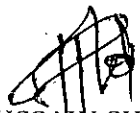


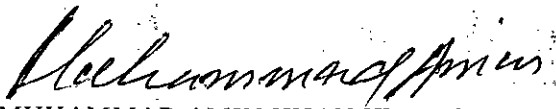
07.10.2019

Appellant alongwith his counsel and Mr. Anwar-ul-Haq, Deputy District Attorney alongwith Mr. Zewar Khan, S.I (Legal) for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of three pages placed in connected Service Appeal No. 1039/2016 titled "Kamran Khan Versus District Police Officer, Lower Dir at Timergara and another" without touching the merit of case present service appeal is hereby dismissed being time barred. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
07.10.2019


(HUSSAIN SHAH)
MEMBER
CAMP COURT SWAT


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER
CAMP COURT SWAT

02.07.2019

Appellant in person present. Mian Amir Qadir, DDA for respondents present. Arguments could not be heard due to general strike of the Bar. Adjourn. Case to come up for arguments on 02.09.2019 before D.B at camp court Swat.



Member



Member
Camp Court Swat

02.09.2019

Appellant in person present. Mian Amir Qadir, DDA alongwith Mr. Abaseen, ASI for respondents present. Representative of the respondents are absent. Appellant seeks adjournment as his counsel is not available today. Adjourn. To come up for arguments on 07.10.2019 before D.B at camp court Swat.



Member




Member
Camp Court Swat

05.03.2019

Appellant in person and Mian Amir Qadar, District Attorney alongwith Zewar Khan, S.I (Legal) for the respondents present.


Appellant requests for adjournment due to non-availability of his learned counsel. Adjourned to 04.04.2019 before the D.B at camp court, Swat.



Member


Chairman
Camp Court, Swat

04.04.2019

Appellant in person and Mr. Mian Ameer Qadir, District Attorney alongwith Mr. Zewar Khan, S.I (Legal) for the respondents present. Due to strike of Pakistan Bar Council, learned counsel for the appellant is not available today. Adjourn. To come up for arguments on 07.05.2019 before D.B at Camp Court Swat.

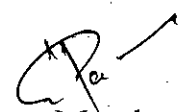

(M. Amin Khan Kundi)
Member
Camp Court Swat


(M. Hamid Mughal)
Member
Camp Court Swat

07.05.2019

Appellant in person and Mr. Mian Amir Qadir learned District Attorney present. Appellant seeks adjournment as his counsel is not in attendance. Adjourn. To come up for arguments on 02.07.2019 before D.B at Camp Court, Swat.


Member


Member
Camp Court, Swat.

06.12.2018

Appellant in person and Mr. Usman Ghani learned District Attorney alongwith Mr. Zewar Khan SI legal for the respondents present. adjournment requested. Adjourn by way of last chance. To come up for arguments on 07.01.2019 before D.B at Camp Court Swat.



Member


Member
Camp Court, Swat

07.01.2019

Clerk of the counsel for appellant present. Mr. Mian Amir Qadir, District Attorney for respondents present. Clerk of the counsel for appellant requested for adjournment on the ground that learned counsel for the appellant is not available today. Adjourned to 09.01.2019 for arguments before D.B at Camp Court Swat.



(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member
Camp Court Swat

09.01.2019

Clerk of counsel for the appellant present. Mr. Rasheed Ahmad, DSP (Legal) alongwith Mr. Mian Ameer Qadir, District Attorney for the respondents present. Clerk of counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today. Adjourned. To come up for arguments on 05.03.2019 before D.B at Camp Court Swat.



(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member
Camp Court Swat

06.09.2018

Appellant Kamran Khan in person alongwith his counsel Mr. Sanaullah, Advocate present. Mr. Fazal Mabood, Inspector alongwith Mr. Usman Ghani, District Attorney for respondents present. Learned counsel for the appellant made a request for adjournment to assist the Tribunal on the point of limitation. Case to come up for arguments on 06.11.2018 before D.B at camp court Swat.


Member


Chairman
Camp Court Swat

06.11.2018


Due to retirement of the Hon'ble Chairman Service Tribunal is incomplete. Tour to Camp Court Swat has been cancelled. To come up for the same on 05.12.2018 at camp court Swat.


Reader

05.12.2018

Appellant absent. Mr. Usman Ghani learned District Attorney present. Case called but none appeared on behalf of appellant. Adjourn. To come up for arguments on tomorrow i.e. on 06.12.2018 before D.B at camp court Swat.

Member


Member
Camp Court, Swat

1040/2016

05.06.2018

Appellant Kamran in person alongwith Mr. Sanaullah Khan Advocate present. Mr. Zewar Khan, S.I (Legal) alongwith Mr. Usman Ghani, District Attorney for the respondents present. Arguments partly heard.

Counsel for the appellant made a request for adjournment to search certain case law on the point of limitation. Granted. To come up for further arguments tomorrow i.e. on 06.06.2018 before the D.B at camp court, Swat.



Member



Chairman

Camp Court, Swat

06.06.2018

Appellant Kamran in person alongwith Mr. Sanatullah Advocate present. Mr. Zewar Khan, S.I (Legal) alongwith Mr. Usman Ghani, District Attorney for the respondents present. To come up for arguments on 04.07.2018 before the D.B at camp court, Swat alongwith connected appeal No. 1039/2016.



Member



Chairman

Camp Court, Swat

04.07.2018

Appellant was reportedly busy in funeral ceremony of his relative. However, his counsel Mr. Sanaullah, Advocate present. Mr. Fazal Mabood, Inspector (Legal) on behalf of the respondents alongwith Mr. Usman Ghani, District Attorney present. Counsel for the appellant requested for adjournment that he will argue the case in presence of the appellant. Requested is accepted To come up for arguments on 06.09.2018 before the D.B at camp court, Swat.



Member



Chairman


Camp court, Swat.

4.7.2018

05.12.2017

Appellant in person and Mian Amir Qadar, District Attorney alongwith Fazal Maabood, Inspector (Legal) for the respondents present. Counsel for the appellant is not in attendance. Requested for adjournment. Granted. To come up for arguments on 01.02.2018 before the D.B at camp court, Swat.

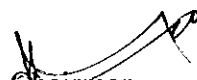

Member


Chairman
Camp court, Swat

01.02.2018

Appellant in person and Addl: AG alongwith Zewar Khan, S.I (Legal) for the respondents present. Counsel for the appellant is not in attendance due to general strike of the bar. To come up for arguments on 04.04.2018 before D.B at Camp Court, Swat.



Member


Chairman
Camp Court, Swat

04.04.2018

Appellant in person and Mr. Usman Ghani, District Attorney alongwith Mr. Zewar Khan, S.I (legal) for the respondents present. Appellant submitted an application for adjournment on the ground that his counsel is ill. Granted. To come up for arguments on 05.06.2018 before D.B at Camp Court, Swat.


Member


Chairman
Camp court, Swat

1040/2016

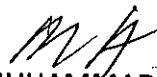
09.02.2017

Appellant in person and Zewar Khan, SI (Legal) alongwith Mian Amir Qadar, GP for the respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 06.04.2017 before S.B at camp court, Swat.


Chairman
Camp Court, Swat.

06.04.2017

Appellant in person present and submitted fresh Wakalatnama. Mr. Zewar Khan, S.I (legal) alongwith Mian Amir Qader, Government Pleader for respondents also present. Written reply by respondents submitted. To come up for rejoinder and arguments on 04.09.2017 before D.B at Camp Court Swat.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER
Camp Court Swat

05.09.2017

Since 4th September, 2017 has been declared as public holiday on account of Eidul Azha, therefore, case is adjourned to 05.12.2017 for the same at camp court, Swat. Notices be issued to the parties for the date fixed.


Chairman
Camp court, Swat.

24.10.2016

Counsel for the appellant present. Preliminary arguments heard and case file perused. Counsel for the appellant submitted that the appellant was unlawfully dismissed from service and as he was jobless, therefore side by side his appeal to RPO dated 27.12.2015 he also submitted representation/departmental appeal dated 18.01.2016 to the PPO which was also rejected vide impugned order dated 21.06.2016, hence this appeal may be considered as part and parcel of appeal No. 1053/2016 and those arguments may also be considered for this appeal as well.

The points raised at the bar need further consideration. Admitted to regular hearing subject to 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 for submission of written reply. To come up for written reply/comments on 15.12.2016.

Appellant Deposited
Security & Process Fee


PIR BAKHSH SHAH
Member



15.12.2016

Counsel for the appellant and Addl. AG for respondents present. Since the appeal pertains to territorial limits of Malakand Division, therefore, the appeal is assigned to S.B at Camp Court Swat for reply on 09.02.2017 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____
Case No. 1040/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	06/10/2016	<p>The appeal of Mr. Kamran Khan resubmitted today by Mr. Maazullah Barkandi Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>24-10-16</u></p> <p style="text-align: right;"> MEMBER</p>
	A	

The appeal of Mr. Kamran Khan son of Itbar Gul Ex-Police Constable No. 1714 Dir Lower received today i.e. on 07.09.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

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.

No. 1472 /S.T,

Dt. 7/9 /2016



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Aimat Khan Barkandi Adv. Pesh.

Respected Sir,

The appellant has submitted application before the concerned department for the provision of the above required documents but the same has not yet ^{been} provided by the department. It is, therefore, requested that the appellant may be given 15 more days to get the required copies of the documents.


Thank you

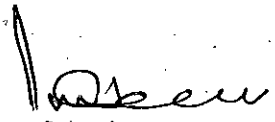
 22/9/16
Aimat Khan Barkandi
Adv. Pesh

Further (15) days time extended.

Respected Sir,

The appellant submitted application for provision of the above required documents but the concerned office denied to provide the same. It is, therefore, requested that the case may be put before the Chairman for disposal/hearing on the available record.

 6/10/16
Aimat Khan Barkandi
Adv. Pesh

 22/9/2016

BEFORE THE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. 1040 /2016

Kamran KhanAppellant

VERSUS

District Police Officer, Lower Dir at Timergara.

and anotherRespondents

INDEX

S.No	Description of documents.	Annexure	Pages.
1.	Memo of appeal		1-4
2.	Application for condonation of delay		5-6
3.	Copy of order dated 19.12.2014 passed by DPO, Timergara	A	7
4.	Copy of order dated 21.06.2016 of IGP KPK	B	8
5.	Copy of departmental appeal	C	9
6.	Copy of Educational Testimonials & Domicile	D	10-12
7.	Waklatnama		13

Appellant

Through


Aimat Khan Barkandi
Advocate Peshawar

①

BEFORE THE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. 1040 /2016

Kamran Khan S/o Itbar Gul

Ex-Police Constable No.1714

R/o Khwar, Timergara, Tehsil & District Dir (lower)

.....Appellant

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 976

Dated 07-9-2016

VERSUS

- 1) District Police Officer, Lower Dir at Timergara.
- 2) Inspector General of Police, Khyber Pakhtunkhwa,
Central Police Officer, Peshawar.

.....Respondents

Appeal u/s 4 of the KPK Service Tribunal Act, r/w the relevant rules against the Order No.S/4503/16 of Inspector General of Police, KPK dated 21.06.2016, whereby the departmental-appeal/ application of the appellant for reinstatement and for setting aside/ cancellation of the order of DPO, Lower Dir, at Timergara dated 18.12.2014 (O.B No.1340 dated 19.12.2014), was dismissed.

Filed to-day

Registrar

7/9/16

Prayer

On acceptance of this appeal the impugned orders dated 21.06.2016 and 18/19.12.2014 of

both the respondents may be set-aside and the appellant may be reinstated to his post with all back-benefits admissible by the law and rules.

Respectfully Submitted:-

- 1) That the appellant belongs to District Lower Dir, Timergara and has passed Matric from BISE, Malakand as a student of Government Centennial Model High School, Timergara.
- 2) That the appellant joined the Police Force on 03.04.2010 and performed his duty efficiently with no complaint from any quarter.
- 3) That due to some exigency, the appellant rushed to his hometown but on 18.12.2014 without any knowledge the appellant was dismissed by the DPO Lower Dir Timergara. (Copy of the order is Annexure "A")
- 4) That the appellant submitted departmental appeal/application for reinstatement before the Inspector General, KPK, however, it was dismissed by the Inspector General of Police, KPK vide office order No.S/4503/16 dated Peshawar the 21.06.2016. (Copy is Annexure "B")
- 5) That the appellant prays for setting aside both the impugned orders of the respondents on the following grounds:-

Any other relief which this hon'ble Tribunal deems fit and proper in the circumstances may also be granted to the appellant.

[Handwritten Signature]

Appellant

Through

[Handwritten Signature]

Mazullah Barkandi

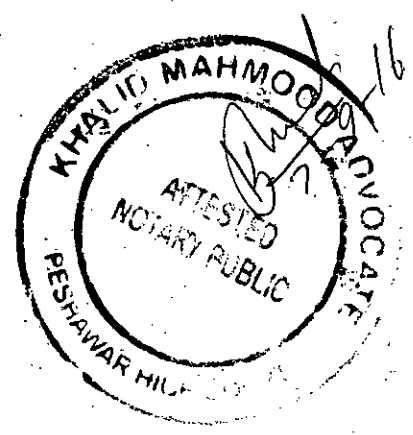
&

[Handwritten Signature]

Aimal Khan Barkandi
Advocate, Peshawar

Verification

It is verified that the contents of accompanying appeal are true and correct and has been drafted as per my instruction and nothing has been concealed therein.



[Handwritten Signature]
Deponent

BEFORE THE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. _____/2016

Kamran KhanAppellant

VERSUS

District Police Officer, Lower Dir at Timergara.
and anotherRespondents


APPLICATION FOR CONDONATION OF
DELAY IN FILING THE ABOVE NOTED
APPEAL

Respectfully Submitted:


- 1) That this application is filed alongwith the above noted appeal.
- 2) That after the dismissal order was passed on 19.12.2014, the appellant submitted application/ departmental-appeal on 18.01.2016, as the appellant was not provided the dismissal order in time nor was given proper notice.
- 3) That the appellant did not file appeal in time as the appellant did not find proper opportunity of hearing.

①


It is, therefore, respectfully prayed that on acceptance of this application the delay in filing the above titled appeal may kindly be condoned.


Appellant

Through

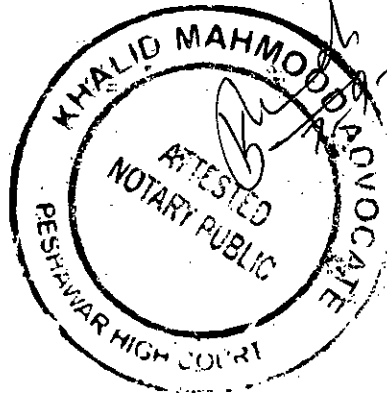

Mazullah Barkandi

&


Aimat Khan Barkandi
Advocates Peshawar

AFFIDAVIT

I, Kamran Khan S/o Itbar Gul Ex-Police Constable No.1714 R/o Khwar, Timergara, Tehsil & District Dir (lower), do hereby affirm and declare on oath that the contents of accompanying Application are true and correct and has been drafted as per my instruction and nothing has been concealed therein.




Deponent

7

Annexe
'A'

OFFICE OF THE DISTRICT POLICE OFFICER, DIR LOWER AT TIMERGARA

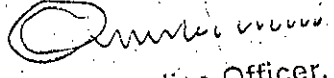
ORDER

This order will dispose of the departmental enquiry conducted against Constable Kamran Khan No.1714, who while posted at: Police Station Lal Qilla absented himself from duty with effect from 02/08/2014 to date without any leave or prior permission from his superior. Therefore, he was issued charge sheet coupled with statement of allegations and Mr. Muzakir Shah Khan DSP HQrs was appointed as Enquiry Officer to conduct proper departmental enquiry and submit finding.

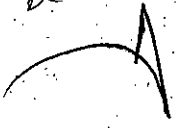
The Enquiry Officer during the course of enquiry recorded the statements of all concerned. The Enquiry Officer in his finding recommended that the above named defaulter constable previously been dismissed from service and habitual absentee and not fit for Police service further.

Therefore, I Mr. Ghulam Habib Khan, District Police Officer, Dir Lower in exercise of power vested to me under P((E& D) Rules 1975, awarded him a punishment of dismissal from service with immediate effect and period of absence is treated as leave without pay.

ORDER ANNOUNCED


District Police Officer,
Dir Lower at Timergara
13/12

OB No. 1340
Dated 17-12-2014

Attested to
be true copy




OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE,
PESHAWAR.

No. SI/4503/16, dated Peshawar the 21/10/2016.

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-Constable Kamran Khan No. 1711. The appellant was awarded punishment of dismissed from service by DPO, Dir Lower vide OB No 1340, dated 19.12.2014, on charges of absence for a period of 04 months and 17 days.

He preferred two appeals before the RPO, Malakand which were examined and filed vide memo: No. 5760/A, dated 22.07.2015 and 10048 / E, dated 30.12.2015.

Meeting of Appeal Board was held on 26.05.2016, wherein the appellant was heard in person. The enquiry papers were also examined. On examination of record, it revealed that the petitioner was once dismissed in the year 2012 on the charges of absence, later on he was reinstated into service by RPO, Malakand and again he was dismissed from service by DPO, Dir Lower which shows that the petitioner is habitual absentee. His appeal is badly time-barred. Therefore, the petition of the petitioner is barred by law and limitation and worth rejection.

This order is issued with approval by the Competent Authority.

Najeeb
(NAJEEB-UR-RAHMAN)
AIG / Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

No. SI/4504-11/16.

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

1. Regional Police Officer, Malakand Region Swat.
2. DPO, Dir Lower.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PRO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV, CPO, Peshawar.
8. I/C Central Registry Cell, (CRC), CPO.

Attested
to be true
copy

محکمہ جہاز ائیرپورٹ جنرل آف پولیس خیبر پختونخواہ

جناب عالی! درخواست نمبر 1714 دوبارہ تفریق،

مورد بانہ گزارش کی جاتی ہے کہ سائیل محکمہ پولیس دیر پائین میں مورخہ 10-04-03 کا بھرتی شدہ ہے ڈیوٹی انتہائی ایمان داری سے سرانجام دی ہے یہ کہ سائیل افسران بالا نے بحوالہ آرڈر نمبر 1340 date: 19-12-14 محکمہ پولیس سے ڈسمس کرنے کا حکم صادر فرمایا ہے چونکہ سائیل انتہائی غریب اور محکمہ پولیس میں نوکری کرنیکا بے حد شوقین ہے لہذا استدعا ہے کہ سائیل کے بحالی کے احکامات

صادر فرمادیں۔ عین نوازش ہوگی۔

مورخہ 18-01-16

العارض!

تاج محمد سابق کانسٹیبل کا مہران خان نمبر 1714 ولد اعتبار گل
سکنہ خورٹیمہ گره محکمہ پولیس دیر لوئیہ
موبائل نمبر 1964 464 ← 0344

Attested to be true copy

A

74811

(10)

Annex
'D'

TD/1110820216390



ISLAMIC REPUBLIC OF PAKISTAN
SECONDARY SCHOOL CERTIFICATE EXAMINATION
DETAILED MARKS & PROVISIONAL CERTIFICATE

Session 2008 (Annual)

Roll No: 33810

Group: Science

KamranSon of Itbar Gulof GOVT: CENTENIAL MODEL HIGH SCHOOL TIMERGARA

has secured the marks shown against each subject in the Secondary School Certificate Examination held in the month of April as Regular candidate.

Subject Name	Marks		MARKS OBTAINED				
	TH / A	PR / B	Theory / Paper-A	Practical / Paper-B	Total	In Words	
1. English	75	75	45	50	95	Ninety-Five	
2. Urdu	75	75	70	62	132	One Hundred Thirty-Two	
3. Pakistan Studies	75		45		45	Forty-Five	
4. Islamic Education	75		64		64	Sixty-Four	
5. Physics	85	15	66	8	74	Seventy-Four	
6. Chemistry	85	15	53	9	62	Sixty-Two	
7. Biology	85	15	45	9	54	Fifty-Four	
8. Mathematics	75	75	44	35	79	Seventy-Nine	
Total = 900					Marks	605-B	Six Hundred Five
Date of Birth (In Figures):		02 March, 1991		Remarks:			
(In Words)		Second, March, One Thousand Nine Hundred Ninety-One					

Prepared By: Fahid M. P. O.Checked By: Fahid M. P. O.

Note: Errors/Omissions excepted. Any mistake in D.O.B & Name etc must be intimated within 30 days after receiving the above certificate.

Computer Cell BISE, Malakand

13.07.2008, 12:45 PM

Controller of Examinations
 BISE, Malakand



DOMICILE CERTIFICATE

N.W.F.P.
DISTRICT DIR LOWER

Declaration

No 5222 date 27/7/08

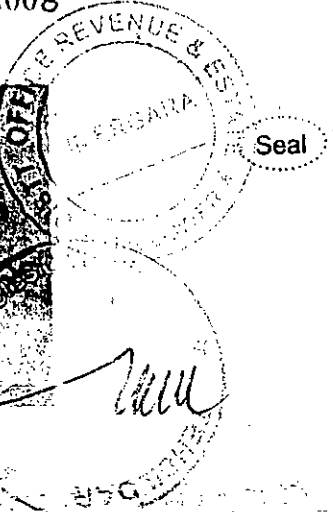
I Kamran declare that I was born of parents who are permanently Domiciled in North West Frontier Province by birth, having settled in it. I belong to village/Mohallah Timergara Tehsil Timergara District Dir Lower having been born in it.

[Signature]
Signature of applicant

Pursuance to the declaration filed above by ~~Itbar Gul~~ Kamran

Son/Daughter/ Wife of Itbar Gul it is hereby certified that the said Mr/Mrs/Miss Kamran is born of parents who are permanent residents of N.W.F.P. District Dir Lower belonging to it by birth / settled in it. I have satisfied myself from my personal knowledge/verification overleaf that the above declaration is true.

This 22nd day of July 2008



[Signature]
Deputy District Officer
Revenue & Estates
Timergara

Countersigned
[Signature]
Collector / District Officer
Revenue & Estates
District Dir Lower.

تصدیق

تصدیق کی جاتی ہے۔ کہ مسی اسماعیلہ کا واران ولد ابنت ازلیہ العتباتی
 سکول _____ تمگرہ میں زیر تعلیم رہ چکا اچھی ہے۔ جسکا جسکی داخلہ نمبر 3336
 اور تاریخ پیدائش ہے۔ بیس مارچ سن 1990

[Signature]
 Head Master
 G.P.S. Timargara
 Distt: DIR (L)

1990-1991-20 ستمبر پر نیا ایڈماتر

(1) یہ کہ مسی اسماعیلہ کا واران ولد ابنت ازلیہ العتباتی
 ساکن _____ قوم _____ ذیلی شاخ _____ کا کی اصلی پیدائش ہے
 جو کہ میرے حلقہ نیابت میں واقع ہے۔

(2) یہ کہ مسی اسماعیلہ نے نل ازیں کوئی ڈویسائل سرٹیفکیٹ حاصل نہیں کیا۔

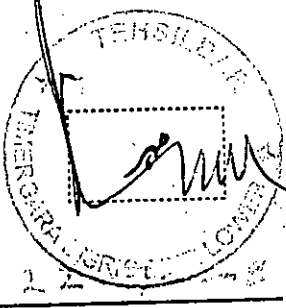
(3) یہ کہ فارم ہذا پر چسپاں تصویر درخواست کنندہ کی ہے جو کہ میری تصدیق کردہ ہے۔

(4) یہ کہ مسائل اسماعیلہ ڈویسائل سرٹیفکیٹ کا حقدار ہے جس کو میری ذاتی ذمہ داری پر ڈویسائل سرٹیفکیٹ دیا جائے۔

تصدیق کنندہ نمبر: 1- نام _____ ولدیت _____ سکونت _____
 شناختی کارڈ نمبر: 0434620-02-02 دستخط _____ مہر _____
 Urban Council Timargara Distt Lower

تصدیق کنندہ نمبر: 2- نام _____ ولدیت _____ سکونت _____
 شناختی کارڈ نمبر: 0976536-3-02-02 دستخط _____ مہر _____
 Distt. Dir. Timargara

تصدیق متعلقہ تحصیلدار
 دستخط _____
 نام _____
 عہدہ _____
 نمبر _____ تاریخ _____

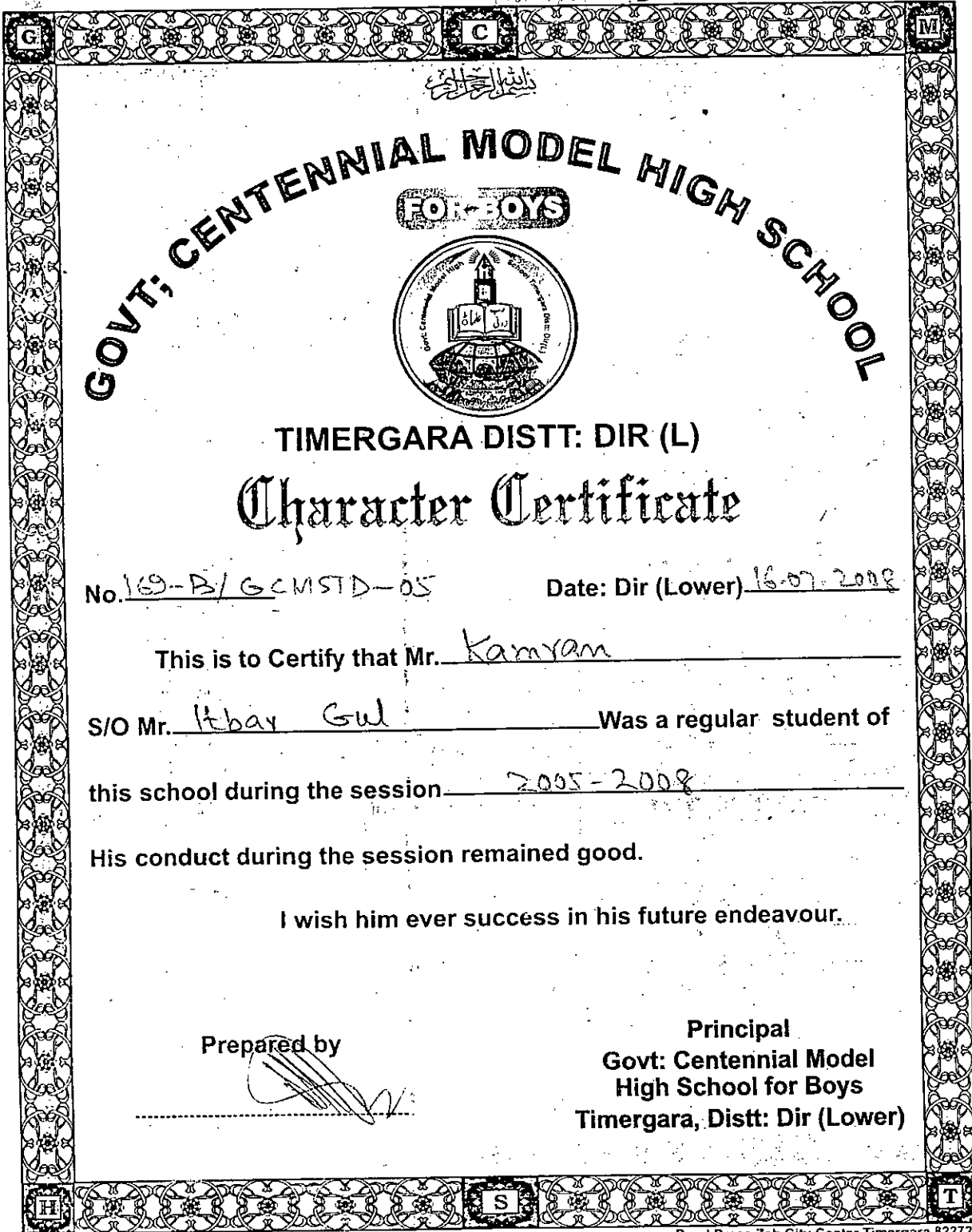


نوٹ: 1- ڈویسائل فارم پر تصویر بند سے چسپاں کی جائے۔
 2- فارم میں انگریزی صفحہ کے کوائف انگریزی میں ٹائپ کئے جائیں۔
 3- فولڈ شدہ اور پختے ہوئے فارم قابل قبول نہیں ہو گئے۔
 4- فارم جو کہ تمام تحصیل دفاتر میں دستیاب ہیں کے علاوہ کوئی اور یا فونو کاپی فارم قابل قبول نہیں ہوگا۔ (دفتر تحصیلدار)

Rs:5.00

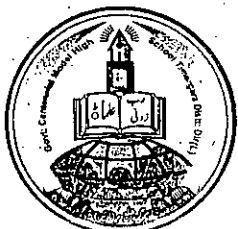
2

Ad. No: 4792



الحمد لله

GOVT; CENTENNIAL MODEL HIGH SCHOOL
FOR BOYS



TIMERGARA DISTT: DIR (L)
Character Certificate

No. 169-B/GCMSTD-05

Date: Dir (Lower) 16-07-2008

This is to Certify that Mr. Kamran

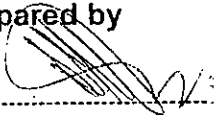
S/O Mr. Ibraz Gul Was a regular student of

this school during the session 2005-2008

His conduct during the session remained good.

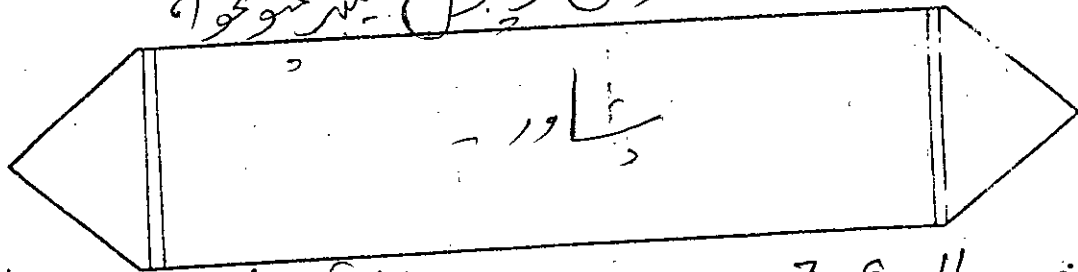
I wish him ever success in his future endeavour.

Prepared by



Principal
Govt: Centennial Model
High School for Boys
Timergara, Distt: Dir (Lower)

بعد الت سردس ٹریبونل صدر محمّد خواجہ



7 ستمبر، 2016ء منجانب کامران خان

مورخہ 16-9-7

بنام

سردس اہیل

مقدمہ

ولد اعتبار علی

سابقہ کانسٹیبل

سکسٹم فوڈز

بیمہ گروہ، ضلع

دیپلر (لوئر)

ایڈوانس

(کامران بنام ڈیپلر اور جیو)

دعویٰ

پہلے

باعث تحریر آئنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام شاہور کیلئے حضور اللہ بابر لڈی، اعلیٰ جان بابر لڈی رضی اللہ عنہما مقرر کر کے قرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور بسورت ڈگری کرنے اجراء اور صولی چیک درو پیسہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے وکل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ نیا اپنے بجائے تقرر کا اختیار صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیار حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے وہوگا۔ کوئی راجیسی مقام دور، پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

Accepted & attested
 Anwar Khan Bhandari
 Adv. Pesh

2016 9

7

Accepted
 Anwar Khan Bhandari
 Adv. Pesh

کامران خان ولد اعتبار علی سکسٹم فوڈز، بیمہ گروہ، ضلع دیپلر (لوئر)۔
 (5-230-4650-302-18)

Accepte & Atteste
 Faiz



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 <p>بار کونسل نمبر: 10333 بار ایسوسی ایشن نمبر: 10333 رابطہ نمبر: 0333 9465359</p>	  <p>19016 ڈسٹرکٹ بار ایسوسی ایشن سوات</p>
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بعدالت جناب: سرسک نہ بیٹونل لیدر ٹینونل آہ لیدر ڈسٹریکٹ سوات

<p>منجانب: مدعی</p>  <p>کامسٹریکٹ</p>	<p>دعویٰ اور خواست: سرسک نہ بیٹونل</p> <p>علت نمبر:</p> <p>موضوع:</p> <p>جرم:</p> <p>تھانہ:</p>
---	---

بامستحیر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ

آن مقام حل نہ بیٹونل لیدر ڈسٹریکٹ سوات کو ذیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کال اختیار ہوگا، نیز ذیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف و جے دعویٰ، جواب دعویٰ، اقبال دعویٰ، واپسی مقدمہ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یا ٹریف یا ایپل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور ذیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانب التوا کے مقدمہ کے سبب سے ہوگا وہ ذیل موصوف وصول کرنے کا اختیار ہوگا کوئی تاریخ پیش مقام دورہ یا حد سے باہر ہو تو ذیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، مقدمہ کی بھی عدالت میں بوجہ عدم پیروی داخل دفتر ہونے کی صورت میں ذیل موصوف ذمہ دار نہیں ہوگا، لہذا عدالت نامہ لکھ دیا تاکہ سند رہے۔

المرقوم: 6/4/17

بد الع واہد بد الع

مقام حل نہ بیٹونل لیدر ڈسٹریکٹ سوات کے لئے منظور ہے۔
Accepted and Applied

ایڈوکیٹ دستخط: Suallat

کامسٹریکٹ لیدر اعتبار رکھیں

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR.

Service Appeal No. 1040/2016.

Ex Constable Kamran Khan No.1714 r/o Lower Dir..... Appellant.

VERSUS

- 1) Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
- 2) District Police Officer Dir Lower.....Respondents.

PARA WISE REPLY ON BEHALF OF RESPONDENTS.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS.

- 1) That the present service appeal is not maintainable in its form.
- 2) That the appellant has not come to this August Tribunal with clean hands.
- 3) That the present appeal is badly time barred.
- 4) That this Honorable Service Tribunal has no jurisdiction to entertain the present service Appeal.
- 5) That the appellant has got no cause of action.
- 6) That the appellant has suppressed the material facts from this Honorable Tribunal.

ON FACTS:

1. Needs no comments.
2. Pertains to records and needs no comments.
3. Incorrect, The appellant absented himself from duty without any leave or prior permission of his seniors and he has not advanced any cogent reasons about his absence from duty. After completing all the legal formalities the appellant was dismissed from service. (Copy of daily dairy report is enclosed as annexure 'A').
4. Incorrect, The competent authority rightly dismissed the appeal of the appellant in accordance with merit.
5. The appellant has got no cause of action to file instant appeal.

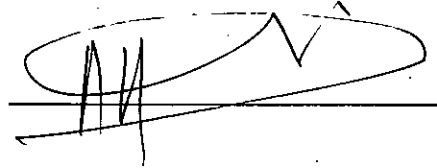
ON GROUND

- (A). *Incorrect, All the orders of the respondents are in accordance with Law and service rules.*
- (B). *Incorrect, The appellant has not brought the matter faced to him in the notice of his seniors and willfully absented himself. Being member of disciplined force, the appellant was required to bring the matter into the notice of his seniors, but he failed to do so. He was issued charge sheet+ statement of allegation and proper inquiry conducted to scrutinize the conduct of the appellant. (Copy of charge sheet, statement of allegation enquiry report as attached as Annexure " B' & C" D"& E").*
- (C). *Incorrect, the respondent has rightly rejected the appeal of the appellant after carrying out thorough scrutiny of the record. All these acts has been carried out in accordance with Law.*
- (D). *Incorrect, The appellant is habitual absentee and prior to this he was proceeded departmentally for two times in connection with his willful absence from duty.*
- (E). *Incorrect, Proper charge sheet and statement allegation were issued to appellant and opportunity of personal hearing was given to him, but he failed to produce any cogent reasons in his self defence, therefore he was dismissed from service after completing all legal formalities.*
- (F). *Incorrect, The appellant was issued proper charge sheet, statement allegation and proper enquiry was conducted to scrutinize the conduct of the delinquent official. Opportunity of personal hearing was given to him, but he failed to produce any cogent reason in his self defence. Therefore he was dismissed from service after completing all legal formalities.*

PRAYER:

It is therefore humbly prayed that on acceptance of this Para-wise reply the service appeal may graciously be dismissed along with costs.

Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar.



District Police Officer,
Dir Lower.



District Police Officer,
Dir Lower at Timergan.

Annex - "A"

ضمانت نامہ

محکمہ سول کتب خانہ، سندھ، سندھ سٹیٹ لائبریری

کتاب نمبر: 1714، داتا: 1714، کتاب نمبر: 1714

مدرسہ: 10/10، کتاب نمبر: 10/10

14-3-14، کتاب نمبر: 14-3-14

14-3-14، کتاب نمبر: 14-3-14

14-3-14، کتاب نمبر: 14-3-14

14-3-14، کتاب نمبر: 14-3-14

14-3-14، کتاب نمبر: 14-3-14

OSI - Jagan
30/10/14

Approved
D/O D/W
30.10.14

فائنڈنگ رپورٹ

انکوائری نمبری 1576/EB مورخہ 31.10.014

برخلاف


کنشیل کامران خان نمبر 1714 متعینہ تھانہ لعل قلعہ۔

جناب عالی!

بجوال انکوائری بالا برخلاف بالا معروض ہوں۔ کہ مذکورہ کنشیل مورخہ 03.04.010 کا تعلق ہے۔ مورخہ 14.03.011 سے متعلق لعل قلعہ میں تعینات تھا۔ جہاں سے بحوالہ 33 روز نامہ 02.08.014 تھانہ لعل قلعہ سے تعلق رکھنے والے ایک شخص نے انکوائری نمبری 887 تاریخ غیر حاضری سے بند ہو کر تاحال ابدستور غیر حاضر چلا آ رہا ہے۔ جسکے خلاف جناب DPO صاحب ضلع دیرپائین نے انکوائری کا حکم فرما کر انکوائری کاغذات من DSP ہیڈ کوارٹر کو حوالہ ہوئی۔

انکوائری شروع ہو کر بدروزان انکوائری SHO انسپکٹر سید زماں شاہ خان، محررہ عثمان MASI کے بیانات کا جائزہ لیا گیا۔ انکوائری کنشیل مذکورہ کے پیشی و اطلاعاتی کیلئے پروانہ جات حاصل کیے۔ بذریعہ ریور (DPO) مورخہ 10.12.014, 01.12.014, 11.11.014 کو SHO تیرگرہ ارسال کیے گئے۔ لیکن مذکورہ کنشیل تاحال دفتر حیدرآباد میں ہو سکا۔ جس پر مقامی پولیس نے مذکورہ سے رو رو گواہان امجد خان ولد اعتبار گل ساکن تیرگرہ خوز، ریاض ولد کیمین خان ساکن سرانی بالا حال تیرگرہ بیان تاج بند کر کے اپنے بیان میں تحریر کیا ہے کہ وہ مذکورہ پولیس میں نوکری نہیں کرنا چاہتا ہے۔

بعد تاج بندی بیانات و معلومات انکوائری سے پایا گیا کہ مذکورہ ایک عادی غیر حاضر باش ہے۔ اس قابل بھی مذکورہ کنشیل نے اپنے بیانات میں بت نمبری 1307 مورخہ 27.08.012 محکمہ پولیس سے ڈس میس کیا گیا تھا جو کہ بحوالہ آرڈر نمبر 7989/E مورخہ 11.12.012 جاری ہے۔ جناب RPU صاحب ملا کڈرنج تھری صاحب دوبارہ بحال ہوا ہے۔ اسکے علاوہ مذکورہ کنشیل کے کئی انکوائریز بوجہ غیر حاضری ہو چکی ہے۔ لیکن مذکورہ اپنے عادت غیر حاضری سے باز نہیں آتا ہے۔ محکمہ بریک بوجھ ہے۔ لہذا مذکورہ کنشیل کو محکمہ پولیس سے درخواست کرنے کی سفارش کی جاتی ہے۔



DSP / HQrs

ضلع دیر تیرگرہ پائین۔

Sir,
 finding report o
 The E.O. received
 and submitted please

EC
 17/12

Annex - B

Enquiry No. 1576 /EB,

Dated Timergara the, 31-10-2014

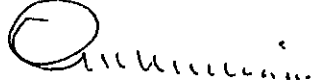
CHARGE SHEET

I, **Ghulam Habib Khan**, District Police Officer, Dir Lower at Timergara as competent authority, hereby charge you Constable **Kamran Khan** No.1714 committed as follows :-

That you while posted at Police Station Lal Qilla, absented yourself from duty without any leave or prior permission from your superior, vide DD No.33 of PS Lal Qilla, with effect from 02/08/2014 to date, which is gross misconduct on your part.

By the reason of above you appear to be guilty of mis-conduct and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the disciplinary Rules, 1975.

- 2- You are: therefore, require to submit your written reply within 25 days of the receipt of this charge sheet to the enquiry officer.
- 3- Your written reply, if any, should reach the enquiry officer, within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall follow against you.
- 4- Intimate to whether you desire to be heard in person or not?
- 5- A statement of allegation is enclosed.


District Police Officer,
Dir Lower at Timergara

31/10

No. 21293 /EC,

Dated 31-10-2014.

Constable **Kamran Khan** No.1714 s/o Itbar Gul r/o Timergara
through SHO Timergara.

Annex - 2

Enquiry No 1576 /IEB,

Dated Timergara the, 31-10-2014

DISCIPLINARY ACTION

I, **Ghulam Habib Khan**, District Police Officer, Dir Lower at Timergara as competent authority as of the opinion that you Constable **Kamran Khan** No.1714 have rendered yourself liable to be proceeded against departmentally as you have committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975.

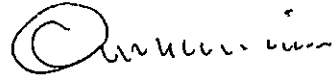
STATEMENT OF ALLEGATION

That he while posted at Police Station Lal Qilla, absented himself from duty without any leave or prior permission from his superior, vide DD No.33 of PS Lal Qilla, with effect from 02/08/2014 to date, which is gross misconduct on his part.

2- For the purpose of scrutinizing the conduct of said office, with reference to the above allegation **Mr. Muzakir Shah Khan DSP HQrs** appointed as enquiry officer.

3- The enquiry officer shall conducted proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defence and hearing to the accused officer, record its findings and make within twenty five(25) days of the receipt of his order, recommendation as to punishment or other appropriate action against the accused officer.

4- The accused officer shall join the proceeding on the date, time and place fixed by the Enquiry officer.


- District Police Officer,
Dir Lower at Timergara

No. 21291-92 /IEC,

dated 31-10-2014.

- 1- **Mr. Hidayat Ullah Khan SDPO Adanzai** (Enquiry Officer) for initiating proceeding against the above defaulter officials under Police Rules 1975 in the light of attached 03 documents.
- 2- Above named defaulter official.

Amnet E

ORDER

This order will dispose of the departmental enquiry conducted against Constable Kamran Khan No.1714, who while posted at Police Station Lal Qilla absented himself from duty with effect from 02/08/2014 to date without any leave or prior permission from his superior. Therefore, he was issued charge sheet coupled with statement of allegations and Mr. Muzakir Shah Khan DSP HQrs was appointed as Enquiry Officer to conduct proper departmental enquiry and submit finding.

The Enquiry Officer during the course of enquiry recorded the statements of all concerned. The Enquiry Officer in his finding recommended that the above named defaulter constable previously been dismissed from service and habitual absentee and not fit for Police service further.

Therefore, I Mr. Ghulam Habib Khan, District Police Officer, Dir Lower in exercise of power vested to me under P((E& D) Rules 1975, awarded him a punishment of **dismissal from service** with immediate effect and period of absence is treated as leave without pay.

ORDER ANNOUNCED

Ghulam Habib Khan
District Police Officer,
Dir Lower at Timergara
3/12

OB No. 1360
Dated 19-12-2014

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(20)

*Sid entry made
Pl. all FME*

file

Rec

Dir

02/12/04

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No. 1040/2016.

Ex Constable Kamran Khan No.1714 r/o Lower Dir..... Appellant.

VERSUS

District Police Officer Dir Lower and others.....Respondents.

REPLY TO THE APPLICATION FOR CONDONATION OF
DELAY IN FILING THE ABOVE NOTED APPEAL.

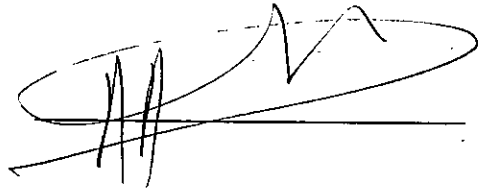
Respectfully Submitted:-

1. Needs no comments.
2. Incorrect, The appellant is required to visit himself the concerned office for obtaining copy of dismissal order in time or he shall moved an application for such purpose before the high ups, but he failed to do so. The plea of appellant is not based on facts.
3. Incorrect, The appellant was given proper opportunity of personal hearing, but he failed to advance any cogent reason in self defence.

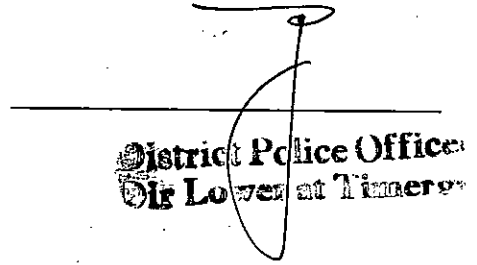
PRAYER:

It is therefore, respectfully prayed that on acceptance of this Replication the delay in filling the above titled appeal may kindly be dismissed.

Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar.



District Police Officer,
Dir Lower.



District Police Officer
Dir Lower at Timergarh