

Sr. No.	Date of order/ proceedings	Order or other proceedings with signature of Judge/ Magistrate
1	2	3
1.	09.09.2015	<p data-bbox="573 380 1377 463" style="text-align: center;">KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, <u>PESHAWAR.</u></p> <p data-bbox="743 506 1175 549" style="text-align: center;">Service Appeal No. 845/2012</p> <p data-bbox="573 592 1442 675" style="text-align: center;">Muhammad Suleman Versus the Provincial Police Officer, KPK, Peshawar etc.</p> <p data-bbox="716 718 915 758" style="text-align: center;"><u>JUDGMENT</u></p> <p data-bbox="573 801 1442 1086"> <u>PIR BAKHSH SHAH, MEMBER.-</u> Appellant with counsel (Mr. Muhammad Asif Yousafzai, Advocate) and Government Pleader (Mr. Muhammad Jan) for the respondents present. </p> <p data-bbox="573 1171 1442 1877"> 2. The appellant was discharged from service on 08.12.2004 on the ground of willful absence. He filed departmental appeal which was rejected on 06.4.2005. He filed another appeal before the Chief Minister of the province which was forwarded to the Police Department for decision. This appeal was also rejected by the appellate authority vide his order dated 18.6.2012, hence this appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974. </p> <p data-bbox="573 1978 1263 2018"> 3. Arguments heard and record perused. </p> <p data-bbox="573 2111 1442 2489"> 4. From perusal of the record it was found that being a habitual absentee, the penalty of discharge from service was imposed on the appellant as he was on probation. Though the penalty of discharge is not mentioned in the Khyber Pakhtunkhwa Civil Servant </p>

Removal from Service (Special Power) Ordinance, 2000 but in fact penalty equates to the penalty of removal from service. After discharge/removal of the appellant from service vide impugned order dated 08.12.2004, it is evident that his first departmental appeal was rejected on 6.4.2005, Whereafter he slept on the case and did not come to this Tribunal timely. His subsequent second appeal is not provided in the law and its purpose was only to re-live the dead matter. The appeal being hopelessly time barred is liable to dismissal; the same is, therefore, dismissed. There is no order as to costs. File be consigned to the record.

ANNOUNCED

09.9.2015.



(ABDUL LATIF)
MEMBER



(PIR BAKHSH SHAH)
MEMBER

16.6.2014

Counsel for the appellant and Mr. Muhammad Jan, GP with Muhammad Zaman, Inspector for the respondents present. The learned judicial member is on leave, therefore, case to come up for arguments on 20.10.2014.


MEMBER

20.10.2014

Appellant in person and Mr. Muhammad Adeel Butt, AAG for the respondents present. Due to incomplete Bench, case is adjourned to 27.02.2015 for arguments.


MEMBER

27.2.2015

Counsel for the appellant and Mr. Ziaullah, GP with Imtiaz Khan, DSP (Legal) for the respondents present. Counsel for the appellant requested for adjournment. To come up for arguments on 08.9.2015.


MEMBER


MEMBER

07.2013.

Counsel for the appellant and Mr. Muhammad Jan, GP for the respondents present. In pursuance of Promulgation of Khyber Pakhtunkhwa Service Tribunal (Amendment) Act 2013, the Tribunal is incomplete. To come up for the same on 18.9.2013.


READER

18.9.2013

Appellant with counsel and Muhammad Jan, GP for the respondents present. Counsel for the appellant needs time to file rejoinder. To come up for rejoinder on 4.12.2013


MEMBER

5.12.2013

Counsel for the appellant and Mr. Muhammad Jan, GP with Imtiaz Gul, DSP (Legal) for the respondents present. Rejoinder received. Copy handed over to the learned GP. To come up for arguments on 5.3.2014.


MEMBER


MEMBER

5.3.2014

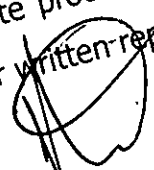
Counsel for the appellant and Mr. Muhammad Jan, GP with Muhammad Ibrahim, Inspector (Legal) for the respondents present. Counsel for the appellant needs time. To come up for arguments on 16.6.2014.


MEMBER


MEMBER

3. Clerk of counsel for the appellant and AAG for the respondents present. None is available as representative on behalf of the respondents nor their written reply received despite of proper notice hence they are placed ex-parte. To come up for ex-parte arguments on 05.06.2013.

Note: Mr. Wasiq Ali, Constable turned up at 11:30 AM and requested for time to file written reply, positively, on the next date. Ex-parte proceeding against the respondents set-aside. To come up for written reply on 01.03.2013.


MEMBER


MEMBER

01.03.2013

Appellant in person and AAG with Mr. Sajid Ud Din, DSP (Legal) for the respondent present and filed written reply on behalf of the respondents, copy whereof is handed to the appellant. To come up for rejoinder on 28.03.2013.


MEMBER


MEMBER

28.03.2013

Appellant in person and Mr. Arshad Alam, GP for the respondents present. Appellant is requested for time. To come up for rejoinder on 11.07.2013.


MEMBER


MEMBER

*Appellant deposited
Process fee & Security
of Rs. 180/- Bank Receipt
attached with file*

5. 2.11.2012

Counsel for the appellant present and heard.
the appellant has not been treated in accordance with
impugned discharge order dated 8.12.2004 is against the
the word discharge is no where mentioned in any law
inquiry has been conducted and the appellant has been
unheard. The appellant was charge sheeted under RSO 20
he has been punished under Police Rules 1934 which is also
the law/rules. The absence period has been treated as leave with
pay which means the authority has condoned the absence period
there remained no ground for punishment. Points raised not
consideration. The appeal is admitted to regular hearing, subject
all legal objections. The appellant is directed to deposit the security
amount and process fee within 10 days. Thereafter, notice be issued
to the respondents. Case adjourned to 21.1.2013 for submission of
written reply.

[Signature]
Member.

6. 2.11.2012

This case be put before the Final Bench for further
proceedings.

[Signature]
Chairman
Member


12-9-12

Counsel for the appellant present and requested for adjournment. Case adjourned to 4-10-2012 for P.H.


Member.

4-10-12

Counsel for the appellant present and requested for adjournment. Case adjourned to 2-11-2012 for P.H.


Member.

2-11-12


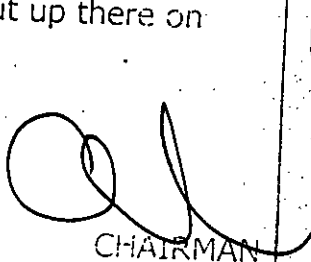
12-9-12

Form - A

FORM OF ORDER SHEET

Court of Khyber Pakhtunkhwa Service Tribunal, Peshawar

Case No. 845/12

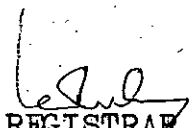
S.No.	Date of Order Proceedings	Order or Other Proceedings with signature of Judge or Magistrate
1.	31-7-12	The Appeal of Mr. <u>Mohammed Sulman</u> Submitted today by Mr. M. Asif Yousafzai, Advocate may be entered in the Institution Register and put up to the worthy Chairman for Preliminary Hearing.  REGISTRAR
2.	1-8-2012	The case is entrusted to Primary Bench for Preliminary Hearing, to be put up there on <u>12-9-2012.</u>  CHAIRMAN

The appeal of Mr. Muhammad Suleman Ex-Constable received today i.e. on 18/07/2012 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days:-

- 1- Appeal may be got signed by the appellant.
- 2- Copy of rejection order of departmental appeal ~~is not attached~~ with the appeal which may be placed on it.

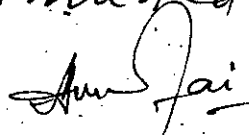
NO. 798 / S.T.

Dt. 19/07 2012


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

M. ASIF YOUSAFZAI ADV. PESH.

Since the rejection order is with the respondents but they are not giving the copy to appellant. Therefore, the same may be requisitioned from the respondents and by placing the appeal before the honorable Bench.
Re-submitted.



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. 845 /2012.

Mohammad Suleman.

VS

Police Deptt:

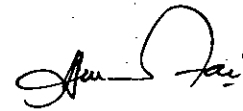
INDEX.

S.NO	DOCUMENTS	ANNEXURE	PAGE.
1-	Memo of appeal.	---	1 - 3
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3-	Statement of allegation.	B	5
4-	Report for duty.	C	6
5-	Show cause notice.	D	7
6-	Discharge from service order	E	8
7-	Appeal/review petition.	F	9
8-	Comments of DPO.	G	10 - 11.
9-	Vakalat nam.	---	12.

APPELLANT

MOHAMMAD SULEMAN

THROUGH:



M.ASIF YOUSAFZAI

ADVOCATE.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. 845 /2012.

Mohammad Suleman Ex-Constable NO.1121,

Police Lines Kohat.....Appellant.

Stamp: G. V. J. Peshawar
Date: 18/7/12

VERSUS

- 1- The provincial police Officer KPK Peshawar.
- 2- The D.I.G Kohat region Kohat.
- 3- The DPO Kohat.....Respondents.

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED. 8.12.2004 WHERE BY THE APPELLANT WAS DISCHARGE FROM SERVICE UNDER POLICE RULES 12:21 OF 1934 AND AGAINST THE ORDER DATED. 18.6.2012 WHEREBY THE APPEAL/REVIEW OF THE APPELLANT WAS FILED FOR NO GOOD GROUNDS.

PRAYER: That on acceptance of this appeal the impugned order may be set-aside being illegal, void ab-initio and the appellant may be re-instated with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of appellant.

Stamp: 18/7/12
Signature: R. SHEWETH

R.SHEWETH.

- 1- That the appellant joined the police force in the year 2002 and completed his initial trainings successfully.
- 2- That on 3.12.2003 the appellant suddenly fell ill due to which he rushed to the nearest DHQ hospital at KDA and remained under treatment there for some period.

Co-submitted to the
and filed.

Stamp: 18/7/12

- 3- That the appellant was charge sheeted under RSO-2000 for his absence from duty which was caused due to above mentioned illness. Copies of the charge sheet and statement of allegations are attached as annexure – A & B.
- 4- That after recovery from illness the appellant reported for duty but in his absence one sided inquiry was conducted in which the appellant was not participated. However, the appellant provided full proofs of his illness to the officer concerned while reported for duty on 24.12.2003. Copy of report is attached as Annexure – C.
- 5- That on 11.8.2004 show cause notice was served upon the appellant which was properly replied by the appellant in time. Copy of show cause notice is attached as Annexure – D.
- 6- That on 8.12.2004 the appellant was discharged from service under P.R 12.21 of 1934 by treating the appellant's absence period as leave without pay. Copy of the order is attached as Annexure – E.
- 7- That the appellant filed mercy petition for his reinstatement before the DIG Kohat Region but the same was never responded back to appellant . The appellant again filed appeal/review petition before the chief executive of the province which was forwarded to the concerned authority. The DPO Kohat also filed his comments to the said petition but the same now filed by the authority on 18.6.2012. Copies of the petition and comments of DPO are attached as Annexure – F & G.
- 8- That now the appellant comes to this august tribunal on the following grounds amongst the other.

GROUND:

- A- That the order dated. 8.1.2004 and order dated 18.6.2012 are against the law, rules, norms of justice and material on record, therefore, not tenable.
- B- That the appellant has been condemned unheard and no chance of personal hearing was provided to the appellant which is against the principles of natural Justice.

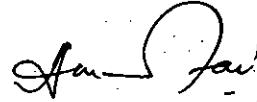
- C- That no regular inquiry was conducted against the appellant and neither the appellant was associated with the inquiry proceedings nor he was given any chance of cross examination.
- D- That the appellant was charge sheeted under RSO-2000 while the punishment was given to appellant under Police Rules 1934 which is against the spirit of law and rules. Thus the impugned order of discharge from service is void ab-initio.
- E- That the absence period has already been treated as leave without pay which means the authority has condoned the absence period and there remained no grounds for punishment.
- F- That even the appeal/mercy petition has not been responded which is also violation of the section 24-a of the General Clauses Act.
- G- That the appellant has not been treated according to law and rules.
- H- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

APPELLANT

MOHAMMAD SULEMAN

THROUGH:


M.ASIF YOUSAFZAI

ADVOCATE.

A (4)

CHARGE SHEET


WHEREAS, I am satisfied that [redacted] reported by
Removal from Service (Special Power) ordinance [redacted] and expedient.

AND WHEREAS, I am of the view that the allegations if established
would call for Major punishment as defined in Rules 3 (I) (e) of the aforesaid
ordinance. -

NOW, THEREFORE, as required 6 of the aforesaid ordinance
2000, I, Dr. Ishtiaq Ahmed Marwat District Police Officer, Kohat hereby charge you
CONST: MUHAMMAD SULEMAN NO. 1121 on the basis of the statement of allegations
attached to this Charge Sheet.

AND I hereby direct you further under the Rules 6 of the said
ordinance 2000 to put in a written defence within 15 days of the receipt of this Charge
Sheet as to why you should not be served with one or more punishment
including removal as defined order Rules 3 (I) (e) ordinance 2000 and also stating at
the same time as to whether you desire to be heard in person or not.

AND, in case your reply is not received within the prescribed period
without sufficient cause, it shall be presumed that you have no defence to offer.


(DR. ISHTIAQ AHMED MARWAT) PSP
DISTRICT POLICE OFFICER,
KOHAT

No. 4316/PA
DA: 23.9.04

ATTESTED


DISCIPLINARY ACTION

B (5)

I, ISHTIAQ AHMAD MARWAT District Police Officer, Kohat as competent authority am of the opinion that you Const: Muhammad Suleman No. 1121 has rendered himself liable to be proceeded against as he committed the following acts/ omissions within the meaning of section 3 of the NWFP Removal from Service (Special Power) Ordinance 2000.

STATEMENT OF ALLEGATIONS

WHEREAS, You Constable Muhammad Suleman No. 1121 while posted at Police Lines, Kohat absented yourself from govt: duty with effect from 18.7.04 to 28.7.04 and From 18.8.2004 till todate without any leave or prior permission from your senior officers which speaks of your in-efficiency, lack of interest in the discharge of your official duties and gross mis-conduct on your part.

For the purpose of scrutinizing the conduct of the said accused with reference to the above allegation an enquiry Officer mentioned below is appointed U/S 3 of the Ordinance.

QAZI SAJJID-UDD-DIN

DSP LEGAL, KOHAT.

ATTESTED

The Enquiry Officer shall, in accordance with the provision of the Ordinance provide reasonable opportunity of hearing to the accused record its finding and make within twenty five days of the receipt of this order recommendation as to punishment or other appropriate action against the accused.

The accused and a well conversant representative of the department shall join the proceedings on the date time and place fixed by the Enquiry Officer.

No. 4316/PA

(DR. ISHTIAQ AHMAD MARWAT) PSP
DISTRICT POLICE OFFICER,
KOHAT

15/5/88

6

لوہین لائن

نقل در 14 روز باقیم 24 12/3

در 14 ماضی از غیر ماضی M.H.7 حواض 24 12/3 دن 10 تا 12 دن

بسیار 11/21 غیر ماضی ماضی و المرد 24 روز باقیم 2 12/3

که بدو شمار ماضی و غیر ماضی در بیمارستان دولتی کابل بیمارستان

دولتی کابل و دولتی کابل M.H.7 کابل کابل KDA# بیمارستان

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ATTESTED



M.H.7.000 30-12

SHOW CAUSE NOTICE

D
7

WHEREAS, You Constable Muhammad Suleman No. 1121 while posted at Police Lines, Kohat absented yourself from govt: duty for 21 days with effect from 18.7.2004 To 28.7.2004 without any leave or prior permission from your senior officers, which speaks your in-efficiency and lack of interest in the discharge of your official duties.

You above act amount grave misconduct under the NWFP Police Rules, 1975

NOW, THEREFORE, I Dr. Ishtiaq Ahmed Marwat, District Police Officer, Kohat in exercise of the power vested in me under the aforesaid rules, hereby call upon you Constable Muhammad Suleman No. 1121.

to show cause as to why department action for MAJOR/MINOR PUNISHMENTS are not taken against you under the aforesaid orders.

Your's reply to the Show Cause Notice must reach to the office of the undersigned within 7-days of the receipt of the Show Cause Notice. In case your reply is not received within the stipulated period, it shall be presumed that you have no defence to offer and ex-parte departmental action will be taken against you. Also state in writing whether you desire to be heard in person or otherwise.

Mo 3827 / B
11/18/09

(DR. ISHTIAQ AHMED MARWAT) PSP
DISTRICT POLICE OFFICER,
KOHAT

ATTESTED



Constable Muhammad Saliman No. 1121 was charged to the fact that while posted at Police Lines Kohat has deliberately absented himself from Government Duty for the following period without any leave or permission from competent authority -

1. From 18/07/2004 to 28/07/2004
2. From 18/08/2004 to 07/11/2004
3. From 27/10/2004 to 30/11/2004
4. From 15/11/2004 to 20/11/2004

The defaulter Constable is a habitual absentee, unwilling worker and not taking interest in the discharge of Government Duties and a malingering type of Police Officials showing inefficiency on his part. The defaulter Constable was enlisted as recruit constable on 10/02/2003. Since then, he has absented himself on thirteen occasions while performing duty at Police Lines. In spite of repeated warnings/punishments he did not improve his conduct and is also not likely to become a good Police Officer. During his short period of service he earned the following punishments:-

- | | |
|----------------------|---------------|
| 1. Bad Entries | 13 |
| 2. Fine of Rs. | 450 |
| 3. Leave without Pay | 20 days |
| 4. Censure | Two Occasions |

Show Cause Notice issued to him for his negligent behaviour and habitual absentee under Rule: 1975. The defaulter Constable could not rebut allegation levelled against him thus his reply to the Show Cause Notice was found unsatisfactory.

Keeping in view the above facts, it is considered view of the undersigned that he is not fit to be retained in Police Department. As the length of his service is less than three years therefore, he is discharged from service under chapter - 12 Rules - 21 with immediate effect and the period of absence mentioned above is treated as leave without pay.

ORDER ANNOUNCED
07/12/2004

1304
C.B. No. _____
Date of 8/12/2004

(DR. ISHTIAQ AHMED MARWAT) PSP
DISTRICT POLICE OFFICER,
KOHAT

ATTESTED

کمر داری
میل
کوشنیک
کوشنیک
و کوشنیک

Tested
S.P. Legal,
Kohat.
12-04

(F)

Date 4-4-12

1125/LEGAL
Pl No: 9

درخواست نمبر 5688
05/07/2012

بخدمت جناب امیر حیدر خان ہوتی صاحب
وزیر اعلیٰ صوبہ خیبر پختونخوا

درخواست ہمدردانہ نظر ثانی برائے بحالی



جناب عالی! سائل حسب ذیل عرض رساں ہے۔

- ۱۔ یہ کہ سائل محکمہ پولیس میں سال 2002-02-10 میں بھرتی ہوا تھا (آرڈر کاپی لف ہے)۔
- ۲۔ یہ کہ سائل تقریباً تین سال نوکری پر فائزر رہا اور جانفشانی سے اپنی ڈیوٹی سرانجام دے رہا تھا۔
- ۳۔ یہ کہ دوران نوکری سائل برقان کے موذی مرض میں مبتلا ہوا اور سائل کو ہسپتال میں داخل کر دیا گیا۔
- ۴۔ یہ کہ سائل نے بیماری کے متعلق محکمہ والوں کے پاس روزنامچہ میں بھی اطلاع کروائی تھی۔
- ۵۔ یہ کہ سائل جب دوبارہ صحت یاب ہوا اور واپس اپنے متعلقہ محکمہ کے پاس گیا اور سائل نے اپنی بیماری کے متعلق میڈیکل سرٹیفکیٹ ساتھ لے گیا، لیکن سائل کو بغیر قانونی حکمانہ وجہ کے نوکری سے برخاست کر دیا گیا۔
- ۶۔ یہ کہ سائل نے اس سلسلے میں اپنے متعلقہ محکمہ میں اپیل بھی گزاری تھی لیکن وہ بھی افسران بالائے نام منظور کی (آرڈر کاپی لف درخواست ہے)۔

- ۷۔ یہ کہ سائل اب چونکہ بے روزگار ہے اور بے روزگاری کی زندگی بسر کر رہا ہے، اس کمر توڑ ہنگامی کے دور میں سائل کا کوئی ذریعہ معاش نہ ہے اور سائل اپنے گھر کا واحد ذریعہ معاش ہے اور گھر کی ذمہ داری اور کفالت بھی سائل پر عائد ہے۔
 - ۸۔ یہ کہ آپ صاحب سے اپنی نوکری پر دوبارہ نظر ثانی برائے بحالی بذریعہ درخواست استدعا کرتا ہے۔
- سائل اور سائل کی فیملی تاحیات آپ جناب اور آپ کے اہل و عیال کا دعا گو اور مشکور رہے گا۔

نو ازش ہوگی Strongly recommended

Signature

Engr. Syed Qalbe Hassan
Minister for Revenue & Estate
Govt. of Khyber Pakhtunkhwa

العارض
سلمان خان ولد گلا خان ضلع کوہاٹ

سابقہ کابینیل نمبر 1121

Signature
ANAYATULLAH QURESHI
Pres.
ANP Distt. Kohat.

P.P.O.
Khyber Pakhtunkhwa
Consul
Revenue
Signature

CHEF MINISTER
Khyber Pakhtunkhwa

Signature
8/8/2011
MAJID KHAN ADVOCATE
Gen Secy
ANP Distt. Kohat.

ATTESTED
Signature

Filed on

9
10

From: The District Police Officer, Kohat.

To: The Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.

No 5688 /DSP/ Legal dated Kohat the 05/06 /2012.

Subject: APPLICATION FOR RE-INSTATEMENT IN SERVICE.

Memo: Kindly refer to your office Memo: No. 1227/Legal dated 07.04.2012.

It is submitted that Ex-Constable Muhammad Suliman No. 1121 while posted in Police Lines Kohat, deliberately absented himself from official duty for the following period without any leave or permission from the competent authority:-

1. 18.07.2004 to 28.07.2004.
2. 18.08.2004 to 07.10.2004.
3. 27.10.2004 to 30.10.2004.
4. 15.11.2004 to 20.11.2004.

Show Cause Notice was issued to him under Police rules 1975. Reply to the show cause notice was found unsatisfactory, therefore, the competent authority discharged him from service under the Police Rules 12-21 with immediate effect vide OB No. 1304 dated 08.12.2004.

Aggrieved from the order, the Ex-Constable Muhammad Suliman has moved the enclosed application for re-instatement in service to which comments are submitted as under:-

Preliminary Objections:-

- a. That the application is legally defective.
- b. That the petitioner moved mercy petition before the Deputy Inspector General of Police, Kohat Region, Kohat which was filed vide Memo No. 846/EC dated 06.04.2005.
- c. That the order of discharge has attained finality.
- d. That the petition is badly time barred.
- e. That under the rules no provision for mercy petition has been provided.
- f. That the petition is not maintainable.

ATTESTED


Parawise Comments:-

1. Correct.
2. Incorrect. During short period of his service the petitioner earned thirteen bad entries, fined Rs. 460/- leave without pay for twenty days and awarded censure on two occasions.
3. Incorrect. The petitioner failed to substantiate his claim in reply to the show cause notice.

4. Incorrect. The petitioner has not reported anything about his alleged sickness in the daily diary.
5. Incorrect. The department was having no information regarding the alleged sickness of the applicant nor he got referred himself to the hospital for medical treatment. The department therefore, was having cogent reason to discharge him on the ground of inefficiency and habitual absentee.
6. Incorrect. The petitioner did not move proper departmental appeal however, he moved a mercy petition before the Deputy Inspector General of Police, Kohat Region, Kohat which was filed vide Memo No. 846/EC dated 06.04.2005.
7. Not relevant, hence no comments.
8. Request of the applicant for re-instatement in service is neither legal nor covered by any rules.

In view of the above, application/petition moved by the applicant ex-constable Muhammad Sulaiman being time barred, legally defective and not covered by any law/rules deserves to be filed please. His service record alongwith parawise comments are submitted as directed please.

o/c
DISTRICT POLICE OFFICER,
KOHAT

ATTESTED
[Signature]

سروس ریسٹورنٹ

2ء منجانب

محمد سلیمان بنام پولیس ڈیویژن گلگت

مورخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ آن مقام لہذا اور کیلئے محمد آصف و سعید علی ایل و ایل مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک دروپہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے دہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

2012ء

18 ماہ صومالی

الرقوم

RESTED

عبداللہ مستبسنری مارٹ
چک بشکری چارشل فون: 2220193
Mob: 0345-9223239

مقام
Supervisor
Khan

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

Appeal No. 845/2012
Muhammad Suliman Ex-constable No. 1121 Appellant.

V E R S U S

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, Kohat Region, Kohat.
3. District Police Officer, Kohat Respondents.

REPLY/PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

Respectfully Sheweth:-

Reply/Parawise comments to the appellant filed by ex-constable Muhammad Suliman are as under:-

Facts arising from the appeal are that the appellant Muhammad Suliman who was enrolled as constable on 10.02.2002 while posted in Police Lines Kohat absented himself from duty without leave or permission w.e.f 18.07.2004 to 28.07.2004 and 18.08.2004 till conclusion of the departmental proceedings against him. The competent authority initiated departmental proceedings and vide order dated 07.12.2004 he was discharged from service under Chapter 12 Rule 21 of the Police Rules as the appellant was having less than three years service in the Police Department. The appellant thereafter moved a mercy petition to the respondent No. 2 which was filed vide Memo No. 846/EC dated 06.04.2005. Subsequently in the year 2012 he submitted another application for re-instatement in service to the Chief Minister Khyber Pakhtunkhwa, which was sent to the respondent No. 1 for consideration, however, the same vide Memo No. 2080/Legal dated 18.06.2012 was filed being time barred.

The appellant has filed appeal to this Hon: Tribunal to which reply/parawise comments are submitted as under:-

Preliminary Objections:-

- a. That the appeal is badly time barred.
- b. That the appellant has got no cause of action.
- c. That the appellant has not exhausted the appellate forum, hence in absence of the final order the appeal is legally defective and is not entertain able.
- d. That the order dated 07.12.2004 has attained finality, hence the appellant is barred from moving appeal.

Parawise Comments:-

1. Correct.
2. Incorrect. The Police Department was having no information about the alleged sickness of the appellant.
3. Incorrect. The Police Department was having no knowledge about the alleged sickness of the appellant and in addition the department was not supposed to wait for indefinite period for the appellant to resume his charge, hence the department was left no other option except to issue charge sheet against the appellant.
4. This para is misleading and misconceived because the appellant thereafter had again absented himself from duty from 18.07.2004 to 28.07.2004, 18.08.2004 to 07.10.2004, 27.10.2004 to 30.10.2004 and 15.11.2004 to 20.11.2004. During short service of less than three years the appellant earned 13 bad entries, fined to rupees 460/-, leave without pay 20 days and censure on two occasions. The service record of the appellant reflects that he was not interested in service.
5. Pertains to record.
6. Correct.
7. This para is misleading because Memo No. 846/EC dated 06.04.2005 reflects that copy regarding filling of his mercy petition was sent at his home address for information. (Copy enclosed). Moreover, this para shows that the appellant has never preferred proper departmental appeal.
8. This para pertains to facts.

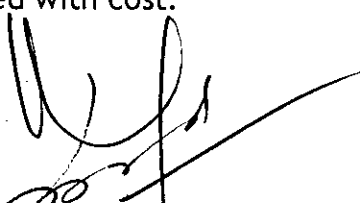
Grounds:-

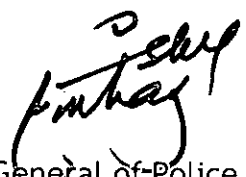
- a. Incorrect. That orders dated 08.12.2004 and as well as 18.06.2012 are quite in accordance with law, rules, material on record and justice. The punishment order has attained finality hence it cannot be called in question.
- b. Incorrect. He was afforded opportunity to defend himself by the competent authority but he failed to rebut the allegation against him.
- c. Incorrect. Under Chapter 12 Rule 21 of the Police Rules no enquiry is required, however, in order to meet the ends of justice show cause notice containing allegation of absence was issued to him but he failed to justify his absence.

- d. This para is incorrect and misleading, the appellant was awarded punishment under Chapter 12 Rule 21 of the Police Rules.
- e. Incorrect. Treating absence period as leave without pay does not amount to condonation of the absence period.
- f. Incorrect. Result of the mercy petition was accordingly conveyed by the respondent No. 2 to the appellant as is reflected in Memo No. 846/EC dated 06.04.2005.
- g. Incorrect. The appellant has been strictly treated in accordance with law, rules, merits and justice.
- h. Not relevant, hence no comments.

Prayers.

It is therefore, prayed that the appeal is badly time barred, the appellate forum of the department has not been exhausted, no illegality or irregularity has been pinpointed and the appeal being not maintainable may be dismissed with cost.


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


Dy: Inspector General of Police,
Kohat Region, Kohat
(Respondent No. 2)


District Police Officer,
Kohat
(Respondent No. 3)

Telephone No. 9260112.

1980

7/4-2005

From :- The Dy:Inspector General of Police,
Kohat Region, Kohat.

To :- The District Police Officer, Kohat.

No. 846 /EC, Dated Kohat the 6/4 /2005.

Subject :- MERCY PETITION.

MEMORANDUM.

Please refer to your office Memo: No. 1473/DSP/Legal dated 5.3.2005.

The mercy petition of Ex: Constable Suliman Khan No. 1121 of your District has been examined and filed by the Region Police Chief.

His Service Roll and Fauji Missal, received with your above quoted reference is returned herewith for record.

Encl. SRoll
F/Missal

[Signature]
For Dy:Inspector General of Police,
Kohat Region, Kohat.

No. 847 /EC,

Copy to Ex: Constable Suliman Khan No. 1121 son of Gula Khan Afridi Sector-4 K.D.A, Kohat for information.

[Signature]
SRE/OPN

For Dy:Inspector General of Police,
Kohat Region, Kohat.

[Signature]
6/4

OPN

Please place in
his Ranji missal

[Signature]
SRE
9/3/06

ORDER

Constable Muhammad Suliman No. 1121 was charged to the fact that while posted at Police Lines Kohat has deliberately absented himself from Government Duty for the following period without any leave or permission from competent authority: -

1. From 18/07/2004 to 28/07/2004.
2. From 18/08/2004 to 07/10/2004.
3. From 27/10/2004 to 30/10/2004.
4. From 15/11/2004 to 20/11/2004.

The defaulter Constable is a habitual absentee, unwilling worker and not taking interest in the discharge of Government Duties and a malingerer type of Police Officials showing inefficiency on his part. The defaulter Constable was enlisted as recruit constable on 10/02/2002. Since then, he has absented himself on thirteen occasions while performing duty at Police Lines. In spite of repeated warnings/punishments he did not improve his conduct and is also not likely to become a good Police Officer. During his short period of service he earned the following punishments:-

- | | |
|----------------------|---------------|
| 1. Bad Entries | 13 |
| 2. Fine of Rs. | 460 |
| 3. Leave without Pay | 20 days |
| 4. Censure | Two Occasions |

Show Cause Notice issued to him for his negligent behaviour and habitual absentee under Rules 1975. The defaulter Constable could not rebut allegation levelled against him thus his reply to the Show Cause Notice was found unsatisfactory.

Keeping in view the above facts, it is considered view of the undersigned that he is not fit to be retained in Police Department. As the length of his service is less than three years therefore, he is discharged from service under chapter - 12 Rules - 21 with immediate effect and the period of absence mentioned above is treated as leave without pay.

ORDER ANNOUNCED

07/12/2004

OBN No 1304
Dated 8/12/2004

(DR. ISHTIAQ AHMED MARWAT) PSP
DISTRICT POLICE OFFICER,
KOHAT

میرزا
ہیل
کوہستان
کوہستان
وکی

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

Service Appeal No. 845_/2012

Mr. Muhammad Suleman V/S Police Department.

.....

REJOINDER ON BEHALF OF APPELLANT

.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

(A-D) All objections raised by the respondents are incorrect. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

- 1 Admitted correct by the respondents, so no comments.
- 2 Partially correct, But the appellant has noted his attendance in Roznamcha on 24.2.2003 and during performance of his duty he became sick and went to K.D.A Hospital and provided full proof of his illness to the officer concerned.
- 3 Incorrect as in Para-2 above.
- 4 Incorrect. Not replied accordingly.
- 5 The record has already been attached with the Appeal as Annexure-D.
- 6 Admitted, hence no comments.
- 7 Incorrect. The appellant did proper departmental appeal by filing an appeal for his reinstatement before the DIG Kohat Region but not responded.
- 8 *Legal.*

GROUND:

- A) *Incorrect. The order dated 8.12.2004 as well as 18.6.2012 are not accordance with the law as the appellant was terminated by one side inquiry.*
- B) *Incorrect. The appellant was terminated by simply show cause notice and one side inquiry in absence of appellant by not giving opportunity to defence.*
- C) *Incorrect. The appellant has sight to defend himself but not given proper opportunity to defend himself and terminated by one side inquiry.*
- D) *Incorrect. The appellant was not treated according to law.*
- E) *Incorrect, while Para-E of the ground of Appeal is correct.*
- F) *Incorrect. Mercy petition has been responded acceding to law and in the Memo No.846/EC; dated 06.04.2005 no proper direction has been given.*
- G) *Incorrect. The appellant has not been treated according to law and rules by terminating him by simply one side inquiry and not given proper forum for his defence.*
- H) *Not replied according to Para-H of the Ground of the appeal.*

It is, therefore, most humbly prayed that the appeal of appellant may kindly be accepted as prayed for.



APPELLANT
Muhammad Suleman

Through:

M. Asif Yousafzai
(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

05-12-13
AFFIDAVIT

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.

Rai

[Supreme Court of Pakistan]

Present: Iftikhar Muhammad Chaudhry, C.J. Raja Fayyaz Ahmed and Ch. Ijaz Ahmed, JJ

RAJA KHAN---Petitioner

Versus

MANAGER (OPERATION) FAISALABAD ELECTRIC SUPPLY COMPANY (WAPDA) and others---Respondents

Civil Petition No. 636 of 2009, decided on 21st May, 2009.

(Against the judgment dated 11-2-2009 passed by the Federal Service Tribunal, Islamabad, in Appeal No. 445(R) CE of 2005).

(a) Removal from Service (Special Powers) Ordinance (XVII of 2000)---

---Ss. 34 & 10---Constitution of Pakistan, Art. 212(3)---Compulsory retirement from service---Dismissal of first departmental appeal for being time barred---Dismissal of second departmental appeal as not competent---Dismissal of appeal by Service Tribunal on merits as well as its being time barred---~~Validity~~
~~Petitioner had filed appeal before Tribunal without fulfilling mandatory requirement of S. 4 of Service Tribunals Act, 1973 in regard to limitation---Court could not compromise on limitation---Petitioner during four years of service had been punished for unauthorized absence as many as eight times---Petitioner by his subsequent conduct had accepted punishment of compulsory retirement by getting his pension claim and monthly pension regularly---Supreme Court refused to grant leave to appeal in circumstances.~~

Haji Ghulam Rasul's case PLD 1971 SC 376; Mst. Amina Begum's case PLD 1978 SC 220 and Nawab Syed Raunaq Ali's case PLD 1973 SC 236 rel.

(b) Constitution of Pakistan---

---Art. 212(3)---Service Tribunal, finding of---Validity---Such finding being finding of fact would not call for interference by Supreme Court.

Ch. Muhammad Azim's case 1991 SCMR 255 rel.

(c) Constitution of Pakistan---

---Art. 212(3)---Concurrent findings of fact by Appellate Authority and Service Tribunal---Validity---Supreme Court would not interfere with such findings.

Iftikhar Ahmed Malik's case 2005 SCMR 806 rel.

(d) Service Tribunals Act (LXX of 1973)---

4---Departmental appeal being time-barred---Effect---Appeal before Service Tribunal would not be competent.

Chariman PIA and others v. Nasim Malik PLD 1990 SC 951; Muhammad Aslam v. WAPDA and others 2007 SCMR 513 and Government of Pakistan through Secretary, Establishment Division v. Bashir Ahmad Khan PLD 1985 SC 309 rel.

(e) Limitation---

---Appeal, if required to be dismissed for being time-barred, then its merits need to be discussed.

Khan Sahib Sher Muhammad Mir's case 1987 SCMR 92 rel.

(f) Constitution of Pakistan---

---Art. 212(3)---Constitutional jurisdiction under Art. 212(3) of the Constitution---Discretionary in character.

(g) Constitution of Pakistan---

---Arts. 185(3) & 212(3)---Grant of leave to , appeal by Supreme Court---Discretionary.

Ghulam Qadir Khan's case 1986 SCMR 1386 rel.

(h) Constitution of Pakistan---

---Arts. 199 & 212(3)---Void order---Constitutional jurisdiction of High Court and Supreme Court---Scope---Such jurisdiction might be refused, if same was meant to enable petitioner to circumvent provisions of law of limitation or if he was stopped by his conduct from challenging order.

Muhammad Ismail's case 1983 SCMR 168; Abdur Rashid's case 1969 SCMR 141 and Wali Muhammad's case PLD 1974 SC 106 rel.

Haider Hussain, Advocate Supreme Court and M.S. Khattak, Advocate-on-Record for Petitioner.

Nemo for Respondents.

ORDER

CH. IJAZ AHMED, J.---Raja Khan, petitioner, seeks leave to appeal against the impugned judgment dated 11-2-2009 whereby the learned Federal Service Tribunal, Islamabad, dismissed his appeal on merits as well as time-barred.

2. Detailed facts have already been mentioned in the impugned judgment. However, necessary facts out of which the present petition arises are that petitioner was appointed as Chowkidar with the respondents establishment from April, 1985. Show cause notice dated 23-2-2004 under section 5(4) of the Removal from Service (Special Powers) Ordinance, 2002 along with statement of allegations was served upon the petitioner containing the following charges:--

- (1) Whereas you Mr. Raja Khan, Chowkidar PESCO (WAPDA) Jhang Circle Jhang are charged with misconduct as per statement of allegations attached.
- (2) And whereas on the basis of documentary evidence available, it is not considered necessary to have formal inquiry against you and that proceedings are being initiated under section 5(4) of the Removal from Service (Special Powers) Ordinance 2002 which might entail imposition of a major penalty of dismissal from service as specified in section 3 of the said ordinance.
- (3) Now, therefore, you are required to show cause within 15 days from the date of receipt of this notice as to why the proposed action should not be taken against you.
- (4) If no response is received from you within the time stipulated above, it would be presumed that either you have no defence to offer and/or you have willfully declined to do so. The case shall then be decided on 'ex parte' without further reference.

Whereas you Mr. Raja Khan, Chowkidar, PESCO Jhang Circle Jhang are charged with gross misconduct, inefficiency, corruption and mal practices for the following charges and other relevant circumstances.

As per report of Mr. Shahzad Nasir, Telephone Attendant and Mr. Ghulam Abbas Bhatti Telephone Attendant PESCO Jhang Circle Jhang. You are absent from duty w.e.f 6-2-2004 to 17-2-2004 without intimation/prior permission/sanction leave from the Circle Superintendent/Technical Officer/and by the undersigned.

If any mishap/incident create in Circle office, who are responsible. You are already so many times directed to present in the office after closing hours but you have failed in official duties."

Petitioner submitted reply to the show cause notice and admitted that he was' absent from duty on account of illness. The competent authority after providing him personal hearing awarded major penalty of compulsory retirement from service w.e.f. 31-3-2004 vide order dated 29-3-2004. Petitioner being aggrieved filed departmental appeal on 6-4-2004 before the appellate authority who dismissed the same as time barred vide order dated 10-11-2004. Thereafter the petitioner filed another appeal before the Managing Director Power on 8-12-2004 which was dismissed vide order dated 4-2-2005 on the ground that there is no provision of second appeal "further appeal" under the rules. Petitioner being aggrieved filed Appeal No. 445(R)CS/2005 in the Federal Service Tribunal, Islamabad, on 12-4-2005 which was dismissed vide impugned judgment dated 11-2-2009. Hence the present petition.

3. Learned counsel for the petitioner submits that the impugned order of dismissal of the petitioner dated 29-3-2004 .was passed by incompetent authority, therefore, the same was coram non judice and without lawful authority. He further urges that impugned order of the department was void, therefore, no limitation would run against such type of order. It can be agitated at any time and could be ignored being a void order. Learned Service Tribunal had not adverted to this aspect of the case, therefore, the impugned judgment was passed by the learned Service Tribunal without application of mind.

4. We have given our anxious consideration to the contentions of the learned counsel of the petitioner and perused the record. It is an admitted fact that show cause notice was served upon the petitioner under the provisions of Removal from Service (Special Powers) Ordinance, 2002 wherein it is specifically provided under the provisions of the Ordinance that petitioner has to file departmental appeal within

the prescribed period of 15 days. The order of compulsory retirement was passed by the competent authority on 29-3-2004. The petitioner filed departmental appeal on 6-4-2004 which was dismissed as time barred on 10-11-2004. Thereafter the petitioner filed second appeal before the Managing Director on 8-12-2004 which was also dismissed on 4-2-2005 in the following terms:--

"It is to inform you that your appeal under reference does not merit consideration as there is no provision of second appeal "further appeal" under the rules."

5. The learned Service Tribunal had rightly come to the conclusion that appellate authority was justified to dismiss his appeal as time-barred and second appeal was also dismissed with cogent reasons on account of non availability of any provision under the rules to file second appeal to higher authority after dismissal of the first appeal. We have also re-examined the material on record with the assistance of the learned counsel of the petitioner. We do not find any infirmity or illegality with regard to the conclusion arrived at by the learned Service Tribunal with regard to the finding mentioned in para 7 of the impugned judgment. It is settled principle of law that finding of service tribunal having findings of fact would not call for interference by this Court as law laid down by this Court in Ch. Muhammad Azim case (1991 SCMR 255). Even otherwise this Court does not interfere with the concurrent findings of fact arrived at by the departmental authorities and learned service Tribunal while exercising the power under Article 212(3) of the Constitution. See Iftikhar Ahmed Malik case (2005 SCMR 806). It is settled proposition of law that when an appeal of the employee was time barred before the appellate authority then the appeal before the Tribunal was also not competent in view of the various pronouncements of this Court. See Chairman PIA and others v. Nasim Malik (PLD 1990 SC 951) and Muhammad Aslam v. WAPDA and others (2007 SCMR 513). The question of law with regard to the representation has already been decided by this Court in Government of Pakistan through Secretary, Establishment Division v. Bashir Ahmad Khan (PLD 1985 SC 309). The relevant observation is as follows:--

"He challenged his first compulsory retirement through a review application filed on 23rd of October, 1974, which was decided on 3-6-1975. This was the final order passed on review. It could be challenged within 30 days, before the Tribunal under section 4 of the Service Tribunals Act. If the appellant chose not to file an appeal but only to repeat a representation before the same authority who had decided the review, that by itself would not give him another cause of action to file an appeal under section 4. The period spent in making the representation this second or any other representation after the decision of the review application, could not be excluded as of right in counting the period of limitation.....The review petition filed by the respondent in that behalf was decided on 13-6-1978. Instead of filing an appeal before the Tribunal under section 4 within 30 days of this final order passed on review, he made another representation which caused further delay. The period consumed during the processing of the subsequent representation could not be excluded as of right. And there being no condonation on any good ground by the Tribunal, the appeal filed on 14-1-1979, was clearly time barred and should have been dismissed accordingly."

6. The appeal of the petitioner before Service Tribunal is incompetent under section 4(1)(b) of the Service Tribunal Act, 1973. Since the petitioner has filed appeal before the Service Tribunal without fulfilling the mandatory requirement of section 4 in regard to limitation and court cannot compromise on the limitation. See:--

Muhammad's case (1998 SCMR 1354)

Messrs Raja Industries' case (1998 SCMR 307)

Mst. Sirajun-Munira's case (1998 SCMR 785)

7. It is admitted fact that appeal is obviously time barred and it has been held by this Court in Khan Sahib Slier Muhammad Mir's case (1987 SCMR 92) that when an appeal is required to be dismissed on limitation, its merits need not be discussed. In spite of the aforesaid law laid down by this Court the learned Service Tribunal has considered the case on merits and the appeal was also dismissed on merits. It is pertinent to mention here that the competent authority awarded penalty of compulsory retirement vide order dated 29-3-2004. The petitioner had accepted the punishment awarded by the respondents due to his conduct on the basis of subsequent events as the petitioner applied for payment of his pensionary benefit to the respondents. Petitioner got settled his pension claim within three months after his retirement and received Rs.155,733 as well as monthly pension. He also received his monthly pension regularly. Petitioner preferred appeal before the Service Tribunal on 12-4-2005. This fact was also noted in the impugned judgment in para 10. Even on merits the learned Service Tribunal was justified to dismiss his appeal on the well known principle of "approbate and reprobate." See Haji Ghulam Rasul's case (PLD 1971 SC 376). The learned Service Tribunal was justified to dismiss his appeal on the well known principle of estoppel keeping in view subsequent events. See Mst. Amina Begum's case (PLD 1978 SC 220).

8. The conduct of the petitioner has been highlighted by the Service Tribunal in para 10 of the impugned judgment which is reproduced herein below:

"We have seen placed on the record a number of documents which indicate the service record of the appellant. From 1989 to 27-3-2003, the appellant has been punished for unauthorized absence as many as eight times. The punishment included censure, stoppage of one annual increment for one year (1983), reduction to three lower stage in time scale for a period of three years (1990), stoppage of one annual increment for one year (1993) and stoppage of annual increment for one year (1995)."

9. It is settled principle of law that constitutional jurisdiction under Article 212(3) is discretionary in character. It is settled law that grant of leave to appeal is discretionary. See Ghulam Qadir Khan's case (1986 SCMR 1386). It is also settled law that constitutional jurisdiction against void order may be refused if it was meant to enable petitioner to circumvent provisions of law of limitation or if he was estopped by his conduct from challenging of order. See:--

Muhammad Ismail's case (1983 SCMR 168)

Abdur Rashid's case (1969 SCMR 141)

Wali Muhammad case (PLD 1974 SC 106)

10. Keeping in view the conduct of the petitioner mentioned herein above in para 10 of the impugned judgment we are not inclined to exercise our discretion in favour of the petitioner on the well known maxim that he who seeks equity must come with clean hands as law laid down by this Court in Nawab Syed Raunaq Ali's case (PLD 1973 SC 236).

11. In view of what has been discussed above we do not find any infirmity or illegality in the impugned judgment. Even otherwise the learned counsel has failed to raise any question of public importance in the present case as contemplated under Article 212(3) of the Constitution. The petition has no merit and the

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 1407 /ST

Dated 14 / 9 / 2015

To

The DPO,
Kohat.

Subject: - Judgement

I am directed to forward herewith certified copy of Judgement dated 9.9.2015 passed by this Tribunal on subject for strict compliance.

Encl: As above

af

[Signature]
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.