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## KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

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Arifullah Khan vs Govt of KPK

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Muharrir  Compilation

 28/5/24  
Incharge Judicial Branch

A (5)

انکوائری رپورٹ

جناب عالی!

بحوالہ مشمولہ انکوائری کا عذات برخلاف کنسٹیبلان عامر وسیم نمبر 6090، رحمت ضمیر نمبر 5138 ایف آر پی کوہاٹ ریجن کوہاٹ معروض خدمت ہوں کہ ہر دو کنسٹیبلان کے خلاف الزام ہے کہ ہر دو کنسٹیبلان نے اپنے ٹرانسفر اپوسٹنگ آرڈرز نمبر 9622-23/E-IV اور 9616-17/E-IV مورخہ 11.06.2020 جناب AIG سٹیبلشمنٹ کے جعلی دستخط پر تیار کرائے ہیں۔ ہر دو کنسٹیبلان کو جناب SP صاحب ایف آر پی پشاور ریجن نے بحوالہ آرڈرز نمبر 252-58/PA مورخہ 29.06.2020 پر معطل لائن ایف آر پی ہیڈ کوارٹر پشاور کرنے کا حکم صادر فرمایا کہ ہر دو کنسٹیبلان کے خلاف علیحدہ علیحدہ چارج شیٹ و سبوری آف الیگیشن جاری کر کے کاغذات برائے انکوائری ہم DSP ہیڈ کوارٹر ایف آر پی پشاور اور RL ایف آر پی پشاور ریجن کو حوالہ ہوئے۔

دوران انکوائری ہر دو کنسٹیبلان پر چارج شیٹ و سبوری آف الیگیشن باضابطہ طور پر تقسیم کیے گئے جو کہ دفتر میں پیش ہو کر مذکورین سے متذکرہ آرڈرز کے متعلق پوچھ گچھ کی گئی اور تحریری بیانات لئے گئے جو کہ مہر اہل اور خلاصہ جات درج ذیل ہیں۔

خلاصہ بیان FC عامر وسیم نمبر 6090 ایف آر پی کوہاٹ ریجن کوہاٹ :-

مذکورہ نے اپنے بیان میں لکھا ہے کہ ایف آر پی کوہاٹ ریجن میں ڈیوٹی پر تعینات ہے اس نے ہودسٹرکٹ ضلع کرک کے تبادلے کے لئے دفتر OHC ایف آر پی کوہاٹ ریجن میں تحریری درخواست جمع کی اور اس کے علاقہ کے سیاسی شخصیات کے ذریعے افسران بالا صاحبان کو تبادلہ کے بابت سفارش کی۔ مورخہ 06.06.2020 کو پلاٹون مشی صادق اللہ نمبر اطلاع دی کہ بروز پیر مورخہ 29.06.2020 افسران بالا صاحبان کو بغرض پیشی پیش ہو جائے۔ دوران پیشی اس کو علم ہوا کہ اس کا تبادلہ بحوالہ آرڈرز نمبر 9616-17/EIV مورخہ 11.06.2020 پر ہوم ڈسٹرکٹ کرک ہو چکا ہے جو کہ جعلی آرڈر ہے۔ بیان مہر اہل ہے۔

خلاصہ بیان FC رحمت ضمیر نمبر 5138 ایف آر پی کوہاٹ ریجن کوہاٹ :-

مذکورہ نے اپنے بیان میں لکھا ہے کہ ایف آر پی کوہاٹ ریجن میں ڈیوٹی پر تعینات ہے اس نے ہودسٹرکٹ ضلع کرک کے تبادلے کے لئے مورخہ 02.03.2020 کو دفتر OHC ایف آر پی کوہاٹ ریجن میں تحریری درخواست جمع کی اور اس کے خالقہ کے قومی اسمبلی ممبر کو سفارش کے لئے بتلایا۔ مورخہ 06.06.2020 کو پلاٹون مشی محمد علی نمبر اطلاع دی کہ بروز پیر مورخہ 29.06.2020 افسران بالا صاحبان کو بغرض پیشی پیش ہو جائے۔ دوران پیشی اس کو علم ہوا کہ اس کا تبادلہ بحوالہ آرڈرز نمبر 9622-23/EIV مورخہ 11.06.2020 پر ہوم ڈسٹرکٹ کرک ہو چکا ہے جو کہ جعلی آرڈر ہے۔ بیان مہر اہل ہے۔

اسی سلسلہ میں من RI ایف آر پی پشاور ریجن حسب الحکم افسران بالا صاحبان بغرض ویریفیکیشن CPO پشاور جاکر متذکرہ بالا آرڈرز کے متعلق IV سیکشن کے سپرنٹنڈنٹ جناب عامر الرحمن صاحب سے ملاقی ہوا اور ریکارڈز رجسٹر چیک کر کے معلوم ہوا ہے کہ مورخہ 11.06.2020 کو CPO پشاور سے EIV سیکشن کے ریکارڈز رجسٹر کا آغاز نمبر 6695 اور اختتامی نمبر 6762 درج پایا ہے جبکہ آرڈرز نمبرات 9616-17/EIV اور 9622-23/EIV مورخہ 11.06.2020 کے متعلق جناب عامر الرحمن صاحب نے بتلایا کہ یہ نمبرات ہمارے ریکارڈز پر موجود نہیں ہیں اور یہ فرضی / جعلی نمبرات ہیں اس کے علاوہ آرڈرز کے Pattern اور دستخط بھی جعلی ہیں۔ اس قدر دریافت پر رپورٹ پیش خدمت میں۔ اگر مزید معلومات درکار ہو تو جناب AIG صاحب اسٹیبلشمنٹ CPO پشاور کے ساتھ خط و کتابت کی جائے تو بہتر ہوگا۔ تفصیلی رپورٹ مہر اہل ہے۔

اندریں سلسلہ ایف آر پی کوہاٹ ریجن کے OHC حبیب اللہ کو بذریعہ روانہ طلب کر کے رپورٹ طلب کی گئی مگر کہ OHC نے اپنی تحریری رپورٹ پیش کی جس کا خلاصہ ذیل ہے۔

خلاصہ رپورٹ OHC حبیب اللہ ایف آر پی کوہاٹ ریجن کوہاٹ :- مذکورہ نے اپنے بیان میں لکھا کہ کنسٹیبلان رحمت ضمیر نمبر 5138 و عامر وسیم نمبر 6090 ایف آر پی کوہاٹ ریجن نے ڈسٹرکٹ تبادلے کے بارے میں اسے کوئی علم نہیں ہے اور نہ SP صاحب ایف آر پی کوہاٹ ریجن کوہاٹ کے دفتر سے کوئی NOC وغیرہ بابت ہوم ڈسٹرکٹ ٹرانسفر جاری نہیں ہوا ہے۔ جہاں تک مذکورین کے دفتر OHC ایف آر پی کوہاٹ ریجن میں ہودسٹرکٹ کو تبادلے کے درخواست کا تعلق ہے وہ SP صاحب ایف آر پی کوہاٹ کے کہنے پر جملہ ایف آر پی ریجن کو ہوم ڈسٹرکٹ جانے کی درخواستیں بذریعہ روانہ جمع کئے جا چکے ہیں اگر ہوم


(1)

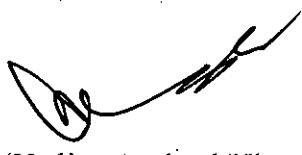
08<sup>th</sup> May, 2024. 1. Nobody is present on behalf of the appellant. Mr. Arshad Azam, Assistant Advocate General for the respondents present.

2. Today nobody put appearance on behalf of the appellant despite repeated calls at different intervals till rising of the court, therefore, the instant appeal is dismissed in default. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 08<sup>th</sup> day of May, 2024.*

SCANNED  
KPST  
Peshawar


  
(Muhammad Akbar Khan)  
Member (Executive)

  
(Kalim Arshad Khan)  
Chairman

(2)

- 17.08.2023
1. Clerk of counsel for the appellant present. Mr. Muhammad Jan learned District Attorney for the respondents present.
  2. Due to summer vacations D.B is not available, therefore, case is adjourned. To come up for arguments on 07.12.2023 before D.B. P.P given to parties.


SCANNED  
KPST  
Peshawar  
\*KaleemUllah\*


  
(Rashida Bano)  
Member (J)

- 7<sup>th</sup> Dec, 2023
1. Learned counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.
  2. Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the case. To come up for arguments on 27.03.2024 before D.B. P.P given to the parties.

SCANNED  
KPST  
Peshawar

\*Adnan Shah\*

  
(Salah Ud Din)  
Member(J)

  
(Kalim Arshad Khan)  
Chairman

- 27.03.2024
1. Clerk of counsel for the appellant present. and Mr. Muhammad Jan, District Attorney for the respondent present.
  2. Clerk of counsel for the appellant requested for adjournment on the ground the counsel is busy in Hon'ble Peshawar High Court. Peshawar. Adjourned. To come up for arguments on 08.05.2024 before D.B. P.P given to the parties.

SCANNED  
KPST  
Peshawar

  
(Fareeha Paul)  
Member (E)


  
(Rashida Bano)  
Member (J)

(3)

23.02.2023


Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

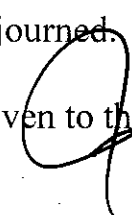
Neither reply/comments was submitted on behalf of respondents nor cost was deposited on behalf of the respondents. Therefore, right of respondents for submission of reply is hereby struck off. To come up for arguments on 25.05.2023 before D.B.

  
(Muhammad Akbar Khan)  
Member (E)

25<sup>th</sup> May, 2023

1. Junior to counsel for appellant present. Mr. Fazal Shah Mohmand, Additional Advocate General for respondents present.
2. Junior to counsel for appellant requested for adjournment as senior counsel for appellant is indisposed. Adjourned. To come up for arguments on 17.08.2023 before D.B. P.P given to the parties.

  
(Fareeha Paul)  
Member (E)

  
(Kalim Arshad Khan)  
Chairman

\*Mutazem Shah\*

SCANNED  
KPST  
Peshawar

SCANNED  
KPST  
Peshawar

(4)

29.11.2022

Junior to counsel for the appellant present. Mr. Kabir Ullah Khattak Additional Advocate General for respondents present.

As per record notices have not been issued to the respondents for submission of comments. Learned AAG is directed to make sure the presence of representative of the respondents on the next date positively. In the meanwhile, office is directed to issue proper notices to the respondent department for submission of reply on cost of Rs. 3000/- which had been imposed upon the preceding date. To come for written reply/on 09.01.2023 before S.B.

SCANNED  
KF&T  
Peshawar

All the respondents were out station & the counsel & Appellant didn't contact us to send their notices



(Rozina Rehman)  
Member (J)

09.01.2023

Appellant in person present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present and requested for further time for submission of reply/comments. Last opportunity given, failing which the right of respondents for submission of reply/comments shall be deemed as struck off. Adjourned. To come up for submission of reply/comments as well as cost of Rs. 3000/- on 23.02.2023 before the S.B.

SCANNED  
KF&T  
Peshawar



(Salah-Ud-Din)  
Member (J)

(5)

19.07.2022

*Appellant was informed telephonically for the date fixed 20/10/2022.*

Nemo for the appellant. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Reply/comments on behalf of respondents not submitted. Learned Additional Advocate General seeks time to contact the respondents for submission of reply/comments. Last opportunity is granted. To come up for reply/comments before the S.B on 20.10.2022. Notice be also issued to the appellant and his counsel for the date fixed.

(Mian Muhammad)  
Member (E)

20.10.2022

Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

*19*

Reply/comments on behalf of respondents not submitted. Learned District Attorney requested for time to contact the respondents for submission of reply/comments. Last opportunity is extended subject to cost of Rs. 3000/-. Adjourned. To come up for reply/comments before the S.B on 29.11.2022.

(Mian Muhammad)  
Member (E)

01.02.2022

Appellant in person present. Mr. Muhammad Adeel Butt, Addl. AG for respondents present.

Reply/comments on behalf of respondents are still awaited. Learned Additional Advocate General sought time for submission of reply/comments. Granted. To come up for reply/comment before the S.B on 24.02.2022.

(Atiq-Ur-Rehman Wazir)  
Member (E)

24.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 12.05.2022 for the same as before.

Reader

12.05.2022

Junior to counsel for appellant present.

Muhammad Adeel Butt, learned Additional Advocate General present. Nemo for respondent Department.

Reply on behalf of respondents is still awaited. Notice be issued to respondents for submission of comments. To come up for written reply/comments on 19.07.2022 before S.B.

(Rozina Rehman)  
Member (J)

SCANNED  
KPST  
Peshawar



(7)

05.01.2022

Counsel for the appellant present. He further documented the appeal as per order sheet dated 22.12.2021. Placed on file. Preliminary arguments heard and record perused.

Points raised need consideration. The appeal is admitted for hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments 20.01.2022 before the S.B.


  
Chairman

20.01.2022

Appellant in person present and submitted application for the grant of permission to deposit security & process fee. Application is allowed and appellant is directed to deposit security & process fee within 03 working days. Thereafter, notice be issue to respondents for submission of reply/comments before the S.B on 01.02.2022.

Appellant Deposited  
Security & Process Fee

20/01/22

  
(Atiq-Ur-Rehman Wazir)  
Member (E)



9

The appeal of Mr. Afsarullah QRF No.460 son of Smer Nawaz Khan r/o Azeem Kaly District Bannu received today i.e. on 22.10.2021 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

1. Check list is not attached with the appeal.
2. Annexures of the appeal may be attested.
3. Appeal has not been flagged/marked with annexures marks.
- ④ Copy of impugned order dated 08.04.2014 mentioned in the memo of appeal is not attached the appeal which may be placed on it.
- ⑤ Copies of charge sheet, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.

No. 2106 /S.T,

Dt. 22/10 /2021

REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Abid Ayub Adv. Pesh.

Resubmission After necessary complications.

- Objection No. 1 Removed.
- Objection No. 2 Removed.
- Objection No. 3 also removed.
- Objection No. 4 and 5, the Appellant hasn't any copy of ~~the~~ impugned order dated 8/4/2014 in hand nor the department provided any documents/ charge sheet/ dicimisal order etc by the request of appellatant, which is clearly mentioned in instant appeal in Para-7, and appeal may ~~only~~ be put up before the worthy Chairman Por nearby Counsel

Sir,

The objections No. 4 & 5 and reply of counsel for the appellatant is submited for appropriate order please -

Worthy Chairman - PTO

29/10/2021

Keeping the objection intact, ~~it~~  
be put up for placing before  
the bench.

A  
10/12/2021

11

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**  
**CHECK LIST**

Case Title: Afsar Ullah vs Govt. KPK etc

S.#	Contents	Yes	No
1.	This appeal has been presented by: <u>Abid Ayub + Saad-ul-Mabood</u>		
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	✓	
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?	✓	
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?		
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D.A.G?		
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?	✓	
16.	Whether appeal contains cuttings/overwriting?		✓
17.	Whether list of books has been provided at the end of the appeal?	✓	
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether Security and Process Fee deposited? on		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on		
26.	Whether copies of comments/reply/rejoinder submitted? on		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:

SAAD-UL-MABOOD KHATIB

Signature:



Dated:

29-10-2021



**FRONTIER CONSTABULARY TRAINING CENTRE**  
PESHAWAR - KHYBER PAKHTUNKHWA

**UNODC**  
United Nations Office on Drugs and Crime

# Certificate of Completion

## Search Techniques

This is to certify that

**Afsar Ullah**

has completed the above e-learning course at  
(Frontier Constabulary Hayatabad)  
On: Tuesday, December 10, 2013

*[Handwritten signature]*  
**ATTESTED**  
*[Handwritten signature]*  
Gul Saif Khan Afridi PSP  
District Officer Frontier Constabulary Hayatabad



26

*Affidavits "C"*


13

وزارت داخلہ پاکستان

Ministry of Interior  
Government of Pakistan

22201-4393194-1

5507111321  
155-81-33-34



شیر نواز  
شیر نواز  
شیر نواز

*[Handwritten signature]*

**ATTESTED**

PAKISTAN  
National Identity Card

Name: Afsar Ullah Khan




Father Name: Sher Nawaz

Gender: M | Country of Stay: Pakistan

Identity Number: 22201-4393194-1 | Date of Birth: 08.03.1981

Date of Issue: 12.09.2019 | Date of Expiry: 12.09.2029

Holder's Signature: *[Signature]*

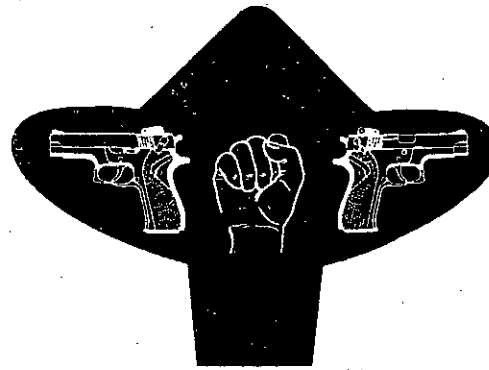
*[Handwritten signature]*

(14)

(27)

Serial No. 3299

# Certificate of Completion - Elite Training



## PRESENTED TO

NO \_\_\_\_\_ RANK \_\_\_\_\_ Sep \_\_\_\_\_ NAME Afzar Ullah of FC Dghi,

In Recognition of his qualification as a **COMMANDO** of the Sindh Police Course.  
Commenced on 11.08.2006 and completed on 01.12.2006, EPC-20th Batch.

Performance was as follows:

- 1. Physical Standards : High Average
- 2. Weapon handling/Firing : Average
- 3. Tactics : Average
- 4. Martial Arts : Average
- 5. General Remarks : A very hard working Officer. Has performed very well. Displayed good discipline. Will make a useful member of the Commando Force. With the passage of time and continue training he can be an effective team leader.
- 6. Grade : High Average.

ARRESTED



Amirul B. (12)

25

(LT. COL.(R) M. A. WAHID KHAN)  
COMMANDANT  
ATTC RAZZAKABAD MALIR KARACHI.



6. That the mother of appellant could not survive and died after demise of his mother the appellant started his duty on routine basis and he work for 3 / 4 months but could not withdraw his salary and he rush to high ups regarding his salary who was told that the appellant has been dismissed from the service due to his absence.
7. That the appellant moved different applications to respondents to provide him the dismissal order but they were reluctant to provide same and since then the appellant approached to the competent authority but of no Vail.
8. That the appellant is feeling aggrieved from order dated 08/04/2014 of the respondent, the appellant is constrained to file the instant Departmental Appeal/ representation before this appellate authority for his re-instatement on the following amongst other grounds:

**GROUND:**

- A. That the order dated 08/04/2014 is totally against the law, facts and material and is also against settled rules provided for and hence is not maintainable.
- B. That the impugned order has been passed in utter violation of rules, because the appellant has not been informed about the constitution of any Inquiry Officer/ Inquiry Committee and no proper proceeding of inquiry as provided under the rules has been conducted.
- C. That before passing of the impugned order dated 08/04/2014, the respondent has failed to issue show cause notice/ statement of allegation and even no final show cause notice has been issued to the appellant.
- D. That the reason for the removal from service has not been conveyed to the appellant in black & white which is against the norms of justice nor any

ATTESTED  
[Signature]

opportunity of personal hearing provided to the appellant hence, order of the respondent is not maintainable. (11)

E. That the impugned order is totally illegal, without jurisdiction, against the settled rules and appellant having provided with no proper opportunity of being heard has been condemned unheard and hence the impugned order is also against the natural justice and equity, therefore, calls for interference by this Appellate Authority.

It is therefore, humbly and respectfully prayed that on acceptance of this Departmental Appeal, the impugned order dated 08/04/2014 may kindly be set-aside and the Appellant may graciously be reinstated with all back benefits.

Your's obediently

Dated 28/07/2021

*Afsar*

Afsar Ullah  
S/o Sher Nawaz Khan R/o  
Azeem Kaly, District Bannu

N.I.C: 22201-4393194-1

Cell No.: 0342-9860397

ATTESTED  
*[Signature]*

BEFORE THE FRONTIER CONSTABULARY, KHYBER PAKHTUNKHUWA

Afsar Ullah son of Sher Nawaz Khan Resident of Azeem Kaly, District Bannu

(9)

VERSUS

Commandant Frontier Constabulary, Khyber Pakhtunkhuwa


Departmental Appeal/Representation against the Order issued by the respondents whereby the appellant has been wrongly dismissed from service.

Respectfully Sheweth,

Facts:

1. That the appellant was initially appointed as Constable (BPS-07) dated 08/06/2003 with terms and conditions and the appellant had accordingly joined duty.
2. That since joining his service the appellant worked for the department continuously and meanwhile the appellant joined different sort of courses whereby appreciation certificate were handed over to the appellant.
3. That till 2014 continuously remained in department and from nowhere any compliant was received to the respondents against the appellant.
4. That during service mother of appellant was hospitalized in Peshawar due to sever condition of mother of appellant he remained with her for proper look after and there was no one except the appellant.
5. That the appellant informed respondents/immediate officers regarding the illness of his mother who verbally accepted leave application of the appellant.

ATTESTED



against the natural justice and equity, therefore, calls for interference by this Hon'ble Tribunal.

- N. That at any rate, the order dated 08/04/2014 is not tenable in the eye of law, hence, the appellant seek extra ordinary jurisdiction of this Hon'ble Tribunal.

**PRAYER**


Keeping in view the above submissions, facts and circumstances of the case, it is most humbly prayed that the impugned dismissal order dated 08/04/2014 being unlawful, illegal based on malafide, and un justice, may graciously be set-aside and the appellant be reinstated in service with all back benefits.

Dated: - 21<sup>st</sup> Oct, 2021

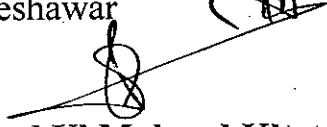


Afsar Ullah  
(Appellant)

Through



Abid Ayub  
Advocate, High Court,  
Peshawar



Saad Ul Mabood Khattak  
Advocate, High Court,  
Peshawar

**BEFORE THE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA, PESHAWAR**

Service Appeal# \_\_\_\_\_ of 2021

**Afsar Ullah**

**...VS...**

**Govt of Khyber Pakhtunkhwa *etc***

**AFFIDAVIT**

I, Afsar Ullah son of Sher Nawaz Khan (Appellant), do hereby solemnly affirm and declare on Oath that the contents of appeal are true and correct to the best of my knowledge & belief and nothing has been kept secret from this Hon'ble Court.

Dated: 21<sup>st</sup> Oct, 2021

*Afsar*

**DEPONENT**



22-10-21

**BEFORE THE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA, PESHAWAR**

Service Appeal# \_\_\_\_\_ of 2021

**Afsar Ullah**

**...VS...**

**Govt of Khyber Pakhtunkhwa *etc***

**ADDRESSES OF THE PARTIES**

Address Of The Appellant

Afsar Ullah (QRF NO:460) s/o Sher Nawaz Khan r/o Azeem  
Kaly, district Bannu.

Addresses Of The Respondents


1. Government of Khyber Pakhtunkhwa *through* Commandant Frontier Constabulary.
2. Deputy Commandant Frontier Constabulary kpk.
3. D.O, Frontier Constabulary, Phase 5 Hayatabad Peshawar

Dated: - 21<sup>st</sup> Oct, 2021

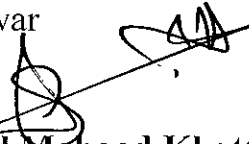


Afsar Ullah  
(Appellant)

Through



Abid Ayub  
Advocate, High Court,  
Peshawar



Saad Ul Mabood Khattak  
Advocate, High Court,  
Peshawar

**BEFORE THE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA, PESHAWAR**

Service Appeal# 7866 of 2021

Afsar Ullah Khan  
...VS...

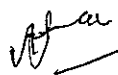
Govt of Khyber Pakhtunkhwa etc

**SCANNED  
KPST  
Peshawar**

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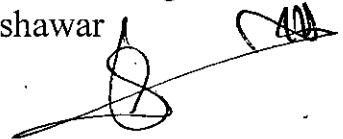
Dated: - 21<sup>st</sup> Oct, 2021

  
Afsar Ullah Khan

(Appellant)

Through

  
Abid Ayub  
Advocate, High Court,  
Peshawar

  
Saad Ul Mabood Khattak  
Advocate, High Court,  
Peshawar

**BEFORE THE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA, PESHAWAR**

Service Appeal# 7866 of 2021

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 7789

Dated 22/10/2021

Afsar Ullah (QRF NO:460) s/o Sher Nawaz Khan r/o Azeem  
Kaly, district Bannu.

*Appellant*

*VERSUS*

1. Government of Khyber Pakhtunkhwa *through Commandant*  
Frontier Constabulary.
2. Deputy Commandant Frontier Constabulary kpk.
3. D.O, Frontier Constabulary, Phase 5 Hayatabad Peshawar

*Respondents*

**APPEAL** under section 4 of the Khyber  
Pakhtunkhwa Services Tribunal Act-1974  
against order dated 08/04/2014 issued by  
the respondents whereby the appellant has  
been wrongly dismissed from service.

*Prayer:*

To set-aside the impugned order dated  
08/04/2014 and to reinstate the appellant  
with all back benefits.

Any other consequential relief/ remedy  
which this Hon'ble Tribunal may deem fit  
and proper under the circumstance of the  
instant appeal may also be awarded in  
favour of the appellant.

**Filed to-day**

**Registrar**

22/10/2021



*Facts of the Case*

1. That the appellant was initially appointed as Constable (BPS-07) dated 08/06/2003 with terms and conditions and the appellant had accordingly joined duty.
2. That since joining his service the appellant worked for the department continuously and meanwhile the appellant joined different sort of courses whereby appreciation certificate were handed over to the appellant.
3. That till 2014 continuously remained in department and from nowhere any complaint was received to the respondents against the appellant.
4. That during service mother of appellant was hospitalized in Peshawar due to severe condition of mother of appellant he remained with her for proper look after and there was no one except the appellant.
5. That the appellant informed respondents/immediate officers regarding the illness of his mother who verbally accepted leave application of the appellant.
6. That the mother of appellant could not survive and died after demise of his mother the appellant started his duty on routine basis and he work for 3 / 4 months but could not withdraw his salary and he rush to high ups regarding his salary who was told that the appellant has been dismissed from the service due to his absence.

7. That the appellant moved different applications to respondents to provide him the dismissal order but they were reluctant to provide same and since then the appellant approached to the competent authority but of no Vail.
8. That the appellant is feeling aggrieved from order dated 08/04/2014 of the respondent, the appellant is constrained to file the Departmental Appeal/ representation before the competent authority for his re-instatement.  
However, after a lapse of 90 days, no reply/decision whatsoever has been communicated to the appellant, therefore, the appellant has no option left except to approach this Hon'ble Forum for redressal.
9. That the impugned dismissal order is illegal, unlawful based on malafide, therefore, is liable to be set aside on the following grounds:

**GROUND:**

- A. That the impugned order dated 08/04/2014 is against the law, facts norms of natural justice and material on record, hence not tenable in the eye of law, therefore liable to be set aside.
- B. That the appellant has not been treated in accordance with law and rules and as such the respondents have violated Article 4 & 25 of the Constitution of Islamic of Pakistan, 1973, hence is liable to be set aside.
- C. That the impugned order has been passed in utter violation of rules, because the appellant has not been informed about the

constitution of any Inquiry Officer/ Inquiry Committee and no proper proceeding of inquiry as provided under the rules has been conducted.

- D.** That the impugned order of the respondents is cursory in nature and warrants interference of this Hon'ble Tribunal.
- E.** That the show cause notice or charge sheet has not been communicated by the respondents personally to the appellant and the whole proceedings were finalized Ex-parte without conducting any inquiry, therefore, the impugned dismissal order on this sole point is liable to be set aside.
- F.** That before passing of the impugned order dated 08/04/2014, the respondent has failed to issue show cause notice/ statement of allegation and even no final show cause notice has been issued to the appellant.
- G.** That the reason for the removal from service has not been conveyed to the appellant in black & white which is against the norms of justice nor any opportunity of personal hearing provided to the appellant hence, order of the respondent is not maintainable.
- H.** That the appellant being a regular government servant cannot be dismissed from service in such a harsh manner.
- I.** That the order dated 08/04/2014 is against the Section 24-A of the General Clauses Act and against the spirit of the various judgments of the apex Supreme Court of Pakistan in which it is held that the authority must give reasons while

passing orders adversely affected any official. Therefore, the impugned order is liable to be set aside.

- J.** That the appellant was condemned unheard and while passing the impugned order dated 08/04/2014 no chance of personal hearing was provided to the appellant nor any notice was served on the appellant in this respect. Moreover, the impugned order though has been passed by the respondents in routine, however, the same is amounted to be an order of reversion for which the codal formalities have also not been fulfilled by him.
- K.** That the order dated 08/04/2014 is against the norm of justice and based on malafide because the appellant remained as Constable for the long period of 11 years without any complaint against him.
- L.** That without any complaint, the order dated 08/04/2014 was passed against the appellant while passing the impugned order dated 08/04/2014 neither any legal procedure was adopted nor any explanation was called from the appellant, which is above the law and seems to be a result of personal grudges with the appellant.
- M.** That the impugned order is totally illegal, without jurisdiction, against the settled rules and appellant having provided with no proper opportunity of being heard has been condemned unheard and hence the impugned order is also

(34)

Before the Head of Rights information

Khyber Pakhtunkhwa Peshawar.

Afsarullah s/o Sher Nawaz Khan R/o Azeem

Katy district Bannu

Subject

Application to supply the appointment order dated 01-03-2003 and similarly dismissal order dated 08-06-2014 along with showcause notice to the applicant Platoon no @ RF 460

---

Respected Sir!

- 1) That the applicant was appointed as Sepoy in the frontier constabulary by the department on 01-03-2003.
- 2) That after joining service the applicant render his service in the frontier constabulary.
- 3) That on 08-06-2014 the applicant was removed from the service without assigning any reason nor provided any charge sheet nor showcause notice.
- 4) That the applicant approached to the high ups

for redressal of his grievances but even then  
condemned un heard.

5) That the applicant moved written application to the  
high ups to provide him appointment letter along  
with dismissal order and Show Cause notice but  
the same was not entertained and returned the  
application to the applicant (copy of application is  
enclosed)

6) That the applicant also submitted departmental  
appeal and after that filed appeal to service  
tribunal but till today the documents mentioned  
above have not been provided hence this  
application is more so that the documents  
mentioned above may kindly be provided to the  
applicant as soon as possible.

Thanking you

Afsarullah S/o Sher Nawaz Khan

R/o Azeem Kaly district Bannu

At

CNIC: 23201-4393194-1

Contact no: 0342-9860397

2021 پنجاب ایسی لائٹ

فصلہ اشفاق احمد / نام FC کمانڈر KPK اور عدالت

موردہ  
مقدمہ  
دعوی  
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ  
 آن مقام سپریم کورٹ کے لیے عمارت ایوب سے صلہ صلہ اشفاق احمد اور عدالت  
 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 پر حلف دینے جواب دہی اور اقبال دعویٰ اور  
 بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ از عرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
 زرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی  
 اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت  
 مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بھائی  
 تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے  
 اور اس کا ساختہ پر داختم منظور قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ سے  
 سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب یا ہمدردوں  
 گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

افضل اللہ ولد شہر نواز سکندری عظیم علی ڈسٹرکٹ جج

Attest

المرقوم 21/10/21 ماہ اکتوبر 2021

العبد فواد العبد  
 کے لئے منظور ہے۔  
 مقام کے Attest  
 Attest

(33)

To

Annexure-B

Commandant Frontier Constabulary,

Subject: Application for Suppling/providing appointment letter ~~dated~~: 01-03-2003 and dismissal order Dated 08-06-2014 alongwith Show Cause Notice to the Applicant namely Afsar Ullah, Platoon No. Q.R.F 460

---

Respectfully Sheweth,

- 1- That the applicant was appointed as "Sepoy" in Frontier Constabulary on 01-03-2003.
- 2- That the applicant worked in the Frontier Constabulary for almost 11 years from his initial appointment.
- 3- That on 08-6-2014 the applicant was dismissed from service without lawful justification, Moreover, the applicant was neither given any show cause notice nor charge sheet was framed against him.
- 4- That time and again the applicant requested to the highups but he was not heard in person.
- 5- That through this application again the applicant request the competent authority to giving him the said document which is mentioned above.

Dated: 15-10-2021

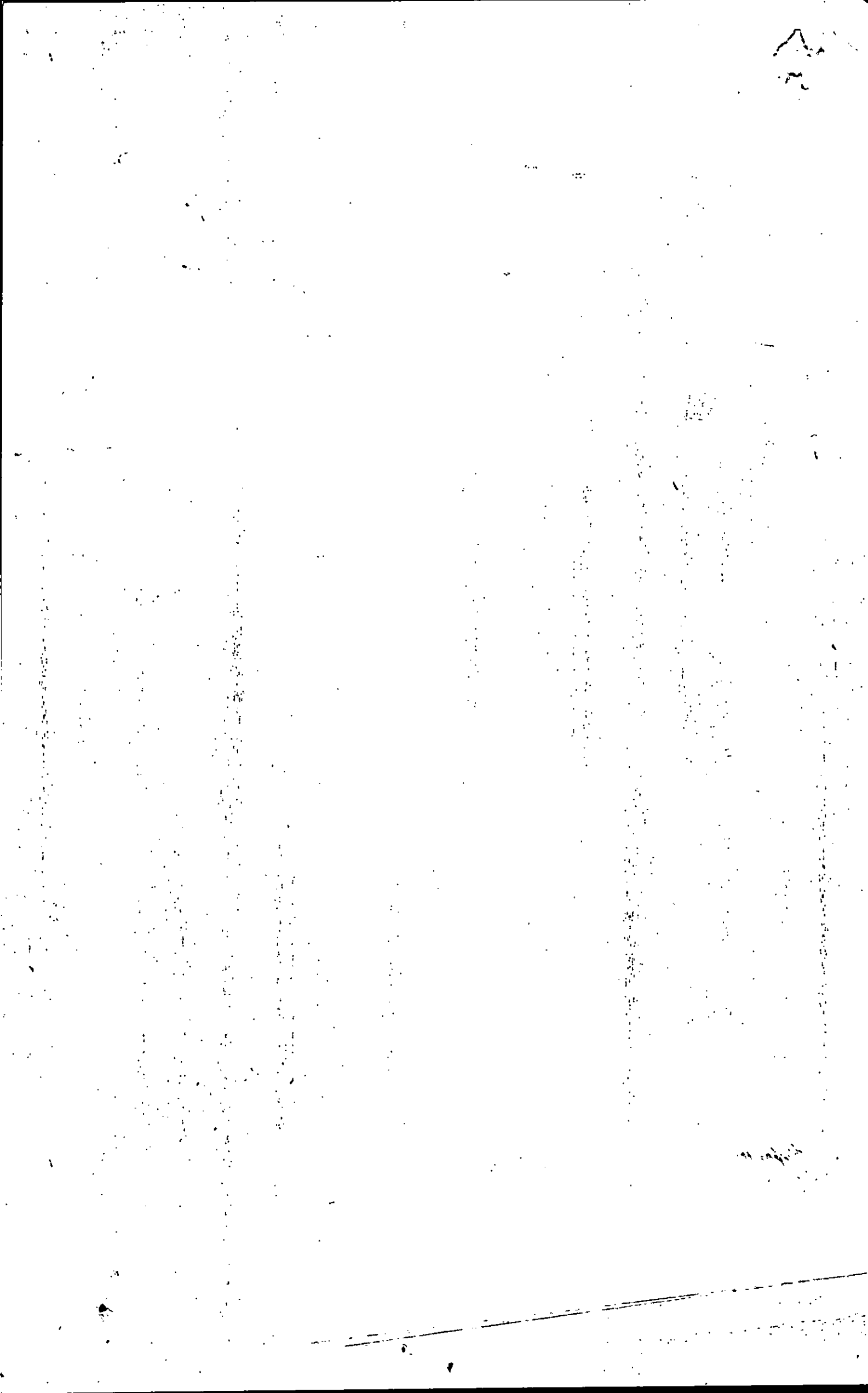
*Afsar*

Afsar Ullah s/o  
Sher Nawaz Khan

Q.R.F No. 460

Mob: 0342-9860397





(32)

Annexure - A

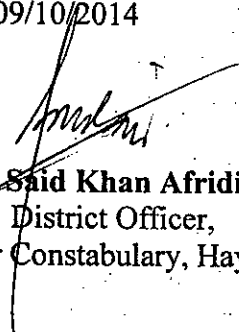
Government of Pakistan  
Frontier Constabulary Headquarters  
Hayatabad

Order Book No 693 /ADJ

Dated 12/12 /2014.

Subject: - **DISMISSAL**

Sepoy Afsar Ullah P/460 (QRF) of FC Hayatabad absented himself from 09/10/2014 and not yet reported back for duty. On completion of 60 days regular desertion period he is dismissed from service from the date of desertion i.e. 09/10/2014


  
(Gul Said Khan Afridi)PSP  
District Officer,  
Frontier Constabulary, Hayatabad.

**OFFICE OF THE DISTRICT OFFICER, FRONTIER CONSTABULARY, HAYATABAD.**

No. 6532 /ADJ:

Dated Hayatabad the 17/12 /2014.

1. Copy of the above is forwarded to the Commandant, Frontier Constabulary, Khyber Pakhtunkhwa Peshawar for kind information please.

  
(Gul Said Khan Afridi)PSP  
District Officer,  
Frontier Constabulary, Hayatabad

(29)

**BEFORE THE SERVICE TRIBUNAL KHYBER**  
**PAKHTUNKHWA, PESHAWAR**

CM# \_\_\_\_\_ of 2022

*In*

Service Appeal No.7866/2021

**Afsar Ullah Khan**

**VS**

**Government of KPK etc**


APPLICATION *for* PLACING ON FILE THE  
DISMISSAL ORDER DATED 12/12/2014,  
APPLICATION THROUGH RIGHT TO  
INFORMATION ACT ETC AND IMPLEADING  
“*DISTRICT OFFICER FRONTIER CONSTABULARY,*  
*HAYATABAD*” AS IN COLUMN OF RESPONDENTS.

**Respectfully Sheweth,**


1. That the above-mentioned service appeal is pending before this Hon'ble Court, in which Jan, 2022 is fixed as date of hearing.
2. That the petitioner/applicant wants to place on file the above mentioned documents which are necessary to be available on the file, furthermore, the “*District Officer, Frontier Constabulary, Hayatabad, Peshawar*” may also be impleaded as respondent which is also necessary party for fair decision of the instant appeal.
3. That there is no legal or factual bar in placing of the above mentioned documents rather the same are necessary to be allowed in the interest of justice.


It is, therefore, humbly & respectfully prayed that on acceptance of this application, the applicant / petitioner may kindly be allowed to place on file the above-referred documents and the "District Officer, Frontier Constabulary, Hayatabad, Peshawar" as in column of respondent may also be impleaded as necessary party.

Dated: - 04<sup>th</sup> Jan, 2022

  
Afsar Ullah Khan  
Applicant

Through

  
Abid Ayub  
Advocate, High Court,  
Peshawar

  
Saad Ul Mabood Khattak  
Advocate, High Court,  
Peshawar

(31)

**BEFORE THE SERVICE TRIBUNAL KHYBER**  
**PAKHTUNKHWA, PESHAWAR**

CM# \_\_\_\_\_ of 2022

*In*

Service Appeal No.7866/2021

Afsar Ullah Khan

VS

Government of KPK *etc*

**AFFIDAVIT**

I, Afsar Ullah s/o Sher Nawaz Khan (Applicant) r/o Azeem Kaly, district Bannu, do hereby solemnly affirm and declare on Oath that the contents of the Review Petition are true and correct to the best of my knowledge & belief and nothing has been kept secret from this Hon'ble Court.

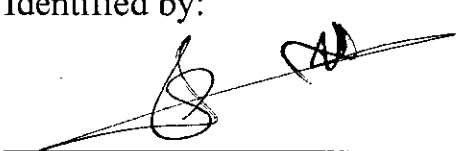
Dated: 04<sup>th</sup> Jan, 2022

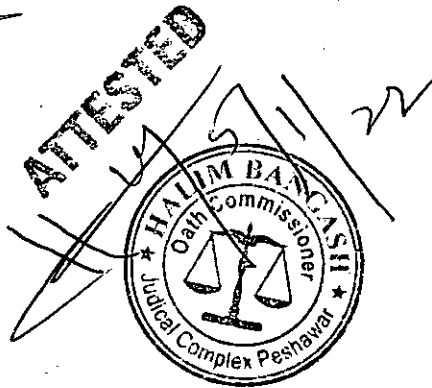
*pa*  
DEPONENT

22201-4393194-1

0342-9860397

Identified by:

  
Saad Ul Mabood Khattak  
Advocate, High Court,  
Peshawar



(28)

4

**BEFORE THE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA, PESHAWAR**

CM# \_\_\_\_\_ of 2022

*In*

Service Appeal No.7866/2021

**Afsar Ullah Khan**

**VS**


**Government of KPK etc**

**SCANNED  
KPST  
Peshawar**


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Dated: - 04<sup>th</sup> Jan, 2022

  
Afsar Ullah Khan  
Applicant

Through

  
Abid Ayub  
Advocate, High Court,  
Peshawar

  
Saad Ul Mabood Khattak  
Advocate, High Court,  
Peshawar