

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

Service Appeal No. 4810 / 21 / 2024

**Muhammad Shakeel**  
**VERSUS**  
**Govt of KPK etc**

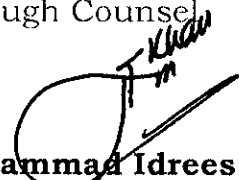
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Dated: 20 / 04 / 2024

Your humble appellant  
**Muhammad Shakeel**  
 (through legal heirs)

✓ Muzhat Parveen  
 Mst; Muzhat Parveen  
 Through Counsel

  
**Muhammad Idrees Khan**  
 Advocate High Court,  
 Dera Ismail Khan.

21-05-24

D. I. K

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

Service Appeal No. \_\_\_\_\_/2024

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. \_\_\_\_\_

Dated \_\_\_\_\_

**Muhammad Shakeel** Son of Ghulam Sadique Caste Baloch R/o Muryali Presently Garhi Saddozai City Dera Ismail Khan. (Ex-Constable No.541 Police Department) deceased through legal heirs,

1. Mst; Nusrat Parveen (Widow).
2. Mst; Laiba Shakeel
3. Mst; Musfira Shakeel (Daughters).
4. Muhammad(Son) **Muhammad Shakeel (Deceased)** Son of Ghulam Sadique.

(Appellants)

**VERSUS**

1. Government of KPK, through Home Secretary, KPK, Peshawar.
2. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
3. Deputy Inspector General/RPO Police Khyber Pakhtunkhwa, Peshawar.
4. District Police Officer, Dera Ismail Khan.
5. Controller of Accounts, Dera Ismail Khan.

(Respondents)

**AMENDED APPEAL UNDER SECTION 4 OF THE KPK SERVICES TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED ORDERS NO.4401-07/21 DATED PESHAWAR 26/11/2021 ISSUED BY RESPONDENT NO.2 (INSPECTOR GENERAL OF POLICE, KPK, PESHAWAR), VIDE WHICH PUNISHMENT OF DISMISSAL OF SERVICE VIDE NUMBER 206/ES DATED 12/01/2021, BY RESPONDENT NO.3, WAS CONVERTED TO COMPULSORY RETIREMENT FROM SERVICE AND CONVERTED THE PUNISHMENT OF THE APPELLANT TO COMPULSORY RETIREMENT.**

**Preliminary Note;-** Impugned order number 4401-07/21 dated 26/11/2021, being issued during the pendency appeal in hand without giving any opportunity of hearing to the appellant or his legal heirs and without intimating the appellants (legal heirs) regarding the impugned decision, the impugned decision has been annexed to the better comments called by this honorable court from the respondents, wherein the impugned order has been annexed, which has changed the circumstances of appeal in hand, and thus has emerged with a right of action to the appellants to impugned the impugned order passed during the pendency of the Appeal No.4810/2021 titled, "**Muhammad Shakeel Vs. Govt of KPK**", through amended appeal in hand. For which special leave of this Honorable court has already be acquired.

**PRAYER:-**

**THROUGH ACCEPTANCE OF THIS INSTANT AMENDED APPEAL IN HAND, IMPUGNED ORDERS NO. 4401-07/2021 DATED 26/11/2021 ISSUED BY RESPONDENTS MAY PLEASE BE SET-ASIDE AND BY REINSTATING THE APPELLANT IN SERVICE FROM THE DATE OF HIS DISMISSAL, COMPLETE PENSIONARY BENEFITS OF IN SERVICE DEATH OF GOVT SERVANT BE ALLOWED TO THE HEIRS OF THE APPELLANT.**

**Respectfully Sheweth;-**

**Note:-** Addresses given above shall suffice the object of service. All necessary and proper parties have been arrayed in the panel of respondents.

1. That the appellant is law abide citizen of Pakistan and is enjoying well reputation in the society and is educated person having domicile of District Dera Ismail Khan.
2. That the appellant was inducted in Police Department as Constable (BPS-05) on 04/04/1995 after adopting all the legal and coddle formalities. Copies of service record in shape of certificate, CNIC , Service Card are jointly enclosed herewith as **Annexure-A & A-1.**
3. That the appellant has done his services to the entire satisfaction of Police Department and total length of service of the appellant 26

years and in this total period of service no complaint was made by anybody against the appellant.

4. That the FIR No.1133 Police Station Cantt was lodged by the SHO Adbul Ghaffar Khan against the appellant vide which the appellant was issued a show-cause notice dated 29/09/2020 by the respondent no.3. Copies of show-cause notice and grounds of action are enclosed as **Annexure-B & B-1.**
5. That after registration of FIR the Police department submitted to challans in the court of learned Additional Session Judge-I, Dera Ismail Khan and the same was disposed of vide order dated 18/03/2021 by discharging the appellant from the charges levelled against him under section 4 C(2) of KP Prosecution Act, 2005. Copies of challans and order dated 18/03/2021 are jointly enclosed herewith as **Annexure-C & C-1.**
6. That the impugned order dated 30/09/2020 was legally communicated to the appellant on 20/10/2020 on the written application of the appellant by the respondent no.3. Copy of dismissal order is enclosed herewith as **Annexure-D.**
7. That feeling aggrieved from the dismissal order, the appellant preferred departmental appeal to respondent no.2 being appellate authority on 27/10/2020. Copy of departmental appeal is annexed herewith as **Annexure-E.**
8. That on 29/03/2021 the appellant made an application to the respondent no.2 office regarding provision of decision over the departmental appeal which was graciously be allowed vide order dated 30/03/2021. Copy of application is enclosed herewith a **Annexure-F.**
9. That the departmental authority dismissed the appeal of the appellant vide OB No.86 dated 13/01/2021 and thereby maintained the dismissal order of respondent no.3. Copy of impugned order dated 13/01/2021 is enclosed as **Annexure-G.**
10. That being aggrieved from the final order of respondent no.3 appellant preferred service appeal no.4810/2021, which was

*Adbul Ghaffar Khan*

admitted for regular hearing, and during the pendency of the cited appeal, upon directions of this Honourable Court appellants furnished better comments vide which this Honourable Court was informed that vide impugned order dated 26/11/2021, the punishment of the appellant of dismissal from service has been converted into compulsory retirement, giving the appellant fresh cause of action to impugned the punishment granting vide impugned order dated 26/11/2021 by conversion of the major punishment of dismissal of service to the compulsory retirement.

11. That jurisdiction of this worthy service tribunal was being invoked in attending circumstances against the impugned dismissal order No.OB 2034 dated 30/09/2020 and OB No.86 dated 13/01/2021, inter alia on the following grounds amongst others;-

**GROUND S;-**

- a. That the impugned dismissal order date 30/09/2020 and order dated 13/01/2021 are illegal, against services law and rules, without jurisdiction, in violation of the precedents of Honourable Apex Courts of the country and is not justifiable for any reason whatsoever.
- b. That appellant was appointed against vacant post of Constable and served the department almost 25 years service and no complaint whatsoever was made against the appellant by any one and in this respect service record of the appellant is very much clear.
- c. That reasons mentioned in impugned dismissal order is baseless and dismissal order was issued without adopting any codal formalities and without any giving personal hearing to the appellant. Hence, the appellant was condemned unheard.
- d. That in this regard at a number of occasions, it has been held by Supreme Court that if the employee was going to be treated under

major punishment then the mandatory show cause notice, final show cause notice, chance of personal hearing should always be awarded to the employee by the employer but in the present case the appellant was dismissed from service by violating all the canons of justice and service laws. Hence, the dismissal order is liable to be set aside.

- e. That appellant being citizen of Pakistan deserves to be dealt in accordance with law and the treatment meted out to hi is in violation of Article of 4 of our Constitution.
- f. That the order dated 30/09/2020, is totally illegal and without lawful authority and the dismissal order of the appellant was passed on the so called FIR which was belatedly dismissed in the court of competent jurisdiction vide speaking judicial order of the learned competent court of law.
- g. That the dismissal order was finalized in two days only, no chance of personal hearing and show cause notice has been given to the appellant which is mandatory under the law, hence, the appellant was condemned unheard.
- h. That decide the above certain grounds, which proves the impugned dismissal order being violative and against the norms of justice, respondents on their own motion has tried to cover-up the impugned injustice of dismissal of service by conversion the dismissal to the compulsory retirement which is too impugned to through this amended appeal being unjust and against the law as no charges for any misconduct has ever been proved against the appellant during his service except an alleged FIR no.1133 dated

29/09/2020, wherein the appellant was discharge by the court of competent jurisdiction from the case.

- i. That the grounds and alleged inquiry proceedings against the appellant, through which the respondents no.3 & 4 has concluded a decision of major punishment against the appellant, were nothing but just memecry of the statutory service rules of the Police Officials, neither mentioned in the impugned dismissal order dated 30/09/2020, nor has been any service rules or procedure was adopted for conducting any alleged inquiry against the appellant, which may have been considered as sufficient proof for awarding major punishment.
- j. That it is also been came on the surface from the bare perusal of the impugned order dated 30/09/2020 by Respondent no.4, that no order of dispensing with the inquiry against the appellant was ordered as if the Respondent no.3 was satisfied from the record that no inquiry was required, and further without making any order for dispensing with the inquiry against the appellant, no department inquiry has been conducting against the appellant to bring on record certain facts and evidence for major punishment.
- k. That on the basis of the above alleged circumstances and departmental proceedings, the punishment to the appellant was kept intact, and has been converted from major punishment from dismissal of service to the compulsory retirement from service, which is against the law and norms of justice.
- l. That counsel for the appellant may kindly be allowed to raise additional grounds at the time of arguments.


A handwritten signature and initials, possibly 'T. K. K. K.', written in black ink. The signature is written over a diagonal line that extends from the bottom left towards the center of the page.

**It is therefore humbly prayed Through acceptance of this instant amended appeal in hand, Impugned Orders No. 4401-07/2021 dated 26/11/2021 issued by respondents may please be set-aside and by reinstating the appellant in service from the date of his dismissal, complete pensionary benefits of in service death of govt servant be allowed to the heirs of the appellant.**

Dated: 20 /04/2024

Your humble appellants  
**Muhammad Shakeel**  
(through legal heirs)

✓  
Mst; ~~Nusrat~~ Parveen  
Through Counsel

  
**Muhammad Idrees Khan**  
Advocate High Court,  
Dera Ismail Khan.

**CERTIFICATE**

Certified that appellant have not filed an appeal regarding the subject controversy, earlier in this august Tribunal.

Dated: 20 /04/2024

  
Appellant


**AFFIDAVIT**

I, **Mst; Nusrat Parveen Widow of Muhammad Shakeel (deceased) alongwith rest of his legal heirs**, the appellants, do hereby solemnly affirm on oath:-

1. That the accompanying appeal has been drafted by counsel following our instructions;
2. That all para-wise contents of the appeal are true and correct to the best of my knowledge, belief and information;
3. That nothing has been deliberately concealed from this Honourable Court, nor anything contained therein, based on exaggeration or distortion of facts.

Identified By:-

  
**Muhammad Idrees Khan**  
Advocate High Court,  
Dera Ismail Khan.

✓  
Deponent  






**PAKISTAN**

ISLAMIC REPUBLIC OF PAKISTAN

National Identity Card



Name

Nuzhat Parveen



نزهت پورویں

Husband Name

Muhammad Shakil Baloch

محمد شکیل بلوچ

Gender

F

Country of Stay

Pakistan

Identity Number

12101-2438932-8

Date of Birth

14.04.1976

Date of Issue

21.09.2022

Date of Expiry

21.09.2032



Nuzhat Parveen

Holder's Signature

مجلس شورای اسلامی

AMERICAN CONSULATE GENERAL

1010544302  
149-18-2382



مجلس شورای اسلامی

12101-248533

مجلس شورای اسلامی

حکومت پاکستان  
نیشنل ڈیٹا بیس اینڈ رجسٹریشن اتھارٹی (وزارت داخلہ)  
انٹارہ سال سے کم عمر بچوں کا سرٹیفیکٹ

درخواست دہندہ کا شناختی کارڈ نمبر: 12101-0924978-3

میکل بلوچ

تاریخ: 12/01/2021

بچے کا نام اور رجسٹریشن نمبر	والد کا نام اور شناختی کارڈ نمبر	والد کا نام اور شناختی کارڈ نمبر	جنس اور رشتہ	پیدائش کا تاریخ و مقام	معدومیت
میکل بلوچ 12101-0924978-6	نہت بیگم 12101-2438932-3	نہت بیگم 12101-2438932-3	مری	2004-12-27 انور شاہ خان، انور شاہ خان	معدومیت
میکل بلوچ 12101-0924978-3	نہت بیگم 12101-2438932-8	نہت بیگم 12101-2438932-8	مری	2008-11-21 انور شاہ خان، انور شاہ خان	معدومیت
میکل بلوچ 12101-0924978-3	نہت بیگم 12101-2438932-6	نہت بیگم 12101-2438932-6	مری	2010-08-12 انور شاہ خان، انور شاہ خان	معدومیت

بچے کے متعلقہ پانچ سالہ سال سے کم عمر 3 بچے انہوں کا تعلق ہمارے ریکارڈ میں موجود ہے۔  
درج شدہ بچے کی عمر انٹارہ سال ہوتی ہے شناختی کارڈ کے حصول کیلئے درخواست جمع کروائیں۔  
سرٹیفیکٹ کو منسوخ کر گئیں کیونکہ بچوں کے انٹارہ سال کی عمر کو پہنچنے پر اس نمبروں کے حوالے سے شناختی کارڈ جاری کئے جائیں گے۔  
تازہ بچے کا فوری طور پر تعلق کرنا اور نیا رجسٹریشن سرٹیفیکٹ حاصل کرنا۔  
وائف کی تبدیلی کی صورت میں نیا رجسٹریشن سرٹیفیکٹ حاصل کرنا۔

عثمان یوسف حسین

دستخط رجسٹرار جنرل

تاریخ: 2021-01-05



ٹی ویٹڈ ڈاؤر وہ خان، مریدی، نسیم بیگم، انور شاہ خان



1210109249783

یہ ڈیٹا بیس انٹارہ سال سے کم عمر بچوں کی شناخت اور رجسٹریشن کے لیے قائم کیا گیا ہے۔ اس کے ذریعے 9161 اور آئی ڈی بیس نمبر 2000 کے ذریعے رجسٹریشن قابل نمونہ ہے۔