


FORM OF ORDER SHEET

Court of _____

Appeal No. _____

198/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	26/01/2024	The appeal of Mr. Javed presented today by him. It is fixed for preliminary hearing before touring Single Bench at D.I.Khan on _____
		By the order of Chairman  REGISTRAR

GOVERNMENT OF KHYBER PAKHTUNKHWA
POLICE DEPARTMENT SWTD

(2)



Name
Javed
Rank
Constable



Roll No
3662

District Police Officer,
Swat
Issuing Authority

پریڈ

درخواست برائے : حصول گمشدہ سمارٹ شناختی کارڈ

درخواست کی ترجیح : ایئر-کیڈ

شناختی کارڈ نمبر : 21701-6322752-7

تاریخ : 17-01-2024

وقت : 01:21:03 pm

طریقہ ادائیگی : cash

درخواست فیس : 2,500.00

سروس فیس : 0.00

کل رقم (روپیہ) : 2,500.00

معزز صارفین : نادرا سٹاف کے رویے کی شکایات کی صورت
میں مندرجہ ذیل ویب سائٹ پر رجوع کریں۔

<https://complaints.nadra.gov.pk>

اپنی درخواست کی موجودہ صورتحال جانتے کیلئے بلیکٹ آئی

ڈی 8400 پر ایس ایم ایس کریں۔ (چار 2 روپے +

ٹیکس) مزید معلومات کیلئے ہیلپ لائن نمبر

17771051-111-786-100 پر رابطہ کریں

(3)

BEFORE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No: 198 /2024.

Muhammad Javed, Ex-PC No.3662.

Appellant.

Versus

Provl: Police Officer, Khyber Pakhtunkhwa, and others.

Respondents.

Service Appeal

I N D E X

<u>S.No.</u>	<u>Description of Documents</u>	<u>Annexure</u>	<u>Page(s)</u>
	Opening Sheet etc.	—	01
1.	Petition with Grounds of Appeal & affidavit.	—	02 — 06
2.	Application for condonation of delay.	—	07 — 28
3.	Copy of Order of DPO/SWTD, Wana	A	09 — 15
4.	Copy of Deptl: Appeal / order	B & C	16 — 18
5.	Copy of order of PPO/KP	D	— 19
6.	Vakalat-Nama	—	— 20

Dated: 25.01.2024.



(Muhammad Javed) Ex Constl; Appellant
Through Counsel

(Signature)
(Muhammad Ismail Alizai)
Advocate High Court, DIKhan.

(4)

2

BEFORE SERVICE TRIBUNAL, KHY: PAKHTUNKHWA, PESHAWAR.

Service Appeal No: 198 /2024.

Javed s/o Bajcy Gul
Ex-Police Constable No.3662,
Office of DPO / South Waziristan Tribal District Wana.
Presently, R/O Village Angoor Adda,
Tehsil Birmal, District South Waziristan.
Cell No. 0302-583-0995.

(Appellant)

Versus

1. The Provincial Police Officer (IGP), Khyber Pakhtunkhwa,
Central Police Office, Peshawar.
2. Regional Police Officer, D.I.Khan Range, D.I.Khan.
3. DPO, South Waziristan Tribal District. Wana.

(Respondents)

43-4 PKP 87 Act 1974

SERVICE APPEAL AGAINST (1) ORDER DTD 08.05.2023 WHEREBY THE APPELLANT IS AWARDED PUNISHMENT BY RESPDT: NO. 3 OF DISMISSAL FROM SERVICE (2) ORDER DTD. 01.12.2023 OF RESPONDENT NO.2 WHEREBY DEPARTMENTAL APPEAL WAS REJECTED AND FINALLY FROM ORDER DTD. 22.12.2023 (RECEIVED ON 04.01.2024 PASSED BY RESPONDENT NO.1).

Respectfully Sheweth: -

The appellant very humbly submits as under: -

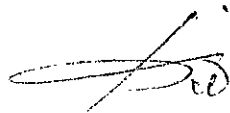
BRIEF FACTS:

1. That the petitioner was inducted in Police Department as Constable and posted at South Waziristan Tribal District.
2. That the petitioner had since his induction in Police Department been serving under Respondent No.3 while Respondent No.2 is the appellate authority and Respondent No.1 commands overall authority in respect of the parties, thus all are necessary party to the lis.
3. That the appellant always striven hard to discharge and fulfill the duties and tasks assigned with due diligence and dedication. Service record of the appellant is otherwise unblemished, clean and devoid of any adverse marking since nothing of the sort had ever been conveyed to the appellant in this respect.
4. That during the year 2023, the appellant was subjected to departmental proceedings on allegation of being absent from duty w.e.f. 02.01.2023 and a Show Cause Notice was allegedly issued to the stated effect. The proceedings culminated in award of title mentioned punishment though the appellant having been denied due process had been provided no opportunity to attend proceedings and defend himself. Copy of order pertaining award of punishment is placed herewith at **Annex; A.**

- (B)
5. That as a matter of fact the appellant had never been absent but for some clerical mistake he was marked absent besides a large number of other employees thus causing error in handling of matter by the dealing hands. The appellant was never informed nor conveyed any official communiqué about he being absent.
 6. That on gaining knowledge of the award of punishment and aggrieved from the order of the departmental authority the appellant moved an appeal with respondent No.2 and thus seeking reinstatement in service which however, could not find favour with appellate authority and was dismissed / rejected vide order dated 01.12.2023 vide No.9505/EC. Copies of Departmental Appeal & Order passed thereon are placed as **Annex; B & C**, respectively. It is however, worth mentioning that the order on award of punishment i.e. Annex-A was never conveyed / communicated to the appellant and a copy thereof could only be obtained through personal source where after departmental appeal was preferred without delay on 14.09.2023 thus the departmental appeal was well within time frame of limitation yet knocked out by the appellate authority on technical ground.
 7. That aggrieved of finding no justice from the authorities below, the appellant preferred a revision petition with the provincial Police Officer, (Resdt; No.1). The same, however, stood dismissed yet against the true facts and the statutory provisions. Copy of order passed by PPO/KP is placed at **Annex-D**. Hence, the instant appeal on the grounds, inter-alia, as under,

Grounds:

1. That the order passed by departmental authority i.e Respd: No.3, besides the orders passed by appellate authorities, as impugned hereby, are discriminatory, arbitrary in nature, legally and factually incorrect, ultra-vires, void ab-initio against the rights of the appellant and militates against the principles of natural justice thus are liable to be set-aside and nullified.
2. That the appellant is innocent and has been subjected to the penalty, most harsh in nature for no fault on his part. Respondent No.3 failed to regulate the departmental inquiry in accordance with the law & procedures prescribed for the purpose and as such erred at the very outset of the proceedings thus causing grave miscarriage of justice as well as prejudice to the appellant in making his defense.
3. That it is a matter of record that the appellant has been vexed in clear defiance of the law and principles laid by the superior courts as well as the Tribunals as could be gathered from the facts and circumstances of the case.
4. That the respondents while adjudicating in the matter of departmental proceedings and the departmental appeal besides revision petition, disposed off the entire matter in a slipshod manner through the orders impugned hereby and even failed to decide it in accordance with the principals of natural justice, thus the award of impugned punishment is patently unwarranted, illegal, ultra-vires, nullity in law and apparently motivated for extraneous reasons and thus is neither sustainable nor maintainable in law.
5. That the appellant has sufficient length of service rendered for the department. While adjudicating in the matter the departmental authorities 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 penalty in defiance of law as aforesaid, deprived the entire family of the appellant of its only source of making the two ends meet.
6. That the order passed by respondent No.3 on holding of departmental proceedings including the order on award of punishment as well as the rejection of the departmental



(6)

appeal and revision petition, as impugned hereby, have infringed the rights and have caused grave miscarriage of justice to the appellant without any lawful excuse.

7. That while ignoring the rights of the appellant guaranteed by the constitution, the departmental authorities / respondents utterly failed to adopt a proper course & follow due procedure hence erred in disposal of the matter in accordance with the law and rules. The impugned order passed by Respondent No.3 and rejection of departmental appeal and revision by Respondents No.2 and 1, respectively, on mere technicality thus lack in legal sanction and therefore, both orders are liable to be set aside in the interest of justice.
8. That the petition of appeal / appellant is duly supported by law and rules formulated thereunder, besides the affirmation / affidavit annexed hereto.
9. That this Hon'ble Tribunal is competent and has ample powers to adjudge the matter under reference/appeal.
10. That the counsel for the appellant may very graciously be allowed to add to the grounds during the course of arguments, if need be.

Prayer:

In view of the fore mentioned submissions, it is very humbly requested that the impugned order dated 08.05.2023 passed by DPO/SWTD, besides the order dated 01.12.2023 of Respondent No.2 and order dated 22.12.2023 (received on 04.01.2024) may, on being declared as illegal, arbitrary, discriminatory, void ab-initio, ineffective and inoperable against the appellant, be very graciously set aside and the appellant may in consequence thereof be very kindly reinstated in service with allowance of all back benefits. Grant of any other relief including costs, as may be deemed appropriate by the Hon'ble Tribunal is solicited, too.

Dated: 25.01.2024

Humble Appellant,



(Muhammad Javed) Ex; Constl;/Appellant,

Through Counsel.

(Muhammad Ismail Alizai)
Advocate High Court.

AFFIDAVIT:

Dated: 25.01.2024.

I, Muhammad Javed, the appellant, hereby solemnly affirm and declare on oath that contents of the petition are true and correct to the best of my knowledge, belief and per the official records. Also, that nothing is willfully kept or concealed from this Hon'ble Tribunal.



Deponent.

CNIC# 21701-6322752-7

Am

25/1/24

(7)

BEFORE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

CMA No.

In: Service Appeal No. _____/2024.

Muhammad Javed, Ex-PC No.3662.

Appellant.

Versus

Provl: Police Officer, Khyber Pakhtunkhwa, and others.

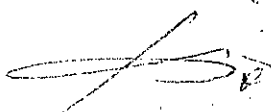
Respondents.

Service Appeal

Application Seeking Condonation of Delay.

Respectfully Stated:-

1. That the petitioner has moved a service appeal before this Hon'ble Tribunal impugning the order of his dismissal and final order thereon, contents whereof may kindly be read in conjuncture with the instant application.
2. That it was due to circumstances beyond control of the petitioner / appellant, primarily because of the acts & omissions on part of respondents, that the petition of Departmental Appeal could not be filed earlier as explained in main petition of appeal, for which the petitioner / appellant cannot be held responsible.
3. That the petitioner / appellant has a good, prima-facie case to his credit and is in genuine expectation of its success on merit.
4. That the Apex Court of the country has time and again pronounced that a case cannot be dismissed on technical grounds, including delay if the relief sought is justified in law and on facts.
5. That this Hon'ble Tribunal has ample powers to condone delay, if any, for the advancement of and in larger interest of justice.



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Prayer:-

It is therefore, humbly requested that the application under review may kindly be accepted and delay, if any in filing of the appeal may kindly be condoned in the interest of justice.

Dated. 25.01.2024

Humble Petitioner,



(Muhammad Javed)
Ex-PC No.3662/SWT District.

AFFIDAVIT:

I, Muhammad Javed, the appellant, hereby solemnly affirm and declare on oath that contents of the petition are true and correct to the best of my knowledge, belief and per the official records. Also, that nothing is willfully kept or concealed from this Hon'ble Tribunal.

Dated: 25.01.2024.

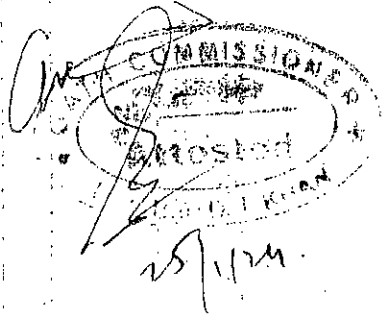


Deponent. CN/21701-6322752

Mugh Counsel

M. Ismail

Muhammad Ismail Akzai
Advocate High Court
Dera Ismail Khan





(9)

A

**OFFICE OF THE
DISTRICT POLICE OFFICER,
SOUTH WAZIRISTAN TRIBAL DISTRICT.**

CHARGE SHEET

I Shabir Hussain Marwat District Police Officer, South Waziristan as Competent Authority, hereby charged you Constable Javed No.3662 of SWTD Police as follows:-

- i. As per D.D No.15 report dated 02.01.2023 Police Line SWTD. You have been absented from 02.01.2023 to till date without prior permission/approval from the high ups.
- ii. Being a part of uniformed force your this act shows gross misconduct on your part.

By reason of the above, you appear to be guilty of misconduct under Police Disciplinary Rules, 1975 with amendments 2014 and have rendered yourself liable to all or any of the penalties specified in the Rules:-

- 2) You are, therefore required to submit your written defense within 7 days of the receipt of this Charge Sheet to the Enquiry Officer as the case may be.
- 3) Your written defense, if any, should reach to the Enquiry Officer within the specified period failing which it shall be presumed that you have no defense to put in and in that case, ex parte action will be taken against you.
- 4) You are also at liberty, if you wish to be heard in person.
- 5) Statement of allegation is enclosed.

Shabir Hussain Marwat
District Police Officer,
South Waziristan Tribal District.

Muhammad Ismail Alizai
Advocate High Court
Dera Ismail Khan

Advocate High Court
Dera Ismail Khan

Dera Ismail Khan
20/1

SUMMARY OF ALLEGATIONS

1). I, **Shabir Hussain Marwat**, District Police Officer, South Waziristan Tribal District, am of the opinion that **Constable Javed No.3662** of district SWTD has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meaning of Police Disciplinary Rules, 1975 read with Amendments 2014.

STATEMENT OF ALLEGATIONS.

- iii. As per D.D No.15 report dated 02.01.2023 Police Line SWTD. You have been absented from 02.01.2023 to till date without prior permission/approval from the high ups.
- iv. Being a part of uniformed force this act shows gross misconduct on his part.

2). For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, **SDPO HQs Noor Khan** is appointed as Enquiry Officer, to conduct enquiry under the Rules.

3). The Enquiry Officer shall, in accordance with the provision of the Police Disciplinary Rules, 1975 read with Amendments 2014 provide reasonable opportunity of hearing to the accused, record its findings and make within 15 days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.

District Police Officer,
South Waziristan Tribal District.

No. 195-196 /SWTD

Dated

the 24/02 /2023.

Copy of above is forwarded to the:-

- 1. Enquiry Officer of this district is directed to initiate departmental proceedings against the accused under the Police Disciplinary Rules, 1975 read with Amendments 2014.
- 2. **Constable Javed No.3662** to appear before the Enquiry Officer on the date time and place fixed by the Enquiry Officer for the purpose of enquiry proceedings.

Shabir Hussain Marwat
District Police Officer,
South Waziristan Tribal District.

Muhammad Ismail Ailzai
Advocate High Court
Dera Ismail Khan

Muhammad Ismail Ailzai
Advocate High Court
Dera Ismail Khan

Regional Office
Dera Ismail Khan
20/11

سوانہ کنٹرول روم SWAD نوٹس از دستہ DSP / سرکاری

تاریخ 21-3-23 صورت 29-4-29
 ذیل ملازمان پولیس کو اطلاع کریں کہ وہ ایسی چارج شیٹ کی کاپی دستہ پر
 سے وصول کرتے ہوں۔ چارج شیٹ ایڈر 3 ریگیم نوٹس دستہ کو ملانے
 میں کریں فروری ہے

نمبر	نام ملازم، نمبر	نام ملازم	نمبر	نام ملازم
1	سینس الرین 3860	حفت علی 3694	70	محبت اللہ - 3828
2	سراج خان 3141	حسین سہ 3493	71	عطاء اللہ - 4030
3	سید سراج 4088	حفت علی 3661	72	مظہر نواز خان 2457
4	سید سراج 319	سید سراج 3674	73	راہیم اللہ - 3950
5	سید سراج 491	جاوید 3662	74	اسد علی - 4001
6	سید سراج 1032	عالی سہ 1989	75	سراج - 1112
7	امان اللہ - 687	عقیدہ - 2364	76	سراج - 2763
8	سعید اللہ - 338	عبدالغور - 3738	77	آفتاب - 3624
9	سید سراج - 1073	سید سراج - 3781	78	سراج - 3930
10	داؤد اللہ 4512	سراج خان - 3860	79	سراج - 3707
11	سید سراج - 1078	سراج خان - 3743	80	سراج - 4444
12	سراج - 377	سید اللہ - 3774	81	سراج - 2493
13	سراج - 345	سراج - 3722	82	سراج - 3750
14	سراج خان 1079	سراج - 3794	83	سراج - 3793
15	حفت علی 1077	سراج - 3804	84	سراج - 3813
16	سراج - 1209	سراج - 3840	85	سراج - 3237
17	سراج - 1986	سراج - 4014	86	سراج - 3194
18	سراج - 1940	سراج - 2437	87	سراج - 2687
19	سراج - 1617	سراج - 4013	88	سراج - 2619
20	سراج - 1853	سراج - 3991	89	سراج - 2787
21	سراج خان 3413	سراج خان 3938	90	سراج - 3040
22	سراج - 3395	سراج - 3935	91	سراج - 2089
23	سراج خان 3383	سراج خان 3983	92	سراج - 3786
24	سراج - 3346	سراج - 3902	93	سراج - 2509
25	سراج - 3263	سراج - 4021	94	سراج - 334
26	سراج - 3242	سراج - 4033	95	سراج - 605
27	سراج خان 3214	سراج خان 3880	96	سراج - 2596
28	سراج خان 3151	سراج - 3104	97	سراج - 3031
29	سراج - 2503	سراج - 4043	98	سراج - 2682
30	سراج - 2796	سراج - 4012	99	سراج - 4019
31	سراج - 2838	سراج - 2586	100	سراج - 1737
32	سراج - 3101	سراج - 2379	101	سراج - 3288
33	سراج - 3019	سراج - 3740	102	سراج - 4260

Muhammad Ismail Aizaz
 Advocate High Court
 Dera Ismail Khan

Muhammad Ismail Alizai
Advocate High Court
Dera Ismail Khan

جواب DSP / HQ
سرکاری سرکاری SWAD

حساب LO / RI پولیس لائن ایڈیشن، ال قاضیات ایڈیشن
ذیل دلائل پولیس کو مطلع کریں کہ وہ ایجا جان سے کسی کا پلادہ نہیں
بجائے تاکہ سے حاصل کرے انڈر تین کیوں ایجا جواب جارج سٹیٹ لاکر میں کریں
ایک مرتبہ پہلے بھی آنکو بزرگ جو کہ وسیع طلب کیا گیا ہے۔ چند دلائل کے
علاوہ بتایا یہ سٹاک ایڈیشن نے جارج سٹیٹ وولوں میں کیا ہے۔ بصورت دیگر
بیکور کا کوئی عمل میں لائی جائیگی۔

پولیس لائن نمبر	حساب نمبر	پلاٹ نمبر	تھانہ
3860	3674	I-P 2586	سید غوث
4038	3662	13-P 3740	جاوید
319	1989	6 P 3808	علی عثمان
491	2364	7 P 2457	سیرت
687	3738	14 P 3750	عبدالغور
338	3731	14 P 3629	محمد وسیم
1073	3421	14 P 3793	عارف نواز
4512	3743	16 P 3813	داہد اللہ
377	3774	16 P 3237	سید اللہ
1174	3792	15 P 3194	ارباب
1099	3794	5 P 2687	نیاز اللہ
1209	3804	5 P 2619	مضان
1986	3840	5 P 3040	ذکر اللہ
1617	2532	6 P 2039	ذین اللہ
1853	4014	6 P 3736	محمد الراجم
3413	2437	5 P 2596	اقباب الراجم
3395	4013	4 P 3031	شاہ فیصل
3383	3991	4 P 2682	خاجہ خان
3346	3938	11 P 3443	علی عثمان
3263	3935	8 P 3013	عباس خان
3242	3983	7 P 3222	وزیر
3224	3902	10 P 3058	محمد نواز
3151	4021	9 P 3573	علی محمد
2503	4033	9 P 3577	ارشد اللہ
2796	4043	8 P 3490	محمد عاشق
2838	4011		نیاز محمد
3101	2787		عزیز اللہ
3019	2047		محمد رضا
3493	3193		محمد خان
3661	4322		انارجل

DSP HQ
Distt: SWTD
31-3-23

Muhammad Ismail Alizai
Advocate High Court
Dera Ismail Khan

(NASIR MUHAMMUD BATTI) PSP
Regional Police Officer
Dera Ismail Khan

Atheer

Muhammad Ismail
Advocate High Court
Dera Ismail Khan

ضابطہ DSP، سرکل سوئیچی SWTD HQ

ضابطہ R1، پولیس اسٹیشن ایمر ڈسٹرکٹ، آل قضاہات سرکل

ذیل ملازمان پولیس کو مطلع کریں کہ انکے مختلف حروف 23/24 کو جان بوجھ کر ہٹا دیا گیا ہے۔ لیکن انہوں نے نا حال کاپی خارج کی ہے اور پولیس میں کی جاتی ہے۔ ازیں حروف 21/23، 23/31 بیچ دیا گیا ہے۔ لیکن یہ کیڑوں دیردادانہ طور پر حاضر نہیں ہو رہے ہیں۔ سبھی پر تہہ آخری سیمو کر بیچ دیا جاتا ہے۔ کہ انہیں لین وصول کریں کہ صورت دیگر بلطرفہ کارروائی عمل میں لایا جائیگی۔

قضاہات	پلاٹوں	پولیس اسٹیشن	پولیس اسٹیشن
محمد عظیم خان 1282 اردو	I P 2586 جن یار	3019 عرفان اللہ	3860 حسن الدین
سراج الدین 4237 سرکاری	6 P 3808 نیت اللہ	3493 حسن شاہ	4033 مہاراجان
ذین اللہ 4036 مکتب	7 P 2457 عمل نواز خان	3661 حضرت عمر	319 نوبت اللہ
اسامین خان 2810 سرکاری	14 P 3750 حریم	3674 سید غوض	491 سید اللہ
زاہد اللہ 3114 سرکاری	14 P 3628 اکتا	3662 جاوید	687 اعلیٰ اللہ
لاہت اللہ 2379 تیاروند	14 P 3793 افضل	1989 عالی سمان	338 امین اللہ
محمد اللہ 3801 سرکاری	16 P 3813 نقب اللہ	2364 شہزاد	377 پراچہ
سید اللہ 4317	18 P 3237 عابد اللہ	3738 عید الغور	1174 جاسرید
عطا اللہ 4030 تیاروند	15 P 3194 محمد رفیع	3731 پرویسیم	1099 ساریت خان
داہیم اللہ 3958 مکتب	5 P 2687 عبدالرحمن	3421 عمار شہزاد	1209 شاہ تہ
اشرف خان 4001	5 P 2619 عابد اللہ	3743 داد اللہ	1986 سید فضل
نعمان 3936	5 P 3040 صفیت اللہ	3774 سید اللہ	1617 سلیم اللہ
محمد زاہد 3207	8 P 2039 مان بادشاہ	3792 ارباب	1853 احسان اللہ
نور افضل 4444	5 P 3736 نور امیر	3794 نیاز اللہ	3413 اسمان خان
اسد اللہ 2493 کوٹلی	4 P 2596 محمد عمران	3804 شہان	3395 محمد عمر
ذکر اللہ 3589 گلگلی	4 P 3053 فضل اللہ	3840-2532 قائد اللہ	3383 جہانگیر
ندیم اللہ 3349 سوئیچی	4 P 2682 اللہ نور	4014 ذین اللہ	3346 واجد اللہ
فضل محمد 4019 مکتب	H P 3443 محمد شہزاد	2437 سید الرحیم	3242 قریب اللہ
محمد ناصر 4429 لدھا	8 P 3013 عبدالرحمن	4013 اشباب احمد	3224 نور کلام
سید رحمان 4153 مکتب	7 P 3221 سیر بادشاہ	3991 شاہ فیصل	3151 رباب خان
فضل الرحمن 3457 سرکاری	10 P 3058 محمد سعید	3938 خواجہ خان	2503 نور دین
فضل حسن 2564 سوئیچی	9 P 3570 سید محمد	3935 گل رحمان	2796 محمد حسین
نور رحمان 1750	8 P 3490 ایجاز	3933 عباس خان	2838 محمد شہزاد
		3902 وزیر	3101 حاجت اللہ
		4021 گل محمد	3193 محمد شہزاد
		4083 ارشد اللہ	
		4043 محمد عیسیٰ	
		4012 نیاز محمد	
		2787 عزیز اللہ	
		4322 انارکلی	

DSP HQ
Distt: SWTD
18-4-231

دفتر پولیس

فائنڈنگ رپورٹ

ضلع SWTD

برخلاف نیٹیل جاوید 3662

195-196

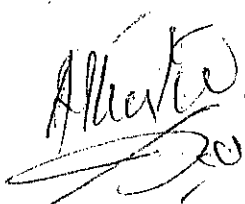
جناب عالی!

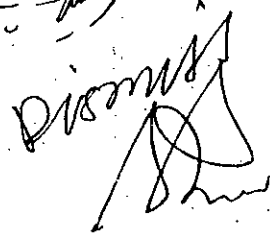
بحوالہ چارج شیٹ نمبر 195-196 مجاریہ جناب ڈسٹرکٹ پولیس افسر ساؤتھ وزیرستان اپر ڈسٹرکٹ کانسٹیبل جاوید پر الزام ہے۔ اس کے بمطابق Asi سے حاصل شدہ فہرست چیک کر کے مذکورہ کانسٹیبل شناس ٹریننگ سنٹر سے ریکروٹی کورس حاصل کر کے بعد گزارنے ریسس حاضر نہیں آیا وہ بحوالہ نمبر 1۔۔۔ مورخہ 23-1-2۔۔۔ پولیس لائن SWTD ٹانک سے بدستور غیر حاضر ہے۔ انکو آڑی ہڈا زبردستی منتقلی کو مارک ہوئی۔

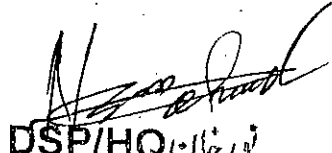
انکو آڑی ہڈا میں کانسٹیبل مذکورہ کو اسی روز مورخہ 23-1-2 چارج شیٹ کی کاپی دفتر ہڈا بمقام DC کجاؤنڈ ٹانک وصول کرنے اور جواب چارج شیٹ اندر تین روز پیش کرنے کا نوٹس جاری کیا۔ لیکن کانسٹیبل نہ آیا۔ دوسرا نوٹس مورخہ 3-2-2 اور تیسرا مورخہ 2-3-2 کو طلب کرنے کا جاری کیا لیکن مذکورہ کانسٹیبل اس بار بھی حاضر نہ آیا۔ پروانہ جات بطور ثبوت لف انکو آڑی ہے۔

عالیجا مذکورہ کانسٹیبل کو بار بار طلب کرنے کے باوجود بھی نہ تو اپنی چارج شیٹ کی کاپی وصول کی اور نہ ہی اپنا جواب چارج شیٹ من انکو آڑی افسر کو پیش کیا۔ جس سے یہ واضح ہوتا ہے کہ مذکورہ کے پاس اپنے اوپر لگائے گئے الزامات کا دفاع کرنے کے لئے کوئی قانونی جواز نہ ہے۔ بدستور غیر حاضر ہے۔ جس سے یہ ثابت ہوتا ہے کہ مذکورہ کانسٹیبل پر چارج شیٹ میں عائد کردہ الزامات درست ہیں۔ تفصیلاً رپورٹ عرض ہے۔ مزید حکم افسران بالا افضل ہوگا۔

روشن کسبے سلسلہ میں


 Muhammad Ismail Alizai
 Advocate High Court
 Dera Ismail Khan




 DSP/HQ نورخان
 اپر ساؤتھ وزیرستان
 DSP HQ
 Dist: SWTD
 13-4-23

689 OB No 689
 08-05-2023

Muhammad Ismail Alizai
 Advocate High Court
 Dera Ismail Khan

Dera Ismail Khan
 20/11



OFFICE OF THE
DISTRICT POLICE OFFICER,
SOUTH WAZIRISTAN TRIBAL DISTRICT.

No. 43 /ES, Dated SWTD the 08/05/2023.

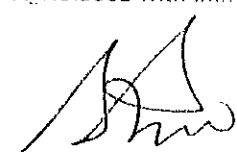
OFFICE ORDER

My this order will dispose of departmental enquiry against Constable Javed No.3662 of this District Police SWTD on the allegation that According to D.D No.15 dated 02.01.2023 of police Line SWTD you have been absented from lawful duty dated, 02.01.2023 without prior permission/approval from the high ups. This act is highly objectionable to gross misconduct on your part. For which he was properly charge Sheeted. The SDPO HQrs, Noor Khan SWTD was nominated as inquiry officer. The enquiry was conducted, the alleged official join the departmental enquiry intentionally. Subsequently, the enquiry officer has submitted finding report starting therein that during enquiry all possible resources are utilized to ensure the joining for Personnel hearing of alleged official but he failed to appear before me. The enquiry Officer recommended for punishment against the said official.

After the perusal finding report, and other relevant materials placed before me, I,

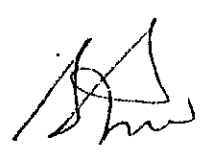
MR. SHBIR HUSSAIN KHAN MARWAT DISTRICT POLICE OFFICER, SWTD being competent Authority vested in me under Khyber Pkhtunkhwa Police Rules 1975 amended 2014 hereby awards to Major Punishment of Dismissal From Service to the defaulter Constable Javed No.3662 with immediate effect.

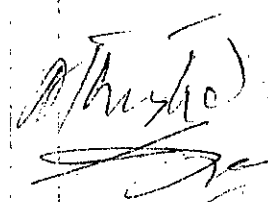
Order announced


Mr (Shabir Hussein Khan Marwat)
District Police Officer
SWTD

Copy 44/46

- Copy of above is submitted to:-
1. The Regional Police officer, Dera Ismail Khan Region.
 2. All Concerned.


Mr (Shabir Hussein Khan Marwat)
District Police Officer
SWTD


Muhaimad Ismail Alizai
Advocate High Court
Dera Ismail Khan

Advocate High Court
Dera Ismail Khan

کھور، ضلع Rpo، ضلع دیگ

عنوان: درخواست ملزم کو فوری طور پر بحال کرنا

مذکورہ بالا

گزارش پول فوری بحال کینسل SWD ورنہ پولیس لائن میں ڈیوٹی
 پر آئے اور راجہ فوری کو بحال نہ کر کے صرف 02/01/2023 کو پولیس لائن میں
 رقم ٹانگ سے غیر باخبر کیا گیا تھا۔ (Communication) منسجم نہ ہونے کی
 وجہ سے فوری کو باخبر غیر باخبری اطلاع نہیں ملی ہے اس دوران
 فوری کو (Dismiss) کیا گیا ہے عرض ایک فوری غریب آدمی
 ہے تحوہ پر گریجویٹ افراد جات بمسک اور آگے ہے پھر باقی فرما کر
 فوری پر بحال کیا جائے اس لئے کہنے ڈیوٹی کا پاسز ہو گیا

الفارہ

1409/023

عرض

3662

مہاش کینسل ماور



NOB 0302-5830995

- 0303-9296723

CNIC

~~21701-6322752-7~~

شناختی کارڈ نمبر

21701-6322752-7

Alizai
 Muhammad Ismail Alizai
 Advocate High Court
 Dera Ismail Khan


17

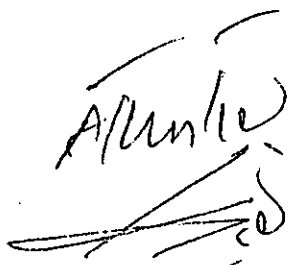


OFFICE OF THE
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN
REGION

No. 117/2023 /S, DI Khan the Dated 18 09/2023
To The District Police Officer,
SW Upper, Lower
Subject: APPLICATION
Memorandum

An application preferred by Ex-Constable Javed No 3662, is sent herewith for comments, with the directions to return the same to this office alongwith complete service documents, of the appellant within 05-days to proceed further into the matter, please.


Regional Police Officer,
Dera Ismail Khan
15/9



Muhammad Umair Aizai
Advocate High Court
Dera Ismail Khan



Advocate High Court
Dera Ismail Khan

18



OFFICE OF THE
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN
REGION

0966-9280291 Fax # 9280290

No. 9505 /IS.

dated 12.11.2023

01/11/2023

ORDER

1. This order disposes off departmental appeal filed by Ex-Constable Inyed No. 3622 of District Police SWTD, against the order of Major Punishment of (Dismissal from Service), passed by the DPO SWTD, vide his office Order No. 43 dated 08.05.2023 & OIB No. 689 dated 08.05.2023 on the following allegations:

2. "According to DD No. 15 dated 02.01.2023 of Police Line SWTD, he was absent from his lawful duty dated 02.01.2023 to till date (date of Dismissal) without any leave or permission/approval from the high ups".

ii. DPO SWTD served the appellant with the charge sheet. Enquiry into the matter was got conducted into through Mr. Nadir Khan SDPO HOrs SWTD who in his finding report, in which he stated that he failed to appear before him and recommended for Punishment.

3. DPO SWTD has awarded Major Punishment of "Dismissal from Service" vide his office Order No. 43 dated 08.05.2023 & OIB No. 689 dated 08.05.2023.

4. Perusal of the service record of the applicant and comments received from DPO SW Lower the instant appeal is time barred.

5. Keeping in view the above, I, NASIR MEHMOOD SATTI, PSP, Regional Police Officer, Dera Ismail Khan, in exercise of the powers conferred upon me under Rule-11, clause-4 (a), of the Police Rules 1975, Amended 2014, do not intend to take a lenient view, therefore **REJECT** his appeal being time barred and uphold the order of Major Punishment of (Dismissal from Service), passed by District Police Officer SWTD vide his Order No. 43 dated 08.05.2023 & OIB No. 689 dated 08.05.2023, with immediate effect.

6. Order Announced.

(NASIR MEHMOOD SATTI)PSP
Regional Police Officer
Dera Ismail Khan
30/11

No. 9506 /ES,

Copy of above is sent to the DPO SW Lower with reference to his office letter No. 2471 dated 15.11.2023, (Encl: Service Roll & Fauji Missal).

Muhammad Ismail Alizai
Advocate High Court
Dera Ismail Khan

(NASIR MEHMOOD SATTI)PSP
Regional Police Officer
Dera Ismail Khan
20/11

محترم صاحب آئی ڈی بی ای غیر مستوفی

۵۹

عنوان درخواست بعد از نواری پر مالی!

صاحب مالی!

تذاریں ہے کہ فدوی بحیثیت کنسٹیبل Swat وانا پولیس لائن میں
 ڈیوٹی دے رہا تھا۔ فدوی کو بحوالہ صدر ۱۵ فورم ۵۲/۵۱/۵۵ کو پولیس
 لائن Swat پر کام ٹانڈ سے غیر حاضر کیا گیا تھا۔ کمیونٹیشن سسٹم
 نہ ہونے کی وجہ سے فدوی کمرہ بابت غیر حاضری اطلاع نہیں مل سکی
 اس دوران فدوی کو ڈیس میں کیا گیا ہے۔ عرض عدیدہ فدوی اپنی
 غریب ادوی ہے۔ تقاضا ہے کہ تفریلوں اور اہل منتقلیوں اور فراہم
 سرکاری فریڈ نواری پر بحال کیا جائے۔ اسلئے اسے ڈیوٹی کا ماباندھوگا

الگار حسن

سائیکالٹیشن جاوید 3682

۵۳۵۲-۵۸۳۰۹۹۵

۰۳۰۳-۹۲۹۶۷۲۳

شانی فر 7-6322752-21701

A (19)

OFFICE OF THE DISTRICT POLICE OFFICER

To 2000

Date 04-01-2023

OFFICER IN CHARGE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar.

No. SI 2930 /23, dated Peshawar the 22 /12 /2023



To: The Regional Police Officer,
Dera Ismail Khan.

Subject: REVISION PETITION.

Memorandum

The Competent Authority has examined and filed the revision petition submitted by Ex IC Javed No. 3622 of District South Waziristan, against the punishment of dismissed from service awarded by DPO SWTD vide Order Endst: No. 43, dated 08.05.2023 being time barred.

The applicant may please be informed accordingly.

[Signature]
(AFSAR JAN)
Registrar.

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

*No 10157/23
Dt = 29-12-2023
DPO SWTD
For information please*

[Signature]
29/12

[Signature]
Muhammed Ismail Alizai,
Advocate High Court
Dera Ismail Khan

VGOTEL NEW 22
2024.01.12 11:29

Letters\letters A12.rtf


71
15-17-40
24701-6322753-7

VAKALATNAMA

20

N.W.F.P. BAR COUNCIL

MUHAMMAD ISMAIL ALIZAI
Advocate High Court
N.I.C. 12101-0958025-3
S.No. 1228



Attorney's Name: MUHAMMAD ISMAIL ALIZAI
Address: ALI MUHAMMAD ALIZAI, D.I.KHAN
Office Tel: 03199400111, 0319951170
Residence Tel: 03199400111, 0319951170
E-mail: alizai@hcc.org.pk, 25-03-2009
Place of Practice: D.I.KHAN
Date of Birth: 17-04-1948
Group: B-14

Bar Council: Khyber Pakhtunkhwa Bar Council, Peshawar, Ph. 011-211172
Website: www.kpbarcouncil.org, www.kpbarcouncil.com, www.kpbarcouncil.org

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR.

In Service Appeal Javed vs No-KP etc

I/WE, Javed Appellant,

hereby appoint, Mr. Muhammad Ismail Alizai, Advocate High Court,
Advocate High Court, DIKhan,

in the above mentioned matter / case and authorize him/them to do all or any of the following acts, in my/our name and on my/our behalf, that is to say,

1. To appear, act and plead for me/us in the above mentioned case in this Court/ tribunal in which the same may be tried or heard or any other proceedings what so ever, ancillary thereto, including appeal, revision etc; on payment of fees separately for each court by me / us,
2. To sign, verify, file, present or withdraw all/any proceedings, petitions, appeals, cross objections and application for compromise or withdrawal, or for submission to arbitration of the said case or any other documents, as may be deemed necessary or advisable by him/them and to conduct prosecution or defense of the said case at all its stages,
3. To undertake execution proceedings, deposit, draw and receive money, cheques, cash and grant receipts thereof and to do all other acts and things which may be conferred to be done for the progress and in the course of prosecution of the said case,
4. To appoint and instruct any other Advocate/ legal practitioner authorizing him to exercise the power and authority conferred upon the advocate whenever he/they may think fit to do so and to sign Power of Attorney on our behalf,

I /we, the undersigned do hereby agree to ratify and confirm all acts done by the advocate or his authorized substitute in the matter as my /our own acts, as if done by me/us to intents and purposes, and I / we undertake that I /we or my/our duly authorized agent shall appear in the court on all hearings and will inform the advocate(s) for appearance when case is called and I/we the undersigned agree hereby not to hold the advocate(s) or his/their substitute responsible if the said case be proceeded ex-parte or dismissed in default in consequence of my/our absence from court when it is called for hearing and for the result of the said case, the adjournment costs whenever ordered by the court shall be of the advocate(s) which he/they may receive and retain himself/themselves. I/we the undersigned do hereby agree that in the event of the whole or part of the fees agreed by me/us to be paid to the advocate(s), if remain unpaid, he/they shall be entitled to withdraw from prosecution of the above said case until the same is paid and fee settled is only for the above said case and above court and I /we agree hereby that once fee is paid, I/we shall not be entitled for refund of the same in any case whatsoever.

IN WITNESS WHEREOF, I /we do hereby set my/our hand to these presents, the contents of which have been read, read over, explained fully and understood by me/us on this... 25... Day of Jun 2024.

Accepted By: Muhammad Ismail Alizai
Muhammad Ismail Alizai,
Advocate High Court.

Thumb Impression / Signature(s) of Executant(s)



CMIC# 16127-1244242
24701-6322752-7