


Form-A

FORM OF ORDERSHEET

Court of _____

Case No. 465/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	29.03.2024	<p>As per direction of the Worthy Chairman the present appeal is fixed for preliminary hearing before Single Bench at Peshawar on 01.04.2024.</p> <p style="text-align: right;"> REGISTRAR</p>

Respected Sir,

It is submitted that the present appeal was received on 22.03.2024, which was returned to the counsel for the appellant for removing objection (Flag-A). Today i.e. 27.03.2024 the learned counsel re-filed the appeal without removing the objection no. 1.

The appeal is now submitted to your honor under rules 7 (c) of the Khyber Pakhtunkhwa Service Tribunal rules 1974 for appropriate order please.


28/3/24
REGISTRAR

Worthy Chairman

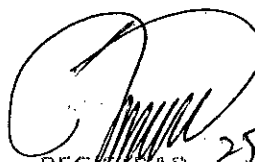
*Objection sustain
Unnecessary parties
as unnecessary parties
objection stand deleted.
SA be fixed
29/3/24*

The appeal of Mr. Saeed Khan received today i.e on 22 .03.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent no. 1 & 2 are un-necessary/improper parties, in light of the rules and on the written direction of the Worthy Chairman the above mentioned respondent number be deleted/struck out from the list of respondent.
2. Memorandum of is not signed by the appellant.
3. Appeal has not been flagged/marked with annexures marks.
4. Annexures of the appeal are unattested.
5. Page nos. 10, 11 & 12 of the appeal are illegible be replaced by legible/better one.
6. Copy of enquiry report mentioned in the memo of appeal is not attached with the appeal be placed on it.
7. Three copies/sets of the appeal along with annexures i.e. complete in all respect for Tribunal and one for each respondent may also be submitted with the appeal.


NO 661 S.T.

NO 25/3- 2024.


REGISTRAR 25/3/24
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

SIR,
PESHAWAR.

Submitted that compliance has been made be placed before Hon'ble Tribunal for further proceedings. Furthermore the mentioned respondent are needed to be made party this issue be left to the Hon'ble Tribunal for further orders.


27/03/2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

S.A. No. 465/2024

Saeed KhanAppellant

Versus

Additional Inspector General (HQr) of Police, KP,
Peshawar and others..... Respondents

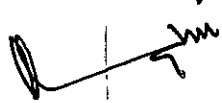
INDEX

S.No.	Description of documents.	Pages.
1.	Memo of Appeal	1-4
2.	Affidavit.	5
3.	Addresses of the parties.	6
4.	Copy of appointment order dated 24.12.2008	7
5.	Copy of charge sheet	8
6.	Copy of disciplinary action	9
7.	Copy of final show cause notice dated 03.02.2022	10-10A
8.	Inquiry from appellant	11-11A
9.	Copy of order in inquiry dated 01.03.2022	12-12A
10.	Copy of appeal to Deputy Inspector of police Mardan Region Mardan	13-16
11.	Copy of order dated 01.03.2024 of RPO Mardan	17-18
12.	Copies of medical reports of the mother of appellant	19-22
13.	Copy of death certificate of the mother of appellant	23
14.	Wakalatnama.	24


Dated:

Appellant

Through


Javed Ali Ghani
Advocate Supreme Court.


Ikram Ullah Khan

&

Hamza Jamshed
Advocates

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

S.A. No. _____/2024

Saeed Khan son of Diyar Khan
P.O. Village Bhai Khan, Mohallah Garo Coal
P.S. Rustam District Mardan
Ex-Constable (No.2451) KP Police. Mardan.....Appellant
Versus

- 1) Additional Inspector General (HQr) of Police, KP, Peshawar.
- 2) Inspector General of Police, KP, Peshawar.
- 3) Deputy Inspector General of Police, Mardan
- 4) District Police Officer, Mardan..... Respondents

SERVICE APPEAL U/S 4 OF THE SERVICES
TRIBUNAL ACT, 1974 AGAINST THE
IMPUGNED ORDER OB NO.515 DATED
25.02.2022 VIDE WHICH THE APPELLANT
WAS AWARDED MAJOR PUNISHMENT OF
REMOVAL FROM SERVICE UNDER E&D
RULES, 2011 AND ORDER DATED 01.03.2024
VIDE WHICH DEPARTMENTAL APPEAL OF
THE APPELLANT WAS DISMISSED..

Respectfully submitted;

- 1) That the appellant was appointed as Constable in BPS -5 in worthy Department vide order dated 24.12.2008.
- 2) That the appellant was performing his duties with dedication, honesty, due diligence to the entire satisfaction of his immediate seniors without any complaint with full zeal since his induction.
- 3) That the appellant's mother had been battling stomach cancer for a considerable period throughout 2021, she underwent treatment with

several doctors. By the end of the year, her health deteriorated to critical state, rendering her immobile. Additionally the appellant's father being elderly was unable to provide full support. Consequently the appellant became the sole male member responsible for managing his mother's medical care.

- 4) That one day the appellant received alarming news about his mother's deteriorating health. In response he promptly requested leave from the MHC/ SHO, unfortunately his request was not granted, despite the urgency of the situation.
- 5) That the appellant was marked absent from his duty vide DD No.41 dated 30.06.2021 and departmental proceedings were initiated against the appellant.
- 6) That a show cause notice was issued to the appellant and an inquiry was conducted without fulfilling mandatory procedure with the respondent department/ competent authority.
- 7) That after completion of inquiry the appellant was awarded major penalty vide order dated 25.02.2022 and was removed from service.
- 8) That the appellant filed departmental appeal on 16.11.2023 against the order dated 25.02.2022 which was dismissed accordingly vide order dated 01.03.2024.
- 9) That the appellant being aggrieved from the above-said impugned orders having no other efficacious and proper remedy against the above noted order, hence approaches before Hon'ble Tribunal.

GROUND:

- A. That order of removal from service by the competent authority, is illegal and against the law, facts on against the record of the case and is not maintainable.
- B. That the order of respondent department is based on personal grudges biased one and is not sustainable in the eyes of law.

- C. That the order for inquiry so issued by the competent authority is not according to law, rules and policy and the same is needs to be reversed.
- D. That the respondent-department has not taken into consideration the mandatory procedure in case of absentia no prior notice to the alleged inquiry, show cause and subsequent proceedings were served upon the appellant and unilaterally taken all the steps and actions which is violative of law.
- E. That the medical certificates/ documents and facts so narrated by the appellant was not considered while delivering findings for her removal and awarding major penalty is against the basic norms of natural justice.
- F. That the competent authority so issued the alleged impugned order is not according to the mandate and authority and the result of jurisdiction which was not vested under the law and respondents have traveled beyond their jurisdiction to pass removal from service of the appellant.
- G. That the appellant so found guilty in the alleged inquiry no mandatory and necessary procedure was adopted and the appellant was illegally declared found guilty of misconduct.
- H. That the appellant while having her authorized leave under the rules, policy and regulations were not considered which are available on the face of record duly communicated in time for consideration, the same we ignored which are the necessary ingredients for the determination of such like guilt.
- I. That the appellant was not associated in any way with the inquiry so conducted by the department and was condemned unheard, which is against the law and justice.
- J. That the instant findings and subsequent removal in the charge sheet and inquiry is against the established norms of law and natural justice and are not maintainable in the eyes of law.

K. That the departmental appeal before the competent authority and its subsequent rejection/ dismissal/ service notice is illegal, against law and is not sustainable according to the law and rules on the subject.

Keeping in view, what has been stated above, it is, therefore, humbly requested the impugned order of removal from service dated 25.02.2022 and dismissal of departmental appeal dated 01.03.2024 may kindly be set aside and the appellant may please be reinstated in service with all arrears and consequential back benefits.

Any other relief, which has not been specifically asked for and to whom the appellant found entitled may also be granted.

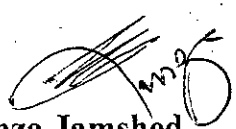
Appellant

Through


Javed Ali Ghani
Advocate Supreme Court.



Ikram Ullah Khan

&


Hamza Jamshed
Advocates,

CERTIFICATE:

Certified as per information furnished by my client that no such like appeal has earlier been filed before this Hon'ble Tribunal.


Advocate

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL.
PESHAWAR.

S.A. No. _____/2024

Saeed KhanAppellant

Versus

Additional Inspector General (HQr) of Police, KP,
Peshawar and others..... Respondents

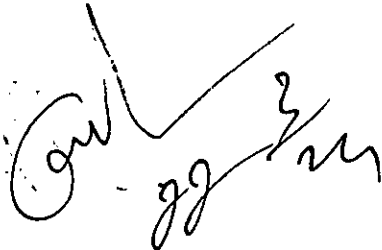
AFFIDAVIT

I, Saeed Khan son of Diyar Khan P.O. Village Bhai Khan, Mohallah Garo Coal P.S. Rustam District Mardan Ex-Constable (No.2451) KP Police (appellant), do hereby affirm and declare that the contents of the accompanying **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this hon'ble tribunal.



Deponent

CNIC No.16101-3440956-3



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL.

PESHAWAR.

S.A. No. _____/2024

Saeed KhanAppellant
Versus

Additional Inspector General (HQr) of Police, KP,
Peshawar and others..... Respondents

ADDRESSES OF THE PARTIES

APPELLANT:

Saeed Khan son of Diyar Khan
P.O. Village Bhai Khan, Mohallah Garo Coal
P.S. Rustam District Mardan
Ex-Constable (No.2451) KP Police

RESPONDENTS:

- 1) Additional Inspector General (HQr) of Police, KP, Peshawar.
- 2) Inspector General of Police, KP, Peshawar.
- 3) Deputy Inspector General of Police, Mardan
- 4) District Police Officer, Mardan

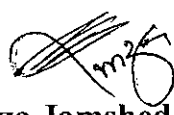
Appellant

Through


Javed Ali Ghani
Advocate Supreme Court.


Ikram Ullah Khan

&


Hamza Jamshed
Advocates,

(7)

(51)

ORDER

Mr Saeed Khan S/O Diyar Khan R/O village Abul Khan Mohalla Garo Coal Ps Rustam Dist Mardan is hereby appointed as Recruit Constable in BPS 5 with immediate effect subject to the verification of his character/ antecedent and Medical Fitness.

(FEROZE SHAH) PSP
COMMANDANT
CAMPUS PEACE CORPS
UNIVERSITY CAMPUS PESHAWAR

OB No 3

Date 24 / 11 / 2008

No 1657 /CPC dated Peshawar the 11 / 11 / 2008

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

1. The Accountant General NWFP Peshawar
2. Accountant, I.C. OSI CPC

1. 2/85



8

**OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN**

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

2021

CHARGE SHEET

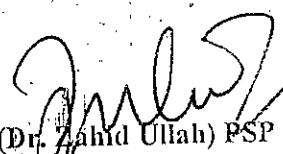
I, DR. ZAHID ULLAH (PSP), District Police Officer, Mardan, as competent authority, hereby charge Constable Saeed Khan No.2451, while posted at Police Station Shiekh Maltoon, as per attached Statement of Allegations.

1. By reasons of above, you appear to be guilty of misconduct under Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975.

2. You are, therefore, required to submit your written defense within 07 days of the receipt of this Charge Sheet to the Enquiry Officer, as the case may be.

3. Your written defense, if any, should reach the Enquiry Officer within the specified period, failing which, it shall be presumed that you have no defense to put-in and in that case, ex-parte action shall follow against you.

4. Intimate whether you desired to be heard in person.


(Dr. Zahid Ullah) PSP
District Police Officer
Mardan


ATTESTED



9
**OFFICE OF THE
 DISTRICT POLICE OFFICER,
 MARDAN**

Tel No. 0937-9230109 & Fax No. 0937-9230111
 Email: dpomdn@gmail.com

2021

No. 181 /PA

Dated 28 /2021

DISCIPLINARY ACTION

I, DR. ZAHID ULLAH (PSP), District Police Officer Mardan, as competent authority am of the opinion that Constable Saeed Khan No.2451, himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975.

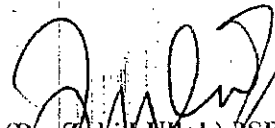
STATEMENT OF ALLEGATIONS

Whereas, Constable Saeed Khan No.2451, while posted at Police Station Shiekh Maltoon, remained absent from duty without any leave/permission of the competent authority vide DD No:41 dated 30-06-2021 till date. DD 22 DT: 09-9-21

For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, Mr. Sadat Ali DSP/Security Mdn is nominated as Enquiry Officer.

The Enquiry Officer shall, in accordance with the provision of Police Rules 1975, provides reasonable opportunity of hearing to the accused Police Official, record/submit his findings and make within (30) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused Official.

Constable Saeed Khan is directed to appear before the Enquiry Officer on the date time and place fixed by the Enquiry Officer.

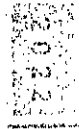

 (Dr. Zahid Ullah) PSP
 District Police Officer
 Mardan


 ATTESTEE

(10)

**OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN**

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com



No. 997-82 /PA

Dated 3 / 12 / 2022

FINAL SHOW CAUSE NOTICE

Constable Saeed Khan No.2451, while posted at Police Station Sheikh Maltoon, remained absent from duty without any leave/permission of the competent authority vide DD No.41 dated 30-06-2021 till-date.

In this connection, during the course of Departmental Enquiry, conducted by Mr. Saadat Ali DSP Security Mardan vide his office letter No.542/DSO dated 27-09-2021, in pursuance of this office Statement of Disciplinary Action/Charge Sheet No.181/PA dated 02-08-2021, holding responsible you of gross misconduct and recommended for major punishment.

To ascertain facts, you were called for hearing in Orderly Room on 03-11-2021, 08-12-2021, 15-12-2021, 22-12-2021, 29-12-2021 & 05-01-2022 through proper delivered notices, but you have failed to comply with.

At last on 12-01-2022, you appeared before the undersigned in OR, during which, you requested the undersigned for giving a last chance to continue Police Service, upon which, I have taken a lenient view against you by directing to assume duty at PS Sheikh Maltoon today (12-01-2022), but you have failed to comply with till-date, meaning that you are not interested in Police Service.

Therefore, it is proposed to impose Major/Minor penalty as envisaged under Rules 4 (b) of the Khyber Pakhtunkhwa Police Rules, 1975.

Hence, I Dr. Zahid Ullah (PSP), District Police Officer Mardan, in exercise of the power vested in me under Rules 5 (3)(a) & (b) of the Khyber Pakhtunkhwa Police Rules 1975 call upon you to Show Cause Finally as to why the proposed punishment should not be awarded to you.

Your reply shall reach this office within 07 days of receipt of this Notice, failing which; it will be presumed that you have no explanation to offer.

You are liberty to appear for personal hearing before the undersigned.

Received by

Dated: 5 / 12 / 2022


(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

Copy to SHO/PS Rustan (Attention Malarwar) to deliver this Notice upon Constable Saeed Khan (0313-9199913) Son of Diyar Khan Resident of Bhai Khan or any of his closed family member & the receipt thereof shall be returned to this office within (05) days positively for onward necessary action.


ATTESTED

**OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN**

No.991-92/PA

Dated 3/2/2022

FINAL SHOW CAUSE NOTICE

Constable Saeed Khan No.2451, while posted at Police Station Sheikh Maltoon, remained absent from duty without any leave/ permission of the competent authority vide DD No.41 dated 30.06.2021 till date.

In this connection, during the course of Department Enquiry, conducted by Mr. Saadat Ali DSP Security Mardan vide his office letter No.542/DSO dated 27.09.2021, in pursuance of this office statement of Disciplinary Action/ Charge Sheet No.181/PA dated 02.08.2021, holding responsible you of gross misconduct and recommendation for major punishment.

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Your reply shall reach this office within 07 days of receipt of this Notice, failing which; it will be presumed that you have no explanation to offer.

Sd/-
(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

Received by Sd/-
Dated: 5/2/2022

Copy to SHO PS Rustam (Attention Moharrar) to deliver this Notice upon Constable Saeed Khan (0313-9199913) son of Diyar Khan Resident of Bhai Khan or any of his closed family member & the receipt thereof shall be returned to this office within (05) days positively for onward necessary action.


ATTESTED

انٹرنیٹ ایف ڈی اے کے سربراہان کے نام سے 2451 نمبر پر 2451 نمبر پر 2451 نمبر پر

مقامی

انٹرنیٹ ایف ڈی اے کے سربراہان کے نام سے 2451 نمبر پر 2451 نمبر پر 2451 نمبر پر
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(Major Punishment) کی سزا سنائی ہے۔

DS. کے سربراہان

2451 نمبر پر 2451 نمبر پر 2451 نمبر پر

2451 نمبر پر 2451 نمبر پر 2451 نمبر پر

ATTESTED

انکوائری ازان کنسٹیبل سعید خان نمبر 2451 متعینہ تھانہ شیخ ملتون مردان

جناب عالی!

بحوالہ چارج شیٹ نمبری PA/181 مورخہ 02.08.2021 جاریہ از دفتر جناب DPO صاحب انکوائری ازان کنسٹیبل سعید خان نمبر 2451 متعینہ تھانہ شیخ ملتون چوکی درب کلمے مردان معروض خدمت ہوں کہ مذکورہ کنسٹیبل نقلد نمبری 41 مورخہ 30.06.2021 کو تھانہ شیخ ملتون چوکی در بوکلی سے غیر حاضر ہو کر نقلد افسران بالا کو بغرض قانونی کاروائی موصول ہو کر جس پر جناب DPO کو بروئے انکوائری مارک کیا۔

مورخہ 13.08.2021 کو مذکورہ کنسٹیبل کو بذریعہ پروانہ دفتر طلب کر کے چارج شیٹ حوالہ ہوئی اور ساتھ ہدایت کی گئی کہ اپنے تحریری بیان کے ساتھ اپنا حاضری کا نقلد بھی دفتر میں جمع کریں۔ کافی عرصہ گزرنے کے باوجود مذکورہ کنسٹیبل کو اپنے دفتر سے بار بار فون نمبری 03120992405، 03088081124 اور 03430996381 پر رابطہ کیا گیا مگر مذکورہ کنسٹیبل ڈیڑھ ماہ گزرنے کے باوجود بھی جان بوجھ کر دفتر آنے کی زحمت نہ کی۔ تاکہ انکوائری کا بروقت تکمیل ہو سکے۔

دوران انکوائری محرر تھانہ شیخ ملتون سے بھی بیان لیا گیا ہے جس نے اپنے بیان میں تحریر کیا ہے کہ مذکورہ کنسٹیبل بصورت تبادلہ DFC سے چوکی در بوکلی ہوا تھا جو کہ نقلد نمبری 41 مورخہ 30.06.2021 کو غیر حاضر ہوا ہے۔ جو کہ نقلد نمبری 22 مورخہ 09.09.2021 کو حاضری کر کے دوبارہ اسی دن نقلد نمبری 37 مورخہ 09.09.2021 کو غیر حاضر ہوا اور اپنی ڈیوٹی سے بغیر کسی جائز عذر کے تاحال غیر حاضر ہے۔ (محرر تھانہ شیخ ملتون کا بیان لف انکوائری ہے)

مذکورہ کنسٹیبل کا سروس ریکارڈ بذریعہ SRC کلرک چیک کیا گیا جسکے مطابق مذکورہ کنسٹیبل سال 2008ء کا بھرتی شدہ ہے۔ مذکورہ کنسٹیبل کے 12 سالہ سروس ریکارڈ میں Bad-21 انٹریاں پہلے سے موجود ہیں مذکورہ کنسٹیبل کی کل 141 دن غیر حاضریاں پہلے سے سروس ریکارڈ میں درج ہیں (SRC پروانہ لف انکوائری ہے) دوران انکوائری محرر تھانہ شیخ ملتون سے رابطہ کیا گیا جس کے مطابق مذکورہ کنسٹیبل نقلد نمبری 41 مورخہ 30.06.2021 سے تاحال غیر حاضر ہے جسکی کل 88 یوم غیر حاضری بنتی ہے۔ مذکورہ کنسٹیبل ڈسپلن کا پابند نہیں ہے۔ کی گئی انکوائری سے معلوم ہوا ہے کہ مذکورہ کنسٹیبل ایک عادی غیر حاضر باش ہے اور اپنی ڈیوٹی میں دلچسپی نہیں لیتا۔ لہذا مذکورہ کنسٹیبل کے لئے (Major Punishment) کی سفارش کی جاتی ہے۔

Sd/-

27.9.21

DSP سیکورٹی مردان

TESTE



(6) **OFFICE OF THE** (12)
DISTRICT POLICE OFFICER,
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

2022

No. 1806-8 /PA

Dated 21/3/2022

ORDER ON ENQUIRY OF CONSTABLE SAEED KHAN NO.2451

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the subject official, under the allegations that while posted at Police Station Sheikh Maltoon (Mardan), remained absent from duty without any leave/permission of the competent authority vide DD No.41 dated 30-06-2021 till-date.

To ascertain facts, he was proceeded against departmentally through Mr. Saadat Ali DSP/Security Mardan vide this office Statement of Disciplinary Action/Charge Sheet No.181/PA dated 02-08-2021, who (E.O) after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.542/DSO dated 27-09-2021, holding responsible the delinquent official of gross misconduct on the eve of not submitting his reply in compliance of delivered Statement of Disciplinary Action/Charge Sheet within stipulated time of (07) days to him (Enquiry Officer), nor assumed duty at PS Sheikh Malfoon till finalizing the enquiry process.

In order to further verify his misconduct, he was called for hearing in Orderly Rooms on 03-11-2021, 08-12-2021, 15-12-2021, 22-12-2021, 29-12-2021 & 05-01-2022 respectively on proper notices delivered upon him through local Police of PS Rustam, but he failed to comply with. At last on 12-01-2022, he appeared before the undersigned in O.R, during which, he made a request to the undersigned for a last chance to continue Police Service, upon which, I have taken a lenient view against him by directing to assume duty at his place of duty i.e. PS Sheikh Maltoon today on 12-01-2022, but he failed to comply with till-date.

He was given another chance to join Police service in the shape of Final Show Cause Notice, under Khyber Pakhtunkhwa Police Rules-1975, issued vide this office No.991-92/PA dated 03-02-2022, which was served on him through local Police of PS Rustam on 05-02-2022 & in compliance, he was bound to submit his reply to this office within stipulated time of (07) days, but neither has he submitted his reply, nor assumed duty till-date, clarifying that he is not interested in Police Force.

Details of his absence's period from 30-06-2021 are as under:-

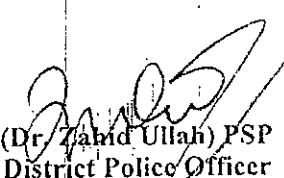
S #	Reference & date	Reference & date
1	DD No.41 dated 30-06-2021	DD No.22 dated 09-09-2021
2	DD No.37 dated 09-09-2021	DD No.17 dated 15-12-2021
3	DD No.37 dated 15-12-2021	Till-date

Final Order

In the light of above discussion, findings of Enquiry Officer & material on record, the undersigned is of the considered opinion that Constable Saeed Khan is not interested in Police Service, therefore, awarded him major punishment of dismissal from Police Force with effect from 30-06-2021 with immediate effect, in exercise of the power vested in me under Police Rules-1975.


OB No. 515

Dated 25/02/2022


(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

Copy forwarded for information & n/action to:-

- 1) The DSSP Sheikh Maltoon & HQrs Mardan
- 2) The P.O & E.C (Police Office) Mardan
- 3) The OSI (Police Office) Mardan with 97 Sheets.


ATTN: EI

**OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN**

No.1806-8/PA

Dated 01/3/2022

ORDER ON ENQUIRY OF CONSTABLE SAEED KHAN NO.2451

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the subject official, under the allegations that while posted at Police Station Sheikh Maltoon (Mardan), remained absent from duty without any leave/permission of the competent authority vice DD No.41 dated 30-06-2021 till-date.

To ascertain facts, he was proceeded against departmentally through Mr. Saadat Ali DSP/Security Mardan vide this office Statement of Disciplinary Action/Charge Sheet No. 181/PA dated 02-08-2021, who (E.O) after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.542/DSO dated 27-09-2021, holding responsible the delinquent official of gross misconduct on the eve of not submitting his reply in compliance of delivered Statement of Disciplinary Action/Charge Sheet within stipulated time of (07) days to him (Enquiry Officer), nor assumed duty at PS Sheikh Maltoon till finalizing the enquiry process.

In order to further verify his misconduct, he was called for hearing in Orderly Rooms on 03-11-2021, 08-12-2021, 15-12-2021, 22-12-2021, 29-12-2021 & 05-01-2022 respectively on proper notices delivered upon him through local Police of PS Rustam, but he failed to comply with. At last on 12-01-2022, he appeared before the undersigned in O.R, during which, he made a request to the undersigned for a last chance to continue Police Service, upon which, I have taken a lenient view against him by directing to assume duty at his place of duty ;c. PS Sheikh Maltoon today on 12-01-2022, but he failed to comply with till-date.

He was given another chance to join Police service in the shape of Final Show Cause Notice, under Khyber Pakhtunkhwa Police Rules-1975, issued vide this office No.991-92/PA dated 03-02-2022, which was served on him through local Police of PS Rustam on 05-02-2022 & in compliance, he was bound to submit his reply to this office within stipulated time of (07) days, but neither has he submitted his reply, nor assumed duty till-date. clarifying that he is not interested in Police Force.

Details of his absence's period from 30-06-2021 are as under:-

S#	Reference & date	Reference & date
1	DD No.41 dated 30.06.2021	DD No.22 dated 09.09.2021
2	DD No.37 dated 09.09.2021	DD No.17 dated 15.12.2021
3	DD No.37 dated 15.12.2021	Till-date

Final Order

In the light of above discussion, findings of Enquiry Officer & material on record, the undersigned is of the considered opinion that Constable Saeed Khan is not interested in Police Service, therefore, awarded him major punishment of dismissal from Police Force with effect from 30.06.2021 with immediate effect, in exercise of the power vested in me under Police Rules-1975.

OB No.515

Dated: 25.02.2022

Sd/-
(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

Copy forwarded for information & n/action to:-

- 1) The DSsP Sheikh Maltoon & HQrs Mardan
- 2) The P.O. & E.C (Police Office) Mardan.
- 3) The OSI (Police Office) Mardan with Sheets.

ATTESTED

To,

The Deputy Inspector General
of Police Mandan
Region - I Mandan.

subject: Appeal against the order of DPO Mandan issued vide his
office OBM 515 dated 25.2.2022 whereby the
appellant was dismissed from service.

Respected sir,

- ① It is submitted that the appellant was enlisted as constable in Police department in the year 2008. During the period of year 2021, the appellant remained posted as PS Shikha Maltoon mandan, where he performed his duty with zeal and efficiency.
- ② The mother of the appellant was suffering from chronic disease (Stomach Cancer) since long. She remained under treatment with various doctors. During the year 2021, her health condition became critical and was unable to move even. The father of the appellant is an aged person who is exceeding than 85 years himself.
- ③ The appellant was the only male member of his family to manage the treatment of his mother. One day the appellant was informed, that the health condition of his mother is too serious therefore the appellant requested the MHC/SHO for the grant of leave but his request was not considered. The appellant left the Police station and went to his village and kept close supervision over his mother regarding her treatment. During

Page (2)

ATTESTED

Such period the appellant was marked absent from his duty vide DD no 41 dated 30.6.2021 and a departmental enquiry was initiated against him. Due to mental agony the appellant failed to reply in response to the charge sheet and Summary of allegations already issued against him.

(4) On 12.1.2022 the appellant appeared before the DPO/MND in orderly room and explained the position before his honour, regarding ~~mother's~~ mother's disease. The worthy DPO/MND took lenient view and filed the ending file. The appellant was directed to assume his duty at 82 Smt. Mandan on the same day.

(5) Later on the appellant was issued against FSCN NO 991-92/PA dated 3-2-22 but the same was not served upon him. The appellant is totally unaware about the FSCN. In such circumstances the DPO/MND dismissed the appellant from service vide OBMU 515 dated 25.2.2022. (Copy enclosed.)

(6) That in month of July 2023, the mother of the appellant died due to her long disease.

(All the medical documents regarding the illness of the appellant mother are enclosed.)

(7) There is no denying that the instant appeal is time barred, but it was not deliberately delayed rather it was the mental agony and family condition of the appellant for which he was already suffering.

(8) That the appellant would like to state that it is well settled principle of law that procedural technicalities should not be allowed to prevail on dispensation of substantial justice. Procedural laws are meant to advance the cause of justice and not to thwart it.

Supreme Court Authority

“The Supreme Court of Pakistan in Criminal original petition No. 90/2009 has further emphasized that while deciding a case, principles of natural justice “audi alteram partem” and other fundamental rights should be observed which guarantee the right of the petitioner that he should not be condemned unheard.”

④ The order passed by the then DPO/Mensalari has been passed in violation of universally accepted principles of justice. The appellant was not heard in response to final show cause notice, nor reasons for absence (the illness of appellant's mother) was taken into account and this caused serious prejudice to him.

Grounds of appeal.

① The appellant did not abscond himself from duty deliberately but this was due to the chronic disease of his mother leading to her treatment etc.

② The delay in appeal is again not intentional but due to the mental agony of the appellant, caused to him due to the illness of appellant's mother.

③ The order passed by DPO/MDN is the violation of universally accepted principles of natural justice already explained in detail vide para 8 above.

④ The appellant performed his duty with zeal and efficiency, which is evident from the shining service record of the appellant.

Page: (4)

ATTESTER

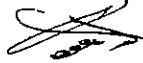
(4)

(16)

⑤ The appellant is married with 04 kids. There is no other source of income except the police service of the applicant. The appellant has already suffered a lot of his un-employment due to his dismissal from service.

Keeping in view the above facts and circumstances it is humbly prayed that by the acceptance of the instant appeal, the appellant may kindly be re-instated in service from the date of dismissal please.

Yours obediently



EX-Constable Saad Ichan no 2451

District Mardan.

Dated: 16.11.23

Mobile Phone No: 0312-0992405.


ATTESTED

ORDER.

This order will dispose-off the departmental appeal preferred by Ex-Constable Saeed Khan No. 2451 of Mardan District Police against the order of the then District Police Officer, Mardan, whereby he was awarded major punishment of dismissal from service vide OB No. 515 dated 25.02.2022. The appellant was proceeded against departmentally on the allegations that he while posted at Police Station Sheikh Maltoon, District Mardan on account of absence from his lawful duty without any leave or prior permission of the competent authority vide daily diary No. 41 dated 30.06.2021 till date of his dismissal from service.

Therefore, proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and the then Deputy Superintendent of Police, Security, Mardan was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings to the then District Police Officer, Mardan, wherein he reported that the delinquent Officer was contacted time and again to appear before the enquiry Officer, but he failed and remained absent, which showed that he was no more interested in Police Service. He recommended the delinquent Officer for ex-parte action.

He was also provided opportunity of self defense by summoning him in the Orderly Rooms by the then District Police Officer, Mardan on 03.11.2021, 08.12.2021, 15.12.2021, 22.12.2021, 29.12.2021 and 05.01.2022, but he failed to appear. At last on 12-01-2022, he appeared before the then District Police Officer, Mardan in Orderly Room, during which, he made a request to the then District Police Officer, Mardan for a last chance to continue Police Service, upon which, taken a lenient view against him by directing to assume duty at his place of duty i.e. Police Station Sheikh Maltoon on 12-01-2022, but he failed to comply with till-date of his dismissal.

He was given another chance to join Police service in the shape of Final Show Cause Notice, which was served on him through local Police of Police Station, Rustam on 05-02-2022 and in compliance, he was bound to submit his reply stipulated time of (07) days, but neither has he submitted his reply, nor assumed duty till-date of his dismissal, clarifying that he was not interested in Police Force.

Details of his absence's period from 30-06-2021 are as under:-

1. Daily diary No.41 dated 30-06-2021 to daily diary No. 22 dated 09.09.2021.
2. Daily diary No. 37 dated 09.09.2021 to daily diary No. 17 dated 15.12.2021.
3. Daily diary No. 37 dated 15.12.2021 till date of his dismissal.

TESTED

13

In the light of above discussion the delinquent Officer was not a willing worker and his retention in Police department will be bothered for Government Exchequer, therefore, awarded him major punishment of dismissal from service with effect from 30.06.2021 vide OB: No. 515 dated 25.02.2022 by the then District Police Officer, Mardan.

Feeling aggrieved from the order of the then District Police Officer, Mardan, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 22.02.2024.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations leveled against the appellant have been proved beyond any shadow of doubt. As he has bitterly failed to produce any cogent reason to justify his absence because the same clearly depicts his casual and lethargic attitude towards his official duties. The very conduct of appellant is unbecoming of a disciplined Police Officer. On perusal of previous service record of the appellant, it was noticed that he is habitual absentee and prior to this, the appellant had been earlier punished on various occasions on account of his misconduct. Hence, order passed by the competent authority does not warrant any interference. Besides the above, the appellant approached this forum at a belated stage by filing the instant appeal which is badly time barred for 01 year, 07 months and 22 days without advancing any cogent reason regarding such delay.

Keeping in view the above, I, Muhammad Suleman, PSP Regional Police Officer, Mardan, being the appellate authority find no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit as well as badly time barred 01 year, 07 months and 22 days.

Order Announced.

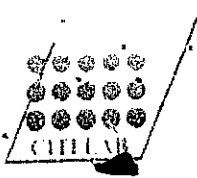
(MUHAMMAD/SULEMAN) PSP
Regional Police Officer,
Mardan

No. 41905 /ES, Dated Mardan the 01/03/2024.

Copy forwarded to District Police Officer, Mardan, for information and necessary action w/r to his office Memo: No. 198/LB dated 21.12.2023. His service record is returned herewith.

(****)

[Signature]
ATTESTED



CITI LAB & RESEARCH CENTRE

525-A Near Jinnah Hospital, Faisal Town Lahore. Tel: 042-35168080, 35167333
Fax: 042-35167334, Email: info@citilabrc.com.pk, URL: www.citilabrc.com.pk



Patient #: CCMDN-7-875126

19

Lab #: 04-122017-517193

M.R. No: 05
Patient Name: MAIRAJ BIBI
Father/Husband Name:
Age / Sex: -/Female
NIC:
Phone:
Address: Mmc

Registration Date: 04-Dec-2017 8:29 pm
Registration Location: C C MARDAN*-01
Conducted At: Main Lab Lahore
Reporting Location: C C MARDAN*-01
Reference: C C MARDAN*-01
Consultant:
Sample Location: Brought from out side

HISTOPATHOLOGY

SPECIMEN: SKIN COVERED BIOPSY
GROSS: Specimen received fixed in formalin and consists of grey brown fragments of tissue measuring 0.1 cm.
BLOCKS: SST-1BLOCK
MICROSCOPY: Section examined reveals well circumscribed tumor composed of closely packed papillary structures lined by well differentiated stratified squamous epithelium with mild to moderate atypia. There is acanthosis with bulbous expansion of ret ridges that push into the dermis with broad front. There is chronic inflammatory infiltrate in the dermis. Neither lymphovascular nor perinural invasion is seen. Both the margins are clean
OPINION: **FINDINGS ARE SUGGESTIVE OF VERRUCOUS CARCINOMA**
BIOPSY NO= 5791-17

NOTE: FACILITY OF IMMUNOMARKERS IS ALSO AVAILABLE AT CITI LAB & RESEARCH CENTRE

You are requested to please comment on the re margins of specimen to ensure clearance
Thank
Dr. M. SHADMAN
SR. Asst. Surg

Electronically verified report. No signature(s) required

Dr. M. Faisal Bashir
Ph.D.(Molecular Virology)
Consultant Molecular Biologist

Prof. Dr. Rozina
M.B.B.S., M.Phil (Histopathology)
Consultant Histopathologist

Prof. Dr. Nisar Ahmad
M.B.B.S.(Pb), F.C.P.S
Consultant Haematologist

Prof. Dr. Khalid Mahmood
M.B.B.S.(Gen), M.Phil(Pb), Ph.D(Micro)
Consultant Microbiologist

As. Prof. Dr. Saba Riaz
Ph.D(Molecular Genetics)
Consultant Molecular Genetics

As. Prof. Dr. Mizna Arif
M.B.B.S (Pb),
FCPS (Haematology)
Consultant Haematologist

Proviso: All tests are performed with utmost care, using latest automatic equipments. However, in case of any disparity with clinical findings, please inform immediately.
Free of cost repeat test may be performed with fresh sample on the same day if advised by the referring doctor.
No legal responsibility and financial liability is accepted for any unavoidable errors/omissions.

Address: 0937844552 کوئٹہ، مردان میڈیکل کمپلیکس ہسپتال، جمشید پلازہ بالمقابل او بی ڈی گیٹ، 7/6 نمبر پوائنٹ نوکلن نمبر 7/6

The citi lab of Pakistan is the international quality Awarded Medical Lab. (15/09) by ANAB, USA

ATTESTED

3889 → 1st visit

20

REG 820
FFH R 12-21-17

FAUJI FOUNDATION HOSPITAL RAWALPINDI

Page 1 of

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Appointment Chit FFH

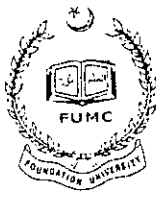
Reg No.: A2721462-1	Type: BENEFICIARY PATIENTS
Pt Name: MAIRAJ BIBI	
Rank: HAV	City: MARDAN
Desgn:	Unit: FFRC
Age: 62 years	Project:
Card No: 1	WO: DIAYAR KHAN
Referred to <u>ONCOLOGY OPD</u>	
Made By: SHAMA_NAZI	Last visit:
Date/Time: 21-DEC-17 09:29:30	

Δ Vermiform Carcinoma → Rt cheek
mucosal biopsy

Plan - Blocks for Review
- Ct scan neck and chest

[Signature]
 DR. SHAMA NAZI MB BS
 Medical Officer
 FFH Rawalpindi

[Signature]
ATTESTED



21

Foundation University Medical College Rawalpindi (Pakistan)

DEPARTMENT OF PATHOLOGY

HISTOPATHOLOGY REVIEW CASE

PATIENT'S NAME:	Mairaj Bibi W/O Diayar Khan	AGE:	62 Yrs	SEX:	F	REPORT NO:	REV-18/17
REGT.NO:	A-2721462-1	RANK:	HAV	A&D No:	---	DATE OF COLLECTION:	28- 2-17
REFERRED BY:	Dr. S. Sara Tajammul	WD/OPD:	ONCO-OPD	DATE OF REPORT:		03-01-18	
REF HOSPITAL:	F. F. H. Rwp						

REVIEW CASE

SAMPLE: Reviewed (skin covered biopsy) 01 x paraffin embedded tissue block and 01 x slide bearing histopath no 5791-17 dated 04-12-2017 prepared at Citi Lab & Research Centre, Lahore, for review

CLINICAL DATA: Diagnosed as "findings are suggestive of verrucous carcinoma"

MICROSCOPIC APPEARANCE: The sections examined reveal a fragment of skin showing a neoplasm exhibiting marked hyperkeratosis, hypergranulosis and acanthosis. The rete-ridges are bulbous with pushing borders within the dermis. Chronic inflammatory infiltrate is also seen in the dermis. Deep margin is free of tumour.

OPINION: VERRUCOUS CARCINOMA – SKIN (SITE NOT SPECIFIED)

NOTE:
1- Deep margin is free of tumour.
2- Status of other margins cannot be commented due to lack of the orientation of specimen.

Senior Lecturer
Dr. Yasmin Wahid
MBBS, DCP, M.Phil, FCPS

Assistant Professor
Dr. Iram Sohail
MBBS, FCPS

Associate Professor
Dr. Masood Ahmad Khan
MBBS, MCPS, M.Phil

Professor
Dr. Mumtaz Ahmad Khan
MBBS, MCPS, FCPS

HOD / Professor
Dr. Faiza Kazi
MBBS, MCPS, FCPS

TESTE

22

Department of Diagnostic Radiology

Mardan Medical Complex Teaching Hospital Mardan

Patient Name	Age	Sex	Date
Meraj Bibi	yrs	female	13-22-17

MRI Lumbar Spine

EXAMINATION TECHNIQUE:

Multipaner imaging done through lumbar spine acquiring T1/T2 weighted images.

FINDINGS:

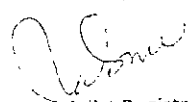
Lumbo-sacral spinal curvature is normal.
 Moderate marginal osteophytes formation noted around lumbar spine.
 Modic type II changes noted at LV4, LV5 and SV1 endplates.
 LV5 is slipped slightly posteriorly over SV1 (> 25%).
 L4-L5, L5-S1: Posterior concentric disc bulges and protrusion causing thecal sac compression and obliteration of neural foramina with nerve compression on both sides.
 Ligamentum flavum and b/l facet joints appear normal.
 Visualized spinal cord appears unremarkable.
 No paravertebral or prevertebral mass lesion is evident.

IMPRESSION:

Lumbar spondylosis with moderate intensity degenerative changes and multilevel disc bulges causing nerve compression at L4-L5 and L5-S1.
 See comments.

Associate Professor
 Dr. Zubair Janan
 MBBS, FCPS
 Consultant Radiologist

Senior Registrar
 Dr Tabassum Begum
 MBBS, FCPS
 Consultant Radiologist


 Specialist Registrar (SPR)
 Dr Rabia Akram
 MBBS, FCPS
 Consultant Radiologist


 ATTESTEEL



حکومت خیبر پختونخوا پاکستان
Govt of Khyber Pakhtunkhwa Pakistan



اندراج وفات سرٹیفکیٹ

Death Registration Certificate

SHAHBAZ GARHI 2_GARHI KAPOORA : دفتر اندراج

Tracking Id: 91100033016489

CRMS No. D560380146

OLD/M REG #:

Deceased Person's Details متوفی کے کوائف

Old CRMS No.:

Name :	Miraj Bibi	نام :	معراج بی بی
Nationality :	Pakistani	قومیت :	پاکستانی
CNIC No :	16101-2740580-2	شناختی کارڈ :	16101-2740580-2
Date of Birth :	14-Jun-1955	تاریخ پیدائش :	14-Jun-1955
Gender :	Female	جنس :	عورت
Religion :	Islam	مذہب :	اسلام
Sickness Period :	00 Days 00 Months 00 Years	مدت علالت :	00 دن 00 ماہ 00 سال
Date of Death :	23-Jul-2023	تاریخ وفات :	23-Jul-2023
Date of Burial/Last rite :	24-Jul-2023	تاریخ تدفین/آخری رسومات :	24-Jul-2023
Place of Death :	Gara Kool	جائے وفات :	گرہ کول
Reason of Death :	Natural	وجہ وفات :	قدرتی
Nature of Death :	Normal	کیفیت وفات :	عام
Buried/Last rite at :	Bhai Khan	جگہ تدفین/آخری رسومات :	بھائی خان

Parental Information والدین کے کوائف

Father's Name :	Abdul Wahid	والد کا نام :	عبدالواحد
CNIC No :		شناختی کارڈ :	
Mother's Name :	Mehtaba	والدہ کا نام :	مہتابہ
CNIC No :		شناختی کارڈ :	

Husband's Information شوہر کے کوائف

Name :	Diyar Khan	نام :	دیار خان
CNIC No :	16101-1123413-7	شناختی کارڈ :	16101-1123413-7

Address پتہ

Address :	Moh Gara Kool Village Bhai-Khan	پتہ :	محله گرہ کول گاؤں بھائی خان
Tehsil :	Mardan	تحصیل :	مردان
District :	Mardan	ضلع :	مردان

Applicant's Details درخواست دہندہ کے کوائف

Name :	Diyar Khan	نام :	دیار خان
CNIC No :	16101-1123413-7	شناختی کارڈ :	16101-1123413-7
Relation with Deceased :	Husband	متوفی سے رشتہ :	خاوند

Entry Date : 23-Nov-2023

تاریخ اندراج : 23-Nov-2023

Issue Date : 23-Nov-2023

تاریخ اجراء : 23-Nov-2023

Entry Status : Normal

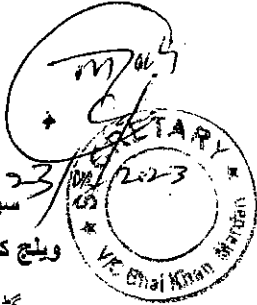
اندراج اسٹیٹس : نارمل

Additional Information:

اضافی معلومات :


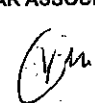


سیکرٹری دستخط
ویلج کونسل شہباز گڑھی-2

گڑھی کپورہ مردان



ATTESTED

24

150	20215	پشاور بار ایسوسی ایشن، خیبر پختونخواہ
ایڈوکیٹ: 	بار کونسل ایسوسی ایشن نمبر: BC-22-S111	PESHAWAR BAR ASSOCIATION
رابطہ نمبر: 03413211641		
		

بعدالت جناب: Khyber Pakhtunkhwa Service Tribunal Peshawar

Appellant	مخائب:	دعوی:
Saeed Khan		علت نمبر:
بنام		مورخہ:
16 Police		جرم:
		تھانہ:

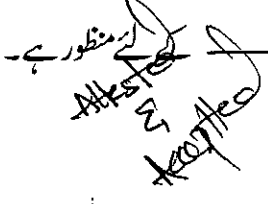



باعث تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی وجواب دہی کارروائی متعلقہ مقدمہ آن مقام پشاور کیلئے جاوید علی کنہی ASCL، گھنیزہ کمشنب ایڈووکیٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعوی اقبال دعوی اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 20/03/2024

العواہد العواہد

مقام پشاور

سید ضیا

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔