

Sr. No.	Date of order/proceedings	Order or other proceedings with signature of Judge/ Magistrate
1	2	3
1.	1.05.2015	<p data-bbox="613 461 1382 539" style="text-align: center;">KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.</p> <p data-bbox="621 582 1495 700" style="text-align: center;">Service Appeal No. 827/2012, Muhammad Zubair Versus Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar etc.</p> <p data-bbox="613 783 1495 1060"> <u>PIR BAKHSH SHAH, MEMBER.-</u> Appellant with counsel (Mr. Matiullah Baluch, Advocate) and Mr. Muhammad Jan, Government Pleader for the respondents present. </p> <p data-bbox="613 1154 1495 2396"> 2. The appellant Muhammad Zubair Ex-Constable No. 6071/815 FRP, D.I.Khan was removed from service on the ground of willful absence from duty vide order dated 03.6.2010. His departmental appeal was also dismissed vide order dated 19.7.2010 but fortunately his service appeal No. 1609/2010 decided on 12.08.2011 succeeded and he was reinstated into service with consequential/back benefits. The Tribunal however, in its judgment dated 12.08.20-11 also provided that if deemed appropriate, the department may conduct denovo departmental/enquiry proceedings. Thus the denovo enquiry, this time was conducted by Sub Inspector/ Platoon Commander Muhammad Nawaz who concluded that the total number of days for which the appellant remained absent are 297 days out of which the appellant would be entitled for earned leave for a period of 192 days. Consequently the rest of 105 days absence of the appellant was </p>

treated as leave without pay. In view of the above recommendations of the enquiry officer, the impugned order dated 19.3.2012 was passed. The appellant is aggrieved from the said order, contending that order dated 19.3.2012 may be set aside and the respondent-department may be directed to release allowance of all back benefits for the entire period of absence.

3. We have heard the arguments of the learned counsel for the parties and perused the record with their assistance.

4. It is the contention of the learned counsel for the appellant that the appellant was removed for no fault on his part and further that the Tribunal reinstated him with all back benefits, therefore, he was entitled for the receipt of back benefits which were wrongly refused to him by the competent authority and further that the appellate authority also did not dispose of his departmental appeal.

5. The appeal was resisted by learned Government Pleader on the ground that the Tribunal in its decision dated 12.08.2011 had provided for denovo departmental/enquiry proceedings which were conducted and that after showing enough leniency in favour of the appellant, the impugned order was passed. He requested that the appeal may be dismissed.

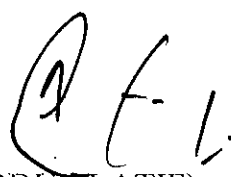
6. It is evident from the last paragraph of the judgment of this Tribunal dated 12.08.2011 that order of reinstatement as

well as back benefits was conditional and the respondent-department was given discretion to have initiated fresh enquiry proceedings. Since the appellant had remained absent for 297 days, he was also given earned leave for 192 days and as he was not entitled for any kind of leave for 105 days, therefore, the same was rightly treated as leave without pay. No excess appears to have been done to the appellant.

7. Consequently, the appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

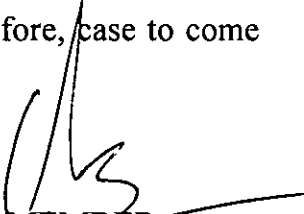
11.5.2015


(ABDUL LATIF)
MEMBER


(PIR BAKHSH SHAH)
MEMBER

11.08.2014

Counsel for the appellant and AAG with Ihsanullah, H.C for the respondents present. Learned executive Member of the bench is on ex-Pakistan leave, therefore, case to come up for arguments on 20.10.2014.



MEMBER

20.10.2014

Counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Akbar Khan, H.C for the respondents present. Due to incomplete Bench, case is adjourned to 04.02.2015 for arguments.



MEMBER

4.2.2015

Appellant with counsel and Mr. Ziaullah, GP with Inspector Yaseen for the respondents present. The learned GP requested for adjournment. To come up for arguments on 11.5.2015.



MEMBER



MEMBER

25-2-2014

Appellant with counsel and G.P. for respondents present. Arguments could not be heard due to incomplete Bench. To come up for arguments on 25-3-14 at Camp Court, D.I. Khan,

Member
Camp Court, D.I.K.

25-3-2014

Appellant in person and G.P. for respondents present. Arguments could not be heard due to incomplete bench. Case adjourned to 24-6-2014 for arguments at Camp Court, D.I. Khan

Member
Camp Court, D.I.K.

12-5-2014

As per direction of the Hon'ble Member on application of the appellant, this case is transferred to the diary of Bench-II. Notices be issued to the respondents for arguments on 2-6-2014 before final Bench-II at Peshawar.

Registry
Registrar

02.6.2014

Appellant with Mr. Matiullah Balouch Advocate/counsel present and Wakalatnama placed on file. Mr. Muhammad Jan, GP present. Fresh notices be issued to the respondents through registered post. To come up for arguments on 11.8.2014.

MEMBER

MEMBER

25-3-2013

Appellant in person present. No one is present on behalf of respondents. Reply order received. To come up for arguments on 22-4-2013 at camp court, D.I. Khan.

Member
Camp Court, D.I. Khan.

22-4-2013

Present as before on 25-3-2013. To come up for arguments on 27-5-2013 at camp court, D.I. Khan.

Member

Member
Camp Court, D.I. Khan.

27-5-2013

Appellant in person present. No one is present on behalf of respondents. The 4/Bench could not proceed to D.I. Khan owing to K.P.K. ordinance NO. 11 of 2013. Case adjourned to 28-10-2013 for arguments at camp court, D.I. Khan.

Regiment
Camp Court, D.I. Khan.

28-10-2013

Appellant in person present. G.P. for respondents present. Arguments could not be heard due to incomplete bench. Case adjourned to 31-12-13 at camp court D.I. Khan for arguments.

Member
Camp Court, D.I. Khan.

3-1-2014

Appellant with counsel present. G.P. for respondents present. Arguments could not be heard due to incomplete Bench. To come up for arguments on 25-2-2014 at camp court, D.I. Khan.

Member
Camp court, D.I.K.

26-11-2012

Appellant present in person. No one is present on behalf of respondents. A.G.P. is also not present. Fresh notices be issued to respondents on 26-12-12 for submission of written reply at Camp Court, D.I. Khan

Member
Camp Court, D.I. Khan

26-12-12,

Appellant with counsel present. Mr. Mushtaq Ahmad, S.I. with Court Pleader for respondents present and requested for time to file written reply. To come up for written reply on 28-1-2013 at Camp Court, D.I. Khan.

Member
Camp Court, D.I. Khan

28-1-2013

Present as before on 26-12-2012. The Court Pleader again requested for time to file written reply. To come up for written reply/comments on 25-2-2013 at Camp Court, D.I. Khan

Member
Camp Court, D.I. Khan

25-2-2013

~~Member~~
~~Camp Court, D.I. Khan~~
Appellant in person present. No one is present on behalf of respondents. The representative of respondents has already filed written reply at Peshawar, copy whereof is handed over to the appellant for rejoinder, if any. To come up for rejoinder on 25-3-2013 at Camp Court, D.I. Khan.

Member
Camp Court, D.I. Khan

Appeal No. 827/2012.

3. 5.10.2012

Counsel for the appellant present and submitted his power of attorney which is placed on file. Counsel for the appellant heard. Contended that the appellant has not been treated in accordance with the law/rules. The appellant was removed from service vide order dated 3.6.2010. After exhausting departmental remedy the appellant was re-instated in service by this Tribunal vide judgment dated 12.8.2011 with back benefits, with the direction to the department to hold denovo inquiry against the appellant. No charge sheet/statement of allegations was issued to the appellant. No proper inquiry was conducted and the appellant has been condemned unheard. The appellant preferred a departmental appeal on 30.4.2012 but with no response. Hence, the instant appeal. Counsel for the appellant further contended that the appellant has been denied benefits granted by the Tribunal. Points raised need consideration. The appeal is admitted to regular hearing, subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Counsel for the appellant requested that the case may be fixed at camp court D.I.Khan. Case adjourned to 26.11.2012 for submission of written reply at Camp Court D.I.Khan.

Appellant deposited security & process fee Rs 180/- Bank receipt is attached with file


Member.

4. 5.10.2012

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

Tarun

Member.





FORM "A"

FORM OF ORDER SHEET

Court of.....

Case No. 827/2012.....of.....

Serial No. of Order or Proceedings 1	Date of Order or Proceedings 2	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary 3
1-	19/07/2012	<p>The appeal of Mr. Muhammad Zubair presented today by Muhammad Ismail Alizai Advocate, may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p>
2-	27-8-2012	<p>This case is entrusted to _____ Bench <i>[Signature]</i> for preliminary hearing to be put up there on <u>5-10-2012</u>.</p> <p style="text-align: right;"><i>[Signature]</i></p>

Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3

①

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal # 827 /2012

Muhammad Zubair PC/FRP No.6071/815 D.I.Khan (Appellant)	<u>VERSUS</u>	Provincial Police Officer KPK, and Others. (Respondents)
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05	Order Commandant FRP (Re-Instatement dt: 07-01-2012)	B	12
06	Order dt: 19-03-2012	C	13
07	Departmental Appeal (Request for Back Benefits)	D	14 ---- 15
08	Receipt of Registry with A.D Card	E	16
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DATED : 17-07-2012

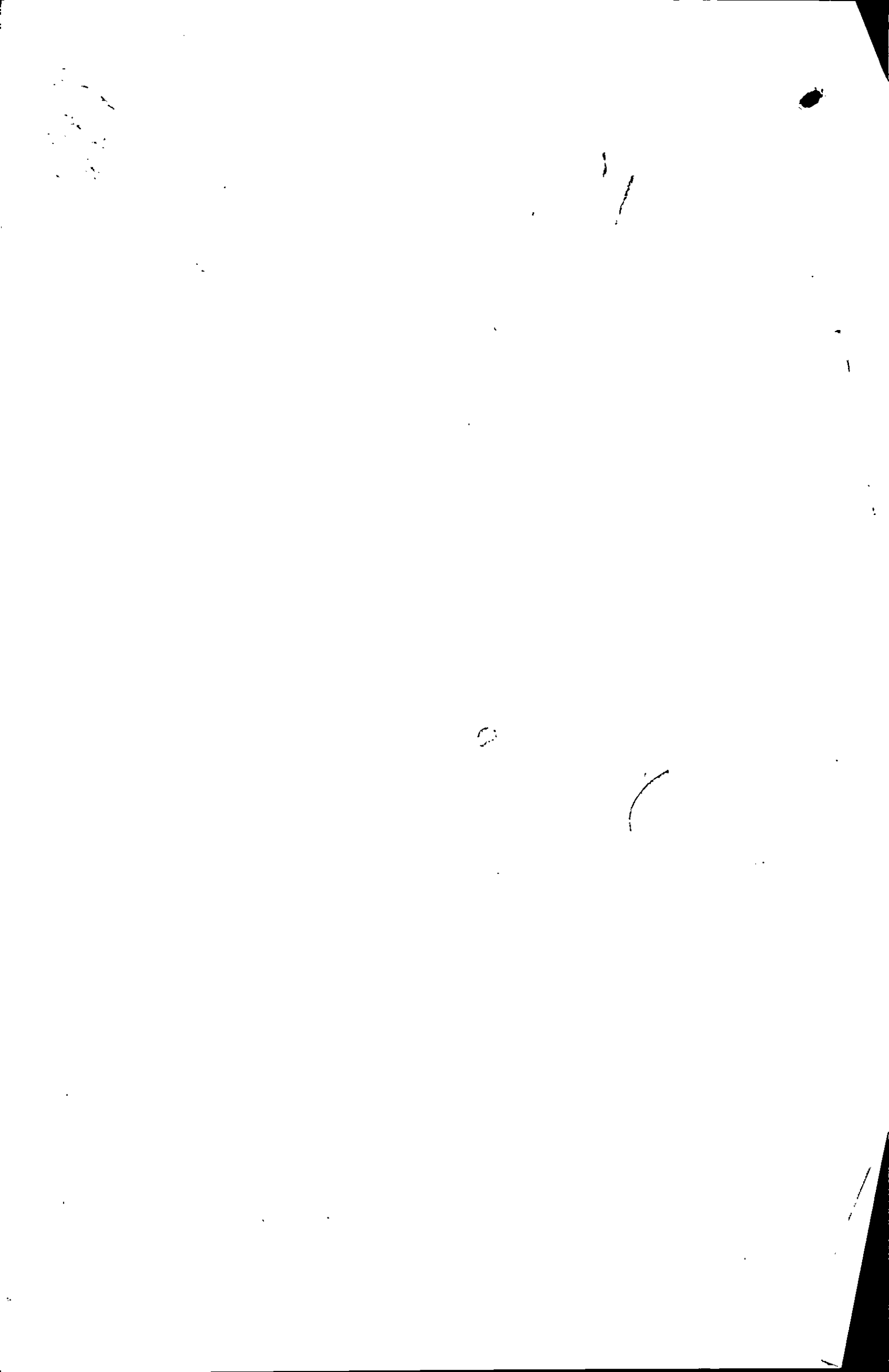


(MUHAMMAD ZUBAIR)
---- APPELLANT

Through Counsel :



MUHAMMAD ISMAIL ALIZAI
ADVOCATE HIGH COURT D.I.Khan



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BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

~~PC/FRP No. 6071/815~~
329
19-7-12

SERVICE APPEAL # 827 /2012.

<p>Muhammad Zubair PC/FRP No.6071/815 D.I. Khan ------(Appellant)</p>	<p>VERSUS</p>	<p>1. Provincial Police Officer (I.G.P) Khyber Pakhtunkhwa, Peshawar -----</p> <p>2. Addl: I.G.P / Commandant Frontier Reserve Police, Khyber Pakhtunkhwa, Peshawar. -----</p> <p>3. Superintendent of Police. Frontier Reserve Police, D.I.Khan Range D.I.Khan. ----- (Respondents)</p>
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SERVICE APPEAL AGAINST, FIRSTLY ORDER DATED 19-03-2012,
BY (RESPONDENT NO-03) AND FINALLY AGAINST INACTION
ON PART OF (RESPONDENT NO - 02) WHEREBY
DEPARTMENTAL APPEAL OF THE APPELLANT IS KEPT
UNATTENDED / UNDECIDED.

Respectfully sheweth :-

The Appellant very humbly submits as under :-

19/7/12

BRIEF FACTS

1. That the petitioner was inducted in police department (F.R.P/S.P.L) as constable effective May - 2006 at D.I.Khan range. During May-2010 the appellant was subjected to departmental action on the allegation of absence from duties. The proceeding culminated in award of punishment of removal from service to the appellant vide order OB- 544 dated 03-06-2010 of Superintendent of Police FRP / DIKhan range. (Respondent No - 03)
2. That the appellant after exhausting departmental remedies approached this Honourable Tribunal through Service Appeal registered as Service Appeal No :- 1609/2010, which was decided on 12-08-2011, Re-instating the appellant in service with grant of all back benefits, though allowing departmental authorities to hold a denovo inquiry if deemed necessary yet strictly in accordance with the law and rules. Copies are attached as **Annexes A & B** respectively.
3. That in light of the decision of this Honourable Tribunal the departmental authorities though reinstated the appellant in service yet instead allowing back benefits, as ordained chose to proceed with de-novo inquiry. At the close of inquiry Respondent No-03 while heaving nothing to conclude that the charge was sustained against the appellant, yet chose to decide that the appellant remained absence from duty for a period of 297 days, ignoring that it was not the appellant who willfully absented himself from duties but for act and omission on part of respondents that the appellant was rendered unable and incapable of resuming his duties being not allowed. Even the period of pendency of service appeal was added to the period of alleged absence in ignorance of principal of propriety. Respondent No 03 thus failed to decide the matter in accordance with law and the verdict of this Honourable Tribunal. Copy of order is attached herewith as **Annex-C**

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4. That aggrieved from the order of respondent No-03, the appellant moved on appeal / representation with respondent No-02 seeking implementation of the judgment of Tribunal in letter and spirit and evaluation of facts in accordance with law and rules on the subject. Respondents No-02 has however withheld the appeal / representation till date without any decision beyond expiry of the statutory period of limitation, hence this appeal on grounds submitted hereinafter. Copy of appeal filed by the appellant with respondent No-02 is placed herewith at **Annex-D**. It is however worth mentioning that in spite of request made to the authority, the appellant was not furnished with any certified copies of the relevant records hence the appellant places herewith photocopies of the records with the request that all documents being in custody of respondent No-03 may be requisitioned by this tribunal in due course.

GROUNDS.

1. That the orders passed by departmental authorities i.e. Respondent No-03, impugned hereby, inaction on part of respondents No-02 qua appeal / representation of the appellants are discriminatory, arbitrary in nature, legally and factually incorrect, ultra-vires, void ab-initio and militate against the principles of natural justice thus are liable to be set-aside and nullified.
2. That the appellant has been denied benefits granted by the Tribunal in Service Appeal No:- 1609/2010 and has been subjected to the penalty of forfeiture of his rights to back benefits for no fault on his part. Superintendent of Police FRP / D.I.Khan range (Respondent No-03) failed to regulate and comprehend the spirit of the decision of this Tribunal as well as law and rules on the subject and as such erred at the very outset of the proceedings thus causing grave miscarriage of justice as well as prejudice to the appellant.
3. That it is a matter of record that the appellant has been vexed in clear defiance of the law and principles laid by the superior courts as well as the tribunals as could be gathered from the facts and circumstances of the case.

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4. That the respondents while adjudicating in the matter of departmental proceeding and the appeal /representation of the appellant disposed off the entire matter in a slipshod manner through the order impugned hereby thus with holding of back benefits from appellant on part of respondents is patently unwarranted, illegal, ultra-vires, nullity in law and apparently motivated for extraneous reasons and is not maintainable in law.
5. That the order passed by the respondents on with holding of back benefits in the form of impugned order have infringed the rights and have caused grave miscarriage of justice to the appellant without any lawful excuse, besides amount to defiance of the judgment of this Tribunal.
6. The while ignoring the rights of the appellant guaranteed by the constitution, the departmental authorities / respondents utterly failed to adopt a proper procedure hence erred in disposal of the matter in accordance with the law and rules. The impugned order passed by the SP/FRP, D.I.Khan (Respondent No-03) and inaction on part of Addl: IGP/ Commandant, FRP, Khyber Pakhtunkhwa Peshawar (Respondent No-02) thus lack in legal sanction and therefore, are liable to be set aside in the interest of justice.
7. That the petition of appeal / appellant is duly supported by law and rules formulated thereunder, besides the affirmation / affidavit annexed here to.
8. That this Honorable Tribunal is competent and has ample powers to adjudge the matter under reference / appeal.
9. That the counsel for the appellant may very graciously be allowed to add to the grounds during the course of arguments, if need be.

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PRAYER

In view of the fore mentioned submissions, including judgment of this Tribunal dated 12-08-2011, it is very humbly requested that the impugned order dated 19-03-2012. Passed by S.P / F.R.P, D.I.Khan and the inaction on part of Respondent No -02 qua departmental appeal / representation may, on being declared as illegal, arbitrary, discriminatory, void ab-initio , infective and inoperable against the appellant, be very graciously set aside and the respondents may in consequence there of be very kindly directed and required on release / allowances of all back benefits. Grant of any other relief deemed appropriate by the Honorable Tribunal is solicited, too.

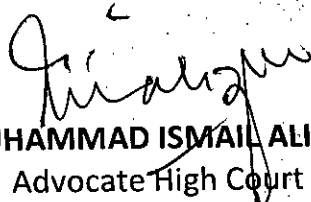
Dated : 17-07-2012

Humbly Appellants.



MUHAMMAD ZUBAIR
---- Appellant

Through counsel,



MUHAMMAD ISMAIL ALIZAI
Advocate High Court
D.I.Khan

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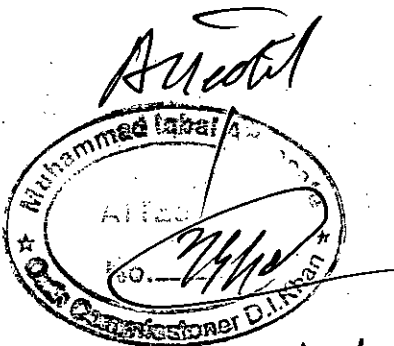
BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal # _____ / 2012

Muhammad Zubair (Appellant)	VERSUS	Provincial Police Officer KPK, and Others. (Respondents)
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AFFIDAVITE

I Muhammad Zubair S/O Ghulam Qadir R/O Aqib Town, Galli Ibal Bum wali, Kachi Paid Khan Bannu Road, Dera Ismail Khan, Appellant do Hereby on Oath affirm and declare that the contents of the Appeal/Petition Are true and correct to the best of my knowledge belief and per the officials records. Also that nothing is willfully kept or concealed from this Honorable Tribunal.



A handwritten signature of Muhammad Zubair.

Muhammad Zubair
Deponent

17/7/12

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BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal # _____ / 2012

Muhammad Zubair (Appellant)	<u>VERSUS</u>	Provincial Police Officer and Others. (Respondents)
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ADDRESS OF PARTIES

Muhammad Zubair

S/o Ghulam Qadir Police Constable (815) S.P.L / F.R.P R/O Galli Iqbal Bum
wali Kachi Paind Khan Basti Mecan P.O.Box New Bannu Choungi, Tehsil &
District Dera Ismail Khan. Mob # 0345-9828653 ---- 03159410315

----- Appellant.

VERSUS

1- Provincial Police Officer (I.G.P.)

Khyber Pakhtunkhwa Peshawar
Central Police Office P.O.Box Civil Secratrate Peshawar

2- Addl: I.G.P / Commandant.

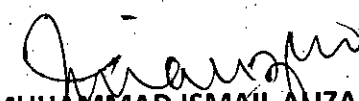
Frontier Reserve Police
Khyber Pakhtunkhwa Peshawar
Malik Saad Police Line Peshawar P.O.box civil secratrate, Peshawar

3- Superintendent of Police

Frontier Reserve Police
D.I.Khan near circuit House District
Dera ismail Khan. Ph : 0966-9280141 --- 143

----- Respondents.

Note: The addresses given above are sufficient for the purpose of service.


MUHAMMAD ISMAIL ALIZAI
Advocate High Court
R/o Ali Zai House Mohalla Kiri Alizai (city)
Teh: & Distt: D.I.Khan
Mob # 0333-995-5770
(Counsel for Appellant)



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

Appeal No. 1609/2010

Date of Institution. ... 18.8.2010
Date of Decision ... 12.8.2011

Muhammad Zubair,
Ex-Constable oNo. 6071, FRP, D.I.Khan District,
S/O Ghulam Qadir, R/O Aqib Town, Galli Iqbal Bom,
Dera Ismail Khan... (Appellant)

VERSUS

1. The Provincial Police Officer (IGP) Khyber Pakhtunkhwa,
Central Police Office, Peshawar.
2. Additional Inspector General of Police/Commandant, FRP,
Khyber Pakhtunkhwa, Peshawar.
3. Superintendent of Police, FRP, D.I.Khan Range, D.I.Khan. (Respondents)

SERVICE APPEAL AGAINST FIRSTLY ORDER DATED 3.6.2010 WHEREBY THE APPELLANT WAS REMOVED FROM SERVICE BY RESPONDENT NO.3 AND FINALLY AGAINST ORDER NO. 5389-90/EC DATED 19.7.2010 OF RESPONDENT NO.2 WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT WAS DISMISSED/REJECTED.

MR. SAADULLAH KHAN MARWAT. ... For appellant
Advocate.

MR. ARSHAD ALAM. ... For respondents.
Addl. Government Pleader

MR. QALANDAR ALI KHAN. ... CHAIRMAN
MR. SULTAN MAHMOOD KHATTAK. ... MEMBER.

JUDGMENT

QALANDAR ALI KHAN, CHAIRMAN.- Muhammad Zubair, appellant, has lodged this appeal against the order dated 03.6.2010 of the Superintendent of Police, FRP, D.I.Khan Range, D.I.Khan (respondent No.3) whereby he was removed from service and also against order dated 19.7.2010 of Additional Inspector General of Police/Commandant, FRP, Khyber Pakhtunkhwa Peshawar (respondent No.2) whereby his departmental appeal was rejected.

ATTENDED
Khyber Pakhtunkhwa Service Tribunal

2. In his appeal, the appellant averred that after having joined Police Department in FRP/SPL D.I.Khan as constable in May, 2006, and despite having unblemished and clean service record for four years, he was subjected to departmental proceedings in May, 2010, on the charge of absence from duty which ended in his removal from service vide impugned order dated 03.6.2010 on the recommendation of the enquiry officer, against which, he preferred departmental appeal, but without success, hence this appeal, inter-alia, on the grounds that both the impugned orders of the Authority as well as that of the Appellate Authority were against law and justice and that the departmental proceedings were conducted in a slipshod manner against the relevant provisions of law, therefore, not sustainable in the eyes of law.

3. The respondents resisted the appeal, mainly, on the grounds that the appellant was transferred from FRP Police Lines D.I.Khan and posted to Police Post Pota (Police Station Cantt) and was relieved from FRP Line D.I.Khan vide Daily Diary report No.22 dated 20.7.2009 but he did not report his arrival at the place of his posting and absented himself from duty till the date of his removal from service, therefore, departmental proceedings were initiated against him during which he was served with charge sheet alongwith statement of allegations, to which he replied and enquiry was also conducted through enquiry officer who found him guilty of the charges and recommended him for imposition of major penalty, whereupon, the Authority imposed upon him major penalty of removal from service, and the Appellate Authority also rejected his departmental appeal.

4. The appellant filed rejoinder to the written statement of the respondents wherein contentions raised in the appeal were reiterated, whereafter arguments of the learned counsel for the appellant and learned AGP heard and record perused.

5. The charge on the basis of which the appellant was proceeded against departmentally was that after his transfer from FRP Police Line, D.I.Khan to Police Post Pota (Police Station Cantt) and after he was relieved from Police Line, D.I.Khan vide Daily Diary Report Mad No. 22 dated 20.7.2009, he never reported his arrival at his new place of posting i.e. Police Post Pota (Police Station Cantt.) and remained absent till the date of his removal from service i.e. 03.6.2010. The appellant was served with charge sheet alongwith statement of allegations containing the above charges, to which he replied in writing, explaining therein that he was performing duty

ATTESTED

MEMBER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

^{lines}
 in Police ~~Post~~ since 20.7.2009 and had performed Muharram as well as election duties during this period, which could be verified from duty roster/record as well as from incharge at that time. The Authority i.e. respondent No.3 appointed Mr. Muhammad Nadeem Siddiqui R.I/FRP D.I.Khan as enquiry officer, who conducted enquiry, but neither recorded statements of witnesses against the appellant in his presence providing him opportunity of cross-examinations and instead obtained written statements from them, nor anyone considered/probed into the contention of the appellant that he performed duty during this period; or to check the record referred to by him in his reply to the charge sheet and statement of allegations for the purpose, and declared contention of the appellant as false in the light of Daily Diary Report of Muharrir Police Lines FRP. The enquiry proceedings, in the circumstances, were one sided and in violation of the procedure prescribed by the law. Resultantly, the impugned order based on such proceedings, is not sustainable in law. The impugned order dated 03.6.2010 is also illegal on the ground that the appellant has been removed from service from the alleged date of absence i.e. 20.7.2009 after treating the period of absence as leave without pay. Obviously, the appellant could not be subjected to the major penalty of removal from service after regularization of his period of absence. Likewise, the Appellate Authority also failed to take into consideration the contention of the appellant and the office record showing performance of duty by him during the period in question. The Enquiry Officer, Authority and the Appellate Authority failed to advance any reason for not believing the office record showing performance of duty by the appellant. Therefore, both the impugned orders are liable to be set aside being contrary to the letter and spirit of law.

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6. Consequently, the appeal is accepted and by setting aside both the orders of the Authority dated 3.6.2010 and that of the Appellate Authority dated 19.7.2010, the appellant is reinstated in service with consequential/back benefits. However, if deemed appropriate, the department may proceed afresh against the appellant and conduct denovo departmental/enquiry proceedings, but strictly in accordance with letter and spirit of law by also providing opportunity of defence and hearing to the appellant and taking into consideration the facts and circumstances of the case and relevant record. There shall, however, be no order as to costs.

ANNOUNCED

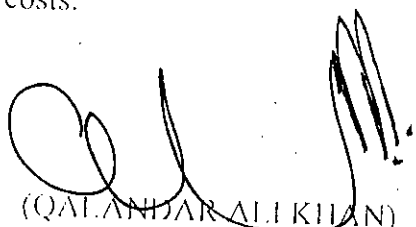
12.8.2011

I agree with the above judgment/order.

(KHALID HUSSAIN)

MEMBER

18/11/2011


 (QALANDAR ALI KHAN)
 CHAIRMAN

Certified true copy
 Khayal
 Service Tribunal,
 Peshawar

Date of Presentation of application 28-11-2011
Number 1000
Copy 2
Urgent 10
Total 4
Name of the 28-11-2011
Date 28-11-2011

ORDER.

— 12 —

Annex: B

As per direction of Provincial Police Officer Khyber Pakhtunkhwa Letter No 3321/Legal dated 21.12.2011. The decision of Khyber Pakhtunkhwa service tribunal Peshawar dated 12.08.2011 in service appeal No. 1609/2010 is hereby implemented. The removal order of Ex- constable Mohammad Zubair No. 6071 of FRP DIKhan Range is hereby set aside and he is re-instated in service subject to the condition of denove enquiry.

AY
Add: IGP/Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa Peshawar

No. 116-18 *si-legal* dated Peshawar the 07/01/2012. *S-1-2*

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

1. Provincial Police Officer with r/o his Memo: No. 3321/Legal dated 21.12.2011.
- ✓ 2. Superintendent of Police FRP DIKhan Range with the direction to conduct denove enquiry proceeding against the above Ex-Constable, in case during the denove enquiry the Ex-Constable not found guilty he will be entitled for consequential back benefits. The result of denove enquiry may be intimated to this office.
3. Ex- constable Mohammad Zubair No: 6071 OLD SPL.

ORDER: - 13 -

Annex: C

This Order will dispose off de nov enquiry proceedings conducted against constable Muhammad Zubair No.761/SPL on the direction of AIGP/Commandant FRP K.P.K Peshawar vide his office order endst:No.116-18/SI Legal dated 07.01.2012. on the Charges that he was transferred from FRP Police Line DIKhan to Police Post Pota (Police Station cantt) and he was relieved from Police Line DIKhan vide daily diary report Mad No.22, dated 20.07.2009, but he failed to report his arrival at new place of posting i.e Police Post Pota (Police Station-cantt) and remained absent from 20.07.2009 till the date of discharge from service i.e 3.6.2010.

On the basis of his above, he was proceeded against departmentally and served with proper Charge Sheet and Statement of allegations. Mr. MUHAMMAD NAWAZ KHAN SI/PC/FRP D.I.KHAN, was appointed as Enquiry Officer. After completion of all codal formalities, the Enquiry Officer submitted his finding report along-with other relevant papers. During the enquiry proceedings it has been proved that constable concerned during his whole absence period has only performed Muharram duty for 13 days and Election duty for 3 days for which he is entitle to received the salary of these 16 days. As such his total period of absence comes 297 days.

Constable concerned was enlisted on 31.05.2006 and has 192 days earned leave on his credit while his total period of absence is 297 days.

Keeping in view the facts stated above, as well as recommendation of Enquiry Officer, and his poor family back ground 1 MR. FARID ULLAH KHAN, Superintendent of Police FRP D.I.Khan Range, D.I.Khan, in exercise of powers conferred upon me under the NWFP Removal from Service (Special Powers) Ord:- 2000 Amendment Act- 2005 by taking lenient view hereby ordered to be treated 192 days as earned leave and remaining absence period i.e 105 days treated as leave with out pay. The period he remained out of service from 3.6.2010 till the date of his re instatement in service i.e 12.01.2012 is also treated as leave with out pay.

ORDER ANNOUNCED.

Dated.19.03.2012.

OB No. 293 /FRP

Dated 19 /03/2012.

No. 450 /FRP

dated D.I.Khan the 19-03 /2012.

Copy of above is submitted to the Additional Inspector General of Police/ Commandant FRP K.P.K Peshawar for favour of information w/r to his good office order endst; No.116-118/SI legal dated 07.01.2012.2011.

(FARID ULLAH KHAN)
Superintendent of Police,

FRP, D.I. Khan Range, D.I. Khan.

(FARID ULLAH KHAN)
Superintendent of Police,
FRP, D.I. Khan Range, D.I. Khan.

(Monday) April, 30, 2012

To,

The Addl; I.G.P/Commandant,
Frontier Reserve Police,
Khyber Pakhtunkhwa Peshawar.

Subject :- DEPARTMENTAL REPRESENTATION REGARDING BACK BENEFITS

Respected Sir,

1. With profound humble, it is stated that I Mr, Muhammad Zubair Ex: No 761/SPL (FRP) D.I.Khan Range, has been re-instated in Government service by the S.P. FRP, D.I.Khan range vide order OB-293 dated 19-03-2012 after conducting denoving enquiry on the decision of the honourable KPK Service Tribunal Peshawar in service appeal # 1609/2010, on dated 12-08-2011 and direction of your good office vide order No:- 116-18 SI/Legal dated Peshawar the 07-01-2012

(Copy of the Judgment & your good office order is attached as Annex: A & B.)

2. In denovoing enquiry where in I have not been given back benefits. (Copy of S.P order is attached as Annex: C)

In light of the above, I submit my request / Appeal for Consider against the above order mentioned of the serial no-02 only with the following ground.

- a) In the Honourable Judgment of the KPK Service Tribunal Peshawar dt:12-08-2011 at para no 06, the Chairmen bench decided both the order of the authorities (Order Dt: 03-06-2010 passed by S.P (FRP) D.I.Khan and Appellate authority order dt: 19-07-2010) is Set-asides and the appellant is re-instated in service with Consequential back benefits, subject to the departmental denovoing enquiry which will be strictly accordance with the letter & spirit of law.
- b) Similarly your good office pass his order vide No: 116-18 SI/Legal dt: Peshawar the 07-01-2012 with copy to S.P /FRP, D.I.Khan with the direction that if Ex: Constable not found guilty in denovoing enquiry, he will be entitled for Consequential back benefits. (Copy already enclosed as annex: B)

02 02
Annex: D

— 11 —

→

Now, Keeping in view with above facts, it is requested in your kind honour to consider my appeal specially from intervening period of service regarding all back benefits, which is treated with out pay, where in, the office of S.P /FRP, DIKhanre-instated my service after denovoing enquiry, which I will be entitled for getting the back benefits, for the last period according to the judgment of the honourable KPK Service Tribunal Peshawar & Order of the your good office.

At the last once again requested, kindly consider my appeal/request mentioned for back benefits on the humanitarian ground being a poor & low paid constable.

I will pray for you & your family.

THANKS REGARD.

Your Obediently..

Zubair
30/4/12

Const: Muhammad Zubair
No: 815/SPL (FRP) D.I.Khan

19-3-12

30-4-12

Commuted 2-4-2012

30 5
30 6
19-7

وکالت نامہ

کورت فیس		قیمت ایک روپیہ
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بعدالت جناب جنسٹریٹ جج اسروس ٹریڈ انٹرنل لمیٹڈ

منجانب

محمد زبیر 6071/815
SPL/FRP
Dikhan.

بنام ڈیویشنل پولیس آفیسر وغیرہ

دعویٰ یا جرم

تفصیل دعویٰ یا جرم: سروس اپیل نمبر = 2012

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے پیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام ڈسٹرکٹ سیشن جج خان کیلئے
محمد اسماعیل خان علیہ ذی اہل و عیال کورٹ

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے، کہ میں ہر پیشی پر خود یا بذریعہ اختیار خاص رو برو عدالت حاضر ہوتا ہوں گا۔ اور ہر وقت بیکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر پیشی پر منظر حاضر نہ ہوں اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اسکے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ اور مقدمہ صدر پکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات سے آگے پیچھے پیش ہونے پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا عیاق و اجس کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داخستہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ یا جواب دعویٰ یا درخواست اجراء کے ذمہ داری اور نظر ثانی اپیل نمبر کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ذمہ داری کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر مٹائی یا راضی نامہ فیصلہ بر حاکم کرنے، اقبال دعویٰ کا بھی اختیار ہوگا۔ اور صورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ بیرون از پکھری صدر پیروی مقدمہ مذکورہ نظر ثانی و اپیل و نگرانی و برآمدگی مقدمہ یا منسوخی یا ذمہ داری یا طرف یا درخواست حکم امتناعی یا ترقی یا گرفتاری قبل از ذمہ داری اجراء۔ نیز ذمہ داری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ ضمانت پیروی کا اختیار ہوگا اور تمام ساختہ پر داخستہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزو کی کارروائی اپنے صورت درخواست نظر ثانی اپیل یا نگرانی یا دیگر معاملہ مقدمہ مذکورہ کسی دوسرے وکیل یا ہیر سٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ ہر جائزہ استواء پڑیگا، وہ صاحب موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے۔ تاکہ سند ہے
مورثہ 16 ماہ 07 2012

مضمون وکالت نامہ سن لیا ہے۔ اور اچھی شرح سمجھ لیا ہے اور منظور ہے۔

العبد _____ العبد _____ العبد _____

Acceptance
Dawood
Appellant

وکالت نامہ

قیمتی ایک روپیہ	کورٹ فیس
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جنرل محکمہ (مدرسین ٹرائیونل لٹیاہ)

بعدالت

منجانب

کرسٹل لٹیل بلے 827/2012

دعویٰ یا جرم

محمد زبیر 815/6071

تفصیل دعویٰ یا جرم

بیراوشنل لوکسٹریٹس KPK وٹیرہ

(Resp:)

باعث تحریر آئندہ

(App:)

Peshawar

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیرونی وجوہ دی برائے پیشی یا تصفیہ مقدمہ بنام

اسلم خان قتل اور کورٹ

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا بڑا بذریعہ رو برو عدالت حاضر ہوتا رہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر منظر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر پکھری کے علاوہ اور جگہ ساعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے یا پیچھے پیش ہونے پر منظر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا سخت نہ دیکھنے کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو کل ساختہ پر داخستہ صاحب موصوف حمل کردہ ذات خود منظور قبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراء اسلئے ڈگری نظر ثانی اپیل گمرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر حاشی یا راضی نامہ و فیصلہ بر حلف کرنے اقبال دعویٰ کا بھی اختیار ہوگا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مقرر بیرون از پکھری صدر بیرونی مقدمہ مقرر نظر ثانی اپیل و گمرانی و درآمدگی مقدمہ یا مشورتی ڈگری یک طرفہ یا درخواست حکم انتہائی و ترقی یا کاروائی قتل از فیصلہ اجراء ڈگری بھی صاحب موصوف کو بشرط ادا کی علیحدہ مختصراً دعویٰ کا اختیار ہوگا اور تمام ساختہ پر داخستہ صاحب موصوف حمل کردہ از خود منظور قبول ہوگا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی یا بصورت درخواست نظر ثانی اپیل گمرانی یا دیگر معاملہ و مقدمہ مذکورہ کسی دوسرے وکیل یا پریسٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں دی اور ایسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر چاند التواء پڑے گا وہ صاحب موصوف کا حق ہوگا مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی بیرونی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صادر ہونے کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے

مورخہ 04 ماہ october/2012

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

Accepted
ashu

Zubair

Muhammad Zubair P.C 6071/815

FRP/Dikhan

Sho Ghulam Qadir R/o kachi

parid Khan Bannu chowagi

Deer Dimal Khan

(Appellant)

حسن کا میڈیٹر سنٹر اندرون سپن زر مارکیٹ ڈیرہ اسماعیل نزن فون نمبر 714812

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No.827/2012.

Constable Muhammad Zubair No.6071/815/FRP D.I.Khan.....Appellant.

VERSUS

1. Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar
2. Addl: IGP/Commandant,
Frontier Reserve Police,
Khyber Pakhtunkhwa, Peshawar.
3. Superintendent of Police, FRP, D.I.Khan Range.....Respondents

PRELIMINARY OBJECTIONS

1. That the appeal is badly time barred.
2. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
3. That the appellant has no cause of action.
4. That the appellant has not come to this court with clean hands.
5. That the appellant is stopped due to his own conduct to file the instant Service Appeal.

WRITTEN REPLY ON BEHALF OF RESPONDENTS

FACTS

RESPECTFULLY SHEWETH:-

1. Correct to the extent that on the account of absence from duty the appellant was dealt with enquiry proceedings and after fulfilling all the codal formalities the Competent Authority removed him from service.
2. The para relates to the record of this hon'ble Tribunal therefore, needs no comments.
3. Incorrect, that in the light of the decision of Hon'able Tribunal the appellant has re-instated in service, subject to denove enquiry and subsequently a denove Enquiry was initiated against the appellant, during the denove enquiry proceedings, it was found that the appellant remained absent from duty for a total period of 297 days with out prior permission of his superiors and the Enquiry Officer found him guilty of the charges leveled against him. But due to his poor family background, there in 192 days absence period counted as earned leave (with full pay) by Competent Authority i.e respondent No.3 and the remaining period i.e.105 days were treated as leave without pay for which he was legally not entitled. Thus the final order correctly passed by the respondent No.3 as is in lenient view (Copy of Enquiry report enclosed herewith as annexure "A).
4. Departmental Appeal submitted by the appellant is still under consideration. Moreover the appellant submitted an application for obtaining the copies of relevant record of enquiry proceedings which were provided to him accordingly.


GROUND


1. Incorrect, the orders are legal, justified and in accordance with Law/Rules.

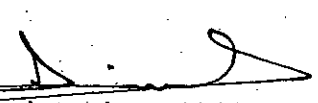
2. Incorrect, as per the decision of this Hon'ble Tribunal a denove enquiry was initiated against the appellant and during the enquiry proceedings it was found that the appellant remained absent from duty for total period of 297 days while in which he performed the Muharram & Election duties for period of 16 days. But due to his poor family background the Competent Authority i.e. respondent No. 3 decided his case, on humanitarian basis therefore the benefits of 192 days absence period have been granted to him, other wise he was legally not entitled for the such benefits, while the remaining period 105 days were treated as leave without pay.
3. Every case have there own facts and merits. While cases mentioned in the Para are not at par with the case of the appellant.
4. Incorrect, that after conducting of proper denove enquiry, the appellant was found guilty of the Charges leveled against him. But the Competent Authority decided his case by taking a lenient view and the back benefits 192 days absence have been granted to the appellant. otherwise the appellant was legally not entitled for the such benefits.
5. Incorrect, the allegations are false and baseless. However, the judgment of Hon'ble Tribunal has already been implemented with letter and spirit and the due right of the appellant has not been disturbed.
6. The allegations are false and baseless, as the case of the appellant has already been decided by the Competent Authority in view of lenient.
7. Incorrect that the case of the appellant is not supported by the Law/Rules and it is for the appellant to Prove.
8. Correct to the extent that the Hon'ble Tribunal has ample powers to entertain the instant case and can easily dismissed on merit.
9. The respondent may also be permitted to create addl: Grounds at the time of arguments.

PRAYERS

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


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


Addl: IGP/Commandant,
Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar.
(Respondent No.2)


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

قائمتی انٹرویو رپورٹ

عربی

کینٹنل قمر زبیر 6071 معصومہ 6-5-31 کا بھرتی شدہ ہے۔ اور 08
ڈاکٹر میں تعینات ہے۔

بابت بحوالہ آمدہ لٹریچر Legal 116-18-116
No. 7-1-212

مجاہد رضا بھٹائی صاحب P.P.R. سینئر لیٹو ٹھوارہ بساؤر کے متعلق
قمر زبیر 6071 کی دوبارہ (denove) انٹرویو کی گئی ہے۔

کہ متعلق عمر من گزارہ ہے کہ مذکورہ - بحوالہ 22 سنہ 2009

2009ء کے لئے تبادلیہ پولیس لائن P.P.R. ڈیوٹی سے معائنہ کئے جانے پر
کہا گیا تھا۔ مذکورہ کو واپس لیا گیا۔ کہ روٹنگی کے فوراً بعد معائنہ

کئے میں عاجزی کرتا - مگر ایسا نہیں کیا۔ مگر خود مدد کیا تھا۔ اور

ٹھوارہ بھی لیا گیا۔ اور مورخہ 03-6-010 تک عینہ عاجزی کیا ہے۔ لفظ

عینہ عاجزی معرہ لگا ہے۔ جبکہ لفظ ہی خود قمر لائن P.P.R. حقنوار

خانہ کی ہے۔ معرہ لگا ہے۔ جس پر قمر کو 10/10/09 تک رات

دوبارہ سر و سر پر حوالہ کیا گیا، وصالی بیان میں اپنے آپ کو بیگناہ

تہرنا ہے، اور بیان کرتا ہے۔ کہ جاوے وقت دوست نہیں ہے۔ سہرا

عند ہے۔ جبکہ تفصیل سابقہ انٹرویو پر آفسر ان کورڈ ہے کہ وہاں اور

عزیز بیان کرتا ہے کہ میں لائن میں مسلسل 2009 سے ڈیوٹی کرتا ہوں
رہا ہوں۔ جگہ اور فتح شہر - فتح راجہ سار 2009 میں رہا ہوں

۱۲۲ نمبر ۱۱۱ 531 ایکشن ڈیوٹی میں ۲۰۱۰ء کے سیدیلے میں ایچ آر
 صدر اقبال حال SHO نوپورسی ڈیوٹی سرانجام دے چکا ہوں۔ ثبوت لیا گیا ہے
 اور ماہانہ تنخواہ کی دہائی ہے۔ ایگلو اور اصول کر رہا تھا۔ ثبوت پورا ہو گیا ہے
 اور مزید جان کرنا ہے۔ یہ پیرائز کا میں ذکر کیا تھا کہ اگر محکمہ بائیس انڈیا کی
 صفوں کا جامع شہادت فرمائی ہو۔ ہر از سر نو انٹورٹری کی حکمتی ہے۔ سابقہ
 پیرائز کو بعض شعبے از سر نو انٹورٹری کا آغاز کر دیا گیا ہے
 اور سیدیلے کی طرف ایک فرم ہی عمل شروع ہو چکا ہے۔ جس میں حقیقت
 اور جان سرگتڑ ہیں۔ اور آج۔ فرانس منجھی خوش ریلوی سے
 سرکار دینے جان کیلئے انٹورٹری میں جو یہ اہم کر کے مندرجہ
 سرکاری سے ملتا ہے مل کر۔ اور آئندہ ڈیوٹی اپنے فرانس منجھی
 ریجنل اور خوش ریلوی سے رہنا دے گا۔ اور آئندہ کیلئے آئندہ
 باہر کو بھی منہ کا شہادت کا جو یہ ہیں دو ٹوٹا۔ دینا ہی بیان پورا
 لفت ہے۔

بدلت

یاد رکھو محکمہ پولیس ایک ڈیپن فورس ہے۔ مندرجہ کا حل سرورس
 ۱۰-۵ سال ہے۔ مندرجہ R فروری 6071 عواض 07/2 تا عواض
 06/3 تک کل 313 جو عین صاحبزادہ جفا تھا۔ حکومتی 544/18
 عواض 06/3 جو عین صاحبزادی سرورس (Remone) کو لیا گیا تھا
 جو دو بار حکومتی 116-18-8/legel عواض 01/2 (۲۰) عواض تھا۔
 گمانت صاحب CRP

(denove) انگوائٹری کے لئے پر حال کیا گیا ہے۔ جس پر مذکورہ
 کو خارج شدہ کرنے اور طلب کیا گیا۔ (denove) انگوائٹری جس
 مذکورہ نے وہی بیان دیا ہے۔ دو سالہ رقم انگوائٹری میں دیا گیا ہے
 اور اسے آج کو بیگناہ بیان کیا ہے۔ مذکورہ کو صفائی کا پورا پورا
 موقع دیا گیا ہے۔ جو ثبوت پیش کرنے میں ۴۲ نومبر ۱۱۱۱ ۵۳۱ اور
 SHO رقم قبضہ خانہ کے بیان شدہ کیلئے طلب کیے۔

① اس ضمن میں سابقہ نو ۹۰ رقم قبضہ خانہ ۵۴۵ نو ممبروں کی جانب
 سے بیان کیا گیا۔ کہ مذکورہ R نے موصوفہ $23 \frac{03}{10}$ تا $25 \frac{03}{10}$ تک
 ایکٹس ڈیوٹی سرکاری اور دیگر جگہوں میں نقد بن کر لیا ہوا ہے۔

② ۴۲ نومبر ۱۱۱۱ ۵۳۱ صیکہ آن لائن علم کو باغ شہر میں لیا گیا ہے۔
 کافی کوشش کی۔ مگر رابطہ نہ ہو سکا۔ مگر حال سابقہ انگوائٹری
 میں بیان موجود ہے۔ مگر حال مذکورہ علاقہ ڈیوٹی روکر صفحہ $17 \frac{42}{09}$ تا
 صفحہ $29 \frac{12}{09}$ تک تمام اہم ڈیوٹی سرکاری اور دیگر جگہوں پر ہے۔

③ ۴۲ صیب الرحمن ۱۵۵۵ سابقہ رقم تمام گنتی کا بیان دیا گیا ہے
 بیان کیا کہ ممبروں کی جانب سے جو رقم $6 \frac{6}{10}$ کو ممبروں سے
 انگوائٹری پر ہدف رقم ۷۶۱ کے چکا ہوا۔ سابقہ انگوائٹری
 میں ملائی اور اعداد و شمار گنتی میں تقیفات ہمیں ہے۔ ممبروں کی

(1) ۱۱۴۲ حقواری خان حمزہ عثمانی $\frac{6071}{761}$ کا بیان ہے کہ مذکورہ $\frac{SR}{22}$ کی شرحیں
 6071 کی شرحیں $\frac{22}{761}$ سے بصورت متبادل میں لکھی گئی ہیں
 کتب اور ان کی شرحیں بیان میں ہیں۔

(2) ایسی ہی $\frac{SR}{22}$ کی شرحیں $\frac{6071}{761}$ سے متبادل میں لکھی گئی ہیں۔
 سابقہ ریکورڈوں میں موجود ہے۔

حالات درج ذیل بیان و مندرجہ سے بیان کیا گیا ہے کہ مذکورہ
 (13) رقم اعرام و طبعی اور (3) رقم ایکٹن ڈیولپمنٹ کی شرحیں
 اور (297) رقم عینہ عینہ سے چکا ہے۔

مذکورہ صفحہ 2006-05-31 کا لکھی شدہ ہے۔ اور اول
 1981 کے دوران ریفٹ ملوں کا صفحہ ہے۔ مذکورہ بیت خرید
 خانہ دار سے متعلق ہے۔ مذکورہ کے چھوٹے چھوٹے ہیں
 اور خود بھی اہم کی اپیل کرتا ہے۔ اگر مذکورہ کی عینہ عینہ کی
 ریفٹ میں سے اڑھائی جائے تو بہتر رہے گا۔

لہذا $\frac{6071}{761}$ کی شرحیں عینہ عینہ (297) کی شرحیں
 عینہ عینہ میں سے (192) کی شرحیں میں سے اور (105) کی شرحیں
 عینہ عینہ کی شرحیں سے اڑھائی کے لئے کی سفارش کی
 گئی ہے۔
 حکم قبل از میں اسٹیشن باہر کا ریفٹ ہے
 اور ریفٹ کی شرحیں سے
 محمد نواز صاحب

Before The Service Tribunal, Khyber Pakhtun-khwa, Peshawar.

Service Appeal No: ... ~~1003/2011~~
827/2012

Muhammad Zubair, Ex-Constl: (Appellant)

Versus

PPO, KPK etc. (Respondents)

Rejoinder to written statement.

Respectfully, the appellant very humbly submits as under: -

On Preliminary Objections:-

Assertions made by the answering respondents from paras 1 to 5 are denied being incorrect, misconceived, against the law, without any substance or proof and an effort to colour the facts according to their own whims yet factually non-sustainable.

On Factual Objections:-

- 1to2. Pertain to records hence need no response by the appellant, yet the appellant relies on contents of paras 1 & 2 of the main petition of appeal.
3. Denied being factually and legally incorrect, misconceived and against the spirit of judgment of the Tribunal as well as Justice. The appellant relies on his averments made in corresponding para of appeal. Since the entire official records are in custody of respondents the Tribunal may, in the ends of justice, call for actual records to see and evaluate the facts for itself.
4. Denied being factually and legally incorrect. The Tribunal may conveniently assess the high handedness of the respondents while dealing with the case of the appellant. The appellant also relies on his averments made in corresponding para of main appeal.

On Objections to Grounds:-

1. Denied being factually and legally incorrect.
2. Denied being factually and legally incorrect and misconceived. The appellant also relies on his averments made in corresponding para of his appeal besides law on the subject.

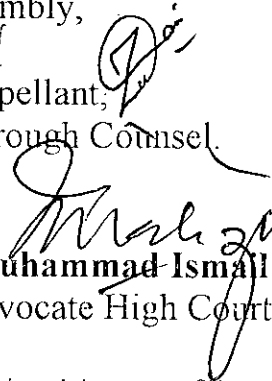


- 3. Denied being factually and legally incorrect. The appellant relies on his averments made in corresponding para of his appeal.
- 4. Denied being factually and legally incorrect. The appellant relies on his averments made in corresponding para of his appeal. The respondents however have failed to put forth any instance in support of their averment.
- 5. Denied being factually and legally incorrect. The appellant relies on his averments made in corresponding para of his appeal.
- 6. Denied being factually and legally incorrect.
- 5. Denied being factually and legally incorrect.
- 6. Denied being factually and legally incorrect. The appellant relies on his averments made in corresponding para of his appeal.
- 7. Averment in corresponding para is incorrect and misconceived thus is denied
- 8&9. Need no response.

PRAYER:

In view of the facts and grounds, as mentioned above as well as in the main appeal, it is requested that by setting-aside the impugned orders of Respondents as prayed, declaring the same as illegal, void ab-initio, nullity in law and ultra-virus, thus of no consequence on the rights of the appellant, to kindly direct and require the respondents to grant of all back benefits to the appellant/petitioner as have accrued in due course. Any other remedy deemed appropriate by the Hon'ble Tribunal in the circumstances of the matter is solicited, too.

Dated...25.3.2013.

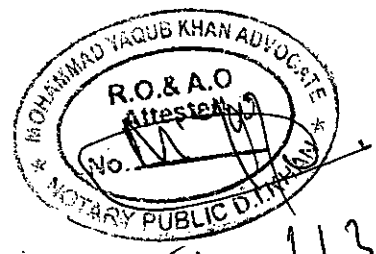
Humbly,
 Appellant,
 Through Counsel.

 (Muhammad Ismail Alizai)
 Advocate High Court.

Affidavit.

I, Muhammad Zubair, the appellant/petitioner, affirm and declare on oath that contents of this rejoinder are true & correct to the best of my knowledge and belief and that nothing is willfully concealed or kept from the Tribunal.

Dated: 25.3.2013


 Deponent.



25/3/13

IN THE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No: 827 / 2012

Muhammad Zubair P.C # 6071/815 FRP DIKhan

----- Appellant

VERSUS

Provincial Police Officer KPK, and Others

--- Respondents.

APPLICATION FOR TRANSFER OF THE CASE TO THE MAIN REGISTRY

AND FIXATION ON ~~08-06~~ 06-2014 AT PESHAWAR

Respect fully Sheweth:-

1. That the above noted case is pending for arguments in this August Tribunal at D.I.Khan Camp Court on dated 24-06-2014.
2. That the above noted case being service matter comes within the category of urgent hearing cases.
3. That the appellant is suffering from financial crisis.
4. That there is no chance of fixation (due to un-complete bench last 15 months) of the appeal at DIKhan camp court in near future and it would be in the interest of justice to transfer the appeal to the main Registry Peshawar.

It is therefore, humbly prayed that on acceptance of this application the case may kindly be transferred to main Registry and fixed on dated 02-06-2014 for Arguments at Peshawar to meet the end of justice.

*The applicant has moved application at D.I.K
for transfer of his appeal from diary of
D.I. Khan to Principal seat Peshawar.*

[Signature]
29/4/14

Muhammad zubair s/o
Ghulam Qadir (late)
Aqib town, dial road Dera Ismail Khan
----- Appellant

Submitted for orders-

*Honble
Member.*

[Signature]
12/5/14

Revised May be noted
[Signature]
12/5

IN THE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No: 827 / 2012

Muhammad Zubair P.C # 6071/815 FRP. DIKhan

----- Appellant

VERSUS

Provincial Police Officer KPK, and Others

---- Respondents.

AFFIDAVITE

I Mr, Muhammad Zubair s/o Ghulam Qadir R/O Aqib Town, Dial road Teh: & Distt: DIKhan Appellant do hereby on oath affirm and declare that the contents of the application are true and correct to the best of my knowledge belief and per the official record Also that nothing is willfully kept of concealed from this honorable Tribunal.



Muhammad Zubair
DEPONENT

