

Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
<p style="text-align: right;">25.10.2017</p>		<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u> <u>CAMP COURT, D.I.KHAN</u> Appeal No. 1123/2014</p> <p style="text-align: center;">Date of Institution ... 09.09.2014 Date of Decision ... 25.10.2017</p> <p style="text-align: center;">Muhammad Zeeshan Ex-Constable having belt No. 475 Lucky Marwat.</p> <p style="text-align: center;">Versus</p> <ol style="list-style-type: none"> 1. Regional Police Officer, Bannu Region, Bannu. 2. District Police Officer Lucky Marwat. 3. Deputy Superintendent of Police, Nawrang. <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>MUHAMMAD HAMID MUGHAL, MEMBER: -</u></p> <p>Learned counsel for the appellant and Mr. Farhaj Sikandar, District Attorney on behalf of the respondents present.</p> <p>2. The appellant has filed the present appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 against the respondents and made impugned the order dated 09.07.2014 regarding the dismissal of departmental</p>

appeal filed by the appellant. The appellant has also prayed for setting aside the original order dated 05.05.2014 issued by respondent No. 2 whereby the appellant was awarded major punishment of dismissal from service ~~from service~~ on the ground of absence from duty.

3. Learned counsel for the appellant argued that both the impugned orders are unlawful. Further argued that the appellant could not attend to his duties due to severe illness. Further argued that the punishment awarded to the appellant is harsh hence not tenable in the eyes of law.

4. As against that learned District Attorney while opposing the present appeal argued that the appellant remained willfully absent hence the impugned orders were rightly issued.

5. Argument heard. File perused.

6. It is not disputed that the appellant remained absent without permission, however the stance of the appellant is that the cause for his absence was that he was seriously ill. No specific allegation of corruption by the appellant found on the record. In these circumstances the impugned orders appear to be harsh one and do not commensurate with the

Dr
Dawin

lapse/guilt on the part of the appellant and therefore the punishment imposed upon the appellant needs modification. Hence the punishment of dismissal from service is modified/converted to the withholding of two (02) increments for a period of two (02) years. Absence period and intervening period shall be treated as leave of the kind due.

Parties are left to bear their own costs. File be consigned to the record room.


(MUHAMMAD HAMID MUGHAL)
MEMBER


(AHMAD HASSAN)
MEMBER

ANNOUNCED
25.10.2017

21.08.2017

Counsel for the appellant present. Mr. Farhaj, Inspector(Legal) alongwith Mr. Farhaj Sikandar, District Attorney for respondents also present. Counsel for the appellant requested for adjournment. To be held at Camp Court D.I. Khan.

25.10.2017

the record room.

Member

Member

Camp Court D.I. Khan

25.10.2017

Counsel for the appellant present. Mr. Farhaj

Sikandar, District Attorney for the respondents present.

Vide our separate judgment of today placed on file, the

punishment of dismissal from service is modified/converted to

the withholding of two (02) increment for a period of two (02)

years. Absence period and intervening period shall be treated

as leave of the kind due.

Parties are left to bear their own costs. File be consigned to

the record room.

(MUHAMMAD HAMID MUGTIAE)

MEMBER

(AHMAD HASSAN)

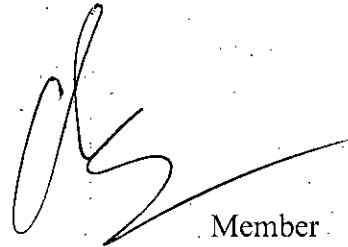
MEMBER

ANNOUNCED

25.10.2017

24.05.2016

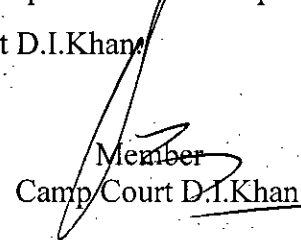
None for the appellant present. Mr. Muhammad Sharif, SI (Legal) and Mr. Farkhaj Sikandar, GP for respondents present. Written reply submitted. To come up for rejoinder on 25.10.2016 at camp court D.I. Khan.



Member
Camp Court D.I.Khan

25.10.2016


Appellant with counsel and Mr. Muhammad Sharif, S.I alongwith Mr. Farhaj Sikandar, Government Pleader for the respondents present. Rejoinder not submitted. Learned counsel for the appellant requested for further time for filing of rejoinder. Request accepted. To come up for rejoinder on 21.02.2017 before S.B at Camp Court D.I.Khan.



Member
Camp Court D.I.Khan

22.02.2017

Appellant in person and Mr. Zafarullah, Inspector alongwith Mr. Farhaj Sikandar, Government Pleader for respondents present. Appellant submitted rejoinder which is placed on file. To come up for arguments on 24.04.2017 before S.B at Camp Court D.I.Khan.



(ASHFAQUE TAJ)
MEMBER
Camp Court D.I.Khan

25.04.2017

Since tour is hereby cancelled, therefore, the case is adjourned for the same on 21.08.2017.



Reader

Appeal No. 1123/2014.
Mr. Muhammad Reza

23.11.2015

Counsel for the appellant present. He submitted that the appellant was dismissed from service vide impugned order dated 05.05.2014 on the ground of absence from duty. That in fact the appellant was ill who has sent medical prescriptions which was not considered by the authority concerned. It was further submitted that no codal formalities were observed. The learned counsel while referring to the order of the appellate authority stressed that the said order was not communicated to the appellant. He further submitted that the august apex court of the country has consistently appreciated disposal of cases on merits instead of technical grounds.

Points raised need consideration. The appeal is admitted for regular hearing, subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents and case to come up for written reply/comments on 26-1-2016 at camp court, D.I.Khan.



MEMBER
Camp Court, D.I.Khan

26.01.2016

Appellant in person present. Fresh notices be issued to the respondents and case to come up for written reply on 24.5.16 at camp court, D.I.Khan.



MEMBER
Camp Court, D.I.Khan

Appellant Deposited
Security & Process Fee

1123/14

27.4.2015

Appellant present and stated that his counsel (Abdullah Khan Gandapur) Advocate is not available to-day. He requested for adjournment. Therefore, case to come up for preliminary hearing on 28.09.2015 at camp court, D.I.Khan.


MEMBER
Camp Court, D.I.Khan.

28.09.2015

Mr. Muhammad Ismail Alizai, Advocate for appellant present and wakalatnama placed on file. The newly engaged counsel requested for adjournment. To come up for preliminary hearing at camp court, D.I.Khan on 26-10-15.


MEMBER
Camp court, D.I.Khan

26.10.2015

Clerk of counsel for the appellant and Mr. Farhaj Sikandar, GP for the respondents present. Counsel for the appellant is not available, therefore, case to come up for preliminary hearing at camp court, D.I.Khan on 24-11-15-


MEMBER
Camp Court, D.I.Khan

Reader Note:

01.12.2014

Clerk of counsel for the appellant present. Since the Tribunal is incomplete, therefore, case is adjourned to 02.02.2015 for the same.


Reader

02.02.2015

Counsel for the appellant present. Preliminary arguments partly heard. Since the matter required further clarification, therefore, pre-admission notice be issued to the learned AAG to assist the Tribunal. To come up for preliminary hearing on 12.03.2015.


Member

12.03.2015

Counsel for the appellant and Asst. AG for respondents present. Requested for adjournment as none from the respondents side has turned up. Sine the appeal pertains to the territorial limits of D.I. Khan Bench as such assigned to the said bench for preliminary hearing for 27.04.2015 at camp court D.I.Khan.




Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 1123/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	09/09/2014	<p>The appeal of Mr. Muhammad Zeeshan presented today by Mr. Javed Iqbal Gulbela Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	15-9-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on 1-12-2014</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE HON'BLE SERVICE TRIBUNAL KPK

Appeal No- 1123/2014

Muhammad Zeeshan belt No. 475 lucky Marwat.

Versus

R.P.O Bannu etc.

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3	Addresses of Parties		6caj
4	Copies of Show Cause Notice, charge Sheet, Summary of Allegations, Final Show Cause Notice & Medical Documents	A to E	7-15
5	Copy of the impugned dismissal order dated 05-05-2014	F	16
6	Copy of the impugned judgment and order dated 09-07-2014	G	17
7	Other Documents	—	—
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Petitioner/Appellant

Through.

Javed Iqbal Gulbela
JAVED IQBAL GULBELA

&

MIAN ASIF KHAN

**Advocates High Court
Peshawar**

①

BEFORE THE HON'BLE SERVICE TRIBUNAL KPK

In Re S A No. 1123 /2014

1151
09/9/2014


Muhammad Zeeshan Ex-constable having belt No. 475 lucky Marwat.

VERSUS

1. Regional Police Officer, Bannu Region, Bannu
2. District Police officer lucky Marwat.
3. Deputy Superintendant of Police, Nawrang.

**APPEAL U/S-4 OF THE NWFP SERVICE TRIBUNAL
ACT 1974, AGAINST THE IMPUGNED JUDGMENT
AND ORDER DATED 09-07-2014 OF THE LEARNED
RESPONDENT NO.1, WHEREBY DEPARTMENTAL
APPEAL AGAINST THE IMPUGNED DISMISSAL
ORDER DATED 05-05-2014, PASSED BY
RESPONDENT NO.2, WAS DISMISSED IN A
CLASSICALLY CURSORY & WHIMSICAL MANNER.**

RESPECTFULLY SHEWETH,

- 
1. That the appellant is a naturally born bonafide citizen of Pakistan & is permanently domiciled at Lakki Marwat.
 2. That the appellant, after going through the required criteria laid down for recruitment into police force and after being envisaged with the mandatory ordeals in the forum of test & interview, was appointed / recruited on regular basis into police department.
 3. That since appointment the appellant had been the most obedient, vigilant, regular & conscious-ful police

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official who left no stone unturned in the performance of his duties in furthermore of obligation.

4. That as the appellant had been suffering from severe illness, while posted at police station of Ghaznikhel, Lakki Marwat, so remained absent for some days, Although on many of the alleged dates the appellant was very much on duty, but even then alleged inquiry was conducted wherein the appellant was declared as alleged habitual absentee, which notion is wrong, illegal & ineffective upon the rights of the appellant (copies of show cause notice & others are annexed herewith as ANN "A to E", respectively).
5. That neither the inquiry was proper nor the appellant was ever extended any reasonable opportunity of being heard in person nor the inquiry was impartial & fair one, but even then the same was confirmed & the appellant was dismissed from service, Vide the impugned judgment & order No. 74, dated 05-05-2014 by the learned respondent No.2 (Copy of the impugned judgment & order No. 74 dated 5-05-2014 is annexed here with as ANN "F").
6. That feeling aggrieved the appellant preferred a departmental appeal against the impugned dismissal order, but that was turned down in an extremely cursory & whimsical manner vide the impugned judgment & order dated 09-07-2014, by the learned Respondent No.1 (Copy of the impugned judgment & order dated 09-07-2014 is annexed here with as Annexure "G").
7. That feeling aggrieved the appellant prefers instant appeal for setting aside the impugned judgment & order upon the following grounds, inter alia:-

GROUNDS

- A. That due impugned judgment & order of the learned appellant authority is against the facts of the case, law governing the subject, material available on file & therefore does not hold any water in the eyes of law.

(3)

- B. That the impugned judgment & order is the result of mis-reading & non -reading of the material available on file.
- C. That not only the inquiry was unfair, partial & cubical one, but rather the dismissal order was extremely harsh & exorbitant, which order is not allowed under the law.
- D. That the learned appellant authority mis-appreciated the fact that the appellant was severely ill & could not attend the station of duties because of the same (copies of medical prescriptions are annexed herewith as Annexure "E").
- E. That the learned appellant court failed to appreciate the fact that although the appellant had been even present on many alleged absent days, but even then, the same were counted towards absence & was thus condemned for nothing.
- F. That the learned appellant forum also failed to appreciate the fact that the appellate had been already condemned unheard, prior to dismissal order & even the appellant authority also followed the some stereotype approach & dismissed the departmental appeal quiet whimsically & hastily.
- G. That even if at all there was any alleged absence from duties, then firstly the same was due to illness of the appellant & secondly such major penalty & its imposition is highly unwarranted & unjust.
- H. That the learned appellate Court failed to appreciate the fact that the appellant is having three long years of service & had been the most obedient, hard working, energetic, & vigilant fellow of police force. But the service of the appellate was terminated & evaporated with a single strop for no fault, corruption, corrupt practices or disobedience on part of the appellant.

(4)

- I. That from all perspectives the impugned judgment & order of the learned appellate court is illegal, unlawful, unwarranted, void ab-initio & is liable to be discarded.
- J. That any other ground not raised here may graciously be allowed to be raised at the of arguments.

It is, therefore, humbly prayed that on acceptance of the instant appeal the impugned judgment & order dated 09-07-2014 of the learned Respondent No.1 & impugned dismissal order dated 05-05-2014 of the learned respondent No.2 be set aside & the appellant be restored into service with all back benefits.

Any other relief not specifically asked for may also graciously be extended in favour of the appellant in the circumstances of the case.

Dated: 08-09-2014

Appellant

Through


JAVED IQBAL GULBELA

&

MIAN ASIF KHAN

Advocates High Court

Peshawar

NOTE:

No such like appeal for the same appellant has earlier filed by me prior to the instant one.


ADVOCATE

List of Books Referred.

1. Civil Servants Act 1973
2. Services Tribunal Act 1974
3. Police Rules
4. Case laws and any other book as per need


ADVOCATE

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BEFORE THE HON'BLE SERVICE TRIBUNAL KPK

Muhammad Zeeshan belt No. 475 lucky Marwat.

Versus

R.P.O Bannu etc.

APPLICATION FOR CONDONATION OF DELAY.

RESPECTFULLY SHEWETH,

- A. That the petitioner/appellant is filing the accompanying appeal the contents of which may graciously be considered as integral part & parcel of the instant petition.
- B. That the petitioner has got a good prima facie case & is pertinently sanguine of its success.
- C. That the departmental appeal was dismissed on 09-07-2014, but the petitioner had been arrested by spate of illness & could not file the accompanying appeal within statutory period, because of the aforementioned reasons.
- D. That delay in filing the accompanying appeal was never deliberate, but due to reasons far beyond the control of the petitioner.

(6)

E. That otherwise too, the law always favors adjudication on merits.

It is, therefore, humbly prayed that on acceptance of the instant petition the delay in filing the accompanying appeal may very graciously be condoned & the accompanying appeal be decided on its merits

Petitioner/Appellant

Through


JAVED IQBAL GULBELA

&

MIAN ASIF KHAN

Advocates High Court

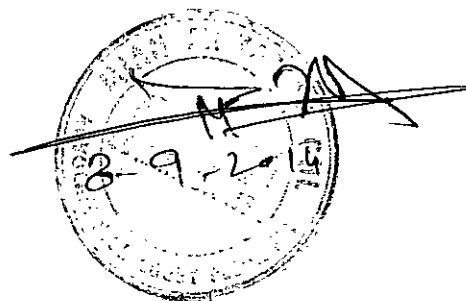
Peshawar

Dated: 08-09-2014

AFFIDAVIT

I, Amir Nawaz Khan Advocate, counsel for the appellant, do hereby solemnly affirm and declare on oath that the contents of the instant appeal are true and correct to the best of my knowledge and nothing has been concealed from this Hon'ble Tribunal.

ATTESTED




DEPONENT

6 (ca)

BEFORE THE HON'BLE SERVICE TRIBUNAL KPK

Muhammad Zeeshan belt No. 475 lucky Marwat.

Versus

R.P.O Bannu etc.

ADDRESSES OF PARTIES

ADDRESS OF PETITIONER

Muhammad Zeeshan Ex-constable having belt No. 475 lucky Marwat.

ADDRESSES OF RESPONDENTS

1. Regional Police Officer, Bannu Region, Bannu.
2. District Police officer lucky Marwat.
3. Deputy Superintendant of Police, Nawrang.

Dated: 08-09-2014

Appellant

Through


JAVED IQBAL GULBELA

&

MIAN ASIF KHAN

Advocates High Court

Peshawar

No. 600 /SRC,Dated: 21/1/2014**SHOW CAUSE NOTICE**

WHEREAS, in the light of facts, I am satisfied that no formal enquiry as contemplated by under disciplinary Police rules (1975) is necessary and therefore, I am of the opinion that the allegations/ misconduct call for any of the minor/ major punishment including dismissal from service as under rules 4 (a) (b) of the aforesaid rules.

Now therefore, **I Ismail-ur-Rahman (PSP) District Police Officer, Lakki Marwat** under disciplinary rules (1975) on the following grounds of action being competent authority, call upon you; Cook Constable Zeeshan No.475 with this Show Cause Notice to submit reply within (7) days of receipt of this notice, as to why the proposed punishment should not be awarded to you and also to state at the same time, whether you desire to be heard in person.

GROUND OF ACTION.

- That you constable absented from Govt: duty with effect from 02.11.2013 to 08.12.2013, 13.12.2013 to 18.12.2013, 07.01.2014 to date (total 49 days) vide DD No.29 dated 13.12.2013, DD No.30 dated 02.11.2013 and DD No.26 dated 07.01.2014 with out any leave or permission of the competent authority.
- That you are habitual absentee and did not take interest in Govt: duty.
- All the above speaks of disorder in the performance of official duty on your part which amount to gross misconduct. Hence you are made liable yourself to be proceeded departmentally under disciplinary Police Rules 1975.

In case your reply is not received within the stipulated period, it shall be presumed that you have nothing to say in your defense and ex-parte decision shall be taken against you.

District Police Officer,
Lakki Marwat.

21/1/14

Received

475
م د س ت ا ن
27-1-2014

ATTESTED

CHARGE SHEET.

WHEREAS, I am satisfied that a Formal Enquiry as contemplated in the KPK, Police Rules 1975 is necessary and expedient.

AND WHEREAS, I am of the view that the allegations if established would call for a major penalty as defined in Rules-4 (b) of the aforesaid Rule.

NOW, THEREFORE, as required in 6-1 (a) of the aforesaid Rule, **I, ISMAIL KHARAK, District Police Officer, Lakki Marwat** as Competent Authority hereby charge you **Cook Constable Zeeshan No.475 Police Station Ghazni Khel** the allegations are attached with this Charge Sheet.

AND I direct you further under rules 6-1 (b) of the aforesaid Rules to put in written defense within 07 days of the receipt of this Charge Sheet as to whether major or minor punishment as defined in Rules 4-1 (a) – (b) should be imposed upon you also state at the same time whether you desire to be heard in person.

In case, your reply is not received within stipulated period without sufficient reason, it would be presumed that you have nothing to say in your defense and the undersigned would be at liberty to take ex-parte action straight away against you.

(ISMAIL KHARAK)
District Police Officer,
Lakki Marwat.

No. 1661-62 / SRC Dated Lakki Marwat the 19-2 /2014.

Copy to:-

1. Mr. Syed Liaqat Shah DSP/Naurang Enquiry Officer for initiating enquiry proceeding against the defaulter police officer/ official under the Rules.
2. Cook Constable Zeeshan No.475 Police Station Ghazni Khel, is directed to appear before the Enquiry Officer/ Committee on due date, time and place fixed by the Enquiry Officer for the purpose of enquiry proceedings and also to put in a written statement/ defense with in a period of 07 days.

District Police Officer,
Lakki Marwat.

ATTESTED

475
5/3/2014

7

Ann - A/12 (2)

SUMMARY OF ALLEGATION.

Cook Constable Zeeshan No. 475 While posted at Police Station Ghazni Khel was found to indulge in the following misconduct:-

1. That as per report of local police PS Ghazni Khel he is a malingerer, disinterested in official duty, a dawdler and a person of dubious character. He absented himself from Govt: duty on the following dates without any leave or permission of the competent authority.

(i) W.e.f 02.11.2013 to 08.12.2013 vide DD No. 30 dated 02.11.2013 (35 days)

(ii) W. e. f 13.12.2013 to 18.12.2013 vides DD No. 29 dated 13.12.2013 (05 days)

(iii) W.e.f 07.01.2014 to date vide DD No. 26 dated 07.01.2014

2. That in short spell of his service i.e. 3 years and 7 months he remained absent from duty for sufficient long time which inter-alia suggest his un becoming of good Police officer

3. That he is habitual absentee and does not take interest in the discharge of official duty.

District Police Officer,
Lakki Marwat.

ATTES

3-14

FINAL SHOW CAUSE NOTICE.

WHEREAS, you Cook constable Zeeshan No. 475 while posted to PS Ghazni Khel, were found indulged into the following charges.

1. That as per report of local police PS Ghazni Khel he is a malingerer, disinterested in official duty, a dawdler and a person of dubious character. He absented himself from Govt. duty on the following dates without any leave or permission of the competent authority.

(i) W.e.f 02.11.2013 to 08.12.2013 vide DD No. 30 dated 02.11.2013 (35 days)

(ii) W. e. f 13.12.2013 to 18.12.2013 vides DD No. 29 dated 13.12.2013 (05 days)

(iii) W.e.f 07.01.2014 to date vide DD No. 26 dated 07.01.2014

2. That in short spell of his service i.e. 3 years and 7 months he remained absent from duty for sufficient long time which inter-alia suggest his un becoming of good Police officer

3. That he is habitual absentee and does not take interest in the discharge of official duty.

DSP/ Naurang was appointed as Enquiry Officer for proper departmental (denove) enquiry, who after completion the enquiry proceeding, submitted his finding report holding therein that, the charges of absence leveled in summary of allegation has been established beyond any shadow of doubt against you.

NOW THEREFORE, I, Ismail-ur-Rehman PSP District Police Officer, Lakki Marwat call upon you to Final Show Cause Notice within seven days of the receipt of this Final Show Cause Notice that as to why you should not be awarded a major punishment including dismissal from service as provided under Rule 4 (1) (b) of the above said Rules. Also state whether you wish to be heard in person.

In case your reply is not received within the stipulated period without sufficient reason, it shall be presumed that you have no defense to offer and the undersigned would be at liberty to pass on ex-parte action against you.

1/4/14 محمد ذیشان

ATTE

District Police Officer,
Lakki Marwat.

تمام غریبوں کی خدمت میں
تشریح 19 روزیاتیہ 14-3-20

19 مارچ کو سربراہانِ عالیہ نے ASI اور جی 20 3/19 وقت

16:00 بجے اس وقت تک کوشش دیکھنا 475

تہہ کوالہ 26 روزیاتیہ 1/14 جامعہ آگرہ

ہوا کر گیا حاضرین کی جانے کے دوران

تاکہ جو وہاں زور ڈالیں مگر وہ کوشش

میں جرح روزیاتیہ کوشش کی

کا رونا اس پر ان کی خدمت میں ارسال ہوگا

بنا عالی

محمد عظیم اعجاز

M. M. G. Kval

M. M. G. Kval

4-4-14

ATTESTED

(12)

Ann-D. (12)

جناب عالی!

بجوالہ مشمولہ نوٹس نمبر : 1661-62/SRC مورخہ 19.02.2014

سائل ذیل گزارشات بشکل جواب عرض کرنا چاہتا ہے۔

(1) یہ کہ میں مورخہ 31.05.2010 بحیثیت لنگری کانسٹیبل محکمہ پولیس میں بھرتی ہوا ہوں۔ لنگری کی ڈیوٹی سرانجام دینے کے دوران بیمار ہو کر سول سٹی ہسپتال لکی جا کر ڈاکٹر صاحب سے ملاحظہ کرایا گیا۔ جس نے بعد چیک اپ زبانی طور پر بتلایا کہ آپ کا بدن گرمی سردی کی وجہ سے اور شدید تھکاوٹ کی بنیاد پر مشکلات سے دوچار ہے۔ اور اس وجہ پر آپ کے اعضاء پر منفی اثرات آنا شروع ہوئے ہیں۔ صحیح طریقہ پر دوائی استعمال کرنے کے ساتھ ساتھ تین ہفتے مکمل آرام مورخہ 02.11.2013 سے دیا۔ جس کی میڈیکل پرچی ہمراہ لف ہے۔ دوبارہ ڈاکٹر صاحب کے پاس جا کر چیک اپ کیا جس نے بعد چیک اپ زبانی کہا کہ آپ مزید چار ہفتے آرام کرو۔ اور دوائی صحیح طریقہ پر استعمال کرو اور چار ہفتے مزید آرام دیا۔

چونکہ میں لنگری کانسٹیبل بھرتی شدہ ہوں۔ ریکروٹ کورس بھی نہیں کیا ہے۔ پولیس رولز اور میڈیکل لیو سے ناواقفیت کے بناء اور قلیل عرصہ ملازمت کے بناء میڈیکل رخصت کے لوازمات پورا نہ کر سکا۔ میں جرم سے قطعاً انکاری ہوں میرے متعلق عائد باتیں حقیقت کے برعکس ہے۔ انصاف کے تقاضوں کے مطابق میرے متعلق حکمانہ انکوائری عمل میں لانا ضروری ہے۔

استدعا ہے کہ میری بیماری پر مشمولہ میڈیکل نسخہ جات کی رو سے ہمدردانہ غور فرما کر میری بے قصوری کو مدنظر رکھ کر شوکاژ نوٹس ہذا کے بعد مزید کارروائی داخل دفتر کرنے کا احکام صادر فرمائیں۔

عنایت ماتحت پروری ہوگی۔

مورخہ: 12.03.2014

العارض:

سائل کانسٹیبل محمد ذیشان نمبر 475 متعینہ تھانہ غزنی خیل۔

Attest

محمد ذیشان

12/3/2014

E/o S.D.P. Rawang
12.3.14

ATTESTED

(13)

Ann-D / I

(K)

جناب عالی!

- بحوالہ فائل شوکا ز نوٹس ہذا بجا ریہ DPO صاحب لگی مروت۔ سائل ذیل گزارشات بشکل جواب عرض کرنا چاہتا ہے۔
- 1- یہ کہ میں نے قبل ازیں چارج شیٹ اسری آف الیکشن پڑ جو جواب دیا ہے اور انکو اسری آفیسر کو جو بیان دیا ہے۔ وہ مفصل اور قابل ملاحظہ ہے۔ اس میں رد و بدل نہیں کرنا چاہتا ہوں۔
 - 2- علاوہ ازیں عرض ہے کہ میں نے مورخہ 20.09.2014 کو بحوالہ نمبر 19 جائے تعیناتی تھانہ غزنی خیل میں حاضری کی ہے اور ڈیوٹی سرانجام دیتا ہوں۔ نقل مدلف قابل ملاحظہ ہے جبکہ شوکا ز نوٹس لف شدہ من سائل کو بدستور غیر حاضر ظاہر کرتا ہے۔ اس بابت آپ جناب کا افضل سوچ افضل ہوگا۔
 - 3- نوٹس لف میڈیکل کاغذات کی رو سے سائل حقیقتاً بیمار تھا، اور مطابق پولیس رولز باب 8 ضمیمہ 18 الف شک میڈیکل یو کی رو سے سائل میڈیکل رخصت کا حقدار ہے۔
 - 4- پولیس رولز باب 8 فقرہ 4 کا علم نہ تھا، کہ میں بگ کنسٹیبل ہوں، اور ابھی تک ٹریننگ نہیں کیا ہے۔ اگر علم ہوتا تو مجاز اتھارٹی سے ضروری رخصت میڈیکل منظوری کی استدعا کرتا۔
- لہذا آجناب والا امیری بے قصوری اور حقیقی بیماری کو مد نظر رکھ کر میری غربت اور میرے ضعیف والدین کے ضعیفی کو وسیع سوچ کی رو سے غور فرما کر میرے استدعا بشکل جواب پر غور ثنا پانا فرما کر ہمدردی کے سطح پر سائل کے معافی کرنے اور شوکا ز نوٹس ہذا کے ملازمید کاروائی داخل دفتر کرنے افضل احکام صادر فرمائیں۔

عنایت ماتحت پروری ہوگی۔

مورخہ: 07.04.2014

العارض

سائل بگ کنسٹیبل محمد ذیشان نمبر 475 متعینہ تھانہ غزنی خیل۔

Submitted for order
Please

29/4/2014

محمد ذیشان
06.08.2014
In view of the findings of the enquiry and the delinquent conduct of the complainant, he is a fit case for dismissal. Issue dismissal order.
APR 29, 2014

CHARACTER AND SERVICE ROLL OF

14

Ann-D/2


REGIMENTAL NO. () in
 DISTRICT () in
 DISTRICT () in

DISTRICT.
 DISTRICT.
 DISTRICT.

Name	Father's Name	Tribe or caste	Village or Town	Post and Telegraph Office	Police Station	District	Province	Date of Birth	Height	Chest Measurement	Date of Enrolment	Age on Enrolment	Distinctive Marks
Muhammad Reeshan	Muhammad Rabinidin	Lashoon	Dallo khel	Dallo khel	Lakki Marwat	Lakki Marwat	Khyber Pakhtoon khwa	20-4-1991	5-11	33 x 35	01-06-2010	10-01-19	NIL




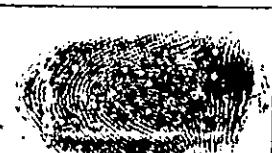

Identification Roll No. _____ dated _____ received back and attached to the Fauji Misal.

Government Service prior to present employment which is approved for pension service

Office or Department	Rank of Grade	Pay of last Appointment	From	To	Period		
					Years	Month	Days
Description of and character on service from above service.			 Dist. Police Officer M. Lakki Marwat		Reference to orders approving above service for pension service in the Police Department		
	محمد ريشان						

I understand that I have been appointed under section 7 of the Police Act (V of 1861) and the purport of that section and the provisions of the Police Act and to obey all lawful orders issued under section 8 of the Police Act (V of 1861).

Impression of fingers and thumb of left hand

Left little	Left ring	Left middle	Left index	Left thumb
				

CHARACTER ROLL OF 6. APPOINTMENTS. PROMOTIONS. REDUCTIONS. DISCHARGES, ETC

Appointed promoted suspended, reduced discharged, dismissed, resigned or died	To what grade and pay Appointed, promoted or reduced	Date	No. of District Order	Full signature of Superintendent Police.
<p>Emitted as Constable BPs-5 (3340-160-8140) at Rs. 3340/- P.M. ref. 01-06-2010</p>	<p>Drawn from of P.P. Amra from 6/2010 No: 10342/</p>		<p>CP No 265 16.2010</p>	<p><i>[Signature]</i> Distt. Police Officer Marwar</p>
<p>Revised pay scale as per const. in BPs Nos 152</p>	<p>56</p>	<p>17-3/2010</p>	<p>CP No 152</p>	<p>Distt. Police Officer Lakha Marwar</p>

7. TRANSFERS BEYOND THE DISTRICT.

Date	From	To	Authority for transfer
	<p>56</p>	<p>152</p>	<p><i>[Signature]</i> Distt. Police Officer Lakha Marwar</p>

563
2/11/03

Handwritten notes and signatures at the top right of the left page.

Main handwritten notes and signatures in the center of the left page.

Senior Medical Officer
Govt. City Hospital (Lakki)

ATTACHED

McGinn name... 4169
O.P.D. 13/12/03
City Hospital, Lakki
Lumbago

- M - Neurostim 3cc
 - M - Alternatz
 - M - McPhersonol
 - Tel - Alternatz
 - Tel - Nalvo L
 - Tel - Vitamin 100
- Advise - sed Complete Hard Bed
Rest for four weeks
13-12-13 To 12-01-14
if necessary

Senior Medical Officer
Govt. City Hospital (Lakki)

Am-TE

ORDER.

My this order will dispose off the departmental enquiry against Cook Constable Muhammad Zeeshan No. 475 who while posted at PS Ghazni Khel, was found indulged in the following allegations:-

1. Absented himself from Govt: duty w.e.f 02.11.2013 to 08.12.2013 (35 days), vide D.D No. 30 dated 02.11.2013.
(a.) 13.12.2013 to 18.12.2013 (05 days) DD No. 29, dated 13.12.2013.
07.01.2014 to 20.02.2014 (42 days) vide DD No. 26 dated 07.01.2014
total (82 days)
2. That in short spell of his service i.e three years and seven months he remained absent from duty for sufficient long time which inter-alia suggest his un becoming of good Police officer.
3. That he is habitual absentee and does not take interest in the discharge of official duties.

Proper charge sheet based upon summary of allegation were served upon him and Mr: Liaqat Shah DSP/ Naurang was appointed as Enquiry Officer. The Enquiry Officer after conducting proper departmental enquiry and submitted his finding wherein the allegation leveled against Cook Constable Muhammad Zeeshan No.475 were fully established against him. Moreover, final show cause notice was issued to him but his reply was found un satisfactory.

Keeping in view of above, the undersigned agreed with the finding of Enquiry Officer and award him **Major punishment of dismissal** from service with immediate effect. He is also heard in person.

OB No. 274/
Dated 5/5/2014.

(Ismail Kharak) BSP
District Police Officer,
Lakki Marwat.

No. 5180/91 Lakki Marwat the 5-5/2014

Copies to OASI/SRC & P.O for necessary action.

ATTACHED

(Ismail Kharak) PSP
District Police Officer,
Lakki Marwat.

Lakki Marwat Police Officer,

POLICE DEPARTMENT.

17

Am - S

Dy.# 439
Dt: 16/12/14
Lakki Marwat

BANNU REGION

ORDER

This order of the undersigned will dispose of departmental appeal preferred by Ex: cook constable Zeeshan No. 475 against the order of Major Punishment of dismissal from service by DPO/Lakki vide Order No. 74 dated 05-05-2014 for committing of the following omissions:-

- That he absented himself from govt: duty w.e.f 02-11-2013 to 08-12-2013, 13-12-2013 to 18-12-2013 and 07-01-2014 to 20-02-2014.

The undersigned, besides perusing the enquiry file, also examined service record of the appellant and reached to the conclusion that the punishment awarded by DPO/Lakki is correct and there is no need to interfere in the order passed by DPO/Lakki.

Keeping in view the above, therefore, I SAJID ALI KHAN, Regional Police Officer, Bannu Region, Bannu in exercise of the powers vested in me under Police Rules 1975. hereby file the instant appeal with immediate effect.

Order announced.

(Sajid Ali Khan)PSP
Regional Police Officer,
Bannu Region, Bannu.

o. 1904 /EC, dated Bannu the 09.1.7 /2014.

Copy to:-

The District Police Officer, lakki Marwat along with service record containing departmental proceeding file for information and necessary action w/r to his office memo: No. 6294 dated 04-06-2014. The appellant be informed accordingly.

(Sajid Ali Khan)PSP
Regional Police Officer,
Bannu Region, Bannu

RE
Instruction and
inform the
land concerned

ATTECEP

11/7

وکالت نامہ

بعدالت: جسٹس جتو گواہ سروس ٹریسٹ کے چار

محمد ذیشان نام آر جی او بیو وٹہ
 منجانب Appellant دعویٰ S.A
 تاریخ 08-09-2014

امیر نواز خان
 امیر نواز خان
 امیر نواز خان

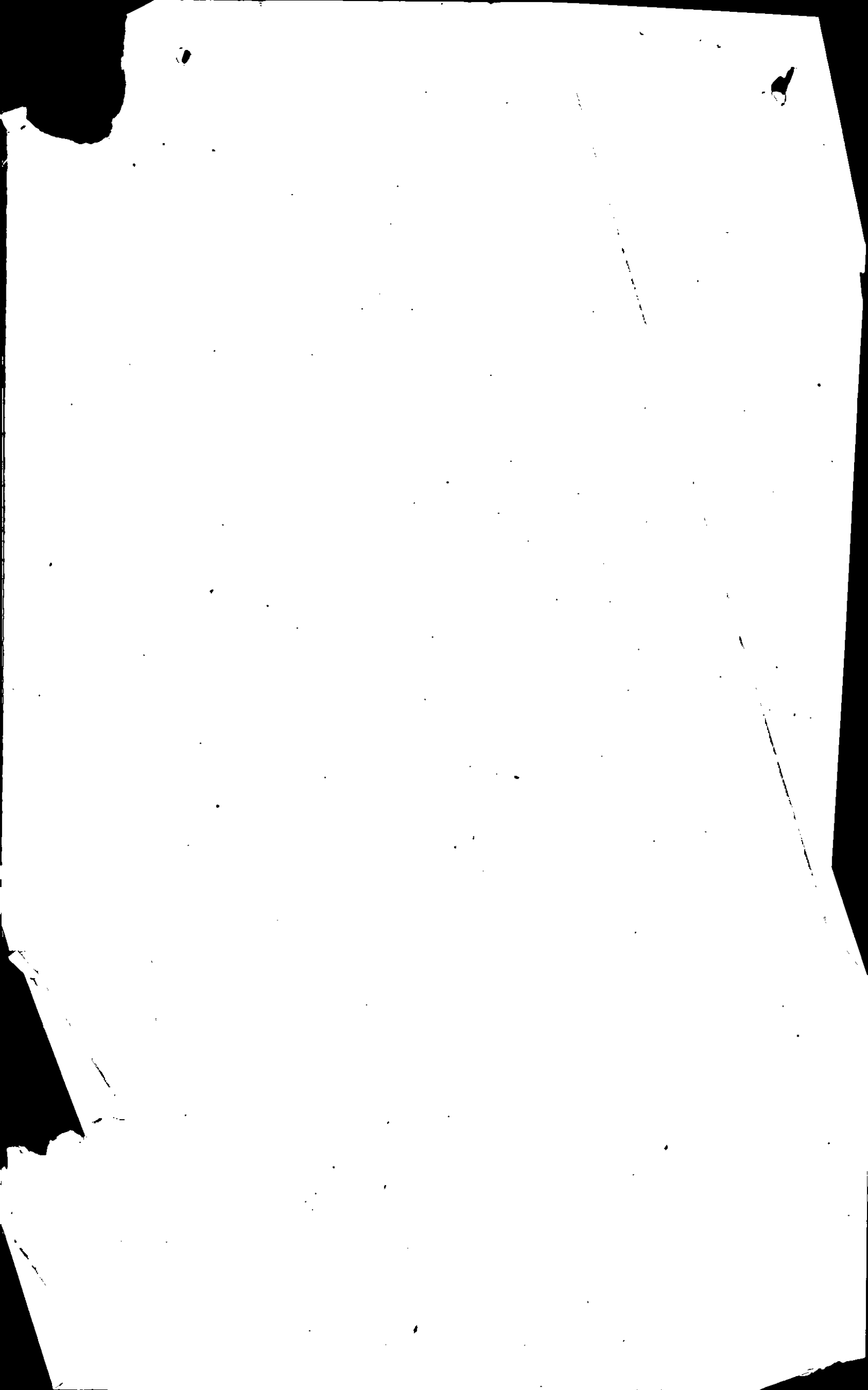
ساعت تحریر آنکہ مقدمہ مندرجہ بالا عنوان اپنی طرف سے واسطے بیروی ابدی
 بمقام..... کیلئے جاوید اقبال گل بیلہ ایڈووکیٹ ہائی کورٹ کراچی میں
 مقرر کیا ہے۔ کہ میں ہر پیشی کا خود یا بزرگیہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقدمہ
 صاحب موصوف کو اطلاع دے کر حاضر عدالت کرونگا، اگر پیشی پر من مظهر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے
 کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہونگے۔ نیز وکیل صاحب موصوف صدر
 مقام کچہری کی کسی اور جگہ یا کچہری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل بیروی کرنے کے ذمہ دار نہ ہونگے۔ اگر
 مقدمہ علاوہ صدر مقام کچہری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر
 من مظهر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نہ واپس کرنے کے بھی
 صاحب موصوف ذمہ دار نہ ہونگے۔ مجھے کوکل ساختہ پرداختہ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور
 صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل و گرانہ ہر قسم کی درخواست پر دستخط و
 تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کے روپیہ وصول کرنے اور رسید دینے اور داخل
 کرنے اور ہر قسم کے بیان دینے اور سپردنالی و راضی نامہ فیصلہ برخلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور
 بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناع یا ترقی یا گرفتاری قبل از اجراء ڈگری بھی موصوف
 کو بشرط ادائیگی علیحدہ مختار نہ بیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا
 اس کے کسی جزو کی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے دوسرے وکیل یا بیرسٹر کو بجائے اپنے یا اپنے ہمراہ
 مقرر کریں اور ایسے مشیر قانون کے ہر امر دہی اور ویسے ہی اختیارات حاصل ہونگے جیسے کے صاحب موصوف کو حاصل
 ہیں۔ اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا۔ اور صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو
 پوری فیس تاریخ پیشی سے پہلے ادا نہ کرونگا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی بیروی نہ کریں اور ایسی صورت
 میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا کہ سند رہے
 مورخہ..... مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

محمد ذیشان

Accepted

7/9/14

Amir Nواز خان



BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR**APPEAL NO. 1123/2014.****Muhammad Zeeshan Ex: Constable Belt No. 475, Lakki Marwat.****(Appellant)****VERSUS**

- 1) Regional Police Officer, Bannu Region Bannu.
- 2) District Police Officer, Lakki Marwat.
- 3) Deputy Superintendent of Police, Naurang.

(Respondents)**REPLY BY RESPONDENT NO. 1,2 &3.****Respectfully Sheweth:****PRELIMINARY OBJECTIONS:**

- 1) That the appeal is not maintainable under the Law & Rules.
- 2) That the appellant has concealed the actual facts from the Honorable Tribunal.
- 3) That the appeal of appellant is time-barred.
- 4) That the appellant has approached the Honorable Tribunal with unclean hands.
- 5) That the appellant is stopped to file the appeal due to his won conduct.
- 6) That the appeal is bad due to mis-joinder of necessary and Non-judice of necessary party.

OBJECTIONS ON FACTS.

1. Pertains to record, needs no comments.
2. Correct, appellant was enlisted in Police Department on regular basis.
3. Incorrect. During the course of his duties appellant absented himself from duty w.e from 02.11.2013 to 08.12.2013 for the period of (35) days, w.e from 13.12.2013 to 18.12.2013 (42) days. Appellant remained absent from duty for the total period of (82) days without any lawful permission or justification as evident from the written statements of SHO and Moharrar Police Station Ghazni Khel. (copy of statements as Annex "A").
4. Incorrect. Appellant deliberately absented himself from duty for the sufficient long period without any lawful permission or justification which inter-alia suggest his unbecoming of good Police Officer. A Show Cause Notice in accordance with law was issued vide No. 600/SRC, dated 21.01.201, which was properly served upon him on 27.01.2014. Appellant replied to the said notice which was perused and examined by the authority but reply was found unsatisfactory. Accordingly a Charge Sheet based on Summary of Allegations was issued vide No. 1661-62/SRC, dated 19.02.2014 which was properly delivered upon him on 05.03.2014, also bearing his signature on the duplicate copy.
5. Incorrect. Mr. Syed Liaqat Shah DSP/Naurang Circle was nominated as Enquiry Officer by the competent authority with the directions to make proper probe into the allegation leveled against him. Proper Enquiry was conducted by the Enquiry Officer and submitted his findings report dated 18.03.2014, wherein, appellant was reported to have willful and habitual absente, rendered guilty of the charges leveled against him and finally recommended for imposition of punishment being discipline force member. On the basis of findings of the Enquiry Officer Final Show Cause Notice of Major Punishment including dismissal was issued which was also delivered upon him on 01.04.2014. Consequently Enquiry Officer after observing all legal /coddle formalities DPO, Lakki Marwat (Respondent No.2) awarded Major Punishment to the appellant for he sufficient long absence period of (82) days without any leave or legal permission of the superiors (copy of the Enquiry report as Annex "B").
6. Correct. To the extent that after dismissal from service appellant submitted appeal /representation before the Regional Police Officer, Bannu Region, Bannu (Respondent

No.1) which was checked and examined by the High-ups, consequently his appeal for re-instatement in service was filed vide his good office Order Endst: No. 1904/EC, dated 09.07.2014 being found with no legal weight age (copy of rejection order as Annex "C").

7. The Appellant has got no cause of action to file instant appeal.

OBJECTIONS ON GROUNDS:

- A) Incorrect. As stated earlier in Para No.4 the reply of appellant was not based on cogent reasons. He was found willfully absent from duty without any leave/permission. As per Enquiry he was responsible for the above misconduct / willful negligence. Appellant was afforded full opportunity of self defense and after observing all legal/coddle formalities he was awarded Major Punishment i.e "Dismissal" from service vide OB No. 274 dated 05.05.2014. The orders of the Respondents were passed in accordance with law, facts and based on justice.
- B) Incorrect. All the opportunities were afforded to the appellant by Enquiry Officer during Enquiry but he failed to explain his willful absence and finally dismissal order passed by the competent authority vide O.B No. 274 issued on 05.05.2014.
- C) Incorrect. In fact the appellant was afforded dull opportunity of self-defense, personal hearing as well cross examination during the course of Enquiry proceedings. Enquiry Officer recorded the statements of all relevant Police Officers and after fulfilling all legal formalities came to conclusion that the allegation leveled against the appellant stands proved, thus dismissal order passed by the competent authority as the (Respondent No.2) was left with no option except the one already taken.
- D) Incorrect. As evident from the record and Charge Sheet, the appellant willfully absented from duty / course for sufficient long period i.e (82-days) without any leave / permission from his superiors. Such facts were also proved by the Enquiry Officer in his finding report.
- E) The Accused official (Appellant) was a discipline force member and the rules and regulations required him to follow the rules strictly according to the prevailing law. As evident from daily diary reports i.e No. 30 dated 01.11.2013, Daily Diary No. 29 dated 13.12.2013 & Daily Diary No. 26 dated 07.01.2014 he was remained absent from duty without any lawful excuse and permission of the Superior Officers, also stated in early Para's. As a result of which Appellant was run down under the disciplinary rules and finally ended with dismissal from service.
- F) Incorrect. A discreet probe was carried out by the Enquiry Officer as well full opportunity of hearing was proved to the accused official. Since the accused official remained absent from duty fro (82-days) without prior permission of his Superiors. The appellant during the course of the Enquiry was personally heard, but since he could not satisfy the competent authority regarding his long absence, which subsequently ended in dismissal from service. As stated earlier in Para No.6 appellant after dismissal from service approached to the high-ups and submitted appeal /representation for re-instatement in service before the Respondent No. 1, which was perused and examined at length by the high-ups, finally the same appeal was filed being found with no legal weight age, with the conclusion /remarks which are reproduced below:-

"The undersigned besides perusing the Enquiry file, also examined service record of the appellant and reached to the conclusion that the punishment awarded by DPO, Lakki Marwat is correct and there is no need to interfere in the order passed by the DPO, Lakki Marwat, therefore, file the instant appeal with immediate effect".

- G) Incorrect. The appellant being member of discipline force was bound under the rule to get prior permission in any situation during his service, while leaving the station of his duty ; otherwise too Police Force is run by its own Rules and Regulations. He was found in violation of Rules, thus the action one in hand was taken.
- H) Incorrect. In-fact neither irregularity nor unfairness was done and the Enquiry proceedings was made quite within the four corners of law. Enquiry Officer renders guilty the appellant to be not willing in service and rendered his to be dismissal from

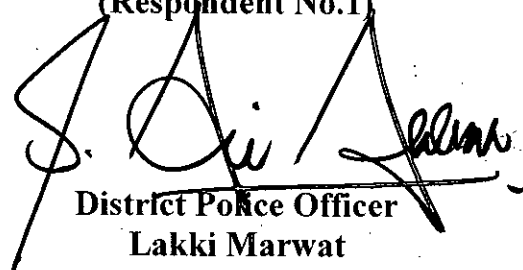
- service. Since the absence period was long and with no prior permission thus the Enquiry authority was left with no change except the order is passed.
- D) Incorrect. Full fledged enquiry was conducted by the Enquiry Officer Mr. Syed Liaqat Shah DSP/Naurang under the supervision /close watch of District Police Officer, Lakki Marwat and submitted his findings with the conclusion that all the charges /allegations framed on the appellatant stands proved. The orders of the Respondents is according to the rules and regulations as well passed in accordance with law, facts and based on justice.
- J) That if any other grounds will produce at he time of arguments in support of the appellatant, Respondents may be made objection on the same evidence. If the previous record of an officer, against whom charges have been proved, indicates continued misconduct proving incorrigibility and complete unfitness for Police Service, the punishment awarded will ordinarily be dismissal from service.

PRAYER:

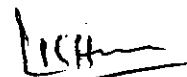
Keeping in view of the above facts and circumstances, it is humbly prayed that appeal of appellatant, being not maintainable, may kindly be dismissed with costs.



**Regional Police Officer
Bannu Region, Bannu
(Respondent No.1)**



**District Police Officer
Lakki Marwat
(Respondent No.2)**



**Deputy Superintendent of Police
Naurang
(Respondent No.3)**

41

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR
APPEAL NO.1123/2014.

Muhammad Zeeshan Ex: Constable Belt No.475, Lakki Marwat.

(Appellant)

VERSUS

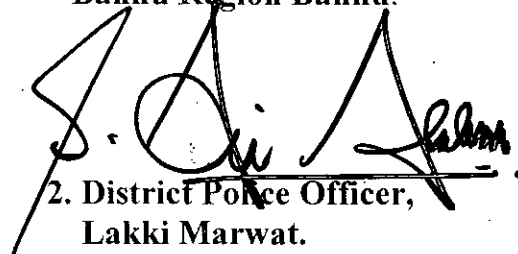
- 1) Regional Police Officer, Bannu Region Bannu.
- 2). District Police Officer, Lakki Marwat.
- 3) Deputy Superintendent of Police, Naurang.

COUNTER AFFIDAVIT.

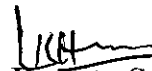
We, the respondents do hereby solemnly affirm and declare that the contents of the attached para wise comments are true and correct to the based of our knowledge and belief and nothing has been withheld or concealed from this Honorable Tribunal.



1. Regional Police Officer,
Bannu Region Bannu.



2. District Police Officer,
Lakki Marwat.



3. Deputy Superintendent of Police,
Naurang.

4)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR
APPEAL NO.1123/2014.

Muhammad Zeeshan Ex: Constable Belt No.475, Lakki Marwat.

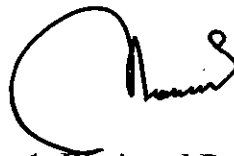
(Appellant)

VERSUS

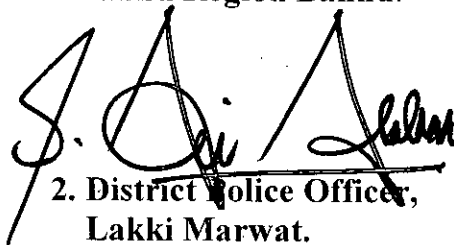
- 1) Regional Police Officer, Bannu Region Bannu.
- 2). District Police Officer, Lakki Marwat.
- 3) Deputy Superintendent of Police, Naurang.

AUTHORITY LETTER.

Mr. Ayyub Khan SI/Legal, Lakki Marwat is hereby authorized to appear before the Service Tribunal KP, Peshawar on our behalf in the subject cited case. He is also authorized to submit any documents pertaining to the subject case/appeal with the prior consultation of AGP, of the respective Tribunal.



**1. Regional Police Officer,
Bannu Region Bannu.**



**2. District Police Officer,
Lakki Marwat.**



**3. Deputy Superintendent of Police,
Naurang.**

پہاں ازان قصیدہ کا ساتھ (140) غزلیں ہیں حال میں ہیں

لیکھی دوتہ کے ہر باب میں ایک ایک کا پتہ لکھا ہے 475

پہاں ایک اردو کتاب ہے جس میں 29 صفحات

13 12 تا 13 روز نامہ 18 13 (5) (5) (5) (5) (5)

13 12 تا 13 روز نامہ 30 13 2 11 33 13 8 12

35 (35) (35) (35) (35) (35) (35) (35) (35)

7 14 20 14 20 14 20 14 20 14 20 14 20

پہاں غزلیں ہیں جو پہاں کے ساتھ لکھی ہیں

*** غزلیں ازان کے ساتھ

Attested محمد دہلوی

[Signature]

زبان 475

E/o 07-3-14

محمد دہلوی

میں اراں کے لئے 161 دفعہ تحریر کیا گیا ہے

میں نے یہاں تک کہ میں نے تحریر کیا ہے اس سے

کے ساتھ ہیں۔ اگر آپ کو اس کے بارے میں 475 پر سوال

رکھنا ہے تو اس کے لئے 29 صفحات 13-12 تا 13-31

اور 18-12 (5) صفحات 30-31 صفحات 11-2 تا 13

33 صفحات 8-12 (35) صفحات 46-47 صفحات 1-7

تا 20-2 (17) (35) (30) غیر جانبدار اور جوش

اور 20-2 (82) (35) (30) غیر جانبدار اور جوش

اور اس کے بارے میں 475 پر سوال

میں نے اس کے بارے میں 475 پر سوال

4 x 4 x 4 فائنل میں 475

میں نے اس کے بارے میں 475 پر سوال

Attested

ذیشان احمد

محمد ذیشان

4/5 10/1/14

07-3-14

بیان ازین فرستادن 312 تقاضا در حال مستند لولس

این مکتوبات نے در یافت لولس بیان لولس میں

تقاضا فرزند صل میں فرستادہ تک نسیل و بیان

475 مطابق ریٹال ریکارڈ تقاضا سے جو اصرار 29 روزتا

13 12/13 تا صد 31 روزتا و 18 12/13 تک (35) لوم و حاضرین صد

روزتا و 2 11/13 تا صد 33 روزتا و 8 12/13 تک (35) لوم

صد 26 روزتا و 7 1/14 تا 2 2/14 تک (42) لوم و حاضرین

ریکارڈ ریٹال درست ہے۔ تک نسیل مرکز لولس

بیان سن لولس فرستادہ لولس و جو درست ہے

MHCSTC

Attested

7/3/074

x x x

موجودہ بیان، جو میں خود اس کا نہیں جانتا

زبان 42

محمد دلیان

فائز آباد

حکایت انگریزی برصطف لک کانٹیل ٹھہر لیسان نمبر 475 کا قصہ لکھنا

عشر نازل

جہا عالیہ

معدوض صدف میں کہ ذلیفسان لک کانٹیل $\frac{6}{10}$ او کو بلور لک
کانٹیل فلکہ بولیں میں لکھتی ہوا اور موجودہ دور میں لک کانٹیل نازل
میں لکھتا رہا۔ انہی لکھتا کے دوران جولاء نمبر 29 مئی 12 13
عشر حاضر ہو کر جولاء نمبر 31 مئی 12 18 کل (5) یوم عشر حاضر ہوا۔
دوسری بار جولاء نمبر 30 مئی 11 2 سے عشر حاضر ہو کر جولاء نمبر 33
مئی 12 8 کو کل (35) یوم عشر حاضر رہا۔ تیسری بار جولاء
نمبر 2 مئی 1 7 سے عشر حاضر ہو کر جولاء نمبر 19 مئی 2 20
کل (42) یوم عشر حاضر کی۔ جبکہ تندرہت عشر حاضر کی، حاضر کی
جو سادہ 140 جناب 0 ہوا۔ لکھتے کو لکھتے لکھی۔
جناب 0 ہوا۔ لکھتے نے شوکار ٹولس نمبر 600/5RC
1/14 21 جاری کیا۔ جس پر ٹھہر لیسان نمبر 475 نے اپنا جواب لکھی
کہ وہ لکھتے کی۔ جبکہ جواب سے جناب 0 ہوا۔ لکھتے نے
پوش اور جاری شدہ لکھتے نے لکھتے نے لکھتے نے لکھتے نے لکھتے نے
مئی 2 19 جاری کرنے لک کانٹیل ٹھہر لیسان کے صدف لکھتے
انگریزی اور دن لکھتے لکھتے لکھتے لکھتے لکھتے لکھتے لکھتے
کے لکھتے لکھتے لکھتے لکھتے لکھتے لکھتے لکھتے لکھتے

الزم عشر ٹھہر لیسان لکھتے لکھتے لکھتے لکھتے لکھتے لکھتے لکھتے لکھتے
جہا اپنا جواب لکھتے لکھتے لکھتے لکھتے لکھتے لکھتے لکھتے لکھتے

اور خود کو بے گناہ، بے تصور سیدگار الزماں کہتے رہے کہ
کا قدرت انکوئی بیدار کے دعوے اور انکوئی شریعت کی بجائے دوران
انکوئی مندرجہ ذیل قوانین پر جو ان الزماں میں طے پائے وہ فریاد کے
بیانات پر جو درج الزماں میں طے پائے اور الزماں میں وہ بیانات کہنے اور
گوایان میں صراحت ملے کہ انکوئی اور انکوئی کے دماغ

1) فیض خان صالح 161/HC شہر عثمانی قتل

2) شہر عثمانی 161/HC شہر عثمانی قتل

3) شہر عثمانی 312/HC صالح شہر عثمانی قتل

4) شہر عثمانی 586/HC مرد شہر عثمانی قتل

5) شہر عثمانی ASI شہر عثمانی قتل

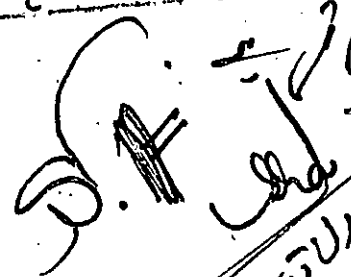
6) شہر عثمانی OASI شہر عثمانی قتل

7) عبدالرحمن بن ASRC

جمعہ قوانین نے سکرٹس میں عائد کردہ تمام الزماں کے لیے جو
ٹیکسٹ کے لیے ہیں۔ اور الزماں میں ٹیکسٹ کے لیے ہیں (35) اور
ٹیکسٹ (42) اور ٹیکسٹ (82) اور غیر حاضر کو بہ جواز اور غیر قانونی قرار دیا
الزماں میں ٹیکسٹ کے لیے ہیں اور تمام الزماں کے لیے ہیں۔ الزماں میں
ٹیکسٹ کے لیے ہیں اور ٹیکسٹ کے لیے ہیں۔ ٹیکسٹ کے لیے ہیں اور ٹیکسٹ کے لیے ہیں
اب بھی ٹیکسٹ کے لیے ہیں۔ ڈیوٹی کے لیے ہیں اور ٹیکسٹ کے لیے ہیں
ٹیکسٹ کے لیے ہیں اور ٹیکسٹ کے لیے ہیں۔ عادی غیر حاضر باقی ہے۔
ٹیکسٹ کے لیے ہیں اور ٹیکسٹ کے لیے ہیں۔ دن غیر حاضر وہ بھی ٹیکسٹ کے لیے ہیں

کہ کرنا ہے، نیز دیگر کیفیت انکوٹری آفس، ایک سنگلین اور ناقابل حافی
جس کے مذکورہ انزام عیسے اس حکم پر ایک پوچھ ہے۔ عوام
متخواہ لئیے کا عادی ہو گیا ہے۔ مزید اسکو صفت متخواہ دینا
اس حکم کے ساتھ ناقابل حافی ہے۔

لیکن انکوٹری مورد مذکورہ بالہ قوانین کے بیانہ نہ ہونے
ہے انزام عیسے قمر زبیر خان 475 گنیش گار، قشور وار، قشورہ مانا ہے
حکومت نے اسکو سفارش کی جانے ہے۔

 D. F. Shah

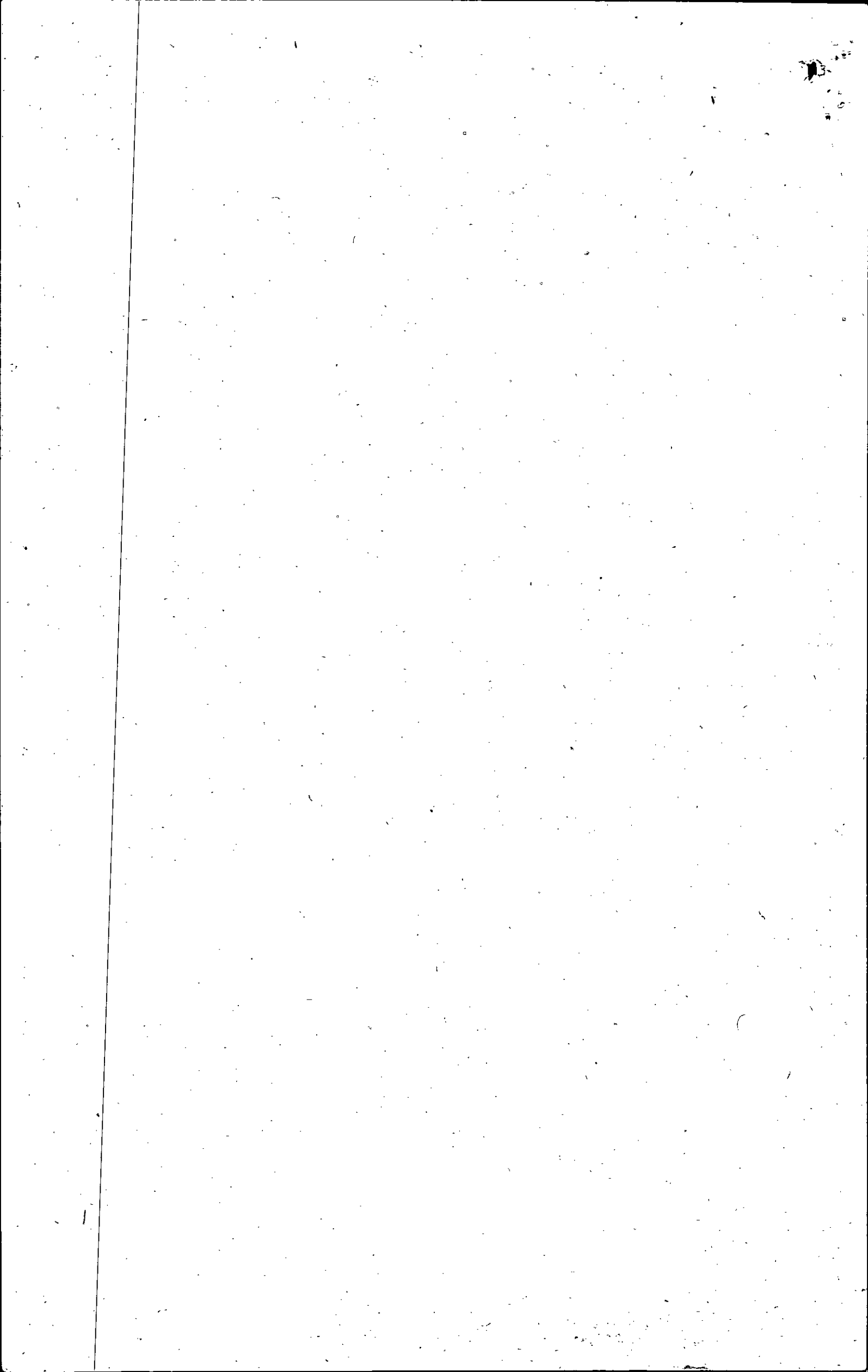
Submitted for order
18/3/2014

R/sid,

Please

ASR 1913/2014

S/C
Issue Final Show
Cause notice
March 25/2014



POLICE DEPARTMENT.

(C)
(A)

POLICE
Dy.# 4395
Dt: 16/12/14
Lakki Marwat
BANNU REGION

ORDER

This order of the undersigned will dispose of departmental appeal preferred by Ex: cook constable Zeeshan No. 475 against the order of Major Punishment of dismissal from service by DPO/Lakki vide Order No. 74 dated 05-05-2014 for committing of the following omissions:-

- That he absented himself from govt: duty w.e.f 02-11-2013 to 08-12-2013, 13-12-2013 to 18-12-2013 and 07-01-2014 to 20-02-2014.

The undersigned, besides perusing the enquiry file, also examined service record of the appellant and reached to the conclusion that the punishment awarded by DPO/Lakki is correct and there is no need to interfere in the order passed by DPO/Lakki

Keeping in view the above, therefore, I SAJID ALI KHAN, Regional Police Officer, Bannu Region, Bannu in exercise of the powers vested in me under Police Rules 1975. hereby file the instant appeal with immediate effect.

Order announced.

(Sajid Ali Khan)PSP
Regional Police Officer,
Bannu Region, Bannu.

No. 1904 /EC, dated Bannu the 07, 7 /2014.

Copy to:-

1. The District Police Officer, lakki Marwat along with service record containing departmental proceeding file for information and necessary action w/r to his office memo: No. 6294 dated 04-06-2014. The appellant be informed accordingly.

(Sajid Ali Khan)PSP
Regional Police Officer,
Bannu Region, Bannu

SRE
for my action and
also inform the
appellant concerned.
DBK
11/7

24/4

Before The Service Tribunal, Khyber Pakhtun-khwa, Peshawar.
Service Appeal No:...1123./2014

Muhammad Zeshan, Police Constable.

(Appellant)

Versus

RPO, Bannu 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 6 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. Need no response by the appellant.
3. Denied being factually and legally misconceived & incorrect. The appellant relies on his averments made in corresponding para of his 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, however, bias and prejudice on part of the respondents may not be ruled out in light of the relevant records.
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 who has throughout been denied a fair trial.
5. 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 who has throughout been denied a fair trial.



6. Denied being factually and legally incorrect as for disposal of departmental appeal filed by appellant concerns. The Tribunal may conveniently assess the high handedness of the respondents while dealing with the case of the appellant who has throughout been denied a fair trial.
7. Incorrect thus denied on legal premises.

On Objections to Grounds:-

- A. Denied being factually and legally incorrect. Appellant relies on averments made by him in corresponding para of his appeal.
- B. Denied being factually & legally incorrect. The appellant also relies on his averments made in corresponding para of his appeal besides law on the subject.
- C. Denied being factually and legally incorrect. The proceedings adopted by the respondents in treating appellant would speak volumes about the impropriety of action on part of the respondents. The appellant also relies on his averments made in corresponding para of his appeal.
- D. Denied being factually and legally incorrect.
- E. Denied being factually and legally incorrect. The appellant relies on his averments made in corresponding para of his appeal.
- F. Denied being factually and legally incorrect. The appellant relies on his averments made in corresponding para of his appeal.
- G. Denied being factually and legally incorrect. The appellant relies on his averments made in corresponding para of his appeal.
- H. Denied being factually and legally incorrect. The appellant relies on his averments made in corresponding para of his appeal.
- I. Denied being factually and legally incorrect. The appellant relies on his submissions made in corresponding para of his appeal.
- J. Needs no response.



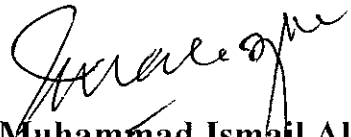
PRAYER:

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 allow reinstatement of the appellant with grant of all back benefits from the date when he was actually deprived of the same. Any other remedy deemed appropriate by the Hon'ble Tribunal in the circumstances of the matter is solicited, too.

Humbly,

Dated. 22.2.2017.

Appellant,
Through Counsel.


(Muhammad Ismail Alizai)
Advocate High Court.

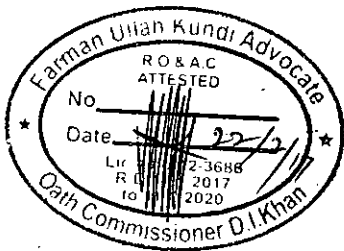
Affidavit.

I, Muhammad Zeshan, the appellant, 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: 22.2.17

Deponent.

محمد زیشان



KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No 2549 /ST

Dated 27/11/2017


To

The District Police Officer,
Government of Khyber Pakhtunkhwa,
Lucky Marwat.

Subject: **JUDGEMENT IN APPEAL NO. 1123/14, MR.MUHAMMAD ZEESHAN.**

I am directed to forward herewith a certified copy of Judgment dated 25/10/2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.