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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

EXECUTION NO _____

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Asmat ullah vs Police

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Muharrir
Muharrir
10/07/24

Incharge
Incharge Judicial Branch
10/7/24

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNL PESHAWAR.

Service Appeal No. 2430/2023

Muhammad Zubair, District Attorney.....Appellant.

Versus

Govt. of Khyber Pakhtun khwa through Chief Secretary and others.

.....Respondents

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(MUHAMMAD ZUBAIR)

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR.

Service Appeal No. 1105/2016

BEFORE: MRS. RASHIDA BANO ... MEMBER (J)
MR. MUHAMMAD AKBAR KHAN ... MEMBER (E)

Asmat Ullah Khan S/o Amir Shah, R/o Tajazai, Ex-Constable No. 757, PS
Ghazni Khel, Lakki Marwat.

... (Appellant)

VERSUS

1. District Police Officer, Bannu.
 2. Regional Police Officer, Bannu Region, Bannu.
 3. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
- (Respondents)

Mr. Arbab Saif-ul-Kamal,
Advocate

For appellant

Mr. Asif Masood Ali Shah,
Deputy District Attorney

For respondents

Date of Institution.....14.10.2016
Date of Hearing29.04.2024
Date of Decision29.04.2024

JUDGMENT

RASHIDA BANO, MEMBER (J): The service appeal in hand has
been instituted under Section-4 of the Khyber Pakhtunkhwa Service
Tribunal Act, 1974 with the following prayer:-

**“That on acceptance of the appeal, orders dated
07.07.2010, 09.08.2011 and 15.09.2016 of the
respondents be set-aside and appellant be reinstated
in service with all back benefits, with such other
relief as may be deemed proper and just in
circumstances of the case.”**

2. Precise averments as raised by the appellant in his appeal are
that, he was appointed as Constable on 27.07.2007 in Police
Department and vide order dated 28.08.2009, he was transferred from

R.

District Lakki to District Bannu. Departmental proceedings were initiated against the appellant on the allegation that he while transferred from Lakki District to District Police Bannu vide RPO/Bannu Region Bannu order Endst: No. 3537-38 dated 28.08.2009 failed to make arrival on his place of posting and absented himself from government duty with effect from 03.09.2009 to 21.10.2009 and from 22.10.2009 to 07.11.2009. On conclusion of the inquiry, the appellant was removed from service vide impugned order dated 07.07.2010 passed by District Police Officer, Bannu. The appellant challenged the order dated 07.07.2010 through filing of representation, however, the same was rejected vide impugned order dated 09.08.2010. The appellant then preferred mercy petition, which was also rejected on the ground of limitation and merits vide impugned order dated 15.09.2016. The appellant has now approached this Tribunal through filing of instant service appeal on 14.10.2016 for redressal of his grievances.

3. Respondents were put on notice who submitted their para-wise comments on the appeal.

4. Learned counsel for the appellant has argued that the absence of the appellant from duty was not willful rather the same was due to illness of his mother. He next argued that the appellant was awarded major punishment of removal from service vide impugned order dated 07.07.2010 with retrospective effect, therefore, the impugned order dated 07.07.2010 being void ab-initio is liable to be set-aside. He further argued that as the impugned order dated 07.07.2010 was passed with retrospective effect, therefore, no limitation would run

against the impugned order. He next argued that the appellant was basic employee of District Police Lakki Marwat and was transferred to District Bannu, therefore, if there was any misshape happened, then the District Police Officer, Bannu, was required to inform the District Police Officer, Lakki Marwat about any action, however the same has not been done, therefore, on his score alone, the impugned orders are illegal and void ab-initio. He next argued that neither any charge sheet/statement of allegations or show-cause notice was issued to the appellant nor any inquiry was conducted in the matter, therefore, he was condemned unheard. In the last, he requested that the impugned orders may be set-aside and the appellant may be reinstated in service with all back benefits.

5. Conversely, learned Deputy District Attorney for the respondents has contended that the appellant remained absent from duty without seeking any leave or permission from the competent Authority. He next contended that the appellant was issued charge sheet alongwith statement of allegations and was also conducted inquiry in the matter. He further contended that the appellant failed to join the inquiry proceedings, therefore, ex-parte proceedings were conducted against the appellant. He also contended that the departmental appeal as well as mercy petition filed by the appellant are badly barred by time, therefore, the appeal in hand is not maintainable and is liable to be dismissed on this score alone.

6. We heard the learned counsel for the appellant as well as learned District Attorney for the respondents and perused the case file with connected documents in detail.

7. We will have to decide first that whether impugned order passed by competent authority vide which the appellant has been awarded penalty with retrospective effect is void ab-initio and no limitation would run against the same. In our humble view this contention of the learned counsel for the appellant is misconceived. Though punishment could not be awarded with retrospective effect, however where a civil servant has been proceeded against departmentally on the ground of his absence from duty, then punishment could be awarded to him retrospectively from the date of his absence from duty and the same is an exception to the general rule that punishment could not be imposed with retrospective effect. Worthy, apex court in its judgment reported as 2022 PLC (C.S.) 1177 has observed as below:-

“8. We find that the impugned judgment has totally ignored the record and facts of this case. The department has also been totally negligent in pursuing this matter and has allowed the Respondent to remain absent from duty for so long. On the issue of retrospective effect, we find that admittedly, the respondent has been absent from duty w.e.f. 01.09.2003, hence no illegality is made out by considering his dismissal from there as he has not worked with the department since the given date. (Emphasis provided).”

8. Moreover, even void orders are required to be challenged within period of limitation provided by law. Supreme Court of

Pakistan in its judgment reported as 2023 SCMR 866 has held as below:-

“6. Adverting to the arguments of learned ASC for the petitioner that there is no limitation against a void order, we find that in the first place, the learned ASC has not been able to demonstrate before us how the order of dismissal was a void order. In addition, this Court has repeatedly held that limitation would run even against a void order and an aggrieved party must approach the competent forum for redressal of his grievance within the period of limitation provided by law. This principle has consistently been upheld, affirmed and reaffirmed by this Court and is now a settled law on the subject. Reference in this regard may be made to Parvez Musharraf v. Nadeem Ahmed (Advocate) (PLD 2014 SC 585) where a 14 member Bench of this Court approved the said Rule. Reference in this regard may also be made to Muhammad Sharif v. MCB Bank Limited (2021 SCMR 1158) and Wajdad v. Provincial Government (2020 SCMR 2046). (Emphasis supplied)”

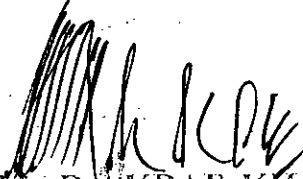
9. Record reveals that appellant was removed from service vide order dated 07.07.2010, which was required to have been challenged through filing of departmental appeal within 15 days as prescribed in Section-9 of Removal from Service (Special Powers) Ordinance, 2000 but appellant filed departmental appeal after lapse of that 15 days that is why same was rejected/filed by the authority i.e Regional Police Officer, Bannu Region, Bannu being a time barred one vide order dated 09.08.2011. Appellant also approached CPO, who also filed his appeal/revision vide memo No. 790/Legal dated 28.02.2012. August Supreme Court of Pakistan in its judgment reported as 2011 SCMR 08 has held that question of limitation cannot be considered a technicality simpliciter as it has bearing on merit of the case. Although appellant filed second appeal/mercy petition to

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar, which was rejected vide order dated 15.09.2016 on the grounds of limitation and merit as well but same is of no help to him for condonation of delay as in the law/rules there is no provision of mercy petition/second appeal/revision. Appellant filed instant appeal on 14.10.2016, which he was required to file within 30 days of passing of adverse order against him, however he filed the instant appeal after a lapse of 05 years of passing of appellate order dated 09.08.2011.

10. It is well settled that law favours the diligent and not the indolent. The appellant remained indolent and did not agitate the matter before the Service Tribunal within the period prescribed under the relevant law. This Tribunal can enter into merits of the case only, when the appeal is within time. Supreme Court of Pakistan in its judgment reported as 1987 SCMR 92 has held that when an appeal is required to be dismissed on the ground of limitation, its merits need not to be discussed.

11. Consequently, it is held that as the departmental appeal of the appellant was barred by time, therefore, the appeal in hand stands dismissed being not competent. Parties are left to bear their own costs. File be consigned to the record room.

12. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 29th day of April, 2024.*


(MUHAMMAD AKBAR KHAN)
Member (E)


(RASHIDA BANO)
Member (J)

22.04.2024 1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah learned Deputy District Attorney for the respondents present.

2. Learned counsel for the appellant requested for adjournment in order to further prepare the brief. Absolute last chance is given to argue the case on the next date, failing which case will be decided on the basis of available record without providing further adjournments and chance of arguments. Adjourned. To come up for arguments on 29.04.2024 before D.B. P.P given to parties.

RECORDED
INDEXED
PESHAWAR


(Fareeha Paul)
Member (E)


(Rashida Bano)
Member (J)

Kaleemullah

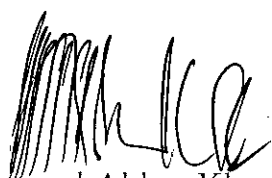
ORDER


29th April, 2024

1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present. Arguments heard and record perused.

2. Vide our judgment of today placed on file, it is held that as the departmental appeal of the appellant was barred by time, therefore, the appeal in hand stands dismissed being not competent. Parties are left to bear their own costs. File be consigned to the record room.

3. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 29th day of April, 2024.*


(Muhammad Akbar Khan)
Member (Executive)


(Rashida Bano)
Member (Judicial)

nd Mr. 1

10th Nov, 2023

1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

2. Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 22.02.2024 before D.B. P.P given to the parties.

SCANNED
R. BT
Peshawar
kamranullah

(Muhammad Akbar Khan)
Member (E)

(Rashida Bano)
Member (J)

22nd Feb, 2024

1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

2. These cases involve question of grant of retrospective effect to the impugned orders. Most of these cases are pending since 2018, therefore, the learned counsel were requested to give a date of their own choice, so that a last chance be given to all of the parties and their counsel to argue these appeals on the said date of their choice. The learned counsel, after consultation with each other, agreed that matters may be fixed for 22.04.2024. Adjourned accordingly to the above date, the date is given on their own choice with the observation that no further adjournment will be granted on any ground and in case any of the learned counsel could not argue, the other counsel would argue and the cases would be decided forthwith. And in case again further adjournment is sought, all the matters shall be deemed to have been adjourned sine-die. In that eventuality, the counsel or parties whenever desirous to argue may make an application for restoration of the appeals to get those argued and decided. P.P given to the parties.

SCANNED
R. BT
Peshawar

(Fareeha Paul)
Member (E)

(Kalim Arshad Khan)
Chairman

Adnan Shah

9

10.07.2023

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Learned counsel for the appellant seeks adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 15.09.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar



(Rashida Bano)
Member (J)



(Salah-ud-Din)
Member (J)

Naeem Amin

15th Sep, 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 requested for adjournment in order to prepare the brief. Last opportunity is granted. To come up for arguments on 10.11.2023 before D.B. Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar



(Muhammad Akbar Khan)
Member (E)



(Kalim Arshad Khan)
Chairman

Kamranullah

10

26.04.2023

Appellant present through counsel.

Fazal Shah Mohmand, learned Additional Advocate General
for respondents present.

Learned Member Executive (Mr. Muhammad Akbar Khan) is

SCANNED
KPST
Peshawar

on leave, therefore, case is adjourned. To come up for arguments
on 23.05.2023 before D.B. Parcha Peshi given to the parties.



(Rozina Rehman)
Member (J)

Mutazem Shah

23rd May, 2023

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

2. Learned counsel for appellant made a request for
adjournment in order to prepare the brief. Adjourned. To come
up for arguments on 10.07.2023 before D.B. P.P given to the
parties.

SCANNED
KPST
Peshawar



(Fareeha Paul)
Member (E)



(Kalim Arshad Khan)
Chairman

Mutazem Shah

22.12.2022

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant sought time for preparation of arguments. Adjourned. To come up for arguments on 04.01.2023 before D.B.

SCANNED
KPST
Peshawar

(Mian Muhammad)
Member (E)

(Salah-ud-Din)
Member (J)

04.01.2023

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Inquiry record has neither been submitted by the appellant nor by the respondents, therefore, respondents shall positively submit copy of complete inquiry record within 10 days and to come up for arguments on 10.02.2023 before the D.B.

SCANNED
KPST
Peshawar

(Mian Muhammad)
Member (E)

(Salah-Ud-Din)
Member (J)

10.02.2023

Learned counsel for the appellant present. Mr. Naseerud Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment in order to further prepare the brief. Granted. To come up for arguments on 26.04.2023 before the D.B.

SCANNED
KPST
Peshawar

(FAREEHA PAUL)
Member (E)

(ROZINA REHMAN)
Member (J)

08.12.2022

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 13.12.2022 before the D.B.

SCANNED
PESHAWAR

(Mian Muhammad)
Member (E)

(Salah-Ud-Din)
Member (J)

13.12.2022

Junior to counsel for the appellant present. Muhammad Adeel Butt learned Additional Advocate General for respondents present.

Former made a request for adjournment on the ground that senior counsel for the appellant is busy in Hon'ble Peshawar High Court, Peshawar. Last chance is given. To come up for argument on 22.12.2022 before D.B.

(Fareeha Paul)
Member (E)

(Rozina-Rehman)
Member (J)


13


30th Nov. 2022

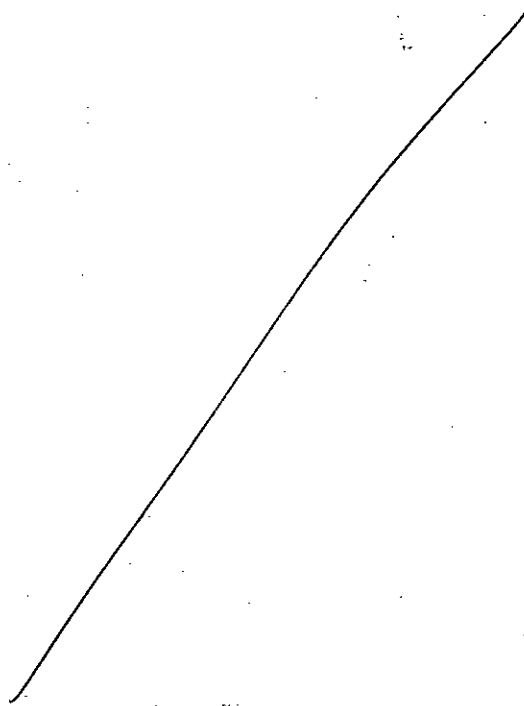
Learned counsel for the appellant present. Mr. Naseerud Din Shah, Assistant Advocate General for the respondents present.

SCANNED
KFST
Peshawar

Learned counsel for the appellant states that Service Appeal No. 1369/2018 titled "Farman Ali Vs. DPO, Swat and others", and others were fixed for arguments on 08.12.2022 and requests that instant appeal might be clubbed with the same. This appeal is clubbed with the same and to come up for arguments on 08.12.2022 before the D.B.


(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

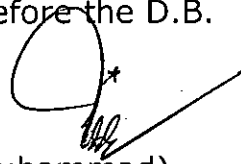


14

06.07.2022

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 13.10.2022 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

13th Oct., 2022

Counsel for the appellant present. M. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requests for adjournment in order to further prepare the brief. Last opportunity is granted. To come up for arguments on 30.11.2022 before the D.B.



(Fareeha Paul)
Member (E)



(Kalim Arshad Khan)
Chairman

15

14.04.2022

None for the appellant. Mr. Kabirullah Khattak, Addl. AG for the respondents present. Notices be issued to the appellant and his counsel for arguments on 30.05.2022 before DB.

(Rozina Rehman)
Member (J)

CHAIRMAN

30th May, 2022

Learned counsel for the appellant present. Mr. Naseerud Din Shah, AAG for the respondents present.

Learned counsel for the appellant seeks adjournment in order to properly assist the Tribunal. Last opportunity is granted. To come up for arguments on 06.07.2022 before the D.B.

(Mian Muhammad)
Member(E)

(Kalim Arshad Khan)
Chairman

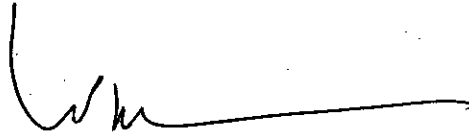
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31.08.2021

Miss Uzma Syed, Advocate, junior of learned counsel for the appellant present. Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.

D

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in august High Court. Adjourned. To come up for arguments before the D.B on 02.11.2021.


(ATIQ UR REHMAN WAZIR)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

02.11.2021

Counsel for the appellant and Mr. Noor Zaman Khattak, District Attorney for the respondents present.

The learned Member (Judicial) is on leave, therefore, case is adjourned. To come up for arguments on 03.02.2022 before the D.B.

D


Chairman

03.02.2022

The Tribunal is non-functional, therefore, the case is adjourned to 14.04.2022 before the D.B for the same.


Reader

25.11.2020

Counsel for the appellant present. Addl: AG for respondents present.

The proposition has not yet been decided by the Larger Bench, therefore, the instant appeal is adjourned.

Adjourned to 17.02.2021 before D.B.

(Mian Muhammad)
Member (E)

Chairman

17.02.2021

Counsel for the appellant and Addl. AG for the respondents present.

Former requests for adjournment in order to further prepare the brief. Adjourned to 28.05.2021 for hearing before the D.B.

(Mian Muhammad)
Member(E)

Chairman

28.05.2021

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Request for adjournment was made on the ground that the issue involved in the present appeal is pending adjudication before Larger Bench of this Tribunal. Adjourned. To come up for arguments before D.B on 31.08.2021. Learned counsel for the appellant is directed to provide ^{Copies of} annexure ⁷⁰² of second Member copy of appeal on or before the date fixed.

(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)

(SALAH-UD-DIN)
MEMBER (JUDICIAL)

18.06.2020

Learned counsel for the appellant for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General for the respondents present.

At the outset, learned counsel for the appellant referred to the last paragraph of the impugned order dated 07.07.2010 and stated that penalty to the appellant was awarded with retrospective effect.

It shall, therefore, be in the fitness of things to adjourn the instant matter to a date after the date of hearing in cases involving the similar proposition by a larger bench of this Tribunal.

Adjourned to 07.09.2020 before D.B.

Member

Chairman

07.09.2020

Mr. Amjid Nawaz, junior to senior counsel is present for appellant. Mr. Kabirullah Khattak, Additional Advocate General for the respondents, is also present.

Since the impugned order has been made efficacious ex-post facto which issue is pending consideration before the Larger Bench of this august Service Tribunal, therefore, it is appropriate to submit the instant appeal before the worthy bench. Adjourned to 25.11.2020.

(Mian Muhammad)
Member (Executive)

(Muhammad Jamal Khan)
Member (Judicial)

20.12.2019 Junior to counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Junior to counsel for the appellant submitted application for adjournment. Adjourned with the direction to furnish member copy of the present service appeal. To come up for arguments on 29.01.2020 before D.B.


Member


Member

29.01.2020 Junior to counsel for the appellant and Addl. AG for the respondents present.

Former requests for adjournment due to general strike of the Bar. Adjourned to 30.03.2020 for arguments before the D.B.


Member


Member

30.03.2020 Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 18.06.2020 before D.B.


Reader


18.06.2019 Junior to counsel for the appellant present. Mr. Kabirullah Khattak learned Additional Advocate General present. Junior to counsel requested for adjournment as learned counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 08.08.2019 before D.B.


Member


Member


08.08.2019 Clerk to counsel for the appellant present. Mr. Muhammad Jan, DDA for respondents present. Clerk to counsel for the appellant seeks adjournment due to general strike on the call of Pakistan Bar council. Adjourn. To come up for arguments on 09.10.2019 before D.B.


Member


Member

9-10-2019

Due to tour of Honble member to camp court. Since the case is adjourned to 20-12-2019


Reader

31.10.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 19.12.2018.

[Signature]
READER

19.12.2018

Learned counsel for the appellatant and Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Learned counsel for the appellatant requested for adjournment. Adjourned. To come up for arguments on 07.02.2019 before D.B.

[Signature]
(Hussain Shah)
Member

[Signature]
(Muhammad Amin Kundi)
Member

07.02.2019

Counsel for the appellatant present. Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellatant requested for adjournment. Adjourned to 23.04.2019 for arguments before D.B-I.

[Signature]
(AHMAD HASSAN)
MEMBER

[Signature]
(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

23.4.19

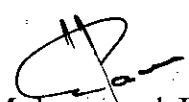
The Bench is incomplete therefore case is adjourned to 18-6-2019

[Signature]
Reader

13.03.2018

Junior to counsel for appellant and Mr. Muhammad Jan, learned Deputy District Attorney for the respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not available. Adjourn. To come up for arguments on 02.05.2018 before D.B


(M.Amin.Khan Kundi)
Member


(Muhammad Hamid Mughal)
Member

02.05.2018


Learned counsel for the appellant and Mr. Muhammad Jan, Learned Deputy District Attorney present. The Tribunal is defunct due to retirement of Hon'ble Chairman. Therefore the case is adjourned. To come up for the same on 17.07.2018


READER

17.07.2018

Learned counsel for the appellant and Mr. Zia Ullah, Learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 10.09.2018 before D.B



(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

10.09.2018

Learned counsel for the appellant and Mr. Riaz Khan Paindakheil learned Assistant Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 31.10.2018 before D.B


(Hussain Shah)
Member



(Muhammad Hamid Mughal)
Member

23

08. 11.07.2017

Junior to counsel for the appellant and Asst: AG alongwith Mr. Asghar Ali, H.C for respondents present. Junior to counsel for the appellant requested for time to file rejoinder. Adjourned. To come up for rejoinder and arguments on 06.11.2017 before D.B.

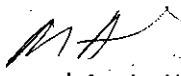

(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

06.11.2017

Counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney alongwith Mr. Asghar Ali, Head Constable for the respondents also present. Learned counsel for the appellant submitted rejoinder and requested for adjournment. Adjourned. To come up for arguments on 15.01.2018 before D.B.



(Gul Zeb Khan)
Member


(Muhammad Amin Khan Kundi)
Member

15.01.2018

Clerk of the counsel for appellant present. Mr. Kabir Ullah Khattak, Addl: AG for the respondents present. Lawyer community on strike on the call of Khyber Pakhtunkhwa Bar Council. Adjourned. To come up for arguments on 13.03.2018 before D.B.


(Gul Zeb Khan)
Member


(M. Hamid Mughal)
Member

24


15.03.2017

Clerk to counsel for the and Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. Request accepted. To come up for written reply/comments on 19.04.2017 before S.B.


(AHMAD HASSAN)
MEMER

19.04.2017

Counsel for the appellant and Mr. Asghar Ali, HC alongwith Addl. AG for the respondents present. Written reply not submitted. Request for adjournment. Request accepted. To come up for written reply/comments on 18.05.2017 before S.B.


(Muhammad Amin Khan Kundi)
Member

18.05.2017

Counsel for the appellant and Addl. AG for the respondents present. Learned Assistant AG submitted written reply. To come up for rejoinder and arguments on 11.07.2017 before D.B.


(Ahmad Hassan)
Member

25

10.11.2016

Counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 01.02.2017.

(PIR BAKHSH SHAH)
MEMBER

01.02.2017

Learned counsel for the appellant argued that the appellant was serving as constable when dismissed from service on the allegations of willful absence vide impugned order dated 07.07.2010 where-against his departmental appeal was also rejected on 09.08.2011 where-after appellant preferred review petition under rule 11-A of Police Rules, 1975 which was also rejected on 15.09.2016 and hence the instant service appeal 14.10.2016.

That the absence of the appellant was due to illness of his mother and that the prescribed procedure for enquiry was not followed.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 15.03.2017 before S.B.

Appellant Deposited
Security & Process Fee

Chairman

(26)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 1105/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	31/10/2016 SCANNED K.P.U.T Peshawar 3/11/2016	<p>The appeal of Mr. Asmatullah Khan resubmitted today by Mr. Saadullah Khan Marwat Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>10-11-2016</u></p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>

27

The appeal of Mr. Asmatullah Khan son of Amir Shah Ex-Constable No. 757 PS Ghazni Khel Lakki Marwat received today i.e. on 14.10.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- Annexures-D and H of the appeal are illegible which may be replaced by legible/better one.
- 3- Copies of show cause notice, departmental appeal and mercy petition mentioned in the memo of appeal are not attached with the appeal which may be place on it.

No. 1717 /S.T,

Dt. 18/10/2016

Sandhe
18-10-16
for REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Saadullah Khan Adv. Pesh.

Sir,

Objectives No. 142 are removed.
As far as S.C. Notice & Mercy Petition is concerned, copies of the same are not available at present. The same will be placed on board as & when becomes available.

submitted by

Sy

28

SCANNED
KPST
Peshawar

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

S.A No. 1105 /2016

Asmat Ullah Khan

versus

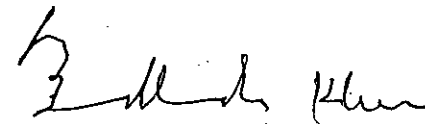
D.P.O & others

I N D E X

S.#	Description of Documents	Annex	Page
1.	Memo of Appeal		1-3
2.	Order of appointment, 27.07.2007	"A"	4-6
3.	Medical receipts, 2008-2016	"B"	7-17
4.	Charge sheet, 24.11.2009	"C"	18-19
5.	Dismissal order, 07.07.2010	"D"	20
6.	Representation,	"E"	21
7.	Rejection order, 09.08.2011	"F"	22
8.	Revision petition,	"G"	23
9.	Rejection order, 15.09.2016	"H"	24
10.	Request for documents, 10.10.16	"I"	25

Appellant

Through



Dated: 14.10.2016

(Saadullah Khan Marwat)
Advocate

21-A Nasir Mansion,
Shoba Bazaar, Peshawar.

Ph: 0300-5872676
0311-9266609

29₁

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A No. 1105 /2016

Asmat Ullah Khan S/O Amir Shah,
R/o Tajazai, Ex-Constable No. 757,
PS Ghazni Khel, Lakki Marwat. Appellant

Versus

**Khyber Pakhtukhwa
Service Tribunal**

Diary No. 1085

Dated 14-10-2016

1. District Police Officer, Bannu.
2. Regional Police Officer,
Bannu Region, Bannu.
3. Provincial Police Officer,
KP, Peshawar Respondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT,
1974 AGAINST OFFICE ORDER NO. 814, DATED
07.07.2010, OF R. NO. 1 WHEREBY APPELLANT
WAS DISMISSED FROM SERVICE FROM THE DATE
OF ABSENCE FROM DUTY OR OFFICE ORDER NO.
2913/EC, DATED 09.08.2011 OF R.NO. 2 WHEREBY
REPRESENTATION OF APPELLANT WAS REJECTED
OR/AND OFFICE ORDER NO. 6189/16, DATED
15.09.2016 WHEREBY REVISION PETITION OF
APPELLANT WAS REJECTED FOR NO LEGAL
REASON.**

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Filed to-day
Q. o. w
Registrar -
14/10/16.

Respectfully Sheweth:

Short facts giving rise to the present appeal are as under:-

1. That on 27.07.2007, appellant along with others was appointed as constable on the recommendations of District Selection Board by R. No. 1. His name was placed at S. No. 86 of the appointment order. (Copy as annex "A")

Re-submitted to -day
and filed.
Q. o. w
Registrar
31/10/16

2. That appellant was serving the force to the best of the ability after passing recruitment course. His mother, being heart patient, started treatment. She was examined by Heart Specialist on 25.02.2008 and then from time to time till 13.01.2016. (Copy as annex "B")
3. That on 28.08.2009, appellant was transferred from District Lakki to District Bannu.
4. That appellant was shown absent from duty since 03.09.2009 so on 24.11.2009, charge sheet was issued for service upon him regarding absence from duty. He then joined duty on 22.10.2009. This charge sheet was never served upon him as is evident from the same, so no reply was submitted to the same. (Copy as annex "C")
5. That no enquiry was conducted in the matter, yet appellant was dismissed from service on 07.07.2010, by R. No. 1 from the date of absence from duty i-e 03.09.2009. (Copy as annex "D")
6. That appellant submitted representation before R. No. 2 for reinstatement in service but the same was rejected on 09.08.2010. Copy of this order was also not endorsed to him. (Copies annex "E" & "F")
7. That there after appellant submitted petition before R. No. 3 for reinstatement in service on 16.01.2015 which was rejected on 15.09.2016. (Copies annex "G" & "H")
8. That on 10.10.2016, appellant submitted application before R.No. 1 for supply of the documents mentioned therein but in vain. (Copy as annex "D")

Hence this appeal, inter alia, on the following grounds:-

GROUND S

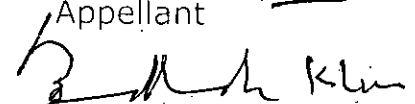


- a. That appellant never absented from duty willfully but his mother was ill. No one was in house to look after her. As no

one is near and dearer to mother, so he attended his ill mother in Hospital.

- b. That appellant was basic employee of District police, Lakki Marwat, he was only transferred to district Bannu, and so District police Bannu was not authority for him. If any mishap was taken in District Bannu, he should inform District police; Lakki Marwat about any action. On this score alone, whole of the proceedings/actions become null and void. The impugned orders are illegal and ab-initio void.
- c. That charge sheet and statement of allegation is not addressed to appellant, so was not served upon him.
- d. That whole of the proceedings/actions/orders were not per the mandate of Law and rules, so have no legal force but are based on malafide.

It is, therefore, most humbly prayed that on acceptance of the appeal, orders dated 07.07.2010, 09.08.2011 and 15.09.2016 of the respondents be set aside and appellant be reinstated in service with all back benefits, with such other relief as may be deemed proper and just in circumstances of the case.

Dated: 14.10.2016

Appellant
Through 
Saadullah Khan Marwat

Arbab Saif-ul-Kamal
& 
Miss Robina Naz,
Advocates,

A

4

27-7-07

ORDER.

On the recommendation of the District Selection Board, the following candidates have been considered suitable for appointment as Constables in District Police, Lakki Marwat. They are hereby provisionally enlisted as Constables in BPS-5 (2415-115-5865) with effect from 26-07-2007 (E.Noon) in the newly created posts of Constables for District Police, Lakki Marwat. They are allotted Constabulary Numbers as noted against each their names: -

S/No.	Name, Father Name & Address	Constabulary No.
1.	Const: Riaz Ahmad S/o Ali -ud-Din R/o Zangi Khel	672
2.	" Abdul Majeed S/o Zarin Khan R/o Tajori	673
3.	" Ali Muhammad S/o Wali Muhammad R/o Tajori	674
4.	" Mati Ullah S/o Khadim Hussain R/o Gul Wali Abad, Lakki	675
5.	" Mehran Khan S/o Jehangir Khan R/o Haqqad Abad, Lakki	676
6.	" Irfan Ullah S/o Latif Ullah R/o Wanda Langer Khel	677
7.	" Sajjad Khan S/o Muhammad Nawaz Khan R/o Chuwar Khel	678
8.	" Abdul Wahid S/o Wasim Khan R/o Gharib Abad, Naurang	679
9.	" Akhter Zaman S/o Behadur Zaman R/o Abba Khel	680
10.	" Akber Ali Khan S/o Fazal Rahim R/o Abba Khel	681
11.	" Waqar Ali S/o Taj Ali R/o Mir Alam Manjiwala	682
12.	" Muhammad Bashir S/o Ayaz Khan R/o Nar Muhammad Ghazni Khel	683
13.	" Sami Ullah S/o Umer Khan R/o Zangi Khel	684
14.	" Javed Iqbal S/o Mir Qalam R/o Wanda Aurangzeb	685
15.	" Muhammad Javed S/o Muhammad Yousaf R/o Nar Abu Samand Khaisor	686
16.	" Hayat Ullah S/o Abdul Manan R/o Behram Khel	687
17.	" Kamran Ullah S/o Sher Ahmad Khan R/o Tajori	688
18.	" Humayun S/o Hashim Khan R/o Nawar Khel	689
19.	" Muhammad Jalal S/o Muhammad Iqbal R/o Dallo Khel	690
20.	" Jamshed Khan S/o Taj Ali Khan R/o Begu Khel	691
21.	" Shafiqat Ullah S/o Gul Janan R/o Harama Tala	692
22.	" Qudrat Ullah S/o Niamat Ullah R/o Kotka Sattar Khel	693
23.	" Younas Khan S/o Muhammad Din Khan R/o Begu Khel	694
24.	" Wahid Ahmad S/o Wali Muhammad R/o Zangi Khel	695
25.	" Muhammad Rafique S/o Saher Gul R/o Mama Khel	696
26.	" Barkat Ullah S/o Obaid Ullah Jan R/o Daulat Khel	697
27.	" Amin Khan S/o Momin Khan R/o Gandhi Khan Khel	698
28.	" Hikmat Ullah S/o Barkat Ullah R/o Kheru Khel Pacca	699
29.	" Fahim Ullah S/o Hati Khan R/o Tajori	700
30.	" Ehsan Ullah S/o Rahim Dil Khan R/o Hakim Topa	701
31.	" Sadique Khan S/o Gulistan R/o Adamzai	702
32.	" Munawar Khan S/o Abdul Aziz R/o Baist Khel	703
33.	" Aziz Khan S/o Mamoor Khan R/o Nar Muhammad Ghazni Khel	704
34.	" Farooq Nawaz S/o Ghulam Shah Jehan R/o Saeed Khel, Lakki	705

Attested by

33

5

S/No.	Name, Father Name & Address	Constabulary No.
35.	" Ehsan Ullah S/o Fazal Rahim R/o Wanda Khan Dauran	706
36.	" Khalid Muhammad S/o Sher Ahmad Khan R/o Gandhi Umer Chiker	707
37.	" Wahid Ullah S/o Muhammad Ghaffar R/o Mughal Majiwala	708
38.	" Mustaqim Shah S/o Shamal Khan R/o Pahar Khel Pacca	709
39.	" Inam Ullah S/o Noor Aslam R/o Daulat Khel	710
40.	" Muhammad Jamil S/o Quli Khan R/o Landiwah	711
41.	" Asgher Khan S/o Abdul Ghaffar R/o Mughal Manjiwala	712
42.	" Ismail Khan S/o Alangir Khan R/o Kotka Khali Khel Gandhi	713
43.	" Salim Khan S/o Saif Ullah R/o Mohallah Baghban, Lakki	714
44.	" Kifayat Ullah S/o Latif Khan R/o Daraka Aziz Khan	715
45.	" Aziz Ullah S/o Ahmad Khan R/o Dallo Khel	716
46.	" Ghulam Dadar S/o Gul Salam Khan R/o Mir Azar Khanzad Khel	717
47.	Const: Munawar Khan S/o Mir Azam R/o Dallo Khel	718
48.	" Jamshed S/o Jehangir Khan R/o Mama Khel	719
49.	" Irfan Ullah S/o Mehar Dil R/o Tari Khel	720
50.	" Habib Ullah S/o Samin Jan R/o Kheru Khel Pacca	721
51.	" Mehmood Khan S/o Baid Ullah Jan R/o Lakki Mina Khel	722
52.	" Shakil Akhter S/o Alla-ud-Din R/o Mela Shahab Khel	723
53.	" Hamid Ullah S/o Akber Zaman R/o Gandhi Umer Chiker	724
54.	" Atlas Khan S/o Shah Hussain R/o Dhoda	725
55.	" Akhter Munir S/o Mir Afzal R/o Kar Badni Khel	726
56.	" Asgher Ali S/o Mashal Khan R/o Nar Sheikh Khudabakhash	727
57.	" Inam Ullah S/o Syed Ghulam R/o Azam Manjiwala	728
58.	" Khurshid Ahmad S/o Muhammad Bashir R/o Zangi Khel	729
59.	" Khan Behadur S/o Mohib Ullah R/o Nar Muhammad Ghazni Khel	730
60.	" Muhammad Jalal S/o Muhammad Jamil R/o Nar Lal Mir Ahmad Shah	731
61.	" Zia Ullah S/o Shaista Khan R/o Titter Khel	732
62.	" Haroon Rasheed S/o Jander Khan R/o Khoidad Khel Adamzai.	733
63.	" Saad Ullah S/o Nawaz Khan R/o Adamzai	734
64.	" Sami Ullah S/o Akber Khan R/o Landiwah	735
65.	" Jamshed Khan S/o Faiz Muhammad R/o Saced Khel, Lakki	736
66.	" Sakhi Sarwar S/o Naeem Khan R/o Yasin Majiwala	737
67.	" Hikmat Ali S/o Liaqat Ali R/o Dallo Khel	738
68.	" Habib Khan S/o Aman Ullah S/o Kotka Najib Khel	739
69.	" Abdur Rasheed S/o Lahore Khan R/o Wanda Baru	740
70.	" Aman Ullah S/o Mirzali Khan R/o Tajori	741
71.	" Kalim Ullah S/o Muhammad Ali Jan R/o Abba Khel	742
72.	" Farid Ullah S/o Asmat Ullah R/o Nar Raza Khan Adamzai	743
73.	" Inam Ullah S/o Khalid Raza Khan R/o Kaka Khel	744
74.	" Muhammad Mustafa S/o Ayaz Khan R/o Yasin Majiwala	745
75.	" Altaf Hussain S/o Abdul Jalil R/o Ghulam Ali Samti	746
76.	" Wahid Ullah Khan S/o Aziz Ullah R/o Langer Khel Pacca	747
77.	" Anwar Kamal S/o Zar Bad Shah R/o Nar Sperlay	748
	" Ali Nawaz S/o Salah-ud-Din R/o Gandhi Khan Khel	749
	" Hussain Muhammad S/o Azim Khan R/o Suleman Khel	750

34

Misc-10

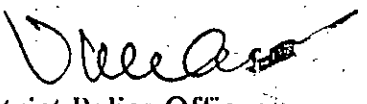
6

S/No.	Name, Father Name & Address	Constabulary No.
80.	" Muhammad Javed S/o Mir Ahmad Jan R/o Mina Khel, Lakki	751
81.	" Irshad Ahmad S/o Sharif Khan R/o Landiwah	752
82.	" Jamshed S/o Muhammad Saeed R/o Sher Khan Khel, Lakki	753
83.	" Amjad Khan S/o Salim Khan R/o Sarwar Mama Khel	754
84.	" Muhammad Nisar S/o Kalu Khan R/o Azher Khel	755
85.	" Nizad Ali S/o Islam-ud-Din R/o Mina Khel, Lakki	756
86.	✓ Asmat Ullah S/o Amir Shah R/o Tajazai	757
87.	" Syed Nawaz S/o Sultan Muhammad R/o Chuwar Khel	758
88.	" Shah Wali S/o Dilawar Khan R/o Wanda Pari	759
89.	" Ghulam Ali S/o Pir Ghulam R/o Guli Jan Titter Khel	760
90.	" Wahid Ullah S/o Qasim Khan R/o Nar Muzaffar Khan	761
91.	" Farid Ullah S/o Rustam Khan R/o Titter Khel	762

O.B No. 302

Dated: 26/07/2007


No 4447-52 Dt, 27.7.2007


District Police Officer,
Lakki Marwat.
4/7

Copies submitted to the: -

1. Provincial Police Officer, NWFP, Peshawar for favour of information w/r to his Memo: No.390-34/E-I dated 25-07-2007.
2. Dy: Inspector General of Police, Bannu Region, Bannu for favour of information.
3. District Accounts Officer, Lakki Marwat for information.
4. All concerned.


District Police Officer,
Lakki Marwat.


by

35

B

Z

25-2-09

DR SHAHAB-UD-DIN
M.B.B.S D.Card

ڈاکٹر شہاب الدین

ماہر امراض قلب
انچارج شعبہ امراض قلب

ڈسٹرکٹ ہیڈ کوارٹر ہسپتال بنوں

کلینک: بالقاتل گیٹ نمبر 2

25/2/08

ARDIOLOGIST

Incharge Cardiology Unit
D.H.Q. Hospital Bannu.
CLINIC: Opposit Gate No. 2
Mobie: 0304-9411200
Ph: # 0928 - 612286

دفعہ 1

Anger

Amoxycillin 500

Go to the

Lab/Blood
Investigation

1p

LANOXIN 0.25

(1/2) 1 tablet @

2. Lasix

1/2

(1/2)

CONCOR 2.5

1/2 @

(1/2)

Amlolide

1/2

Medipati-

1/2

Dr. Iqbal MD

20/2/09

Attested
by

36

B

18-9-09

Shahab-ud-Din
M.B.E.S. D. Card

CARDIOLOGIST

Incharge Cardiology Unit
D.H.Q. Hospital, Bannu
CLINIC:- Opposit Gate No. 2
Ph 612286, Mob. 0302-3529452, 0344-9411200

ڈاکٹر شہاب الدین
ماہر امراض قلب
انچارج شعبہ امراض قلب
ڈسٹرکٹ ہیڈ کوارٹر ہسپتال بنوں
کلینک: بالمقابل گیٹ نمبر 2
18/09/09

میرا
50

SVP
→ Cardiac massage
→ Sublingual

x-ray chest
- sep
- High TCOR
- Blood sugar

12 LANTANIN
(WB) — 0.25
2 Lessor
(WB) — 0.1
3 ~~Calc~~ Concr 2.5
(WB) — 0.1
4 RAB2
3 x (WB) 0.1
5 Skidap Amps
3 e, WB 20 Sy

37

9

6-2-13

CARDIAC CARE UNIT
District Headquarter Hospital, Bannu

Adm No: 165/29

Date of Adm: 6/2/13

Date of Disch: 7/2/13

DISCHARGE SLIP

CARDIOLOGIST
Dr. Shahab-ud-Din
M.B.B.S D Card

[Handwritten signature]

- 1-Dr. Qazi Fiazud Din
- 2-Dr. Ahmad Faraz
- 3-Dr. Ghani Ullah

Name: جیو S/o W/o: ---
 Age: 64yr Sex: M Address: جیو پی سی
 Diagnosis: ساکرٹ

Hospital Treatment & Investigations

• لیٹ لانڈی 0.45 7 4
 • لیٹ اینجیو 87L 574
 • لیٹ کالون 807
 • ---

Home Treatment

• لیٹ اینجیو 87L 574
 • لیٹ کالون 807
 • ---
 • لیٹ لانسپوٹ 327
 • ---
 • لیٹ ماس-2
 • ---

Attested
[Handwritten signature]

[Handwritten signature]
Medical Officer C.C.U.

38

10

Khyber

MEDICAL LABORATORY

Opp: D.H.Q. Hospital Gate No.1 Bannu
Habibullah Khan

DMLT (NIH-ISO) B.Sc. (Clinical Pathology)
Pharmacy-B, MBA (F)
Incharge Pathology Dept. D.H.Q. Teaching Hospital Bannu



Contact No.
0335-3560001

خیبر میڈیکل لیبارٹری

بالقابل ڈسٹرکٹ ہیڈ کوارٹر ہسپتال گیت نمبر 1 بون
Lab. Technologist: Muhammad Tahir Durrar
B.Sc. Pathology (BMC Bannu)

Pt's Name: Amir Saeed Ref. By Dr. _____ Date: _____
Age/Sex: _____

HAEMATOLOGY			SEROLOGY/IMMUNOLOGY	
TEST	N. RANGE	RESULT	TEST	RESULT
HB%	M 14-17 F 12-15	G/dl	HBs Ag (Australian Antigen)	
TLC	(4000-10000)	/cmm	Anti-HCV	
DLC			HIV (AIDS)	
Polymorphs	40-75	%	V.D.R.L. T.P.H.A	
Lymphocytes	20-45	%	H. Pylori Ab Rapid Test	
Monocytes	02-07	%	Typhidot Test	
Eosinophil	01-06	%	Mycodot ICT	
Basophil	00-01	%	Montoux Test after 72/hrs	
E.S.R (By Westergren Method)	M 00-15 F 00-20	mm/1st Hr	Toxoplasma Test	
B.T	Mints 01-06	Min () Sec ()	Brucella Abortus	
C.T	Mints 01-09	Min () Sec ()	Brucella Melitensis	
Platelets Count	150000-400000	/cmm	A.S.O Titre	
Blood Group			Rheumatoid Factor	
Rh Factor			Sputum for (AI II)	
Cross Match	Compatible (Ok)/ Incompatible Not (Ok)		Anti Dengue Test IgM (IGM)	
			Troponin T	
			L.D Bodies Test	

WIDAL TEST (Enteric Fever Test)

S. Typhi "O"	
S. Typhi "H"	
Widal Test Is	

Malaria Parasite Test

P. Vivax/P. Vivax Trophozoites Seen.
P. Vivax Rings are Seen
P. Falciparum Rings / Gamotocyte are Seen
No MP Seen in the Blood Smear Examined

CLINICAL BIOCHEMISTRY

TEST	UNIT	RESULT	N. RANGE	TEST	UNIT	RESULT	N. RANGE
CARDIAC ENZYMES				Blood Sugar F	mg/dl		70-110
SGOT (As T)	u/l		M 0-33 F 0-31	Blood Sugar R	mg/dl		80-180
CPK	u/l		M 15-130 F 15-110	LIVER FUNCTION TEST			
CK MB	u/l		0-25	SGPT (ALT)	u/l		0.1-1.2
LDH	u/l		105-315	Alkaline Phosphatase	u/l		M 1.0-3.0 A 1.0-3.0 Children 100-400
ELECTROLYTES				RENAL FUNCTION TEST			
Sodium	mg/dl		135-150	Blood Urea	mg/dl		10-50
Potassium	mg/dl		3.8-5.2	S Creatinine	mg/dl		0.6-1.2
Chloride	mg/dl		98-107	S Uric Acid	mg/dl		M 3.8-7.0 F 2.4-5.7
LIPIDS PROFILE				Glycosylated Hb (HbA1C)			<7.0% (4.0-6.0%)
S. Cholesterol	mg/dl		100-220	S Amylase	u/dl		upto 4-220
Triglycerides	mg/dl		upto 150				
HDL	mg/dl		35-55				
LDL	mg/dl		50-150				

Med. Lab. Technologist

سیل بروز جمو

39

میڈیکل سپیشل
شفا ہسپتال لکی مروت



ڈاکٹر مسیح علی شاہ
ایم بی بی ایس، ایم سی پی ایس

Age Sex Date
Patient's Name

[Handwritten signature]

SVT

[Handwritten symbol]

24/2/

[Handwritten signature]
S. I. G.

[Handwritten signature]

[Handwritten signature]

تعطیل بروز جمعہ

Attested
[Handwritten signature]

دوبارہ معائنہ بعد

45

12

3-12-15

Assistant Professor

Dr. M. Nadeem Khan

MBBS (King Edward), MCPS (Medicine)
FCPS (Cardiology)

Visiting Cardiologist

Incharge Cardiology Unit

Khalifa Gul Nawaz Medical Institute Bannu

Bannu Medical College Bannu

E-Mail: nadeemkhan88@gmail.com



Not Valid for MLC Purpose

ڈاکٹر ایم ندیم خان

ایف سی بی ایس (ایم بی بی ایس) ایم بی بی ایس (میڈیسن)

ایف سی بی ایس (کارڈیالوجی)

کنسلٹنٹ کارڈیالوجسٹ

بیمارستان قلب بانی بندہ پشاور

P. Name Haji Tan B D Age 52 Sex F Date 3/12/15

Clinical Record



KHTN

(Co) 150/100
80

150/100
80

150
80

D. HTN

ECG: _____

ECHO: _____

ETT: _____

COR ANGIO: _____

CXR: _____

RBS

دوبارہ معائنہ بعد

TAS. Calam 40

100/70

TAS. Misra H
40/120

100/70

Cap. Kulep 20

200/120

RBS

91

13

3-12-15



ECHOCARDIOGRAPHY REPORT

Dr M Nadeem Khan Cardiac Clinic Opposite Gate No. 1 DUQ Bannu.

Name: HATI JANA
Age: 55 YRS

Date: 3/12/2015
Address:

	Observed (cm)	Normal range according to weight (Lbs)					
		Adult	0-25	26-50	51-75	76-100	101-200
Lt. Vent Diastolic Dimen	5.6		3.2	3.8	4.5	4.7	5.6
Lt. Vent Systolic Dimen	3.8						
Lt. Atrial Dimension	3.5	2.0	2.3	2.7	2.8	4.1	4.1
Rt. Vent Dimension		2.5	1.5	1.5	2.0	2.0	2.0
Aortic Root Dimension	3.0	2.2	1.7	2.2	2.3	2.7	3.0
Int Vent Septal Thick	1.2	0.7	0.6	0.7	0.7	0.8	1.1
Lt. Vent Post wall Thick	1.2	0.7	0.6	0.7	0.7	0.8	1.1
Ejection Fraction	56%			FS			28%

Doppler Study	Gradient		Regurgitation	Mitral Valve Area (cm)	
	Peak	Mean			
Mitral Valve				MV area (2 D) CM2	
Tricuspid Valve				PHT	
Aortic Valve				RVSP	
Pulmonic Valve				ASD size (cm)	
				VSD size (cm)	
				VSD Gradient (mmHg)	

Comments on M-Mode & 2D.

NO WALL MOTION ABNORMALITY SEEN. NORMAL VALVULAR STRUCTURES NO PERICARDIAL EFFUSION SEEN. NO LA/LV CLOT SEEN.

Comments On Doppler:

E/A RATIO NOT REVERSED

Final Impression:

PRESEVRED LV FUNCTION.

Mr. Rehmanullah
Echocardiographer
K.G.N Teaching Hospital Bannu

Attested
[Signature]
Dr. M Nadeem Khan
M.C.P.S., F.C.P.S. (Cardiology)
Asst. Prof. Cardiology
B.M.C/K.G.N. Teaching Hospital Bannu

92
14

Medical Laboratory

Opp. DHQ Hospital Bannu PH#: 0928-502690

Lab. Technologist
Inamullah Khan
Msc. D.M.L.T. PIMS Islamabad



14
محمد میڈیکل لیپ لیب

بہمقابلہ ڈسٹرک ہیڈ کوارٹر ہسپتال بٹنوں

ایب نیکینا لوجسٹ انعام اللہ خان
ایم ایس سی، ڈی ایم ایل بی، بی آئی ایم ایس اسلام آباد

P NAME: HATHJANA BB
GENDER: FEMALE
DATE: Friday, December 04, 2015
REFERRED BY: Dr. M. NADEEM SB

BLOOD SUGAR

TEST	RESULT	REFERENCE	UNITS
BLOOD SUGAR	122	Fasting: 70 --- 110 Random: 80...180 Renal Threshold upto 180	mg/dL

Inamullah Khan

Dr. M Nadeem Khan
Dr. M Nadeem Khan
M.C.P.S., F.C.P.S. (Cardiology)
Asst. Prof. Cardiology
B.M.C/K.G.N. Teaching Hospital Bannu

43

۱۵

29-12-15

Professor

Nadeem Khan

(King Edward), MCPS (Medicine)
FCPS (Cardiology)

Cardiologist

Cardiology Unit

Gul Nawaz Medical Institute Bannu

Medical College Bannu

Mail: nadeemkhan88@gmail.com



ڈاکٹر ایم ندیم خان

ایم بی بی ایس (کنگ ایڈورڈ)، ایم سی پی ایس (میڈیسن)

ایف سی پی ایس (کارڈیالوجی)

کنسلٹنٹ کارڈیالوجسٹ

ماہر امراض قلب، ہائی بلڈ پریشر، شوگر

Not Valid for MLC Purpose

Name Akhi Jane BR Age 30 Sex F Date 29/12/15

Clinical Record



for HTN
in Bip feet
↓ sleep
lowe Deprn
BP 100/80

HTN/Depress

TAB. Nural-D 80/120 ✓
1000
TAB - prokinetic 25
1000
TAB - Alprazolam 0.5
2 بار روزی
Cap. Zentac 250
1000
TAB - Nebivolol 5
10 to 10

- ECG: _____
- ECHO: _____
- ETT: _____
- COR ANGIO: _____
- CXR: _____

دوبارہ معائنہ

Attested
by

16 (44)

13-1-16

16

DR. SHAHAB-UD-DIN
M.B.B.S. D. CARD
CARDIOLOGIST

CLINIC:- Opposit Gate No. 2
D.H.Q. Hospital, Bannu
Mob. 0302-3529452, 0333-9721422

ڈاکٹر شہاب الدین
ماہر امراض قلب

کلینک: بالقابل گیٹ نمبر 2
ڈسٹرکٹ ہیڈ کوارٹر ہسپتال بٹنوں

13/01/2016

NmBalehc

BB N15
51

SVT

Co. C. m. p. b. t. m. o. v. e. t.
m. i. s. t. a. n. d. s. u. e. t. s.

cep
x m. p. c. l. t.

1/2 LANDAN 0.25p
1/2 (10) (10)
2/1 CMCN 2.5p
1/2 (10) (10)

3/3 Rasfa 0.5p
1/2 + 1/2 @

1/2 Somopra
1/2 (10)

Allesat
ky

1/1 C. m. p. e. d. o. p. s.
1/2 (10) (10)
1/2 Lantec 0.5p

α

17 (45)

17

13-1-16

CARDIAC CARE UNIT

District Headquarter Hospital Bannu

57/72

Date of Adm: 12/1/16

Date of Disch: 13-1-16

DISCHARGE SLIP

MOLOGIST
A. Sajjad Masood

M.B.B.S, Dip Card (PIC)
Cardiology Unit

Dr. Sajjad

Dr. Ahmad Faraz
M.B.B.S, Dip Card

Name:	303 NUBI	Spouse W/o:	اسم لکھو
Age:	60	Sex:	F
Address:	سڑک نمبر 303		
Diagnosis:	SVT		

Hospital Treatment & Investigations

3) Lanaxin }
Dilated } see "v

LAB. Lanaxin 2 Af 6hr
Then one DO

LAB Carion 80 mg B2

LAB Crestatin 10mg (M)

LAB Sustac 2.6 mg

LAB Dephat AP 0.2

Home Treatment

میں اپنی دواؤں سے جاری رہیں۔
میں ہسپتال کے عمل سے کوئی شکایت نہیں ہے۔

صاحب شاہ نعم فرید

Abid Shch

Attested
[Signature]

C

18

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C

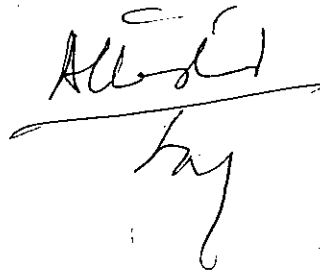
18

CHARGE SHEET.

I, **IOBAL MARWAT**, District Police Officer, Bannu, as competent authority, hereby charge you **Constable Asmat Ullah No. 757** while posted at Police Lines, Bannu the allegations, stated in the attached statements of allegation.

- i. By reasoning of the above, you appear to be guilty of misconduct under section-3 of the NWFP (Removal from Service) Special Powers Ordinance, 2000, and have rendered yourself liable to all or any of the penalties specified in section-3 of Ordinance ibid.
- ii. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the Enquiry Officer, as the case may be.
- III. 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 exparte action shall follow against you.
- IV. Intimate whether you desire to be heard in person
- V. A statement of allegations is enclosed.


District Police Officer,
Bannu.



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DISCIPLINARY ACTION

I, **IQBAL MARWAT**, District Police Officer, Bannu as competent authority, of the opinion that **Constable Asmat Ullah No. 757** while posted at Police Lines, Bannu has rendered himself liable to be proceeded against as he committed the following act/omissions within the meaning of section 3 of the NWFP Removal from Service (Special Powers) Ordinance, 2000.

STATEMENT OF ALLEGATIONS.

- That he was transferred from Lakki District vide RPO, Bannu Region order Endst No. 3537-38 dated 28.08.2009 but he absented himself from Govt: duty with effect from 03.09.2009 and made arrival on 22.10.2009 and again absented on the same and did not report of his arrival in Police Lines, Bannu till yet as reported OASI, DPO/Office, Bannu on 07.11.2009.
- That his pay has been stopped vide OB No. 1779 dated 11.11.2009.

For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations **DSP/Cantt:** is appointed as enquiry Officer under section 5 of the Ordinance.

The Enquiry Officer shall, in accordance with the provision of the Ordinance, provide reasonable opportunity of hearing to the accused, record its findings and make within thirty days of the receipt of this order, recommendations as to punishments or other appropriate action against the accused.

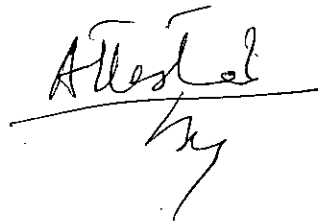
The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the enquiry committee.


District Police Officer,
Bannu.

No. 419 / Dated Bannu, the 24 / 11 / 2009.

A Copy of the above is forwarded to the:-

1. The Enquiry Officer for initiating proceedings against the accused under the provision of the NWFP, Removal from Service (S.P) Ordinance, 2000.
2. The concerned Officer with the directions to appear before the Enquiry Officer, on the date, time and place fixed by the Enquiry Officer, for the purposes of the enquiry proceeding.

Attested


48

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7-7-10

ORDER:

My this order will dispose off departmental proceeding initiated against Constable Asmat Ullah No. 757 S/O Amir Shah R/O Tau Zai Police Station Ghazni Khel District Lakki Marwat who while transfer from Lakki District to this District police vide RPO/Bannu Region Bannu order Eadd No. 3537-38 dated 28.8.2009 failed to make arrival on his place of posting and absented himself from govt duty with effect from 03.09.2009 to 22-10-2009 and from 22-10-2009 to date as reported by OASI, DPO Office Bannu 07.11.2009.

Consequently, he proceeded under RSO, 2000 and SDPO/0-1 was appointed as enquiry Officer who conducted the enquiry and submitted his findings wherein he reported that the defaulter Police Officer was on duty time and again through MHC/MMHC Control Room Bannu on dated 25.11.2009, 1.12.2009, 15.12.2009, 26.12.2009, 22.1.2010 and 27.1.2010 to receive the copy of chargesheet and appear before the enquiry officer but the defaulter officer neither received the copy of charge sheet nor appeared before the enquiry Officer. Therefore, the enquiry officer recommended ex-parte proceedings. Finally, he was served with final show cause notice. His reply to the Show cause notice was found implausible. Opportunity of personal hearing was also provided to the defaulter constable on 4 different occasions but he did not avail it.

During the perusal of his service record, the undersigned reached to the conclusion that the defaulter constable is habitual absentee and has no interest in the performance of official duty. Therefore, the undersigned has got no other option except to impose him Major punishment of Dismissal from Service.

Therefore, I Sajjad Khan District Police Officer, Bannu, in exercise of the power vested in me under KPK Removal From Service Special Power Ordinance 2000, hereby dismiss him from service from the date of absence with immediate effect.

NO 6935-39 dt 8/7/2010

OB No. 814
Dated 07/07/2010

District Police Officer,
Bannu.

Allesht
ky

- 1. Copy of for information and necessary action: The District Police Officer, Lakki Marwat along with enquiry proceeding file for placing him in his post. Dismissal please

SHO Police...

F 4922

F
7-16/011. Gille

22

9-8-11

Tel: 0928-9270076.
Fax: 0928-9270075.

From: The Regional Police Officer,
Bannu Region, Bannu.

To: The District Police Officer, Bannu.

No. 2913 /EC. dated Bannu. the 09/08/2011.

Subject: MERCY PETITION.

Memo:

Mercy petition, preferred by Ex-Constable ~~Asmatullah~~
No.757. Operation Staff Bannu has been examined and filed by the
undersigned, being a time barred one.

The petitioner may be informed accordingly:

9
L
(IFTIKHAR KHAN)
P.S.P
Regional Police Officer,
Bannu Region, Bannu.

M.A. 6/87011

Attested
by

H 50 24

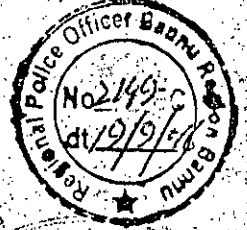
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15-9-16



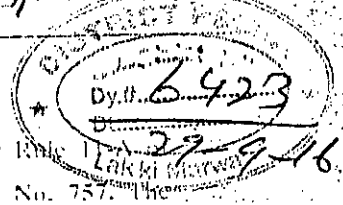
OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.



No. S/ 6189

16, dated Peshawar the 15/09/2016

ORDER



This order is hereby passed to dispose of departmental appeal under Rule 175 of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-Constable Asmat Ullah No. 757. The appellant was dismissed from service by District Police Officer, Bannu vide OIB No. 814, dated 17.07.2011, on the charge of absence from duty for 10 months and 04 days.

This appeal was filed by Regional Police Officer, Bannu vide Memo: No. 3979/EC, dated 17.07.2011 as well as CPO vide Memo: No. 790/Legal, dated 28.02.2012.

Meeting of Appellate Board was held on 11.08.2016 wherein appellant was heard in person. During hearing petitioner contended that his mother was ill.

Perusal of record revealed that the impugned order of his dismissal from service was issued in the year 2007 and his departmental appeal was rejected in the year 2011. In the same vein his appeal was rejected by Worthy JOP, Khyber Pakhtunkhwa in the year 2012. There is no concept of res judicata in disciplinary rules. Thus his appeal is rejected on grounds of limitation and merits.

This order is issued with the approval by the Competent Authority.

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

Signature

15/09/16

Copy of the above is forwarded to the:

- 1. Regional Police Officer, Bannu.
- 2. District Police Officer, Bannu.
- 3. PSO to JOP Khyber P. Kh. Pkhtunkhwa, CPO Peshawar.
- 4. PA to Adl. JOP/IGPs: Khyber Pakhtunkhwa, Peshawar.
- 5. PA to DIO/IGPs: Khyber Pakhtunkhwa, Peshawar.

No. 2626/EC dt 19/9/16

For further due process/information
Signature
05

Signature

H (5) 24

15-09-16

Better Copy

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR

No. 6189/16, dated Peshawar the 15/09/2016

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A Khyber Pakhtunkhwa Police Rule 1975 submitted by Ex- Constable Asmat Ullah No 757. The appellatant was dismissed from service by District Police Officer, Bannu vide OB No. 814 dated 07-07-2010 on the charge of absence from duty for 10 months and 04 days.

His appeal was filed by Regional Police Officer, Bannu, vide Memo: No. 3979/EC, dated _____ as well as CPO vide Memo: No. 790/Legal, dated 28.02.2012.

Meeting of appellate Board was held on 11.08.2016 where in appellatant was heard in person having hearing petitioner contended that his mother was ill.

Perusal of the record revealed that the impugned order of dismissal from service was in the year _____ and his departmental appeal was rejected in the year 2011. In the same vein his departmental appeal was dismissed by Worthy IGP, Khyber Pakhtunkhwa in the year 2012. There is no concept of 2nd appeal in the Police disciplinary rules. Thus his appeal is rejected on grounds of limitation and merit as well.

This order is issued with the approved by the competent Authority.

NADEEB-UR-REHMAN BUGVI

AIG/Establishment

For inspector General of Police,


Khyber Pakhtunkhwa,

Peshawar

ENDST NO: 96/16

Copy of the above is forwarded to the:

1. Regional Police Officer Bannu
2. District Police Officer Bannu
3. PSO to IGP Khyber Pakhtunkhwa CPO Peshawar
4. PA to Addl: IGP/HQrs. Khyber Pakhtunkhwa Peshawar
5. PA to DIG HQrs. Khyber Pakhtunkhwa Peshawar

Attested


بخدمت صاحب دفتر پورٹ پورس اینڈ سٹیٹ بینک آف انڈیا

Ry No-1511,
dt 10-10-16

عطا سنگی نقوی دہلی وزارت

صاحب عالی۔ ذیل گزارش ہے۔

سائیل صاحب کی زیر سایہ خدمات سر انجام دے
سکے گا جو صرف ۷۰۶ روپوں کے ڈسکس لیا گیا ہے۔

سائیل محو ذیل دستاویزات کی نقول عطا فرمائیں تاکہ
صاحب فرمائیں۔ شکریہ

۱۔ ڈاکو انری رپورٹ۔ ۲۔ لنن اسٹیل صاحب ریٹیل بومبین

۳۔ ڈاکو انری رپورٹ۔ ۴۔ لنن اسٹیل صاحب ریٹیل بومبین

۵۔ ڈاکو انری رپورٹ۔ ۶۔ لنن اسٹیل صاحب ریٹیل بومبین

۷۔ ڈاکو انری رپورٹ۔ ۸۔ لنن اسٹیل صاحب ریٹیل بومبین

المترجم ۱۵/۱۰
۱۶

المترجم

Abdul
عصمت اللہ خانی ڈاکو انری رپورٹ
بانیہ کیشل پورٹ پورس اینڈ سٹیٹ بینک آف انڈیا

57

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No.1105/2016

Asmat Ullah Khan S/O Amir Shah R/O Taja Zai Ex-Constable No.757 PS Ghazni Khel,
Lakki Marwat

..... Appellant

Versus

The Provincial Police Officer, KPK, Peshawar & others

..... Respondents

**PARA-WISE COMMENTS / REPLY ON THE ABOVE SUBJECT SERVICE APPEAL ARE
SUBMITTED BY THE RESPONDENTS NO.1, 2 & 3.**

Preliminary Objections

1. That the appeal of appellant is badly time-barred.
2. That the appeal is not maintainable in its present form.
3. That the appellant has concealed the actual facts from the Honorable Tribunal.
4. That the appeal is bad in law due to non-joinder and mis-joinder of unnecessary parties.
5. That the appellant has approached the Honorable Tribunal with unclean hands.
6. That the appellant has got no cause of action and locus-standi to file the instant appeal.
7. That the appellant has been estopped by his own conduct.

OBJECTIONS ON FACTS:

Respectfully Sheweth

1. Pertains to record. Hence no comments.
2. Incorrect. The Appellant absented himself from his lawful duty without any information or leave.
3. Correct to the extent that the Appellant was transferred from Lakki Marwat to District Bannu but he did not report his arrival well within time and absented himself from Govt: duty.
4. Incorrect. The Appellant absented from Govt: duty with effect from 03.09.2009 and made arrival on 22.10.2009 and again absented on the same date and did not report his arrival in Police Lines Bannu. Due to the willful absence of the Appellant he was issued charge sheet alongwith statement of allegations, the enquiry officer conducted proper departmental enquiry. The Appellant was

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summoned through Moharrar/Madad Muharrar of Police Station Ghazni Khel on 25.11.2009, 01.12.2009, 15.12.2009, 26.12.2009, 22.01.2010 and 27.01.2010 (Copies of parwanjat is attached as annexure "A") to receive the charge sheet and appear before the enquiry officer for recording his statement but he was neither appeared before the EO nor received charge sheet. (Copy of charge sheet and statement of allegations annexed as "B" & "C")

5. Incorrect. Proper departmental enquiry was conducted. The Enquiry Officer recommended for ex-parte action against the Appellant under Removal from Service Special Powers Ordinance 2000. (Copy of Enquiry Report and order annexed as annexure "D" & "F")
6. Incorrect. The mercy petition preferred by the Appellant was examined by respondent No.2 and filed being time barred one and the Appellant was informed accordingly. (Copy of order annexed as "F")
7. Correct. However, the appeal of the Appellant was badly time barred, therefore rejected by the respondent No.3 and there was no second representation allowed under RSO 2000. (Copy of the order annexed as "G").
8. Incorrect. The Appellant submitted an application to the District Police Officer Lakki Marwat instead of respondent No.1 for supply of documents.
The respondent department submits their comments with the following grounds:-

OBJECTIONS ON GROUNDS

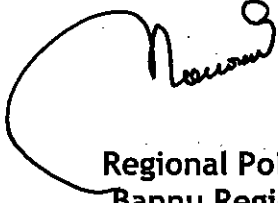
- A. Incorrect. The Appellant did not adopt proper procedure to obtain leave and absented himself from Govt: duty with any prior permission from the competent authority.
- B. Incorrect. His transfer order was made by the competent authority/respondent No.2 from District Lakki Marwat to Bannu District on permanent basis and respondent No.1 have the power to proceed against the appellant departmentally according to law/rules therefore, the order issued by respondent No.1 against the appellant is quite legal & according to law/rules.
- C. Incorrect. Reply has already been given in para-4.
- D. Incorrect. The order issued by respondent No.1 is quite legal & according to law/rules. The Appellant was proceeded properly by issuing charge sheet & statement of allegations and enquired by enquiry officer who recommended for taking exparte action against the Appellant under Removal from Service Special

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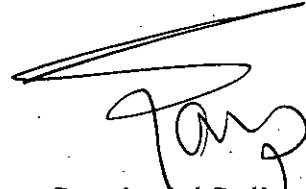
Powers Ordinance 2000, after that the impugned order was issued without malafide intention.

Prayer:-

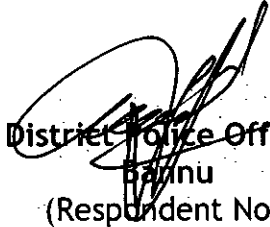
Therefore, it most is respectfully submitted before this Honourable Service Tribunal that the present Service Appeal filed by Ex-Constable Asmat Ullah No.757 may very graciously be dismissed with cost.



**Regional Police Officer,
Bannu Region, Bannu
(Respondent No.2)**



**Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No.3)**



**District Police Officer,
Bannu
(Respondent No.1)**

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BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No.1105/2016

Asmat Ullah Khan S/O Amir Shah R/O Taja Zai Ex-Constable No.757 PS Ghazni Khel,
Lakki Marwat

..... Appellant


Versus

The Provincial Police Officer, KPK, Peshawar & others

..... Respondents

AFFIDAVIT.

I, Muhammad Farooq Khan, Inspector Legal Regional Police Office, Bannu representative for respondent No.1, 2 & 3 do hereby solemnly affirm and declare that the contents of the accompanying comments submitted by me are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Tribunal.


DEPONENT
1101-1483421-1

611

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No.1105/2016

Asmat Ullah Khan S/O Amir Shah R/O Taja Zai Ex-Constable No.757 PS Ghazni Khel,
Lakki Marwat

..... **Appellant**


Versus

The Provincial Police Officer, KPK, Peshawar & others

..... **Respondents**

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2	Affidavit		
3	Authority Letter		


DEPONENT
11101-1483421-1

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BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No.1105/2016

Asmat Ullah Khan S/O Amir Shah R/O Taja Zai Ex-Constable No.757 PS Ghazni Khel,
Lakki Marwat

..... Appellant

Versus

The Provincial Police Officer, KPK, Peshawar & others


..... Respondents

PARA-WISE COMMENTS / REPLY ON THE ABOVE SUBJECT SERVICE APPEAL ARE
SUBMITTED BY THE RESPONDENTS NO.1, 2 & 3.

AUTHORITY LETTER.

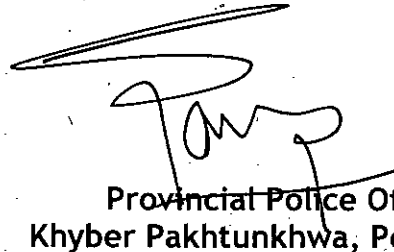
Mr. Muhammad Farooq Khan, Inspector Legal, is hereby authorized to appear before the Honourable Service Tribunal, Khyber Pakhtunkhwa, Peshawar on behalf of the Provincial Police Officer, KPK & Others in the above cited Appeal.

He is authorized to submit and sign all documents pertaining to the present Petition.



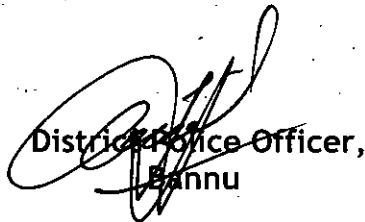
Regional Police Officer,
Bannu Region, Bannu

(Respondent No.2)



Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar

(Respondent No.3)



District Police Officer,
Bannu

(Respondent No.1)

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BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A. No. 1105/2016

Asmat Ullah Khan versus

P.P.O & Others

RELICATION

Respectfully Sheweth,

PRELIMINARY OBJECTIONS:

All the 7 preliminary objections are illegal and incorrect. No reason in support of the same is ever given as to why the appeal is time barred, not maintainable, concealed actual facts, bad in Law due to non and mis-joinder of necessary parties, unclean hands, no cause and locus standi and estoppel.

ON FACTS:

1. Needs no comments.
2. Not correct. The reason for the cause was given in Para No. 02 of the Appeal.
3. Admitted correct to the extent of transfer from district Lakki Marwat to district Bannu. Such transfer order was illegal as the post of constable is a district level.
4. Not correct. No Charge Sheet was served upon appellant for reply. When arrival report was made on 22-10-2009, then how the absence came since 03-09-2009 as stated by the respondents. No proper enquiry was ever conducted as per the mandate of Law. Similarly no parwana was served by the appellant for appearance before the Inquiry Officer.
5. Not correct. No enquiry was conducted in accordance with Law and Rules as is evident from the same.
6. Not correct. Representation was not barred by time as the impugned order was not served upon him.

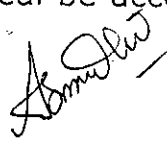
(64)

- 7. As above.
- 8. Not correct. As appellant was the basic employee of district police Lakki Marwat, so his whole record was lying with R. No. 01.

GROUNDS:

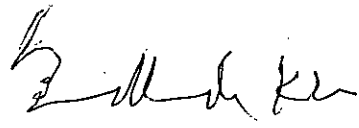
All the grounds of the appeal are legal and correct while that of the reply are illegal and incorrect. The same are again adopted. The matter was not dealt with in accordance with Law against appellant, so the impugned orders are ab-initio-void.

It is, therefore, most humbly prayed that the appeal be accepted as prayed for.



Appellant

Through



Saadullah Khan Marwat

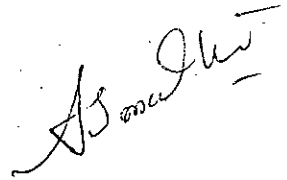
Advocate,

Dated: 02-11-2017

AFFIDAVIT

I, Asmat Ullah Khan appellant do hereby solemnly affirm and declare that contents of the **Appeal & rejoinder** are true and correct to the best of my knowledge and belief while that of reply of respondents are illegal and incorrect.

I reaffirm the same on oath once again to be true and correct as per the available record.



DEPONENT

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BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A. No. 1105/2016

Asmat Ullah Khan

versus

P.P.O & Others

RELICATIION

Respectfully Sheweth,

PRELIMINARY OBJECTIONS:

All the 7 preliminary objections are illegal and incorrect. No reason in support of the same is ever given as to why the appeal is time barred, not maintainable, concealed actual facts, bad in Law due to non and mis-joinder of necessary parties, unclean hands, no cause and locus standi and estoppel.

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5. Not correct. No enquiry was conducted in accordance with Law and Rules as is evident from the same.
6. Not correct. Representation was not barred by time as the impugned order was not served upon him.

66

7. As above.
8. Not correct. As appellant was the basic employee of district police Lakki Marwat, so his whole record was lying with R. No. 01.

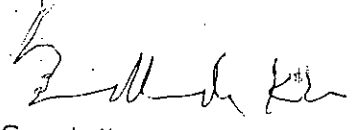
GROUNDS:

All the grounds of the appeal are legal and correct while that of the reply are illegal and incorrect. The same are again adopted. The matter was not dealt with in accordance with Law against appellant, so the impugned orders are ab-initio-void.

It is, therefore, most humbly prayed that the appeal be accepted as prayed for.

Appellant

Through

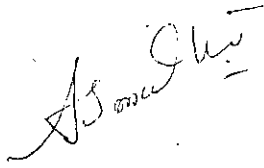

Saadullah Khan Marwat
Advocate,

Dated: 02-11-2017

AFFIDAVIT

I, Asmat Ullah Khan appellant do hereby solemnly affirm and declare that contents of the **Appeal & rejoinder** are true and correct to the best of my knowledge and belief while that of reply of respondents are illegal and incorrect.

I reaffirm the same on oath once again to be true and correct as per the available record.


DEPONENT

(67)

Before the Honble Bench I, Service Tribunal,
Peshawar.

S.A. No 1105/16

Azmat Ullah vs Police Deptt.

Application for adjournment of
the subject case being
retrospective issue.

Respected Sir,

- 1) That the above noted appeal is pending before this Honble Tribunal and is fixed for hearing today i.e. dated 20-12-19.
- 2) That the subject matter pertains to retrospective issue and larger Bench has been constituted for retrospective issue.
- 3) That the subject appeal may kindly be adjourned.

It is therefore most humbly requested that the application be accepted as prayed for.

Dated 20-12-19.

Appellant
Through
[Signature]
Subject Matter
Advocate.