

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR**  
**AT CAMP COURT SWAT**

Service Appeal No. 1049/2019

Date of Institution ... 09.08.2019

Date of Decision ... 08.04.2022

ASI Barkat Ali No. 705 posted at Casualty Hospital Saidu Sharif Swat.

... (Appellant)

VERSUS

Provincial Police Officer Khyber Pakhtunkhwa at CPO Peshawar and two others.

... (Respondents)

-----  
MR. SHABIR AHMAD KHAN,  
Advocate

--- For appellant.

MR. RIAZ AHMED PAINDAKHEL,  
Assistant Advocate General

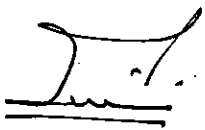
--- For respondents.

MR. SALAH-UD-DIN  
MS. ROZINA REHMAN

--- MEMBER (JUDICIAL)  
--- MEMBER (JUDICIAL)

JUDGMENT:

SALAH-UD-DIN, MEMBER:- Precise facts forming the background of the instant service appeal are that the appellant was proceeded against departmentally on the allegations that the appellant while posted in Casualty Hospital Saidu Sharif, Swat, had recorded the report of deceased then injured namely Najeeb Ullah S/O Sher Bahadar in daily diary vide No. 46 dated 04.06.2018 instead of lodging a proper FIR in the matter. On completion of the inquiry, the appellant was dismissed from service vide order dated 07.02.2019 passed by District Police Officer Swat. The same was challenged by



the appellant through filing of departmental appeal, which was partially allowed by Regional Police Officer Malakand at Saidu Sharif Swat vide order dated 14.03.2019 and the punishment awarded to the appellant was converted into reduction in pay by two stages and treating out of service period as leave without pay. The order dated 14.03.2019, passed by Regional Police Officer Malakand at Saidu Sharif Swat was challenged by the appellant through filing of revision before the Provincial Police Officer Khyber Pakhtunkhwa, which was not responded within the statutory period, hence the instant service appeal.

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

3. Learned counsel for the appellant has contended that the nature of injuries could not be ascertained without opinion of the doctor, therefore, the report of deceased then injured was incorporated in daily diary and no illegality or misconduct was committed by the appellant. He further contended that as the appellant was found innocent during the inquiry, therefore, the appellate Authority was required to have exonerated the appellant of the charges leveled against him. He next contended that the delay in filing of appeal is condonable for the reason that the appellant was kept waiting by the respondents that his revision will be decided, however the same remained un-responded. He further contended that there are numerous judgments of worthy superior courts, wherein it has been held that cases should be decided on merits by avoiding technicalities.

4. On the other hand, learned Assistant Advocate General for the respondents has contended that the appellant failed to register proper case in a cognizable offense, therefore, departmental action was taken against him and he was found liable of committing misconduct. He next contended that the appellate Authority has already

taken lenient view in the matter and the appeal of the appellant is without any merit. He next contended that the appeal of the appellant is time barred and is liable to be dismissed on this score alone.

5. We have heard the arguments of learned counsel for the appellant as well as learned Assistant Advocate General for the respondents and have perused the record.

6. A perusal of the record would show that on 04.06.2018, the appellant was on duty in Casualty Hospital Saidu Sharif Swat, when Najeeb Ullah S/O Sher Bahadar was brought in injured condition, who reported the matter to the appellant, which was scribed by the appellant and was sent to the Police Station for its entry in daily diary as the nature of injury could not be ascertained at that time. The injury sheet of the deceased then injured was also prepared by the appellant and was handed over to the doctor for medical opinion, however according to the inquiry report, the medical opinion was received after considerable delay on 20.07.2018, while the injured Najeeb Ullah had already died on 15.07.2018. SDPO Saidu Circle was nominated as inquiry officer in the matter, who submitted inquiry report, which is available on the record. The inquiry officer has categorically mentioned in his report that the appellant was found innocent. It is astonishing that the competent Authority awarded major penalty of dismissal to the appellant on the basis of inquiry report, wherein the appellant was found innocent. Similarly, the appellate Authority was also not justified in awarding punishment to the appellant.

7. The appellant has filed the instant service appeal against the order dated 14.03.2019 passed by Regional Police Officer Malakand Region Saidu Sharif at Swat, whereby the appellant was reinstated in service and his punishment was reduced to reduction in pay by two stages. The issue is thus one of financial benefits, therefore, the appeal is not hit by law of limitation. Even

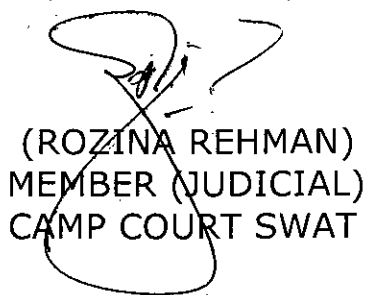
otherwise too, in view of peculiar facts and circumstances of the case, it would be highly unjustifiable to deny the rights of the appellant merely on the alleged technical ground of limitation.

8. In view of the above discussion, the appeal in hand is allowed as prayed for. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
08.04.2022



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)  
CAMP COURT SWAT



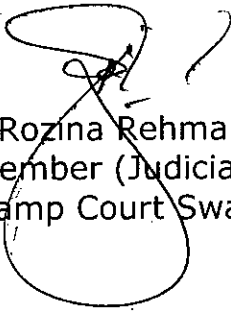
(ROZINA REHMAN)  
MEMBER (JUDICIAL)  
CAMP COURT SWAT

ORDER  
08.04.2022

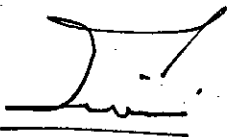
Learned counsel for the appellant present. Mr. Ali Rehman, Inspector (Legal) alongwith Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the appeal in hand is allowed as prayed for. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
08.04.2022



(Rozina Rehman)  
Member (Judicial)  
Camp Court Swat

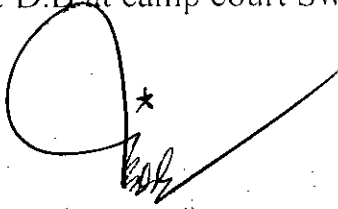


(Salah-Ud-Din)  
Member (Judicial)  
Camp Court Swat

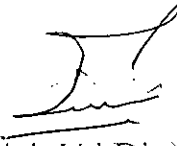
06.01.2022

Appellant in person present. Mr. Muhammad Adeel Butt,  
Additional Advocate General for respondents present.

Appellant requested for adjournment on the ground that  
his counsel is not available today due to general strike of the  
Bar. Adjourned. To come up for arguments on 11.02.2022  
before D.B. at camp court Swat.



(Mian Muhammad)  
Member(E)



(Salah Ud Din)  
Member(J)  
Camp Court Swat

11.02.2022

Tour is hereby canceled .Therefore, the case is adjourned  
to 08.04.2022 for the same as before at Camp Court Swat.

  
Reader

05.10.2021

Nemo for appellant.

Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General for respondents present.

Preceding date was adjourned on a Reader's note, therefore, appellant/counsel be put on notice for 07.12.2021 for arguments, before D.B at Camp Court, Swat.



(Atiq ur Rehman Wazir)  
Member(E)  
Camp Court, Swat



(Rozina Rehman)  
Member(J)  
Camp Court, Swat

07.12.2021

Junior to counsel for appellant present.

Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General for respondents present.

Former made a request for adjournment as senior counsel is not available today; granted. To come up for arguments on 06.01.2022 before D.B at Camp Court, Swat.



(Atiq ur Rehman Wazir)  
Member (E)  
Camp Court, Swat.



(Rozina Rehman)  
Member (J)  
Camp Court, Swat

5.01.2021

Due to COVID 19, the case is adjourned to  
2 .03.2021 for the same as before.


  
Reader


02.03.2021

Nemo for appellant.

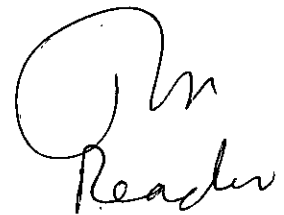
Noor Zaman Khan Khattak learned District Attorney  
alongwith Khawas Khan S.I for respondents present.

Preceding date was adjourned on a Reader's note, while  
today, lawyers community is on strike, therefore,  
appellant/counsel be put on notice. Case is adjourned to  
4/5/2021 for arguments before D.B at Camp Court,  
Swat.

  
(Mian Muhammad)  
Member (E)  
Camp Court, Swat

  
(Rozina Rehman)  
Member (J)  
Camp Court, Swat

*Due to covid, 19 the bar to  
come up for the same on 5/10/21*

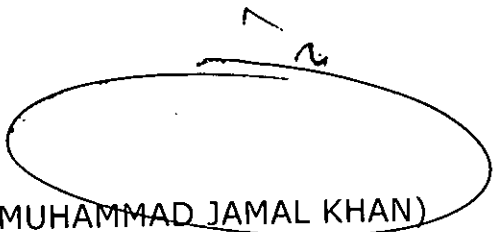
  
Reader



05.10.2020

Neither appellant nor his counsel is present. Mr. Usman Ghani, District Attorney alongwith representative of the department Mr. Khawas Khan, S.I (Legal) are present.

Representative of the department submitted para-wise comments on behalf of respondents No. 1 to 3 which is placed on record. File to come up for rejoinder and arguments on 03.11.2020 before D.B at Camp Court, Swat. Notice be also issued to appellant as well as his respective counsel for the date fixed.

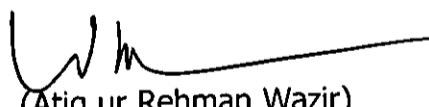
  
(MUHAMMAD JAMAL KHAN)  
MEMBER  
CAMP COURT SWAT


03.11.2020

Appellant in person present.

Muhammad Jan learned Deputy Attorney for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 05.01.2021 for arguments, before D.B at Camp Court, Swat.

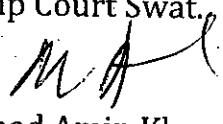
  
(Atiq ur Rehman Wazir)  
Member (E)  
Camp Court, Swat

  
(Rozina Rehman)  
Member (J)  
Camp Court, Swat

Service Appeal No. 1049/2019

07.01.2020

Appellant in person and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Muhammad Ishaq, Head Constable for the respondents present. Written reply on behalf of respondents not submitted. Representative of the department requested for adjournment. Adjourned to 03.02.2020 for written reply/comments before S.B at Camp Court Swat.

  
(Muhammad Amin Khan Kundi)

Member  
Camp Court Swat

03.02.2020

Clerk to counsel for the appellant present. Written reply not submitted. Khawas Khan S.I, representative of the respondent department present and seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 02.03.2020 before S.B at Camp Court, Swat.

  
Member  
Camp Court, Swat

02.03.2020

Learned counsel for the appellant present. Written reply not submitted. Khawas Khan S.I (Legal) representative of respondent department present and seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 06.04.2020 before S.B at Camp Court Swat.

  
Member  
Camp Court, Swat.

07.11.2019

Junior counsel for the appellant present and submitted application for adjournment on the ground that learned senior counsel for the appellant is busy in Model Court and unable to attend the Service Tribunal today. Application is placed on record. Adjourned to 05.12.2019 for preliminary hearing before S.B at Camp Court Swat.



(Muhammad Amin Khan Kundi)  
Member  
Camp Court Swat

05.12.2019

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant (ASI) has filed the present service appeal against the order dated 14.03.2019 whereby the appellate authority while taking lenient view set aside punishment of his dismissal from service, reinstated him in service however awarded punishment of reduction in pay by 02 stages.

In the interest of justice, the present service appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for reply/comments. To come up for written reply/comments on 07.01.2020 before S.B at Camp Court, Swat.

Appellant Deposited  
Security and Process Fee

9/12/19






Member  
Camp Court, Swat

Form- A  
FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 1049/2019 \_\_\_\_\_

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/08/2019	<p>The appeal of Mr. Barkat Ali presented today by Mr. Shabir Ahmad Khan 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</p>
2-	30.8.19	<p>This case is entrusted to touring S. Bench at Swat for preliminary hearing to be put up there on <u>09.10.19</u></p> <p style="text-align: right;"> CHAIRMAN</p>
09.10.2019		<p>Clerk of counsel for the appellant present and requested for adjournment on the ground that learned counsel for the appellant is not available today. Adjourned to 07.11.2019 for preliminary hearing before S.B at Camp Court Swat.</p> <p style="text-align: right;"> (Muhammad Amin Khan Kundi) Member Camp Court Swat</p>

BEFORE SERVICE TRIBUNAL KHYBER  
PUKHTUNKHWA AT PESHAWAR

Service Appeal no 1049 /2019

ASI Barkat Ali No.705 Versus Provincial Police Officer and others

SERVICE APPEAL

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5	Copy of Show cause notice	"C"	12 - <del>12-A</del>
6	Copy Findings report of E.O along with Better Copy	"D"	13-14
7	Copy of order of dismissal	"E"	15
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Appellant

Through Counsel

  
Shabir Ahmad Khan (Dawlat Khel)

Advocate High Court

Office address:

Hamza Law chamber, Near Azad Medicine

Company post office road Mingora Swat.

Cell: 0341-566-6363 /0333-949-9466

①

BEFORE SERVICE TRIBUNAL KHYBER  
PUKHTUNKHWA AT PESHAWAR

Service Appeal no 1049 / 2019

Khyber Pakhtukhwa  
Service Tribunal

Diary No. 1167

Dated 09/8/2019

ASI Barkat Ali No.705 posted at casualty Hospital Saidu  
Sharif Swat.....(Appellanat)

Versus

1. Provincial Police Officer Khyber Pakhtunkhwa at CPO  
Peshawar
2. Regional police Officer Malakand Range-III at Saidu  
Sharif Swat.
3. District Police Officer Swat at Gul Kada Swat.

..... (Respondents)

Filed to-day

Registrar

SERVICE APPEAL U/S 4 OF THE KHYBER  
PUNKHWA SERVICE TRIBUNAL ACT,1974  
AGAINST THE IMPUGNED ORDER OF  
RESPONDENT NO 2 DATED 14/03/2019, WHEREBY  
THE RESPONDENT NO 2 AWARDED  
PUNISHMENT OF REDUCTION IN PAY BY TWO  
STAGES.THE PERIOD SPENT OUT OF SERVICE  
IS TREATED AS LEAVE WITHOUT PAY,  
AGRIEVED FROM THE SAID ORDER THE  
APPELLANT/PREFFERED REVISION PETITION  
BUT THE FATE OF THE APPEAL IS NOT  
DECIDED YET.

Respectfully sheweth:

Facts arising to the present appeal as under:

- 1) That the appellant was initially recruited as a constable into police and after qualifying various courses the appellant promoted to the rank of Assistant Sub-Inspector .
- 2) That on 4-6-2018 the appellant was on duty at casualty hospital Siadu Sharif swat where an injured/complainant namely Najeeb Ullah S/O Sher Bahadar R/O Bar Kalay Saidu Sharif Swat made a report to the appellant which was reduced into writing in the shape of "report bamanzala Indiraj" and sent the same to police station Saidu Sharif for further legal proceedings. The said report was entered in Daily Dairy vide DD No.46 dated 4-6-2018.it is pertinent to mentioned here that the victim /injured/complainant Najeeb Ullah was admitted round about 40 days in the hospital and then passed away,in this regard an FIR No.534 dated15-07-2018 P.S Saidu Sharif U/S 302/34 PPC was registered on the basis of Daily Dairy Report dated 4-6-2018 and later on section 337-D was added in the mentioned case. (copy of DD No.46 dated 4-6-2018 P.S Saidu Sharif is annexed as Annexure "A" and copy of FIR is annexed as Annexure "B")
- 3) That the respondent No.3 on 22-10-2018 issued vide No. 476/PA show cause notice where the allegations leveled against the appellant are reproduced herewith: "whereas, instead of registering the proper case in the matter related to injury of one namely Najeeb Ullah , police entered the report in daily dairy vide No.46 dated 4-6-2018 and you initiative an inquiry into the matter. In the same case no evidence was collected from spot (blood etc.) due to belated registration of FIR which is against discipline and warrants strict departmental action. You are therefore, issued this show cause notice. (Show cause notice is annexed as Annexure " C")
- 4) That the show cause notice was entrusted to SDPO Saidu circle for enquiry. The Enquiry Officer

conducted a proper Enquiry and submitted his findings report.(Findings report of E.O is annexed as Annexure "D")

- 5) That on 7-2-2019 the respondent No.3 dismissed the appellant from service (Dismissal order is annexed as annexure 'E')
  
- 6) That aggrieved from impugned order of respondent No.3 dated 7-2-2019 the appellant filed a departmental appeal before the respondent No.2 so the respondent No.2 set aside the order of respondent No.3 and re-instated the appellant into service but the respondent No.3 awarded the punishment of reduction in pay by two stages and the period spent out of service treated as leave without pay.(copy of departmental appeal is annexed as Annexure "F" and copy of order of respondent No.2 is annexed as annexure "G")
  
- 7) That aggrieved from the order of respondent No.2 the appellant filed a revision petition before the respondent No. 1 on 19-3-2019 but till yet the respondent No.1 did not decide the fate of the revision petition . Hence the instant service appeal on the following grounds:

Grounds:-

- a) That the Enquiry officer conducted a proper Enquiry and in his findings report declared the appellant innocent.
  
- b) That the respondent No.2 himself stated in his order dated 14-3-2019 that the appellant explained his innocence in the instant case and despite this fact awarded punishment to the appellant against the law and norms of justice.
  
- c) That the appellant performed his duty accordingly at casualty Saidu Sharif but the respondents dragged the appellant for nothing.



- d) That brother of the mentioned injured/complainant namely Inam Ullah recorded his statement during the Enquiry which is also support the version of the appellatant and proved the innocence of the appellatant. (Copy of statement is annexed as annexure "H")
- e) That neither negligence nor mala fide of the appellatant was existed with any party and the appellatant rightly performed his duty but the respondents with mala fide intention punished the appellatant.
- f) That the allegations leveled against the appellatant are baseless, frivolous, and not sustainable and untenable under the law and rules on the subject.
- g) That the universal canon of natural justice has been set aside and no ample opportunity of presenting the delinquent stance /version has been given to the appellatant.
- h) That the impugned order is unreasonable, arbitrary and is liable to be set aside.
- i) That the appellatant was not treated accordance with law and rules on the subject and the impugned order has been passed away in flagrant violation of law and rules tainted with mala-fide intention and is therefore not sustainable and is liable to be set aside.
- j) That the respondent No.1 time in again directed the appellatant for personal appearance when the appellatant appeared before the respondent No.1 ,the respondent No.1 told to the appellatant that come in next orderly room but the respondent No.1 did not decide after a long time so the appellatant filed the instant service appeal.

5


k) That the other important points will be raised during the course of arguments with the kind permission of this honorable court.

Therefore, it is humbly prayed that  
That by acceptance of the instant  
Service appeal the impugned  
Order of respondents may kindly  
Be set aside to the extent of  
Punishment awarded as mentioned  
Above and all the back benefit may  
May kindly be awarded to the  
Appellant.

Any other relief which may appropriate  
In the circumstances may also be  
Awarded to the appellant not specifically  
Prayed for.



Appellant  
Through counsel

  
Shabir Ahmad Khan (Dawlat khel)  
Advocate High Court

BEFORE SERVICE TRIBUNAL KHYBER  
PUKHTUNKHWA AT PESHAWAR

6

Service Appeal no \_\_\_\_\_ 2019

ASI Barkat Ali

Versus

Provincial Police Officer and others

SERVICE APPEAL

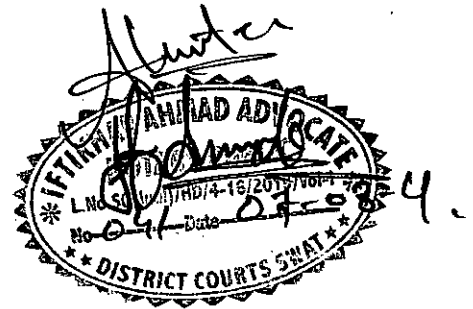
Affidavit

I Barkat Ali (ASI No.705) district Swat do hereby states on oath that all the contents of the instant Appeal are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this honorable tribunal.



Deponet

ASI Barkat Ali



BEFORE SERVICE TRIBUNAL KHYBER  
PUKHTUNKHWA AT PESHAWAR

7

Service Appeal no \_\_\_\_\_ 2019

ASI Barkat Ali

Versus

Provincial Police Officer and others

SERVICE APPEAL

Memo of Adresses

Addresses of the appellant:

ASI Barkat Ali No.705 posted at casualty Hospital Saidu  
Sharif Swat.

Addresses of respondents:

1. Provincial Police Officer Khyber Pakhtunkhwa at CPO  
Peshawar
2. Regional police Officer Malakand Range-III at saidu  
Sharif Swat.
- 3) District Police Officer Swat at Gul Kada Swat



Appellanat ASI Barkat Ali

(8)

BEFORE SERVICE TRIBUNAL KHYBER  
PUKHTUNKHWA AT PESHAWAR

Service Appeal no \_\_\_\_\_ 2019

ASI Barkat Ali      Versus      Provincial Police Officer and others

**APPLICATION FOR CONDONATION OF DELAY IN  
FILLING THE ABOVE NOTED APPEAL**

Respectfully sheweth:

The petitioner submits as under:

- 1) That the appellant has filed an appeal along with this application in which no date has been fixed so far.
- 2) That the appellant prays for the condonation of delay in filling the above noted appeal inter alia on the following grounds:

**Grounds of application:**


- a) That the valuable rights of the appellant are involved in the case hence the appeal deserve to be decide on merit.
- b) That it has been the consistent view of the superior courts that cases should be decided on the basis of merit rather on technicalities including the limitation.
- c) That the respondent No.1 time in again directed the appellant for personal appearance when the appellant appeared before the respondent No.1 ,the respondent No.1 told to the appellant that come in next orderly room but the respondent No.1 did not decide a revision after a long and waste a lot of time of the petitioner/appellant

d) That the other points will be raised during the course of arguments with the prior permission of this honorable tribunals.

It is therefore humbly prayed that  
On acceptance of the instant petition  
The delay in filling the mentioned  
Appeal may please be condoned.



Appellant

Through counsel 

Shabir Ahmad Khan( Dawlat Khel)

Advocate High Court.







Annex  
'C'

12

OFFICE OF THE DISTRICT POLICE OFFICER, SWAT.

No. 476/PA, Dated Gulkada the 22-10-2018

**SHOW CAUSE NOTICE.**

(Under Rule 5 (3) K.P.K Police Rules, 1975)

1. You IIC Barkat Ali No. 705 while posted at MC Police Station Saidu Sharif have rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 for following misconduct/s;  
Whereas, instead of registering a proper case in the matter related to injury of one namely Najeeb Ullah, Police entered the report in Daily Diary vide No. 46, dated 04-06-2018 and you initiated an enquiry into the matter. In the same case it was responsibility of Police to register a proper case as the offence was cognizable and the victim later succumbed to his injuries and subsequently a case vide FIR No. 543, dated 15-07-2018 u/s 302-337 (1)/34 PPC, Police Station Saidu Sharif was registered with a delay of 43 days. In the same case no evidence was collected from spot (blood, etc) due to belated registration of FIR which is against discipline and warrants strict departmental action. You are therefore, issued this show cause notice.
2. That by reason of above, as sufficient material is placed before the undersigned, therefore, it is decided to proceed against you in general Police proceeding without aid of enquiry officer;
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force;
4. That your retention in the Police force will amount to encourage in efficient and unbecoming of good Police officer;
5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the rules.
6. You are, therefore, called upon to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 for the misconduct referred to above.
7. You should submit reply to this show cause notice with 07 days of the receipt of the notice filing which an ex parte action shall be taken against you.
8. You are further directed to inform the undersigned that you wish to be heard in person or not.
9. Grounds of action are also enclosed with this notice.

District Police Officer  
Swat

Received by \_\_\_\_\_

Dated \_\_\_\_\_ 2018.

**Attested to be True Copy**

**Shabir Ahmad Khan (Dawlat Khel)**  
Advocate High Court  
& Federal Shariat Court

Annex  
'C'

12

OFFICE OF THE DISTRICT POLICE OFFICER, SWAT.

No. 476/PA, Dated Guilkada the 22-10-2018

SHOW CAUSE NOTICE.

(Under Rule 5 (3) K.P.K Police Rules, 1975)

1. You IHC Barkat Ali No. 705 while posted at IHC Police Station Saidu Sharif have rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 for following misconducts;  
Whereas, instead of registering a proper case in the matter related to injury of one namely Najeeb Qureshi, Police entered the report in Daily Diary vide No. 46, dated 04-06-2018 and you initiated an enquiry into the matter. In the same case it was responsibility of Police to register a proper case as the offence was cognizable and the victim later succumbed to his injuries and subsequently a case vide FIR No. 543, dated 15-07-2018 u/s 302-337 (1)/34 PPC, Police Station Saidu Sharif was registered with a delay of 43 days. In the same case no evidence was collected from spot (blood, etc) due to belated registration of FIR which is against discipline and warrants strict departmental action. You are therefore, issued this show cause notice.
2. That by reason of above, as sufficient material is placed before the undersigned, therefore, it is decided to proceed against you in general Police proceeding without aid of enquiry officer;
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force;
4. That your retention in the Police force will amount to encourage in efficient and unbecoming of good Police officer.
5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the rules.
6. You are, therefore, called upon to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 for the misconduct referred to above.
7. You should submit reply to this show cause notice with 07 days of the receipt of the notice filing which an ex parte action shall be taken against you.
8. You are further directed to inform the undersigned that you wish to be heard in person or not.
9. Grounds of action are also enclosed with this notice.

District Police Officer  
Swat

Received by \_\_\_\_\_

Dated \_\_\_\_\_ 2018.

**Attested to be True Copy**

**Shobir Ahmad Khan (Dawlat Khan)**  
Advocate High Court  
& Federal Shariat Court

12-A

OFFICE OF THE DISTRICT POLICE OFFICER, SWAT.

No. 476/PA, Dated Gulkada the 22-12-18

GROUNDS OF ACTION

That you IHC Barkat Ali No. 705 while posted as IHC Police Station Saidu Sharif have committed the following misconduct/s:-

Whereas, instead of registering a proper case in the matter related to injury of one namely Najeed Ullah, Police entered the report in Daily Diary vide No. 46, dated 04-06-2018 and you initiated an enquiry into the matter. In the same case it was responsibility of Police to register a proper case as the offence was cognizable and the victim later succumbed to his injuries and subsequently a case vide FIR No. 543, dated 15-07-2018 u/s 302-337 (1)/34 PPC. Police Station Saidu Sharif was registered with a delay of 43 days. In the same case no evidence was collected from spot (blood, etc) due to belated registration of FIR which is against discipline and warrants strict departmental action. You are therefore, issued this show cause notice.

By reason of above you have rendered yourself liable to be proceeded under Khyber Pakhtunkhwa Police Rules, 1975, hence these grounds of action.

IHC Barkat Ali No. 705

District Police Officer  
Swat

**Attested to be True Copy**

**Shabir Ahmad Khan (Daudat Khan)**  
Advocate High Court  
& Federal Shariat Court

Annex  
D

برکت علی

13

10

SDPO سیدوسرکل

ریڈر نمبر 35 مورخہ 22-01-2019

جناب عالی!

بحوالہ مشمولہ شوکا زٹوٹس نمبری 476/PA محررہ 22-10-2018 برخلاف برکت علی IHC متعینہ کچوٹی ہسپتال سیدوسرکل  
موصولہ سن ڈیپوٹنگ DP صاحب ضلع سوات معروضہ خدمت ہوں کہ شدہ انکوائری میں مدعی انعام اللہ ولد شیر بہادر  
سیدوشریف، ہیڈ کنسٹیبل برکت علی سے بیعت قبیلہ کئے گئے۔ بیان بموجب مدعی انعام اللہ کے نقشہ ضرر پر رائے ڈاکٹری بعد از  
برادر اش موصول ہوئی ہے۔

Dismissed

کردہ انکوائری سے پایا گیا کہ ہیڈ کنسٹیبل برکت علی جو کہ اب ASI کے عہدے پر تری کر چکا ہے نے اپنی فرائض منصبی سرانجام  
دیتے ہوئے مجروحین کے کھٹ ہائے بہ شکل بمنزل اندراج روزنامہ ارسال تھانہ کی ہے۔ اور نقشہ ضرر حوالہ ان ڈیوٹی ڈاکٹر جاوید، ان  
صاحبان کی طبی رائے۔ میڈیکل رپورٹ پر رائے ڈاکٹری تاخیر سے مورخہ 20-07-2018 کو موصول ہوئی جبکہ وقوعہ مورخہ  
04-06-2018 کو رونما ہوئی ہے۔ اس دوران مجروح نجیب اللہ اپنے خالق حقیقی سے جا ملا۔ جس میں برخلاف ملزمان فواد عالم

پسران بخت عالم پر مقدمہ علت 534 مورخہ 15-07-2018 جرم 34-302 ppc درج رجسٹر ہوا ہے۔

کردہ انکوائری سے ہیڈ کنسٹیبل برکت علی بے گناہ پایا جاتا ہے۔ رپورٹ گزارش ہے۔

ایس۔ ڈی۔ پی۔ او سیدوسرکل

نوٹ:- نقولات مد 46 روزنامہ 04-06-2018، مد 48 روزنامہ 05-06-2018

نقل FIR علت 534 مورخہ 15-07-2018 جرم 34-302 ppc ودیگر کاغذات

لف رپورٹ ہذا ہے۔

9B, No 21

7-2-19

Attested to be True Copy  
Shabir Ahmad Khan (Dawlat Khan)  
Advocate High Court  
& Federal Shariat Court

از دفتر SDPO سیدوسرکل

ریڈر نمبر: 35 مورخہ 22.01.2019

جناب عالی!

بحوالہ مشمولہ شوکاژ نوٹس نمبر PA/476/22.10.2018 محررہ 22.10.2018 برخلاف برکت علی IHC متعینہ کچولٹی ہسپتال سیدو شریف موصولہ از دفتر جناب DPO صاحب ضلع سوات معروض خدمت ہوں کہ شدہ انکوائری میں مدعی انعام اللہ ولد شیر بہادر سکندہ سیدو شریف، ہیڈ کانسٹیبل برکت علی کے بیانات قلمبند کئے گئے۔ بیان بموجب مدعی انعام اللہ کے نقشہ ضرر رائے ڈاکٹری بعد از ملاحظگی برادر اش موصول ہوئی ہے۔

کردہ انکوائری سے پایا گیا کہ ہیڈ کانسٹیبل برکت علی جو کہ اب ASI عہدے پر ترقی کر چکا ہے، نے اپنی فرائض منصبی سرانجام دیتے ہوئے مجروحین کے رپورٹ ہائے بشکل بمنزل اندراج روزنامچہ ارسال تھانہ کی ہے۔ اور نقشہ ضرر حوالہ آن ڈیوٹی جاوید اقبال صاحبان کی گئی ہے۔ میڈیکل رپورٹ پر رائے ڈاکٹری تاخیر سے مورخہ 20.07.2018 کو موصول ہوئی جبکہ وقوعہ مورخہ 04.06.2018 کو رونما ہوئی ہے۔ اس دوران مجروح نجیب اللہ اپنے خالق حقیقی سے جا ملا۔ جس میں برخلاف ملزمان نواد عالم، مراد پسران بخت عالم پر مقدمہ علت نمبری 534 مورخہ 15.07.2018 جرم 302/34PPC درج رجسٹرڈ ہوا ہے۔

کردہ انکوائری سے ہیڈ کانسٹیبل برکت علی بے گناہ پایا جاتا ہے۔ رپورٹ گزارش ہے۔

دستخط انگریزی

ایس۔ ڈی۔ پی۔ اوسیدوسرکل

نوٹ: نقولات مد 46 روزنامچہ 04.06.201، مد 48 روزنامچہ 05.06.2018

نقل FIR علت نمبر 534 مورخہ 15.07.2018، جرم 302/34PPC و دیگر کاغذات

لف رپورٹ ہذا ہے۔

O.B No. 21

7.2.19

Annex  
"E"

15

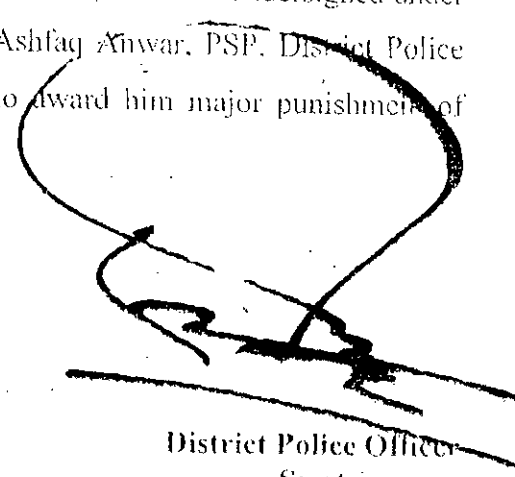
ORDER

This order pertains to show cause notice issued to ASI Barkat Ali of this district Police. He while posted as IHC Casualty Hospital Saidu Sharif was alleged of misconduct as instead of registering a proper case in the matter related to injury of one namely Najeeb Ullah, Police entered the report in Daily Diary vide No. 46, dated 04-06-2018 and he initiated an enquiry into the matter. In the same case it was responsibility of Police to register a proper case as the offence was cognizable. The victim later succumbed to his injuries and subsequently a case vide FIR No. 543, dated 15-07-2018 u/s 302-337 (1)/34 PPC, Police Station Saidu Sharif was registered with a delay of 43 days. In the same case no evidence was collected from the spot (blood, etc) due to belated registration of FIR.

He was issued a show cause notice vide this office No. 476/PA, dated 22-10-2018 to explain his position. He was summoned in orderly room and heard in person but he failed to present any cogent reason to justify his misconduct. The matter was further enquired through SDPO Saidu Circle who reported that the FIR had been registered with a considerable delay which adversely affected proceedings of the case.

The delinquent ASI has failed to follow SOP in the same case which resulted in belated registration of the FIR. He has failed to promptly register FIR in the case of cognizable nature. The victim later succumbed to his injuries and consequently an FIR was registered with a delay of 43 days. This adversely affected proceedings of the case which brought a bad name for Police Department. The conduct of the delinquent ASI is against discipline and unbecoming of a responsible Police Officer. His further retention in Police will affect discipline of other personnel of the Force. Hence, in exercise of the powers vested in the undersigned under Rules 2 (iii) of Police Disciplinary Rules -- 1975, I Syed Ashfaq Anwar, PSP, District Police Officer, Swat being competent authority, am constrained to award him major punishment of dismissal from service with immediate effect.

Order announced.



District Police Officer  
Swat

O.B. No. 21

Dated 07-02-019

**Attested to be True Copy**

Shahir Ahmad Khan (Dawlat Khan)  
Advocate High Court  
& Federal Shariat Court

Copy to:-

1. Establishment Clerk
2. OSI

For necessary action please

## بخدمت جناب ریجنل پولیس آفیسر صاحب ملاکنڈ ریجن سیدو شریف ضلع سوات

عنوان :- ہمدردانہ اپیل بابت دوبارہ بحالی ملازمت

جناب عالی!

بجسور انوار عرض یہ ہے کہ :-

- ۱- یہ کہ سائل موضع چارباغ کا سکونتی باشندہ ہے اور ایک غریب گھرانے سے تعلق رکھتا ہے۔
- ۲- یہ کہ سائل مورخہ 14-05-2001 کو محکمہ پولیس ضلع سوات میں بحیثیت کنسٹیبل بھرتی ہو کر حکمانہ کورسز کرنے کے بعد 2011 کو لوئرز سکول کورس پاس کیا۔
- ۳- یہ کہ لوئرز سکول کے بعد ضلع ہذا کے مختلف تھانہ جات / چوکیات میں خدمات سرانجام دیتے ہوئے سال 2017 کو پی۔ ٹی۔ سی ہنگو سے انٹرمیڈیٹ کالج کورس کو ایفائی کیا۔
- ۴- یہ کہ اتنے مراحل سے گزرنے کے بعد سائل سال 2018 کو بحیثیت ASI ترقی یاب کیا گیا۔

جناب والا!

سائل باقیل کچولٹی سیدو شریف میں تعینات تھا مورخہ 04-06-2018 کو مجروح نجیب اللہ ولد شیر بھادر سکندہ برکے سیدو شریف کو بحالت مجروحیت بہ ہر اہمیت برادر اش انعام اللہ کچولٹی ہسپتال لا کر مجروح کا ہوش و حواس درست تھا جس نے بحالت مجروحیت یوں رپورٹ کی کہ وہ موٹر سائیکل پر گھر خود جا رہا تھا کہ ملزمان عالم، مراد پسران بخت عالم ساکنان سیدو شریف نے اُسے گالی گلوچ کی اور اس کو مارا پینا چونکہ نوعیت زخمت معلوم نہ تھا بدیں وجہ مذکورہ کارپورٹ برادر انعام اللہ کے موجودگی میں بہ منزل اندراج روزنامہ چھپہ تحریر کر کے درستگی پر دستخط مثبت کی اور تائید میں انعام اللہ نے بعد درستگی رپورٹ دستخط مثبت کی بعد بغرض قانونی کارروائی تھانہ سیدو شریف ارسال کیا بدیں وجہ نقشہ ضرر بمطابق زخمت مرتب کر کے حوالہ ان ڈیوٹی ڈاکٹر جاوید صاحب کی گئی اس دوران ڈاکٹر صاحب سے بھی بار بار نقشہ ضرر کے

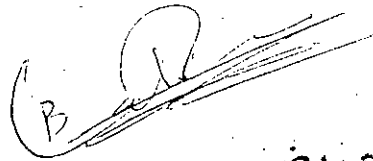
Attested to be True Copy

Shabir Ahmad Khan (Dawat Khel)  
Advocate, High Court  
& Federal Shariat Court

بارے میں معلومات کیا گیا مگر ڈاکٹر صاحب نے جواباً کہا جب تک مجروح ڈسچارج نہیں ہوا ہونقشہ ضرر پر رائے نہیں دیا جاسکتا اس دوران ہسپتال میں زیر علاج وقوعہ کے تقریباً 43 روز بعد مجروح نجیب اللہ ہسپتال میں زخموں کی تاب نہ لا کر جان بحق ہوا جس پر مقدمہ علت نمبر 534 مورخہ 15-07-2018 جرم 302.34PPC تھا نہ سیدور جسٹرڈ ہوا بدیں وجہ جناب DPO صاحب نے مجھے شوکا ز نوٹس جاری کیا جس پر جناب پیر سید خان SDPO صاحب سید و سرکل نے انکو آری کر کے مجھے بے گناہ قرار دیا ہے۔ (نقولات انکو آری ہمراہ لف اپیل ہذا ہے) چونکہ سائل نا کردہ گناہ پر جناب DPO صاحب سوات نے بحوالہ آرڈر بک نمبر 21 مورخہ 07-02-2019 کو ملازمت سے برخاست کیا ہے جو کہ میرے ساتھ ظلم و زیادتی ہوئی ہے اور میں نا کردہ گناہ ہوں۔

لہذا آپ صاحب کے خدمت میں ہمدردانہ اپیل کی جاتی ہے کہ میرے طویل ملازمت اور غربت اور دیگر گھبریلو اخراجات اور چھوٹے چھوٹے بال بچوں کو مد نظر رکھتے ہوئے سائل کو بہ عہدہ ASI ملازمت پر دوبارہ بحال کرنے کا حکم صادر فرمایا جائے تو سائل تاحیات دعا گوہ رہیگا۔

المرقوم 11-02-2019



Ex/ASI

سید برکت علی

سکنہ چم چار باغ ضلع سوات

Attested to be True Copy

Shahir Ahmad Khan (Dawlat Khan)  
Advocate High Court  
& Federal Shariat Court





Annex  
G

18

OFFICE OF THE  
REGIONAL POLICE OFFICER, MALAKAND

AT SAIDU SHARIF SWAT.

Ph: 0916-9240381-88 & Fax No. 0916-9240390

Email: digmalakand@yahoo.com

24/2  
15/18/19

ORDER:

This order will dispose off appeal of Ex-ASI Barkat Ali of Swat District for reinstatement in service.

Brief facts of the case are that ASI Barkat Ali while posted at casualty Hospital Saidu Sharif was alleged of misconduct as instead of registering a proper case in the matter related to injury of one namely Najeeb Ullah Police entered the report of Daily Diary vide DD No. 46 dated 04/06/2018 and he initiated an enquiry into the matter. In the same case it was responsibility of Police to register a proper case as the offence was cognizable. The victim later succumbed to his injuries and subsequently a case vide FIR No. 543 dated 15/07/2018 u/s 302/337(1) /34-PFC Police Station Saidu Sharif was registered with a delay of 43 days. In the same case no evidence was collected from the spot due to belated registration of FIR. The matter was enquired through SDPO Saidu Circle who reported that the FIR had been registered with a considerable delay which adversely affected valuable evidence /proof of the case. Consequently he was issued a show cause notice to explain his position. He was called in Orderly Room by DPO Swat and heard him in person but he failed to present any cogent reason to justify his misconduct. Being found guilty of the charges leveled against him the delinquent ASI was awarded major punishment of dismissal from service vide DPO Swat office OB No. 31 dated 07/02/2019.

He was called in Orderly Room on 27/02/2019 and heard him in person. The appellant explained his innocence in the case as well as poor family backgrounds. Therefore, taking a lenient view the order passed by DPO Swat is set aside and he is reinstated in service. However, he is awarded the punishment of reduction in pay by two stages. The period he spent out of service is treated as leave without pay.

Order announced.

**Attested to be True Copy**

(MUHAMMAD SAEED), PSP  
Regional Police Officer,  
Malakand, at Saidu Sharif Swat  
"Naqi"

Shahir Ahmad Khan (Dawat Khel)  
Associate High Court  
& Federal Shariat Court

No. 3255 /E,

Dated 14/03 /2019.

Copy to District Police Officer, Swat for information and necessary action with reference to his office Memo: No. 3412/E, dated 26/02/2019. Service Book and Fauji Missal of the above named official is returned herewith. For record in your office.

\*\*\*\*\*

OB No. 46  
15-3-19

OB/EC  
Mr. Anjum  
Tukko Enquiry  
his s. Record

Annex

H

19

بخدمت جناب PPO صاحب صوبہ خیبر پختونخواہ

عنوان: رحم اپیل بابت بحالی انگریمنٹ 2 سالہ / سنخواہ عمرہہ مرخصی جاری رہنے

جناب عالی!

معروض خدمت ہوں کہ DPO صاحب سوات نے سائل کو بحوالہ OB نمبر 21 محرمہ 07-02-019 کو بعد از انکوائری محکمہ پولیس سے ڈسمس کیا تھا۔ بعدہ جناب RPO صاحب ملاکنڈ رینج (iii) سیدو شریف سوات نے بحوالہ چھٹی انگریزی نمبری 3255/F محرمہ 14-03-019 بحال کر کے لیکن صاحب موصوف نے سائل سے 2 سال انگریمنٹ سٹاف کیا ہے۔ سائل غریب ہے۔ حالات زار پر رحم فرما کر 2 سالہ ضبط شدہ انگریمنٹ بحال کرنے کا احکامات صادر فرمائیں۔ نقل آرڈر ہمراہ لف درخواست ہذا ہے۔ تو سائل تاحیات دعا گورہیگا۔

العارض  
حلی

اپکاتا بعدار برکت علی 705/ASI متعینہ پولیس لائن کبل سوات

NIC:15602-0461651-5

MOB:03468154545

Sir,

Forworded,Pl.

حلی

RI,PL.Swat  
19-03-2019

Sir,

Forworded,Pl.

حلی

DSP/HQ.Swat  
19-03-2019

Attested to be True Copy

Shabir Ahmad Khan (Dawat Khan)  
Advocate High Court  
& Federal Shariat Court



**BEFORE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA  
AT PESHAWAR**

**WAKALT NAMA**

**Title:**

ASI Barkat Ali versus IGP and others.

I/we do hereby appoint **SHABIR AHMAD KHAN (Dawlat khel)**  
Advocate High Court in the above cited case/ suit/ appeal/ revision/  
petition to do all or any of the following acts, deeds and things:

- 1) To appear, act and plead for me/us in the above cited case/ suit/  
appeal/ revision/ petition in this court/tribunal and which the  
same may tried or heard, and any other proceedings arising out  
of or connected therewith.
- 2) To sign and verify and file , case/ suit/ appeal/ revision/ petition  
, affidavits etc. as may be deemed necessary or advisable by  
them for the conduct , prosecution or defense of the said case at  
all its stages.
- 3) To receive payment of, and issue receipt for, all money that  
may be or become due and payable to me/us during the course  
of proceeding.
- 4) To do any act necessary or ancillary to the above acts , deed and  
things.
- 5) To appoint any other counsel to do any/all of the acts, deeds  
and things.
- 6) I/We shall appear in the court/tribunal on every date of hearing  
for assistance and if due to my/our non- appearance, any  
adverse judgment/ order/decree is passed, he will not be held  
responsible.

IN WITNESS whereof I/We have signed this Waklat Nama  
hereunder , the contents of which have been read/ explained to me/us  
and fully understood by me/us this.



Appellant ASI Barkat Ali

Accepted by:



**SHABIR AHMAD KHAN (Dawlat khel)**

**Advocate High Court**

**Dated: 07-08-2019**

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

**Service Appeal No. 1049/2019**

ASI Barkat Ali No.705 posted at Causality Hospital Saidu Sharif Swat.

..... Appellant

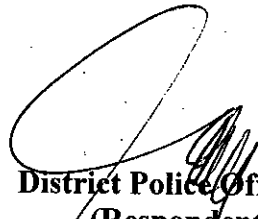
**VERSUS**

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

..... Respondents

**INDEX**

<b>S.No:</b>	<b>Description of Documents</b>	<b>Annexure</b>	<b>Page</b>
1	Para-wise Comments	-	1-3
2	Affidavit	-	4
3	Authority Letter	-	5
4	Copy of statement of Inamullah	"A"	6-7

  
**District Police Officer, Swat**  
**(Respondent No. 3)**

(1)

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

**Service Appeal No. 1049/2019**

ASI Barkat Ali No.705 posted at Causality Hospital Saidu Sharif Swat.

..... Appellant

**VERSUS**

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

..... Respondents

**PARAWISE COMMENTS BY RESPONDENTS**

**Respectfully Shewith,**

**Preliminary Objections.**

1. That the appellant has got no Cause of action and locus standi to file the present appeal.
2. That the appeal is bad due to misjoinder and nonjoinder of necessary parties.
3. That the appeal is barred by Law & limitation.
4. That the appellant has not come to the Tribunal with clean hands.
5. That the instant appeal is not maintainable in its present form.
6. That the appellant has concealed the material facts from this Hon'ble Tribunal.

**FACTS:**

- 1) Pertains to record, hence needs no comments.
- 2) Incorrect. The appellant while posted as IHC Causality Hospital Saidu Sharif Swat failed to register proper case in a cognizable offence. The report was entered in Daily Diary but the registration of case was willfully delayed for about 43 days by the appellant which was a gross misconduct on his part.
- 3) Pertains to record, hence needs no comments.
- 4) Pertains to record, hence needs no comments.

- 2
- 5) Correct to the extent that on fulfillment of legal and codal formalities the dismissal order was passed.
  - 6) Pertains to record, hence needs no comments.
  - 7) Incorrect. First regular departmental appeal has been disposed of in time wherein the major punishment was converted into minor one. Revision Petition has no value under the rules.


**GROUND:**


- a) Incorrect. The Charges of wilfully delay FIR in Cognizable offence have been established in Enquiry findings report.
- b) Incorrect. Appellate authority i.e respondent No.02 has taken lenient view, modified the major punishment into minor, meaning thereby that the charges of willful delaying registration of FIR in cognizable offence have established against the appellant.
- c) Incorrect. Appellant was duty bound to send proper murasila/report to Police Station for lodging of FIR against the accused in cognizable offence but he failed to do so and FIR was delayed for 43 days which was gross misconduct on his part.
- d) Incorrect. Inamullah brother of complainant in case FIR No. 534 dated 15/07/2018 has not declared the appellant innocent in his statement before the Court. Copy enclosed as annexure "A".
- e) Incorrect. There is no malafide intention on the part of respondent while passing the order of punishment against the appellant.
- f) Incorrect. The Charges of willful delay the registration FIR in Cognizable offence have been established in Enquiry findings report.
- g) Incorrect. All the opportunities of self defence and personal hearing were provided to the appellant during departmental probe.
- h) Incorrect. The orders of respondents are legal, based on facts and justice.
- i) Incorrect. The appellant was treated in accordance with law/rules and no violations of rules have been made by the respondents.

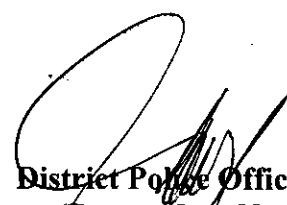
- j). Incorrect. As stated above, First regular departmental appeal of the appellant has been disposed of in time wherein lenient view was taken and the major punishment was converted into minor one. Revision Petition has no value under the rules.
- k) That the respondents may be allowed to add any other grounds at the time of hearing of appeal.

**PRAYER:**

Keeping in views the above facts and circumstances, it is humbly prayed that the appeal of appellant being devoid of legal force, may kindly be dismissed with costs.

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

  
*Regional Police Officer,*  
 Malakand at Saizai Shyif, Swat  
**Regional Police Officer**  
**Malakand Region**  
**(Respondent No. 2)**

  
**District Police Officer Swat**  
**(Respondent No. 3)**



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

**Service Appeal No. 1049/2019**

ASI Barkat Ali No.705 posted at Causality Hospital Saidu Sharif Swat.

..... Appellant


**VERSUS**

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

..... Respondents

**AFFIDAVIT**

We, the above respondents do hereby solemnly affirm on oath and declare that the contents of the appeal are correct/true to the best of our knowledge/ belief and nothing has been kept secret from the honorable Tribunal.

  
**Provincial Police Officer  
Khyber Pakhtunkhwa Peshawar  
(Respondents No.1)**

  
**Regional Police Officer  
Malakand Region  
(Respondents No.2)**

  
**District Police Officer, Swat  
(Respondents No.3)**

**Service Appeal No. 1049/2019**

ASI Barkat Ali No.705 posted at Causality Hospital Saidu Sharif Swat.

..... Appellant

**VERSUS**

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

..... Respondents

**AUTHORITY LETTER**

We, the above respondents do hereby authorized Mr. Mir Faraz Khan DSP/Legal Swat & Mr. Khawas Khan SI Legal to appear before the Tribunal on our behalf and submit reply etc in connection with titled Service Appeal.

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

  
**Regional Police Officer  
Malakand Region  
(Respondent No. 2)**

  
**District Police Officer Swat  
(Respondent No. 3)**







**KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR**

No. 1031 /ST

Dated: 13-5-2022

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 Director Police Officer,  
Government of Khyber Pakhtunkhwa,  
Swat.

Subject: JUDGMENT IN APPEAL NO. 1049/2019 MR. BARKAT ALI.

I am directed to forward herewith a certified copy of Judgement dated 08.04.2022 of passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR