan Range, Dera Ismal Khan.

..... **(RESPONDENTS)**

APPEAL UNDER SECTION 4 OF THE KPK SERVICES TRIBUNAL ACT, 1974, AGAINST, FIRSTLY THE IMPUGNED ORDER NO. OB-475 DATED 18/07/2018 ISSUED BY THE RESPONDENT#4, WHEREBY THE APPELLANT WAS AWARDED MAJOR PUNISHMENT OF REMOVAL FROM SERVICE AND FINALLY, AGAINST THE IMPUGNED ORDER OF APPELLATE AUTHORITY NO 10905-06/EC DATED 01/11/2018 VIDE WHICH THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED AND THE IMPUGNED ORDER DATED 10/01/2018 OF THE LEARNED REVISIONAL AUTHORITY WHEREBY

Filed to-day

Registrar

12/2/19

KIC  
AdmissRe-submitted to -day  
and filed.

Registrar

12/2/19

**THE REVISION PETITION OF THE APPELLANT WAS  
REJECTED.**

**Note:** Addresses given above shall suffice the object of service. All necessary and proper parties have been arrayed in the panel of respondents.

***Respectfully Sheweth;***

1. That the appellant was inducted in Police Department (FRP) Dera Ismail Khan as Constable in the year 2008 and prior to the implementation of the impugned order the appellant had been serving the under the SP FRP Dera Ismail Khan and since induction had been performing his duties with honesty and with great zeal. That in the year 2017, the appellant all of a sudden got severe pain which had been occurred after different intervals on different occasions. Appellant thoroughly got medical check-ups and it is shocked that appellant has a disease of sciatica. Copies of the CNIC and medical treatment record are annexed as **Annexure-A & B.**
2. That the appellant being a poor fellow had to invest a lot of money upon medical expenditures and the department was very well aware of this fact but nobody bother to help the appellant. The appellant also submitted all the relevant medical reports and prescriptions to the concern.
3. That appellant has never ever been remained absent from his duty without informing his superiors and concerns but as the appellant was suffering from severe sciatica disease, the respondents illegally and malafidely issued the ex-parte impugned order#Ob-475 dated 18/07/2018 issued by respondent#4, wherein the appellant was awarded major punishment of removal from service for his absence. Copy of the impugned order dated 18/07/2018 is annexed as **Annexure-B.**

MY  
Produce



4. That appellant preferred a departmental appeal on 12/08/2018 to the respondent#2 being appellate authority and disclosed all the true facts and acknowledging the real happenings with the appellant, the appellate authority vide office order No. 10905-06/EC dated 01/11/2018 rejected the appeal of the appellant. The impugned order of rejection of appeal was not communicated to the appellant which was mandatory upon the respondents. The appellant personally visited the office and got knowledge about the impugned rejection order on 30/12/2018. Copies of departmental appeal and impugned dated 01/11/2018 are annexed as **Annexure-C&D**.
5. That after receiving the impugned order dated 01/11/2018, the appellant moved a revision petition before the respondent#1 and the same was also rejected on 10/01/2019 without discussing the case of appellant.
6. That the appellate authority without assigning the final show cause notice and without being personally heard, confirmed the previous impugned orders passed by the authorities below.
7. That order#OB-475 dated 18/07/2018 and subsequently impugned orders of the appellate as well as revisional authorities were based on mala fide and against the law, thus, the appellant left with no other remedy, the appellant approaches this honourable tribunal seeking reinstatement in service with all back benefits in consequence of setting aside impugned orders on gracious acceptance of the instant petition on grounds hereinafter preferred.

## **G R O U N D S**

- a. That the orders passed by the departmental authorities, impugned hereby are arbitrary, discriminatory, legally and factually incorrect, ultra virus, void ab initio and militate

*My  
Review*

against principle of natural justice, thus, are liable to be set aside and malafide.

- b. That the appellant is innocent and has been subjected to the penalty for no fault on his part. SP FRP/respondent#4 failed to follow the prescribed procedure and conducted ex-parte proceedings and the inquiry officer also failed to regulate the departmental inquiry in accordance with law and procedures described for the purpose and as such erred at the very outset of the proceedings, thus, thus causing grave miscarriage of justice as well as prejudice to the appellant in making his defence.
- c. That it is a matter of record that appellant has been vexed in clear defiance of law and principle laid by the superior courts as well as the tribunals as could be gathered from the facts and circumstances of the case.
- d. That the respondents/department awarded major penalty i.e. removal from service for the absence of the appellant which was not willful but was for the facts which were beyond the control of appellant. Even then the punishment awarded to the appellant is too harsh for the unintentional absence.
- e. That appellant was not called for personal hearing before the respondent#4 as mentioned in the impugned order that appellant did not appear before him. The inquiry officer has not conducted the inquiry according to the law

*By  
Chakraborty*

even the inquiry conducted was ex-parte and the impugned order dated 18/07/2018 was also ex-parte as evident from the impugned order *ibid*.

- f. That the appellant had sufficient length of service i.e. approximately 10 years rendered for the department while adjudicating the matter of departmental authority utterly ignored not only the provisions of law on the point but the rights, too, of the appellant including fringe benefits and by imposing the harshest of the penalties in defines of law as aforesaid, deprived the family of appellant of its only means of earning livelihood.
- g. That the respondents while adjudicating in the matter of departmental proceedings and the appeal/representation as well as revision petition of the appellant were disposed of the entire matter in a slip shot manner through the orders impugned hereby, thus, the award of impugned punishment is patently unwarranted, illegal, ultra virus, nullity in law and apparently motivated for extraneous reasons and is not maintainable in law.
- h. That the petition of appeal is duly supported by law and rules formulated there under, besides the affirmation/affidavit annexed hereto.
- i. That this honourable Tribunal is competent and has ample powers to adjudge the matter under reference/appeal.

*Ms. Chandee*

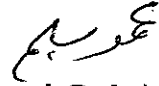
- j. That counsel for the appellant may graciously be allowed to raise additional grounds at the time of arguments.

**In wake of submission made above applicant humbly requested that the impugned order No. OB-475 dated 18/07/2018 issued by the respondent#4 and subsequently impugned orders of the appellate as well as revisional authorities may please be set aside and the applicant may graciously be reinstated in service with all back benefits.**

Any other relief deemed appropriate in circumstances of the case may also be allowed in favour of appellant in the large interest of justice.

Dated: 29/01/2019

Your humble appellant



**Muhammad Saleem**  
son of Sanallah Khan r/o  
village Tajori, Police  
Station Mullazai, Tehsil &  
District Tank.  
Ex-Constable#8192/FRP.

Through counsel



**Muhammad Abdullah Baloch**  
Advocate High Court,

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

In service Appeal No. \_\_\_\_\_/2019

**Muhammad Saleem   VERSUS**  
**(Appellant)**

PPO KPK etc  
**(Respondents)**

**CERTIFICATE**

Certified that appellant have not filed an appeal regarding the subject controversy, earlier in this august Tribunal.

Dated 29/01/2019

  
Appellant

**NOTE**

Appeal with annexure along-with required sets thereof are being presented in separate file covers.

Dated 29/01/2019

  
Appellant's counsel

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

In service Appeal No. \_\_\_\_\_/2019

**Muhammad Saleem**   **VERSUS**  
**(Appellant)**

PPO KPK etc  
**(Respondents)**

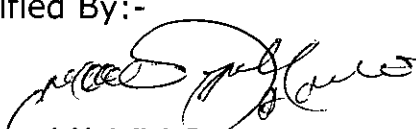
**AFFIDAVIT**


I, **Muhammad Saleem**, appellant herein, do hereby solemnly affirm on oath:-

1. That the accompanying appeal has been drafted by counsel following our instructions;
2. That all para-wise contents of the appeal are true and correct to the best of my knowledge, belief and information;
3. That nothing has been deliberately concealed from this Honourable Court, nor anything contained therein, based on exaggeration or distortion of facts.

Dated 29/01/2019

Identified By:-

  
Muhammad Abdullah Baloch  
Advocate High Court,

  
Oath Commissioner  
D.O & AC  
District Bar D.I. Khan

  
**DEPONENT**

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

In service Appeal No. \_\_\_\_\_/2019

**Muhammad Saleem   VERSUS**  
**(Appellant)**

PPO KPK etc  
**(Respondents)**

**ADDRESSES OF THE PARTIES**

**Appellant:-**

**Muhammad Saleem** son of Sanaulah Khan r/o village  
Tajori Tehsil & District Tank. Ex-Constable#8192/FRP.

**(Appellant)**

**RESPONDENTS:-**


1. Provincial Police Officer, (IGP), Khyber Pakhtunkhwa  
Central Police Office Peshawar.
2. Commandant Frontier Reserve Police, Khyber  
Pakhtunkhwa Peshawar.
3. Superintendent of Police, FRP, D.I.Khan Range, Dera  
Ismal Khan.

Dated: 29/01/2019

Your humble appellant

  
**Muhammad Saleem**

Through counsel

  
**Muhammad Abdullah Baloch**  
Advocate High Court

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

In service Appeal No. \_\_\_\_\_/2019

**Muhammad Saleem   VERSUS**  
**(Appellant)**

PPO KPK etc  
**(Respondents)**

**Application for Condonation of delay**

Respected Sir,

Appellant humbly submits as follows,

1. That the above titled appeal is being filed today accompanying this application, the contents of which may please be considered as integral part of instant appeal.
2. That the appellant was removed from the service vide impugned order No. OB-475 dated 18/07/2018 but at the time of said order the appellant was facing severe problem of sciatica and as soon as the appellant got recovered, the appellant tried his level best to re-instate himself in services.
3. That the appellant preferred appeal on 12/08/2018 which was well within time but was rejected on 01/11/2018 and no proper inquiry, show cause and opportunity of personal hearing was afforded to the appellant.
4. That appellant was not communicated the impugned order dated 01/11/2018 and after personal efforts got knowledge of the impugned appellant authority's order on 30/12/2018 which is evident from the fact that the appellant moved the revision petition on very next day i.e. 31/12/2018.
5. That instant appeal is being filed today which is well within time but if any way the service appeal of the appellant




becomes time barred it may graciously be condoned in the light of circumstances mentioned above.

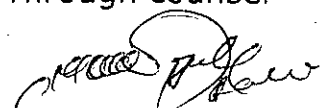
**It is therefore, humbly requested that on acceptance of instant application the condonation of delay may kindly be accepted.**

Dated: 29/01/2019

Your humble appellant

  
**Muhammad Saleem**

Through counsel

  
**Muhammad Abdullah Baloch**  
Advocate High Court

**AFFIDAVIT**

I, **Muhammad Saleem**, appellant herein, do hereby solemnly affirm on oath:-

1. That the accompanying appeal has been drafted by counsel following our instructions;
2. That all para-wise contents of the appeal are true and correct to the best of my knowledge, belief and information;
3. That nothing has been deliberately concealed from this Honourable Court, nor anything contained therein, based on exaggeration or distortion of facts.

Dated 29/01/2019

  
**DEPONENT**

# HQ HOSPITAL DISTRICT TANK

Discharge Slip:

Patient Name: SALIMULLAH

Age: 25 Sex: M Occupation: Police

Address: TANK

Date of Admission: 9.4.18 NO: 316

Ward: M Clinic Diagnose: Sch. Tera.

Dated of Discharge / Reference: 10.7.18

Treatment in Hospital

Treatment for home

gr. Farodal. 30 ml  
2 ml

1/5 Potec. 75mg  
2 ml

1/5 Sample. 55 mg  
2 ml

gr. mythecabal.  
2 ml

1/5 O.S.O. D  
2.0 ml

1/5 O.S.O. D  
2.0 ml

1/5 Faldin 20 mg.  
1-11 (3)

1/5 mythecabal. (100)  
171

1/5 mycanal. (100)  
17171

1/5 Potec 75mg (40)  
171

1/5 O.S.O. D. (30)  
171

advised. Ref for  
11/7/18 to  
12/11/18

attention to be taken  
comp. Appoint.  
E.S.

HQ HOSPITAL DISTRICT TANK

Annexure E<sup>o</sup>  
1215/FRP  
07-11-18

In the light of recommendation of the enquiry officer and other material available on record, he was accordingly removed from service vide office OB No. 475, dated 18.07.2018.

Feeling aggrieved against the impugned order of SP FRP DI Khan Range, DI Khan, the applicant preferred the instant appeal. The applicant was summoned and heard in person in Orderly Room held on 31.10.2018.

During the course of personal hearing, the applicant failed to present any justification regarding his prolonged absence. Keeping in view the facts mentioned above the applicant has been found to be an irresponsible person addicted to habitual absenteeism in utter disregard of the discipline of the force. As such the delinquent constable has deliberately absented himself from lawful duty and there is no likely hood of his becoming a good police officer in future.

Therefore any leniency or complacency would further embolden the accused officer and impinge upon the adversely on the over all discipline and conduct of the force.

Based on the findings narrated above, I, **Sajid Ali PSP** Commandant FRP Khyber Pakhtunkhwa, Peshawar, being the competent authority, has found no substance in the appeal, therefore, the same is rejected and filed being badly time barred and meritless.

Order Announced.

Commandant  
Frontier Reserve Police  
Khyber Pakhtunkhwa, Peshawar.

No. 10905-26/EC, dated Peshawar the 07/11/2018.

Copy of above is forwarded for information and necessary action to

the:-

1. SP FRP DI Khan Range, DI Khan. His service record alongwith D file sent herewith.
2. Ex-constable Muhammad Saleem No. 8192/8987 S/O Sana Ullah, Police Station Mulazai, Village Tajure, District Tank.

Attended to be true  
Copy. Appellant.

Miscal  
referred

Service roll  
Received today

[Signature]  
N/SRC/FRP  
7-11-18

OB/SRE  
For N/Action

10905-26/FRP

**BETTER COPY****ORDER:-**

My this order will dispose of departmental enquiry conducted against Constable Muhammad Saleem no. 819/FRP under Khyber Pakhtunkhwa Police Disciplinary Rules 1975 (Amended in 2014).

According to Deputy Commandant FRP Khyber Pakhtunkhwa Peshawar vide his office Endst: No. 5262/RDC dated 10/07/2017, he remained absent from Refresher Course with effect from 29/05/2017 to 07/08/2017 total (69) days, similarly according to daily diary reports vide mad No. 16 dated 05/02/2018, No. 4 dated 27/02/2018, No. 04 dated 02/03/2018, No. 11 dated 29/01/2018 of Police Patrolling Post Kot Azam Tank, he remained absent from law full duties with effect from 21/10/2017 to 03/11/2017, 05/10/2017 to 18/10/2017, 10/11/2017 to 18/11/2017, 31/01/2018 to 05/02/2018, 20/02/2018 to 27/02/2018, 27/02/2018 to 02/03/2018, 22/11/2017 to 29/01/2018, 23/03/2018 to 09/04/2018 total absence period comes (200) days 09/04/2018 to till date respectively without any leave or permission from the competent authority. To this effect he was served show cause notice. He was required to submit the reply of said show cause notice within stipulated period of 07 days but he failed to do so. He was issued charge sheet along with summery of allegation and served upon him. Zahoor ud Din DSP/FRP D.I.Khan Range was nominated as enquiry officer submitted his findings report along with other relevant papers wherein defaulter constable was found guilty of charges leveled against him and recommended him for Final Show Cause notice. he was served with Final Show Cause notice on 19/06/2018. He was required to submit the reply of said final show cause notice within stipulated period of 15 days but he failed to do so. He was called in orderly room in the office of undersigned on various dates but he does not appear before the undersigned. Final show cause notice and other relevant papers were again marked to Zahoor ud Din DSP/FRP D.I.Khan Range for enquiry and report within 03 days. DSP/FRP D.I.Khan Range submits the report wherein he recommended the defaulter constable for major punishment i.e. removal from service and his absence period may treated as without pay. From perusal of his service record it revealed that he was enlisted as Constable on 24/12/2008, during his service he remained absent from law full duties for (187) days, awarded minor punishment of confinement to quarter guard for 02 days, extra drill for 07 days and fine Rs. 2000/- previously.

Keeping in view the fact stated above, as well as recommendation of enquiry officer, I, Mr. Aman Ullah Khan, Superintendent of Police (FRP) D.I.Khan Range, D.I.Khan in exercise of powers vested in me under Khyber Pakhtunkhwa Police Disciplinary Rules 1975 amended 201 hereby taking ex-parte action against Constable Muhammad Saleem No. 8192/FRP awarded him major punishment of Removal from Services from the date of absence. His absence period i.e. 29/05/2017 to 07/08/2017, from 21/10/2017 to 03/11/2017, 05/10/2017 to 18/10/2017, 10/11/2017 to 18/11/2017, 31/01/2018 to 05/02/2018, 20/02/2018 to 27/02/2018, 27/02/2018 to 02/03/2018, 22/11/2017 to 29/01/2018, 23/03/2018 to 09/04/2018 total absence period comes (200) days 09/04/2018 to till date treated as without pay.

Order Announced:

Dated 18/07/2018

OB No. 475/FRP

Dated 18/07/2018

Aman Ullah Khan

Superintendent of Police

FRP, DIKhan Range D.I.Khan

جناب عالی!

گزارش ہے کہ سائل 2008ء سے محکمہ پولیس FRP میں بطور کانسٹیبل بھرتی ہو کر اپنے فرائض منصبی پر طریق احسن سرانجام دیتا رہا۔ یہ کہ بدوران ڈیوٹی انتہائی بیمار ہو گیا تھا جسکی وجہ سے سائل کو اپنی ڈیوٹی سے با امر مجبوری غیر حاضر ہونا پڑا۔ جس پر بحوالہ OB نمبر 475 مورخہ 18.07.2018 کو سائل سروس سے برخاست ہوا۔

حضور والا کو اللہ تعالیٰ نے وسیع اختیارات سے نوازا ہے سائل ایک غیر خاندان سے تعلق رکھتا ہے اور اہل و عیال کا واحد سہارا ہے

لہذا بذریعہ تحریر ہذا انتہائی عاجزانہ استدعا ہے کہ سائل کو سروس پر دوبارہ بحال کیا جاوے۔ واضح رہے کہ بمطابق لیوا کاؤنٹ سائل کی ٹوٹل 484 یوم رخصت کلاں بنتی ہیں جبکہ سائل نے کل 30 یوم رخصت کلاں گزرای ہے۔ سائل اپنی بیماری کے کاغذات پیش کر سکتا ہے سائل کی عرصہ غیر حاضری کو میڈیکل لیوا رخصت کلاں میں شمار کرتے ہوئے دوبارہ سروس پر بحال کیا جاوے۔ سائل تا عمر دعا گور ہے گا۔

آپکی عین نوازش ہوگی۔

العارض

سائل Ex۔ کانستبل محمد سلیم نمبر 8987/8192 متعینہ ضلع ڈیرہ اسماعیل خان۔

مبائل نمبر 0304-2126094 محمد سلیم حور

12-8-2018

Attn: Sub. & to  
Exe. Comm. Appellant  
محمد سلیم

جناب عالی!

گزارش ہے کہ سائل 2008ء سے محکمہ پولیس FRP میں بطور کانشیبل بھرتی ہو کر اپنے فرائض منصبی پر بہ طریق احسن سرانجام دیتا رہا۔ یہ کہ بدوران ڈیوٹی انتہائی بیمار ہو گیا تھا۔ جسکی وجہ سے سائل کو اپنی ڈیوٹی سے بااثر مجبوری غیر حاضر ہونا پڑا۔ جس پر بحوالہ O.B نمبر 475 مورخہ 18.07.2018 کو سائل سروس سے برخاست ہوا۔

سائل نے جناب کمانڈنٹ صاحب FRP ہیڈ کوارٹرز پشاور کو بغرض بحالی سروس درخواست گزاری کی لیکن صاحب موصوف نے سائل کی اپیل مسترد کر دی۔ سائل کے پاس بیماری کے جملہ کاغذات موجود ہیں جن کی فوٹو کاپی درخواست ہمراہ لف ہے۔ سائل ایک انتہائی غریب خاندان سے تعلق رکھتا ہے جو اس مہنگائی کے دور میں سائل کا گزارا بہت مشکل سے ہوتا ہے حضور والا کو اللہ تعالیٰ نے اندریں سلسلہ وسیع اختیارات سے نوازا ہے۔

اللہ

بذریعہ درخواست انتہائی عاجزانہ استدعا ہے کہ سائل کی درخواست بابت بحالی سروس پر عمل درآمد کرتے ہوئے سائل کو سروس پر دوبارہ بحال کرنے کا حکم صادر فرمادیں۔

سائل EX- کانشیبل محمد سلیم نمبر 8987/8192 متعینہ تاجوڑی ضلع ٹانک ڈیرہ اسماعیل خان ریج۔

مبائل نمبر 0304-2126094 0307-8522024

31.12.2018

Attested to be true copy.  
محمد سلیم



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

28

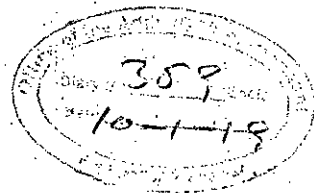
No. S/ 55 /19, dated Peshawar the 10/10/2019

129  
21-1-19

To : The Commandant,  
Frontier Reserve Police,  
Khyber Pakhtunkhwa, Peshawar.

Subject: REVISION PETITION

Memo :



The competent Authority has examined and filed the revision petition submitted by Ex-Constable Muhammad Saleem No.8192 of FRP, DIKhan Range DIKhan against the punishment of removal from service awarded by SP/FRP DIKhan vide OB No.475, dated 18.07.2018 being badly time barred.

The applicant may please be informed accordingly.

*(Signature)*  
(SYED ANIS UL-HASSAN)  
Registrar,  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

*RK PPS*  
*21/1/19*  
*Si/legat*  
*For n/actio*  
*Si - PPS attached*  
*21-1-19*

*office of Commandant FRP KP Pesh*  
*NO 577/Si- legat Peshawar dated the 15/01/2019*  
*copy of above is forwarded to the SP FRP*  
*DIK Range DIK for information and n/actio.*  
*The applicant may be informed accordingly.*

*SRE/OB*  
*For n/actio*

*601/OB*  
*21-01-2019*  
*SP/FRP/...*

*(Signature)*  
*Commandant FRP KP Peshawar*

*Attested to be true*  
*copy. Applicant*  
*(Signature)*



ADVOCATE  
GENERAL PESHAWAR

MUHAMMAD ABULLAH

Advocate High Court

M.C. 12101-0983149-7

S.No 1288



Issuing Authority

وکالت نامہ

کورٹ  
فیس

Before The KPK Service Tribunal Peshawar

بعدالاعتدال

Appellant

منجانب

(KPK)

Muhammad Saleem

نام

PPD Etc

دعوی یا جرم

Service Appeal

تفصیل دعوی یا جرم

باعث تحریر آنگہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیرونی وجوہ دی برائے پیشی یا تصفیہ مقدمہ نامہ D.I. Khan کے لیے

Muhammad Abdullah Baloch AHC D.I. Khan

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا ہذا بذریعہ رو برو عدالت حاضر ہوتا رہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر منظر حاضر نہ ہو اور مقدمہ بیرونی غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پشہری کے علاوہ یا پشہری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر مقام پشہری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پشہری کے اوقات کے آگے یا پیچھے پیش ہونے پر منظر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا محنت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داخستہ صاحب موصوف مثل کردہ ذات، خود منظور و قبول ہو گا اور صاحب موصوف کو عرض دعوی یا جواب دعوی یا درخواست اجراء اسمائے ذکری نظر ثانی اپیل نگرانی و ہر قسم درخواست ہر قسم کے بیان رسیدے اور پر مٹائی یا راضی نامہ و فیصلہ برطرف کرنے اقبال دعوی کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مزکور بیرون از پشہری صدر بیرونی مقدمہ مزکور نظر ثانی اپیل و نگرانی و برآمدگی مقدمہ یا سنوٹی ذکری یک طرفہ یا درخواست حکم اتہانی یا قرتی یا گرفتاری قبل از فیصلہ اجراءے ذکری بھی صاحب موصوف کو بشرط ادا نگینی علیحدہ مختصم بیرونی کا اختیار ہو گا اور تمام ساختہ پرواخذتہ صاحب موصوف مثل کردہ از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو گا کہ مقدمہ مزکورہ یا اس کے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی اپیل نگرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا بیرسٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے شیر تانوں کو بھی ہر امر میں وہی اور دیے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جان اتواء پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے

2019 January

ماہ

مورخہ

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

Muhammad Abdullah Baloch  
Advocate High Court  
Dera Ismail Khan  
Mob # 0314-6932557

محمد علی

Appellant

محمد علی  
23/1/19

حسن کا میر سنٹر اندرون ہیں زر مارکیٹ بالقابل جانز ہونل ذیرہ اول اسمیل خان



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 214/2019.

Muhammad Saleem, Ex-constable No. 8192 FRP S/o Sanallah r/o Village Tajori,  
Police Station Mullazai, Tehsil & District Tank.....Appellant

**VERSUS**

1. **Provincial Police Officer (IGP),**  
Khyber Pakhtunkhwa, Peshawar.
2. **Commandant, Frontier Reserve Police,**  
Khyber Pakhtunkhwa, Peshawar.
3. **The Superintendent of Police,**  
FRP DI Khan Range, DI Khan ..... Respondents

**PRELIMINARY OBJECTIONS**

1. That the appeal is badly time barred.
2. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
3. That the appellant has no cause of action to file the instant appeal.
4. That the appellant has not come to this Honorable Court with clean hands.
5. That the appellant is estopped due to his own conduct to file the instant Service Appeal.
6. That the appellant trying to concealed material facts from this Honorable Tribunal.

**WRITTEN REPLY ON BEHALF OF RESPONDENTS**

**FACTS**

**RESPECTED SHEWETH:-**

1. Para No.1 is admitted to the extent of appellant's enlistment, However the remaining Para is incorrect as the appellant remained absent from lawful duties, without any leave or prior permission of the competent authority. From perusal of his service record, appellant was found an irresponsible person addicted to habitual absenteeism and utter to disregard of discipline of Police Force, as during the service the appellant was remained absent from lawful duty for a long period of 187 days and subsequently remained absent for a period of 200 days without any leave or prior permission of the competent authority. Besides, there are 09 bad entries and with no good entry in his credit and also punished with fine of Rs. 2000/- previously.
2. Incorrect and denied, as explained above the appellant absented himself from his lawful duty, without any leave or prior permission of the competent authority. Moreover, the plea taken by the appellant regarding to his illness is a propounded story. The appellant failed to submit any application or medical reports before the competent authority.
3. Incorrect and denied. The appellant was remained absented from lawful duty without any leave or prior permission of the competent authority. On the allegations of absence, he was issued Charge Sheet alongwith Summary of allegations and enquiry officer was nominated to conduct enquiry against

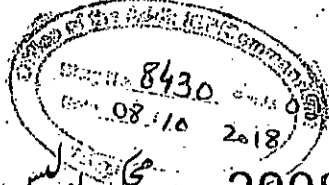
him. After fulfillment all codal formalities required as per law, the appellant awarded major punishment of removal from service by the competent authority.

4. Incorrect and denied. Departmental appeal submitted by the appellant on 08.10.2018, which was thoroughly examined and rejected on the grounds of time barred and meritless. (Copy of his appeal is attached as annexure "A"). The appellant has annexed a fake appeal dated 12.08.2018, to mislead this Honorable Tribunal. A copy of rejection order has already been conveyed to the appellant vide Endst; No. 10905-06/EC, dated 01.11.2018.
5. Incorrect and denied. Revision petition of the appellant was thoroughly examined and rejected on grounds of badly time barred.
6. Incorrect and denied. For disposal of departmental appeal, the appellant has already been heard in person by the appellate authority in orderly room held on 31.10.2018, the appellant failed to advance any cogent justification regarding to his prolong absence. Moreover, there is no provision of show cause notice in law, in the proceeding of departmental appeal.
7. Incorrect and denied. The orders issued by the respondents are legally justified and accordance to law/rules. Moreover, the appellant has no cause of action to file the instant appeal; the same may kindly be dismissed on the following grounds.

#### GROUNDS

- a. Incorrect and denied. The impugned orders of the competent authority are legally justified and in accordance to law/rules, as the same were issued after fulfillment all legal formalities required as per law.
- b. Incorrect and denied. On the allegations of absence, the appellant was issued/served with Show Cause Notice, but he failed to submit his reply. Thereafter, he was issued Charge Sheet alongwith Summary of Allegations and DSP FRP DI Khan Range, was appointed as Enquiry Officer to conduct enquiry against him. The Charge Sheet was served upon him and his signature was obtained as a token of receipt, but he failed to submit his reply before the Enquiry Officer. The Enquiry Officer found him guilty of the charges leveled against him and recommended for departmental action. Upon the findings of Enquiry Officer the appellant was served with final Show Cause Notice on his home address, but he failed to submit his reply within stipulated period. An ample opportunity for personal hearing was also provided to the appellant, but he failed avail this opportunity. (Copies of Charge Sheet, Enquiry Report and final Show Cause Notice are attached herewith as annexure "B", "C" & "D").

- c. Incorrect and denied. It is also material of facts that an ample opportunity of defence was already provided to the appellant by the Enquiry Officer and then by the competent authority, but he deliberately failed to avail this opportunity.
- d. Incorrect and denied. The appellant was deliberately absented from lawful duty without prior permission of the competent authority, in this regard he was dealt with proper departmentally and awarded major penalty of removal from service. During the course of enquiry, the allegations were fully established against the appellant therefore, he was awarded major punishment of removal from service, which is commensurate with the gravity of his gross misconduct.
- e. Incorrect and denied. Upon the findings of Enquiry Officer, the appellant was served upon with Final Show Cause Notice, but he failed to submit his reply. He was called for personal hearing, but he did not bother to appear before the competent authority to defend himself. Proper departmental enquiry was conducted by the Enquiry Officer against him. The appellant was summoned time and again by the Enquiry Officer and then by the competent authority, but he deliberately failed to appear before the competent authority. After completion of all codal formalities, the appellant was awarded major punishment of removal from service.
- f. Incorrect and denied. From perusal of service record, the appellant has been found an habitual absentee as in past he was remained absent from lawful duty for a long period of 187 days in different occasion without any leave or prior permission of his seniors, to which he awarded different punishment. Subsequently the appellant was again remained absent from duty for a long period of 200 days to which he was proceeded against departmentally. The allegation were fully established against the appellant during the course of enquiry and thus awarded the major punishment of removal from service as per law, which is commensurate with the gravity of his gross misconduct.
- g. Incorrect and denied. Departmental appeal and subsequent revision petition of the appellant have been thoroughly examined and rejected on sound grounds. Moreover, the penalty awarded to the appellant is legally justified and in accordance to law and rules as the same has been imposed upon the appellant after adopting of codal formalities provided by law.
- h. Incorrect and denied. The instant appeal of the appellant is badly time barred, which is not tenable in the eye of law.
- i. That this Honorable Tribunal is competent and can easily dismiss the instant appeal on merit.
- j. The respondents may also be permitted to raise additional grounds at the time of arguments.




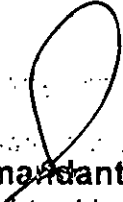
جناب عالی!


گزارش ہے کہ سائل 2008ء سے محکمہ پولیس FRP میں بطور کانسٹیبل بھرتی ہو کر اپنے فرائض منصبی پر طریق احسن سرانجام دیتا رہا۔ یہ کہ بدوران ڈیوٹی انتہائی بیمار ہو گیا تھا جسکی وجہ سے سائل کو اپنی ڈیوٹی سے بااثر مجبوری غیر حاضر ہونا پڑا۔ جس پر بحوالہ OB نمبر 475 مورخہ 18.07.2018 کو سائل سروس سے برخاست ہوا۔

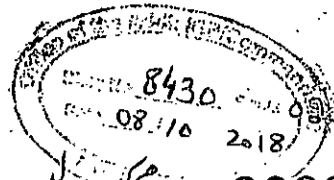
**PRAYERS**

It is therefore, most humbly prayed that in the light of aforsaid facts/submission the instant service appeal may kindly be dismissed with cost.

  
 Superintendent of Police, FRP  
 DI Khan Range, DI Khan  
 (Respondent No.3)

  
 Commandant, FRP,  
 Khyber Pakhtunkhwa, Peshawar  
 (Respondent No.2)

  
 Provincial Police Officer,  
 Khyber Pakhtunkhwa, Peshawar  
 (Respondent No.1)



جناب عالی!

گزارش ہے کہ سائل 2008ء سے محکمہ پولیس FRP میں بطور کانسٹیبل بھرتی ہو کر اپنے فرائض منصبی پر طریق احسن سرانجام دیتا رہا۔ یہ کہ بدوران ڈیوٹی انتہائی بیمار ہو گیا تھا جسکی وجہ سے سائل کو اپنی ڈیوٹی سے با امر مجبوری غیر حاضر ہونا پڑا۔ جس پر بحوالہ OB نمبر 475 مورخہ 18.07.2018 کو سائل سروس سے برخاست ہوا۔

حضور والا کو اللہ تعالیٰ نے وسیع اختیارات سے نوازا ہے سائل ایک غیر جانبدان سے تعلق رکھتا ہے اور اہل و عیال کا واحد سہارا ہے

لہذا بذریعہ تحریر ہذا انتہائی عاجزانہ استدعا ہے کہ سائل کو سروس پر دوبارہ بحال کیا جاوے۔ واضح رہے کہ بمطابق لیوا کاؤنٹ سائل کی ٹوٹل 484 یوم رخصت کلاں بنتی ہیں جبکہ سائل نے کل 30 یوم رخصت کلاں گزرائی ہے۔ سائل اپنی بیماری کے کاغذات پیش کر سکتا ہے سائل کی عرصہ غیر حاضری کو میڈیکل لیوا رخصت کلاں میں شمار کرتے ہوئے دوبارہ سروس پر بحال کیا جاوے۔ سائل تا عمر دعا گور ہے گا۔

آپکی عین نواش ہوگی۔

العارض

سائل Ex۔ کانسٹیبل محمد سلیم نمبر 8987/8192 متعینہ ضلع ڈیرہ اسماعیل خان۔

مبائل نمبر 0304-2126094 مکتبہ سلیم بیگم حور

0304-8522024

*Slip/Regal*

*for further process*

1/1/18

12/1/18

العارض

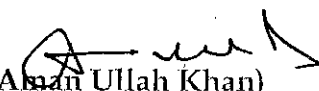
0304 2126094

DISCIPLINARY ACTION

I, Aman Ullah Khan, SP FRP DIKhan as competent authority, am of the opinion that you Constable Muhammad Salim No.8987/FRP of FRP DIKhan Range of FRP have committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975.

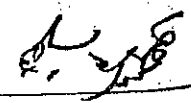
STATEMENT OF ALLEGATION

1. According to daily diary report No.06 dated 08.03.2018 of FRP Police Line Tank, you remained absent from law full duties with effect from 08.03.2018 to till date without any leave or permission from the competent authority. It is a gross "Misconduct" on your part as defined in Rule 2 (iii) of Police Rules 1975 and has rendered yourself liable to be proceeded against departmentally.
2. For the purpose of scrutinize the conduct of said Constable with reference to the above allegation, Muhammad Yousaf DSP/FRP DIKhan is appointed as Inquiry Officer.
3. The Enquiry Officer shall conduct proceeding in accordance with provision of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record it is finding and make with twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused official.
4. The delinquent official shall join the proceeding on the date, time and place fixed by the officer.

  
 (Aman Ullah Khan)  
 Superintendent of Police, FRP  
 DIKhan Range DIKhan  
 12/4/18

DSP No: 82  
 13-04-18

تعمیر

  
 0704 2126094

فائز ذلیل رپورٹ

①

خوابی

از دفتر DSP  
FRP-Dik

جوانہ چارج ٹیڈ 590-91-11-18 جاریہ جاریہ سہ ماہی 12.4-18

برخلاف کنسٹبل محمد سلیم 8987 کی انوائٹری ججے والہ ہوئی

وللہ انوائٹری سے پایا گیا کہ کنسٹبل مذکورہ  $08\frac{3}{18}$  سے FRP لائن

ٹانک سے بغیر کسی اجازت کے بدستور غیر حاضر ہے

کنسٹبل مذکورہ پولیس لائن ٹانک سے غیر حاضر تھا جسکو

بندوبست سر لائن FRP ٹانک اطلاع یابی کرائی گئی کہ وہ

اپنے خلاف چارج ٹیڈ و ہول کر کے ٹکرتہ آیا تو چارج ٹیڈ

مذکورہ بدست کنسٹبل ذین اللہ 178 ٹانک سرور کے پاس

بجوائی گئی جو کہ سرور ٹانک نے بدست کنسٹبل سیرخان  $09\frac{10}{18}$

السنام علیہ بالا کے گھر عذر ملازمتی میں کار تقسیم کرائی ہے

جو کہ السنام علیہ نے بذات خود  $22\frac{4}{18}$  کو و ہول کی ہے

مذکورہ نے چارج ٹیڈ کا تقریری جواب اللہ عیاد (7) لوم

میں دینا تھا لیکن تا حال جواب نہیں دیا ہے مذکورہ کو

کئی بار اس کے و ہائل فون نمبر 0304-2126094 پر رابطہ کیا گیا

لیکن حال Attend نہیں کرتا

کنسٹبل مذکورہ کے متعلق سرور ٹانک 178 سے پتہ چرای

کئی گئی ہے جس نے بتلایا کہ مذکورہ فون  $08\frac{3}{18}$  کو غیر حاضر

ہوا تھا جو کہ فون  $23\frac{3}{18}$  کو حاضر آیا جسکو ڈیوٹی سنائی گئی

لیکن مذکورہ گھر چلا گیا جسکو بعد  $23\frac{3}{18}$  کو غیر حاضر کیا گیا

جو کہ فون  $9\frac{4}{18}$  کو حاضر آیا جسکو بصورت تبادلہ پوسٹ کوٹ اعظم

روانہ کیا گیا ہے جو کہ اب فون  $9\frac{4}{18}$  سے کوٹ اعظم سے بھی

4-5-18

Page: 2

بدستور سفیر عامر ہے۔ سرٹانک نے اپنی اطلاع پر  
 ہی دنہ روزنامہ کی ہے کہ کنسل جنکوہہ صاحبہ  
 کی پیشی پر ہی نہیں جاتا ہے۔ سفیر عامر کا اطلاع پر  
 نقلدات همراه لف۔ انٹواری نفوہیں

کنسل جنکوہہ کے خلاف سفیر عامر کا  
 کیے فائل شوفاژ فوٹس ایشو کرنے کی سفارش  
 کی جاتی ہے

ظہیر خان ڈی ایس پی  
 ایف آئی سی  
 4-5-2018



خواجہ شمس الدین عظیمی ریسرچ سوسائٹی کے سربراہان کی طرف سے  
8192 کی انوائس کے تحت  
فاضل سالانہ FRP نے جسے وارڈ فرمائی ہے۔  
یہ بات یاد رکھنی چاہیے کہ کنسیل مذکورہ پر فاضل سالانہ ٹیکس ادا کیا گیا  
جو کہ کنسیل مذکورہ خود وصول کرے گا۔ لیکن ٹیکس ادا کرنے کا فری  
واجب تھا۔ نہیں دیا۔ کنسیل مذکورہ (12) نومبر، (69) نومبر  
(13) نومبر، (3) دسمبر، (15) دسمبر، (18) دسمبر اور (15) دسمبر کو  
کوئے اعظم سے بدستور عہدہ حاصل ہے۔

کنسیل مذکورہ کے بارے میں سربراہان سالانہ سے  
تعمیراتی کام ہوئے ہیں تو سربراہان نے یہ بتایا ہے کہ کنسیل مذکورہ  
تھا۔ 9/18 پوسٹ کوئے اعظم سے بدستور عہدہ حاصل ہے۔

کنسیل مذکورہ کا سالانہ سرویس بھی درست نہیں ہے  
اور موجودہ عہدہ سالانہ ٹیکس سے یہ بات عیاں ہوئی ہے  
کہ کنسیل مذکورہ سرویس نہیں کرتا چاہیے اور مذکورہ  
سروس کے قابل نہیں ہے۔

مذکورہ کو سرویس سے بہتر فائدہ کرنے کی  
سفارش کرتا ہوں۔ حیدر عظیم انسران والا افسر، ٹیکس

حیدر عظیم  
FRP-DIK

FINAL SHOW CAUSE NOTICE.


WHEREAS YOU, Constable Muhammad Salim No.8987/FRP found guilty of following misconduct in violation of Khyber Pakhtunkhwa Police Disciplinary Rules 1975 with amendment 2014.

According to daily diary reports vide Mad No.06 dated 08.03.2018 and No.04 dated 09.04.2018 of FRP Police Line Tank, you remained absent from law full duties with effect from 08.03.2018 to 23.03.2018 total (15) days and 23.03.2018 to 09.04.2018 total (16) days respectively, similarly according to daily diary report No.07 dated 09.04.2018 of Police Patrolling Post Kot Azam Tank, you remained absent from law full duties with effect from 09.04.2018 to till date without any leave or permission from the competent authority.

After completion the enquiry the Enquiry Officer submitted his finding in which the charges leveled against you were proved without any shadow of doubt.

As a result thereof, I AMAN ULLAH KHAN, Superintendent of Police, FRP, D.I.Khan Range D.I.Khan as competent authority have tentatively decided to impose upon you the penalty of Major/ Minor punishment Under Section 3 of the said ordinance.

1. You are, therefore, required to Show Cause as to why the aforesaid penalty should not be imposed upon you.
2. If no reply to this notice is received within 15-days of its delivery in the normal course of circumstances, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

  
Superintendent of Police,  
FRP D.I.Khan Range D.I.Khan.

16/5

ال من 19-6-2018

123456789

123456789

کالشن نوٹس خود رو کول کیا ہے

**ORDER:-**

My this order will dispose off departmental enquiry conducted against Constable Muhammad Saleem No.8192/FRP under Khyber Pakhtunkhwa Police Disciplinary Rules-1975 (Amended in 2014).

According to Deputy Commandant FRP Khyber Pakhtunkhwa Peshawar vide his office order No.5262/RDC dated 10.07.2017, he remained absent from Refresher Course with effect from 29.05.2017 to 07.08.2017 total (69) days, similarly according to daily diary reports vide mad No.16 dated 03.11.2017, No.10 dated 18.10.2017, 12 dated 18.11.2017 of Police Station Mulazi Tank and mad No.03 dated 05.02.2018, No.04 dated 27.02.2018, No.04 dated 02.03.2018, No.11 dated 29.01.2018, No.04 dated 23.03.2018, No.06 dated 08.03.2018 of FRP Police Lines Tank, and mad No.07 dated 09.04.2018 of Police Patrolling Post Kot Azam Tank, he remained absent from law full duties with effect from 24.10.2017 to 03.11.2017, 05.10.2017 to 18.10.2017, 10.11.2017 to 18.11.2017, 31.01.2018 to 05.02.2018, 20.02.2018 to 27.02.2018, 27.02.2018 to 02.03.2018, 22.11.2017 to 29.01.2018, 23.03.2018 to 09.04.2018 total absence period comes (200) days, 09.04.2018 to till date respectively without any leave or permission from the competent authority. To this effect he was served show cause notices. He was required to submit the reply of said show cause notices within stipulated period of 07 days but he failed to do so. He was issued charge sheet along with summary of allegation and served upon him, Zahoor Ud Din DSP/FRP DIKhan Range was nominated as enquiry officer to unearth the actual facts. After completion of all codal formalities the enquiry officer submitted his findings report along with other relevant papers wherein defaulter constable was found guilty of charges leveled against him and recommended him for Final Show Cause Notice. He was served with Final Show Cause Notice on 19.06.2018. He was required to submit the reply of said final show cause notice within stipulated period of 15 days but he failed to do so. He was called in orderly room in the office of undersigned on various dates but he does not appear before the undersigned. Final Show Cause Notice and other relevant papers were again marked to Zahoor Ud Din DSP/FRP DIKhan Range for enquiry and report within 03 days. DSP/FRP DIKhan Range submits the report wherein he recommended the defaulter constable for major punishment i.e Removal from Service and his absence period may treated as without pay. From perusal of his service record it revealed that he was enlisted as Constable on 24.12.2008, during his service he remained absent from law full duties for (187) days, awarded minor punishment of confinement to quarter guard for 02 days, extra drill for 07 days and Fine Rs.2000/- previously.

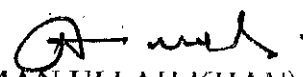
Keeping in view the facts stated above, as well as recommendation of enquiry officer, MR. AMAN ULLAH KHAN, Superintendent of Police FRP D.I.Khan Range, D.I.Khan, in exercise of powers vested in me under Khyber Pakhtunkhwa Police Disciplinary Rules-1975 amended-2014 hereby taking Ex-parte action against Constable Muhammad Saleem No.8192/FRP awarded him major punishment of Removal from Service from the date of absence. His absence period i.e 29.05.2017 to 07.08.2017, 24.10.2017 to 03.11.2017, 05.10.2017 to 18.10.2017, 10.11.2017 to 18.11.2017, 31.01.2018 to 05.02.2018, 20.02.2018 to 27.02.2018, 27.02.2018 to 02.03.2018, 22.11.2017 to 29.01.2018, 23.03.2018 to 09.04.2018 total absence period comes (200) days, 09.04.2018 to till date is treated as without pay.

**ORDER ANNOUNCED.**

Dated 18.07.2018.

OB No.475/FRP

Dated 18/07/2018

  
(AMAN ULLAH KHAN)  
Superintendent of Police,  
FRP, DIKhan Range DIKhan.

Copy to:-

1. Pay Officer
2. SRC
3. OHC

## ORDER

This order will dispose of the departmental appeal preferred by ex-constable Muhammad Saleem No. 8192/8987 of FRP DI Khan Range, against the order passed by SP FRP DI Khan Range, DI Khan vide OB No. 475, dated 18.07.2018, wherein he was awarded major punishment of removed from service. The applicant was proceeded against on the allegations that he remained absent from refresher course w.e from 29.05.2017 to 07.08.2017 for the period of 69 days vide office Endst: No. 5262/RDC, dated 10.07.2017, similarly according to daily dairy reports vide No. 16, dated 13.03.2017, No. 10, dated 18.10.2017, No. 12, dated 18.11.2017 of Police Station Mulazai, Tank and No. 03, dated 05.02.2018, No. 04, dated 27.02.2018, No. 04, dated 02.03.2018, No. 11, dated 29.01.2018, No. 04, dated 23.03.2018, No. 06, dated 08.03.2018 of FRP Police Line, Tank, and No. 07, dated 09.04.2018 of Police Patrolling Post Kot Azam, Tank, he remained absented himself from lawful duty w.e from 24.10.2017 to 03.11.2017, 05.10.2017 to 18.10.2017, 10.11.2017 to 18.11.2017, 22.11.2017 to 29.01.2018 31.01.2018 to 05.02.2018, 20.02.2018 to 27.02.2018, 27.02.2018 to 02.03.2018, 23.03.2018 to 09.04.2018 for the total period of 200 days and 09.04.2018 till the date of removal from service i.e 18.07.2018 without any proper leave or permission from the competent authority.

Proper departmental enquiry was initiated against him, he was issued Show Cause Notices, but he failed to submit reply within stipulated period. He was issued Charge Sheet and Statement of Allegations and Zahoor Ud Din DSP FRP DI Khan Range was nominated as Enquiry Officer to unearth the actual facts. After completion of all codal formalities the Enquiry Officer submitted his findings, wherein he found the defaulter constable guilty of the charges leveled against him and recommended him Final Show Cause Notice.

Upon the findings of Enquiry Officer, the accused constable was issued/served with Final Show Cause Notice on 19.06.2018. He was required to submit the reply within stipulated period of 15 days, but he failed to do so. He was called in Orderly Room on various dates, but he does not appear before the competent authority. Final Show Cause Notice was again marked to Enquiry Officer for enquiry and report. He submitted the report wherein he recommended him for major punishment.

In the light of recommendation of the enquiry officer and other material available on record, he was accordingly removed from service vide office OB No. 475, dated 18.07.2018.

Feeling aggrieved against the impugned order of SP FRP DI Khan Range, DI Khan, the applicant preferred the instant appeal. The applicant was summoned and heard in person in Orderly Room held on 31.10.2018.

During the course of personal hearing, the applicant failed to present any justification regarding his prolonged absence. Keeping in view the facts mentioned above the applicant has been found to be an irresponsible person addicted to habitual absenteeism in utter disregard of the discipline of the force. As such the delinquent constable has deliberately absented himself from lawful duty and there is no likelihood of his becoming a good police officer in future.

Therefore any leniency or complacency would further embolden the accused officer and impinge upon the adversely on the overall discipline and conduct of the force.

Based on the findings narrated above, I, **Sajid Ali PSP** Commandant FRP Khyber Pakhtunkhwa, Peshawar, being the competent authority, has found no substance in the appeal, therefore, the same is rejected and filed being badly time barred and meritless.

Order Announced.

**Commandant**  
Frontier Reserve Police  
Khyber Pakhtunkhwa, Peshawar.

No 10965.06 IEC, dated Peshawar the 6/11/18 2018.

Copy of above is forwarded for information and necessary action to the:

- ✓ 1. SP FRP DI Khan Range, DI Khan. His service record alongwith D file sent herewith.
2. Ex-constable Muhammad Saleem No. 8192/8987 S/O Sana Ullah, Police Station Mulazai, Village Tajure, District Tank.

732  
08  
7-11-18

**BEFORE THE HONOURABLE SEREVICE TRIBUNAL**  
**KHYBER PAKHTUNKHWA PESHAWAR, CAMP AT**  
**D.I.KHAN**

Service Appeal No. 214/2019

**Muhammad Saleem**

**Versus**

**PPO (IGP) & Others**

**REJOINDER FROM APPELLANT, IN WRITTEN REPLY OF**  
**RESPONDENTS**

Respectfully Sheweth:-

**REPLY ON PRELIMINARY OBJECTIONS:-**

1. Incorrect. Appellant's appeal is well within time.
2. Incorrect. All the necessary parties are included in the present appeal of the appellant.
3. Incorrect. The appellant has got clear cause of action and locus standi against the respondents.
4. Incorrect. Appellant has come to the court with clean hands.
5. Incorrect. Service appeal of the appellant is maintainable and competent in the eye of law.
6. Incorrect. Appellant has not concealed any facts from this Honorable Tribunal and has come to the court for the redressal of his genuine grievance under the law and the Tribunal has very much ample power to entertain such like service appeals.

### **Objections on Facts:-**

- 1)** Incorrect. The appellant is law abiding citizen. The appellant has never remained absent from his duties. The appellant has approximately 10 years unblemished service. The appellant has annexed medical proof of DHQ hospital District Tank. The appellant was admitted on 09/04/2018 and was discharge on 10/07/2018. Severe attack of Sciatica is a disease, left the corpus of a human being paralyzed. For rest of the para, respondents has referred previous record, only, but has not annexed any record qua previous absenteeism. However referring previous record, would amounts to double jeopardy. Para 1 of the reply is not correct.
- 2)** Incorrect and misconceived. Appellant has never been remained absent willfully. The appellant has annexed medical reports and the respondents, especially inquiry officer was bound to consider or verify the medical reports from the concern authority but he failed to do so. The appellant, in his departmental appeal, besides medical record, categorically stated that he had enough leaves in his credit but awarding harsh punishment is injustice with the appellant.
- 3)** Para No. 3 of the reply is Incorrect while para of appeal is correct. The respondents admitted that impugned order is ex-parte order. The respondents have not followed codal formalities and not issues charge sheet and statement of allegation. The enquiry officer also conducted ex-parte proceedings.
- 4)** Incorrect and misconceived. The axiomatic statement of respondents shows the submission of departmental appeal. The appeal was rejected; entirely ignoring the fact that impugned removal from service order was ex-parte and based on ex-parte proceedings. Rejection of appeal order was issued vide Endstt; No. 10905-06/EC dated 01.11.2018. The said order was not conveyed to the appellant.
- 5)** Incorrect and misconceived. The revision petition of the appellant was rejected merely following the story, what has been enumerated in the impugned order.

- 6) In correct and misconceived. As the appellant has presented his ineligibility qua attendance at service, also stated that all the proceedings were taken in absentia, impugned order was issued e-parte and not only submitted medical reports but also explained enough leave in his credit. In the present eventuality, the appellate authority, to meet with the ends of justice, should have proceeded for de. novo enquiry or even given an opportunity to submit his reply.
- 7) Incorrect and denied. Para No.7 of the appeal is correct and true. Appellant has legal and vested right to approach the learned Tribunal.

**OBJECTION ON GROUNDS:**

- a) Incorrect and misconceived. The impugned removal order dated 18/07/2018 and decision of appellant's departmental appeal dated 01.11.2018 is illegal, against services laws and rules, without jurisdiction, in violation of the precedents of apex courts of the country and is not justifiable for any reason whatsoever.
- b) Incorrect and misconceived. Summary of allegations, as annexed by the respondents with the reply as Annexure-B, shows that appellant was termed as absent from 08.03.2018 till date (i.e 12.04.2018) but the impugned removal office order contains plethora of absences and particularly from 2.11.2017 to 29.01.2018, 23.03.2018 to 09.04.2018 total absence period comes (200) days, 09.04.2018 to till date. Albeit, respondent No.3 went beyond the matter in issue qua absence from 08.03.2018 and onward. Neither show cause nor statement of allegations was issued or served upon the appellant. Finding report of enquiry officer shows that charge sheet was served upon the constable on his house at Mullazai. Pertinent to mention here that appellant is the resident of Tajori. On the other hand, the alleged show cause was issued on 12.04.2018 but the appellant was admitted in hospital on 09.04.2018 and admitted there till 10.07.2018.



This aspect manifests that all the proceedings were taken in absent of appellant. The appellant not admits the alleged signatures on the charge sheet and all the proceedings were conducted at the back and in case of absence, if any, the respondents might opted for publication in newspaper but respondents have not justified the ex-parte proceedings.

- c) Incorrect and misconceived. The statements of the respondents are baseless. The enquiry officer and the appellate authority even did not bother to considered medical reports of the appellant. Appellant had been patient of severe disease of sciatica and ignoring human being uncontrolled life events by the respondents is injustice and deprived the appellant from his only source of livelihood.
- d) Incorrect and misconceived and not admitted. Appellant never remained absent deliberately but for the reason beyond his control. But he was not sympathize not dealt according to the law and procedure.
- e) Incorrect, not admitted. The removal order of the appellant is baseless and was issued without adopting any coddle formalities and without giving a chance of personal hearing to the appellant, hence, the appellant is condemn unheard.
- f) Misconceived and incorrect. The respondents has not annexed any document any document to substantiate their stance. If it is so, even then, punishment already awarded cannot be a ground for awarding subsequent punishment. The respondent has been failed to explain the absence of the appellant of 200 days as not mentioned in charge sheet or statement of allegations.
- g) Incorrect and misconceived. Mere allegations leveled by the respondents in reply and no solid proof in this regarding is enclosed with their reply, hence, mere allegations cannot be considered as gospel truth on the part of respondents, hence not admitted. Moreover,

appellate authority sheer violated principals of equity and natural justice.

- h) Incorrect and misconceived. The respondents has been failed to controvert the grounds of appeal. The instant appeal is well within time.
- i) The respondents have not controverted the para. The instant appeal is liable to be accepted.
- j) Needs no reply.

**In wake of submissions made above, it is therefore, humbly requested that written reply of the respondents be declared as baseless and appeal of the appellant may please be accepted as prayed for. Any other relief deems appropriate may please be given to the appellant.**

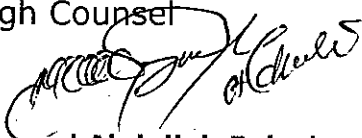
Yours Humble Appellant

Dated: 26/02/2020

  
**Muhammad Saleem**

**Ex-constable No.  
8192/FRP**

Through Counsel

  
**Muhammad Abdullah Baloch  
Advocate High Court**

**AFFIDAVIT**

I, **Muhammad saleem** the petitioner, do hereby solemnly affirm and declare on Oath that contents of the Rejoinder are true and correct to the best of my knowledge and belief; and nothing has been deliberately concealed from this Hon'ble Court.

Dated: 26/02/2020

  
**Deponent**



26/2/2020



**KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR**

No. 76 /ST

Dated: 12/01 /2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281  
Fax:- 091-9213262


To

The District Education Officer Male,  
Government of Khyber Pakhtunkhwa,  
Mansehra.

Subject: JUDGMENT IN APPEAL NO. 209/2016, MR. ZAHEER HUSSAIN SHAH.

I am directed to forward herewith a certified copy of Judgement dated 22.12.2021 passed by this Tribunal on the above subject for compliance please.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR



**KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR**

No. 90 /ST

Dated: 13/01 /2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281  
Fax:- 091-9213262

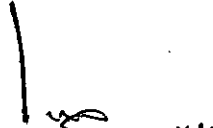
To

The Superintendent of Police F.R.P,  
Government of Khyber Pakhtunkhwa,  
D.I. Khan Range D.I. Khan.

Subject: JUDGMENT IN APPEAL NO. 214/2019, MR. MUHAMMAD SALEEM.

I am directed to forward herewith a certified copy of Judgement dated 25.11.2021 passed by this Tribunal on the above subject for compliance please.

Encl: As above

  
REGISTRAR,  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR