

05/04/2021

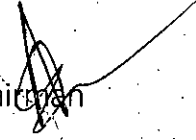
Due to COVID-19, the case is adjourned to

07/06/2021 for the same.


READER

26.07.2021

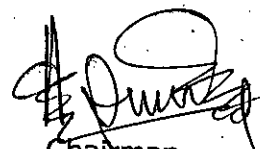
To come up for reply/comments on 24.08.2021 before S.B at Camp Court, Swat. Notices be issued to appellant/counsel as well as respondents for the date fixed.


Chairman

24.08.2021

Nemo for the appellant. Mr. Muhammad Riaz Khan Paidakhel, Asstt. AG alongwith Khawas Khan, S.I (Legal) for the respondents present. Called several times till last hours of the court, but no one appeared on behalf of the appellant, despite notice.

In view of the above, the appeal is dismissed for non-prosecution. File be consigned to the record.


Chairman
Camp Court, Swat.

ANNOUNCED

24.08.2021

09.12.2020

Due to COVID-19, case is adjourned to 03.02.2021 for the same as before.


Reader

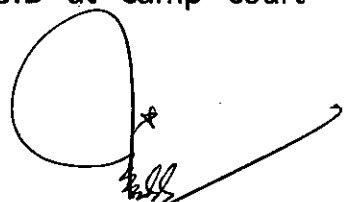
03.02.2021

Nemo for the parties present.

Muhammad Riaz Khan Paindakhel, Assistant Advocate General for respondents present.

As the case had been adjourned previously on Reader note due to Covid-19, therefore, notice to the parties be issued.

Adjourned to 05.04.2021 before S.B at camp court Swat.


(Mian Muhammad)
Member(E)
Camp Court Swat

08.10.2020

Appellant has not forth come despite having been called time and again. Mr. Usman Ghani, District Attorney alongwith representative of the department Mr. Khawas Khan, Inspector (Legal) are present.

Representative of the department submitted that the revision petition under Rule-11-A of Khyber Pakhtunkhwa Police Rules, 1975 (Amended 2014) filed by appellant Babar Hussain has been accepted by virtue of order bearing No. 2023/20 dated 05.06.2020 and he has been reinstated in service and the intervening period including absence from duty was treated as without pay, copy of the referred to order is placed on record. Since appellant is not present, therefore, he as well as his respective counsel be noticed delivering copy of the order for perusal. File to come up for needful on 04.11.2020 before S.B at Camp Court, Swat.



(MUHAMMAD JAMAL KHAN)
MEMBER
CAMP COURT SWAT

04.11.2020

Nemo for petitioner.

Learned Assistant Advocate General for respondents present.

Notice be issued to appellant. To come up for further proceedings in the light of order sheet dated 08.10.2020, on 09.12.2020 before S.B at Camp Court, Swat.


Member (E)
Camp Court, Swat

03.06.2020 Due to Covid-19, the case is adjourned. To come up for the same on 08.07.2020, at camp court Swat.


Reader

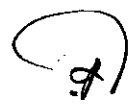
08.07.2020 Bench is incomplete. Therefore, the case is adjourned. To come up for the same on 08.09.2020, at camp court Swat.


Reader

08.09.2020 Nemo for the parties.

Mr. Riaz Painsdakhel learned Assistant Advocate General for the respondents present.

Written reply/comments on behalf of respondents not submitted. Notice be issued to the respondents for written reply/comments. To come up for written reply/comments on 07.10.2020 before S.B at Camp Court, Swat. Appellant also be put to notice for the date fixed.


(Rozina Rehman)
Member
Camp Court, Swat

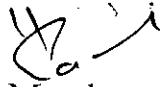
05.03.2020

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant (Constable) has filed the present service appeal against the order dated 02.08.2019 whereby he was awarded major punishment of dismissal from service and against the order dated 28.10.2019 through which his departmental appeal was filed.

Submissions made by the learned counsel for the appellant, need consideration. The present service appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 08.04.2020 before S.B at Camp Court, Swat.

Amount deposited
Security Process Fee
9/3/20


Member
Camp Court, Swat.

Due to Corona virus tour to
Camp Court Swat has been cancelled.
To come up for the same on
03.06.2020

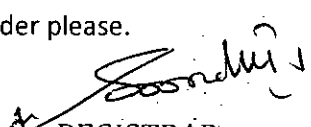



Reader

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1578/2019 _____


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/11/2019	<p>The appeal of Mr. Babar Hussain resubmitted today by Mr. Jehangir Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to touring S. Bench at Swat for preliminary hearing to be put up there on <u>09-01-2020</u></p> <p> CHAIRMAN</p>
	09.01.2020	<p>None present on behalf of the appellant. Notice be issued to appellant and his counsel for preliminary hearing for 05.03.2019 before S.B at Camp Court Swat.</p> <p> (Muhammad Amin Khan Kundi) Member Camp Court Swat</p>

The appeal of Mr. Babar Hussain Constable no. 2287 District Police Swat received today i.e. on 41.11.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- 2- Copy of departmental appeal mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- 3- Annexures of the appeal may be flagged.
- 4- Three more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2004 /S.T.

Dt. 14-11- /2019.

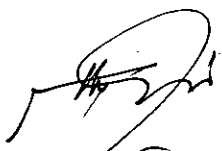

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Jehangir Khan Adv. Swat.

R/Sir, It is ^{very} humbly stated

1) That the departmental appeal is annexed with the appeal, the rest of the documents are not given by the respondents.

2) That the applicant/Appellant has already filed applications with the appeal to be submitted by the respondents. Application is on page 627 of appeal.


18/11/19.
Jehangir Advocate,
High Court

Before The Service Tribunal K.P at Peshawar

Appeal No. 1578/2019

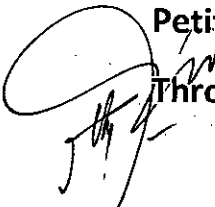
Babar HussainAppellant

Versus

Provincial Police Officer at K.P, Peshawar and
others Respondents.

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Petitioner,
Through

JEHANGIR
Advocate, High Court
11/11/19.

①

Before The Service Tribunal K.P at Peshawar

Appeal No. 1578/2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1623

Dated 14-11-2019

Babar Hussain Belt No.2287, S/o Muhammad Akbar

District Police Swat Presently at Guli Gram Saidu Sharif

District Swat.....Appellant

Versus

- 1) Provincial Police Officer K.P at Peshawar.
- 2) Regional Police Officer at Saidu Sharif Swat.
- 3) District Police Officer Swat..... Respondents

APPEAL UNDER SECTION 4 OF K.P SERVICE
TRIBUNAL ACT 1974 AGAINST THE ORDERS
DATED 02-08-2019 OF RESPONDENT NO.3 &
ORDER DATED 28-10-2019 OF RESPONDENT
NO.2.

Prayer of Appeal:

On acceptance of this appeal the order dated
02-8-2019 of respondent No.3 & order dated 28-10-
2019 of respondent No.2 may kindly be declare
incorrect, void ab initio against service rules and
justice, the impugned orders of respondents may
kindly be set a side and the appellant may kindly be

Filed to-day

Registrar
14/11/19

Re-submitted to-day
and filed.

Registrar
21/11/19

reinstated in service with all back benefits. Any other remedy couple with cast which has not been asked by the appellant in the instant appeal and the appellant is entitled may kindly be graciously granted.

Respectfully Sheweth;

It is very humbly stated

- 1) That the appellant was appointed on 08-09-2014 in the department of District Police Swat.
- 2) That the appellant was awarded major punishment of dismissal from service by respondent no.3 on 02-08-2019 (Copy of Impugned order dated 02-08-2019 is attached as annexure A).
- 3) That the appellant filled departmental appeal before respondent No.2 which was dismissed by respondent No.2 on dated 28-10-2019 (Copy of order dated 28-10-2019 is attached as annexure B).
- 4) That the appellant requested the officials of the respondents to give the appellant the copy of service book, and other relevant record, but the respondent No.3 has orally order the sub ordinate officials not to give any record pertaining to the service of the appellant along with the so called inquiry or any other proceedings.

5) That the impugned orders of respondents No.2 &3 are liable to be set aside on the following grounds amongst others.

Grounds:-

- i) That the orders dated 28-10-2019 & 02-08-2019 of respondents are illegal, void ab initio, incorrect and against the natural justice hence liable to be set aside.
- ii) That no proper & legal procedure has been adopted by the respondents.
- iii) That impugned orders are against the service rules, procedure, policy & non speaking one, hence liable to be set aside.
- iv) That the appellant has unblemished services record & no adverse remarks are there against the appellant.
- v) That the appellant has been condemned unheard & no opportunity of defense & personal hearing was provided to the appellant.
- vi) That no show cause was given to the appellant, nor any inquiry was conducted against the appellant, even no intimation about any inquiry against the appellant has been given by the respondents to the appellant hence the impugned order are liable to be set aside.

- vii) *That the respondents announced the impugned orders in a cursory manner.*
- viii) *That some other grounds may be taken at the time of argument with due permission of this august court.*

Therefore it is very humbly prayed that On acceptance of this appeal the order dated 02-8-2019 of respondent No.3 & order dated 28-10-2019 of respondent No.2 may kindly be declare incorrect, void ab initio against service rules and justice, the impugned orders of respondents may kindly be set a side and the appellant may kindly be reinstated in service with all back benefits. Any other remedy couple with cast which has not been asked by the appellant in the instant appeal and the appellant is entitled may kindly be graciously granted.

Appellant *Babar Hussain*
Babar Hussain
Through Counsel



JEHANGIR
ADVOCATE, High Court.

Office: Room No.38, 3rd Floor,
Sultan Tower, Makan Bagh,
Mingora Swat.
Cell #. 0343-2187908

Dated: 11-11-2019

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5

Before The Service Tribunal K.P at Peshawar

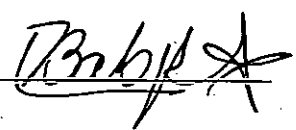
Babar Hussain *Appellant*

Versus

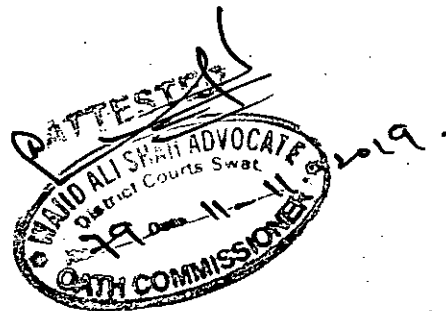
*Provincial Police Officer at K.P, Peshawar and
others*..... *Respondents.*

Affidavit

I, Mr. Babar Hussain Belt No.2287 of District Police Swat, do hereby solemnly affirm and declare on oath that the contents of this appeal are true and correct to best of my knowledge and belief, and no such like appeal is pending, decided by any competent court between the parties.

Deponent: 

Babar Hussain



Before The Service Tribunal K.P at Peshawar

Babar HussainAppellant

Versus

*Provincial Police Officer at K.P, Peshawar and
others*Respondents.

**APPLICATION TO ORDER/DIRECT THE RESPONDENTS
TO SUBMIT THE SERVICE BOOK/OTHER RECORDS
ALONG WITH THE WRITTEN REPLY.**

Respect fully Sheweth;

- 1) *That the above titled case is filed today where no date is fixed for hearing.*
- 2) *That the respondents are not providing the service book of the appellant along with the other records to the appellant, due to which the appellant is unable to submit the above record with his appeal.*
- 3) *That for just & proper decision on merit the above record is essential, which is in possession of the respondents.*

Therefore it is very humbly prayed that on acceptance of the instant application the respondents may kindly be order /directed to submit the above record before this honourable court.

Babar Hussain
Appellant/Petitioner

Babar Hussain

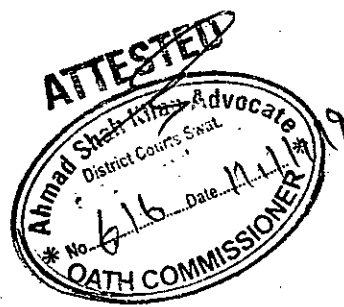
Through Counsel *Jehangir*

Jehangir Advocate, High Court

Affidavit:

That the contents of this application are true and correct to the best of my Knowledge.

Babar Hussain
Deponent



Before The Service Tribunal K.P at Peshawar

Babar Hussain *Appellant*

Versus

*Provincial Police Officer at K.P, Peshawar and
others* *Respondents.*

ADDRESSES OF THE PARTIES

Address of Appellant:

*Babar Hussain Belt No.2287, S/o Muhammad Akbar
District Police Swat Presently at Guli Gram Saidu Sharif
District Swat* *Appellant*

CNIC No.15607-0355378-5

Cell # 0336-4629552

Addresses of Respondents:

- 1) *Provincial Police Officer K.P at Peshawar.*
- 2) *Regional Police Officer at Saidu Sharif Swat.*
- 3) *District Police Officer Swat* *Respondents*



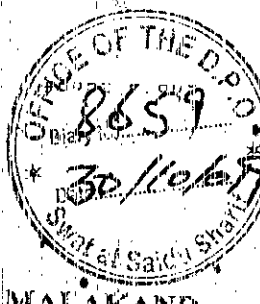
Petitioner,

Through

JEHANGIR

Advocate, High Court

9



Annex A



**OFFICE OF THE
REGIONAL POLICE OFFICER, MALAKAND
SAIDU SHARIF SWAT**

Ph: 0946-9240381-88 & Fax No. 0946-9240390
Email: djmalakand@yahoo.com

ORDER:

This order will dispose off appeal of Ex-Constable Babar Hussain No. 2287 of Swat District for reinstatement in service.

Brief facts of the case are that Constable Babar Hussain No.2287 while posted to Police Station Mingora was alleged of gross misconduct as it was reported that the appellant was habitual absentee and did not take interest in his job. An index showing 210 days absence of the delinquent Constable on various occasions was sent to DPO office by SDPO City with the request to take strict action against the delinquent Constable. He was issued Show Cause Notice to explain his position but the reply to the show cause notice was found unsatisfactory. He was also called in orderly room and heard him in person but he failed to produce any cogent reason in his defense. Perusal of the record had revealed that the delinquent Constable was habitual absentee. He has addicted to chronic absenteeism and did not give up his indiscipline attitude despite repeated warnings. He has earlier been issued several Show Cause Notice and subsequently warned to mend his ways and become an efficient Police Officer but no avail. His conduct was detrimental to discipline and his further retention in Police was bound to negatively affected attitude of other personnel. Being found guilty of the charges leveled against him, he was awarded major punishment of dismissal from service vide OB No.125 dated 02/08/2019.

He was called in Orderly Room on 23/10/2019 and heard him in person. In his short service about 5/6 years, 210 days absence from his lawful duty in discipline force clearly indicate that he is not fit for Police service. Apart from this, he was once reinstated into service on compassionate ground by the then RPO Malakand, but that sympathy also could not mend his way. The appellant also failed to produce any cogent reason in his defence. Therefore his appeal for reinstatement in service is hereby filed.

Order announced.

Regional Police Officer,
Malakand Region, Saidu Sharif Swat
Naqi

Certified
to be true
copy
Sikangin

No. 11550 /E,
Dated 28/10/2019.

Copy of above for information and necessary action to District Police Officer, Swat with reference to his office Memo: No. 13794/E, dated 04/09/2019. Service Roll and Fauji Missal of the above named Constable is returned herewith for record in your office.

OB No. 168

4.11.19

For Malakand

District Police Officer
Swat

This order is in supersession of this office order bearing OB No. 122 dated 30-07-2019 which pertains to show cause notice issued to Constable Babar Hussain No. 2287 of this district Police. He while posted to Police Station Mingora was alleged of gross misconduct as it was reported that he was a habitual absentee and did not take interest in his job. An index showing 210 days absence of the delinquent Constable on various occasions was sent to this office by SDPO City with the request to take strict action against the delinquent Constable.

He was issued a show cause notice vide this office No. 263/PA, dated 14-05-2019 to explain his position. He submitted reply to the show cause notice which was devoid of any cogent reason to justify his willful absence. He was called to weekly Orderly room, heard in person and asked about his absence but he failed to furnish a reasonable reply to justify his absence and satisfy the undersigned.

Perusal of the record reveals that the delinquent Constable is a habitual absentee and does not take interest in his job. He is addicted to chronic absenteeism and does not refrain from this habit despite repeated warnings. He has earlier been issued several show cause notices and subsequently warned to mend his ways and become an efficient Police Officer but to no avail. His conduct is detrimental to discipline and his further retention in Police is bound to negatively influence attitude of other personnel, of the Force. Hence, in exercise of the powers vested in the undersigned under Rules 2 (iii) of Police Disciplinary Rules - 1975, I Syed Ashfaq Anwar, PSP, District Police Officer, Swat being competent authority, am constrained to award him major punishment of dismissal from service. His absence period will be counted as leave of the kind due and pay released.

Order announced.

District Police Officer
Swat

O.B. No. 125

Dated: 2.8.19

Copy to:-

1. Establishment, Clerk
2. OSI

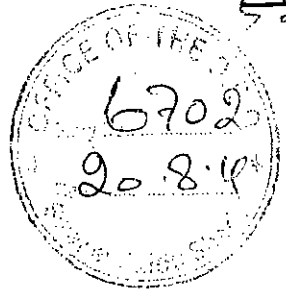
For necessary action, please.

*Certified
To be true
copy*

[Signature]
Mingora

10

Amey
B



بخدمت جناب D.I.G صاحب، بمقام سید و شریف ضلع سوات

بازرسی (سابق پولیس کنستبل نمبر 2287) والد محمد اکبر میاں

مذکورہ سید و شریف تحصیل بابوزی ضلع سوات

عنوان: رقم ایچل بر خلاف حکم مقررہ احوال آرڈر نمبر 125 خرچہ 02/08/2019

جسکی رو سے مسائل / ایپلائٹ ریکورڈ پولیس سے خلاف قانون، غائب واقعات، خلاف

اور خلاف (نقل حکم مقررہ خلاف ہے)۔

EC/DSP/legal -

Not correct //

✓

ایچل: ایچل مذکورہ مقررہ احوال آرڈر نمبر 125

کو کالعدم اور منسوخ فرمائی جا کر مسائل / ایپلائٹ کو تاریخ 20/08/2019

مذاہات، برکاری کے ساتھ بحال فرمائی جائے۔

District Police Officer SWAT 27/8

مسائل / ایپلائٹ ذیل عرض رساں ہے۔

یہ کہ مسائل / ایپلائٹ، علاقہ گلگت نام ڈاکٹر سید و شریف تحصیل بابوزی

رہائشی باشندہ ہیں اور ان کے شریف خاندان سے تعلق رکھتا ہوں۔ میں مسائل / ایپلائٹ

سال 2014ء حکم پولیس سوات میں پیشہ درگاہ پولیس کنستبل خدمت میں

سرا انجام دیتا رہا ہوں۔ مسائل / ایپلائٹ نے نوکری نہایت اذیت دہانی اور

افسران بالا کے واقعات سے من مطابق کی ہے۔

یہ کہ بدوران ڈیوٹی۔ کل / ایپلائٹ کا موٹر سائیکل ایکسٹرنٹ ہو اور مسائل

کے پاس کے بازو کی ہڈی دو جگہ سے ٹیکر / ٹوٹ چکی تھی۔ ریسپورٹ پریشن

ہو کر راولپنڈی کے علاج جاری ہے۔ اس دوران میں مسائل / ایپلائٹ

اپنی ڈیوٹی سے غیر حاضر رہا۔ جس پر DPO صاحب سوات نے مسائل

Handwritten signature and notes in the bottom left corner.

Handwritten notes and signatures on the right side of the page.

منگہ سے برخواست کرنے کا احکامات صادر فرمائے۔

۳۔ یہ کہ حکم معترضہ خلاف قانون، خلاف ضابطہ، خلاف واقعات اور خلاف انصاف ہے بدیں وجہ قابل منسوخی ہے۔

۴۔ یہ کہ سائل / ایپلینٹ اپنے خاندان کا واحد کفیل ہے جبکہ سائل کی بہن بھی فالج کی بیمار ہے جس کے جملہ اخراجات سائل کی تنخواہ ہی سے اٹھائیں جاتے ہیں۔ جبکہ دیگر اخراجات بھی کا واحد ذریعہ من سائل کی تنخواہ ہی ہے۔ من سائل انتہائی غریب خاندان سے تعلق رکھتا ہے۔ چونکہ سائل اپنے خاندان کا سرفرست اور واحد کفیل ہے اور سائل کی تنخواہ ہی واحد ذریعہ معاش ہے۔ حکم معترضہ کی رو سے سائل / ایپلینٹ کی کو ذریعہ معاش سے خلاف انصاف محروم کیا گیا ہے۔ بدیں وجہ حکم معترضہ قابل منسوخی ہے۔

لہذا استدعا ہے کہ منظور فرمائی جائیں اور حکم معترضہ مذکورہ کو کالعدم اور منسوخ فرمائی جا کر سائل / ایپلینٹ کو تاریخ بروز خانگی سے جملہ مراعات و سہولتیں کی سہولتیں ساتھ نوکری پر بحال فرمائی جائے۔ تو سائل / ایپلینٹ اور سائل / ایپلینٹ کا ان خاندان آپ صاحبان کے لئے تاہم حیات و دعاگوں رہینگے۔

شہر بیضہ

سائل / بابر حسین (سابق پولیس کنسٹیبل نمبر 2287) ولد محمد اکبر میاں

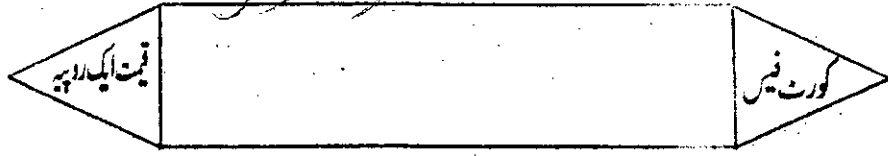
سکنہ گلگتہ ام سید و شریف تحصیل بابوزی ضلع سوات

موبائل نمبر 03364629552

المرقوم: 19/08/2019

Lehangin

بعدالت جناب سردس سٹرال سہولت گیسٹریٹ ٹروا



مورخہ ۱۱ نومبر ۱۹۱۹ء منجانب اسیلانڈ
مقدمہ بابر حسین نام خلوصت نذر
دعویٰ سردس سٹرال سہولت گیسٹریٹ ٹروا
جرم باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام کمر کو رٹا موات ایسا گندیرا سٹریٹ کو مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زرا داس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ مذکور کے نسل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقررہ شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برداشتہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوا بے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سند ہے

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العبد گم واہ شاہدہ العبد

بابر حسین اسیلانڈ

امضاء

Accepted
کے لئے منظور ہے