


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

**Appeal No.** 1253/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	4/9/2024	<p>The appeal of Mr. Arshid Ali presented today by Mr. Kabir ullah Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 6/9/2024. Parcha Peshi given to counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

**BEFORE THE HONBLE SERVICE TRIBUNAL PESHAWAR**

**CHECK LIST**

1.	Case title <u>Asst. Adm. vs Police</u>		
2.	Case is duly signed.	Yes	No
3.	The law under which the case is preferred has been mentioned.	Yes	No
4.	Approved file cover is used.	Yes	No
5.	Affidavit is duly attested and appended.	Yes	No
6.	Case and annexure are properly paged and numbered according to index.	Yes	No
7.	Copies of annexure are legible and attested. If not, then better copies duly attested have annexed.	Yes	No
8.	Certified copies of all requisite documents have been filed.	Yes	No
9.	Certificate specifying that no case on similar grounds was earlier submitted in this court, filled.	Yes	No
10.	Case is within time.	Yes	No
11.	The value for the purpose of court fee and jurisdiction has been mentioned in the relevant column.	Yes	No
12.	Court fee in shape of stamp papers affixed. For writ Rs. 500, for other as required}	Yes	No
13.	Power of attorney is in proper form.	Yes	No
14.	Memo of addressed filed.	Yes	No
15.	List of books mentioned in the petition.	Yes	No
16.	The requisite number of spare copies-attached { Write petition- 3, Civil appeal(SB-2) Civil Revision (SB-1, DB-2)	Yes	No
17.	Case (Revision /appeal/petition etc) is filled on a prescribed form.	Yes	No
18.	Power of attorney is attested by jail authority (for jail prisoner only)	Yes	No

It is certified that formalities /documentations as required in column 2 to 18 above, have been fulfilled.

Name:-

Signature:-

Dated:-

Rozed Khan  
[Signature]  
3-9-24

**FOR OFFICE USE ONLY**

Case:- \_\_\_\_\_

Case received on \_\_\_\_\_

Complete in all respect: Yes/No, (If NO, the grounds) \_\_\_\_\_

Signature \_\_\_\_\_

(Reader)

Dated:- \_\_\_\_\_

Countersigned:- \_\_\_\_\_

(Deputy Registrar)

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

Appeal No. 1253 of 2024

Arshid Ali Constable No 175, District Police office District  
Nowshera.

..... Appellant

**VERSUS**

1. Regional Police Officer Mardan.
2. District Police Officer Nowshera.

..... Respondents

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Through

Appellant

  
**Kabir Ullah Khattak**  
Advocate, High Court, Peshawar.

(1)

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

Appeal No. 1253 of 2024

Khyber Pakhtunkhwa  
Service Tribunal  
Diary No. 151839T  
Dated 3/9/24

Arshid Ali Constable No 175, District Police office District  
Newshera.

..... Appellant

**VERSUS**

1. Regional Police Officer Mardan.
2. District Police Officer Nowhera.

..... Respondents

**APPEAL UNDER SECTION 4 OF THE KPK**  
**SERVICE TRIBUNAL ACT, 1974, AGAINST**  
**THE IMPUGNED ORDER DATED 12.10.2009**  
**PASSED BY THE RESPONDENT NO. 2**  
**WHEREBY THE MINOR PENALTY OF**  
**STOPPAGE OF INCREMENT FOR ONE YEAR**  
**WITH ACCOMPULATIVE EFFECT,**  
**AWARDED PUNISHMENT OF RS 1, 000 FINE**  
**AS WELL AS SUGGESTED THAT THE**  
**APPELLANT MAY NOT BE SELECTED FOR**  
**ANY FUTURE COURSE IMPOSED TO THE**  
**APPELLANT AGAINST WHICH THE**  
**APPELLANT FILED DEPARTMENTAL**  
**APPEAL ON 10.11.2023 WHICH WAS**  
**REJECTED 01.03.2024 ON NO GOOD**  
**GROUND COMMUNICATED TO THE**  
**APPELLANT ON 10.08.2024.**

Filed to-day  
Registrar M.

**Prayer:**

On acceptance of the instant service appeal the  
impugned orders dated 12.10.2009 and 01.03.2024  
may kindly be set aside and the appellant may kindly

be ordered to be restore his one increments for one year with all back benefits.

**Respectfully Sheweth:**

**FACTS**

The appellatant respectfully submits as under:

- 1) That the appellatant was appointed as Constable in the year 1999 with respondent department and after appointment perform his official duty with full devotion hard work and no complaint what so ever was made against the appellatant.
- 2) That on 12.10.2009 the impugned order issued against the appellatant whereby minor penalty of stoppage of one increment for one year with accumulative affected, fine of Rs. 1, 0000/- rupees as well as suggested that the appellatant may not be selected for any future course on the ground of alleged allegation mentioned in the impugned order, it is-pertains to mention here that the appellatant was never inform regarding any official training by the respondent department and the appellatant came to know regarding the above mentioned minor punishment at the ~~work~~ of November 2023 due to deduction from his monthly salary as compare to his other colleagues after that the appellatant visited to respondent department whereby through his personal file, Amal Nama and service Book the appellatant came to know that the impugned minor penalty was imposed against the appellatant at the year of 2009 by

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the respondent department and that's why copy of the impugned order dated 12.10.2009 was communicated to the appellant at the ~~work~~ of November 2023. (Copy of impugned order dated 12.10.2009 is attached as annexure-A.

- 3) That after knowledge /communication of impugned order, the appellant submitted a Departmental appeal on 10.11.2023 against the impugned order dated 12.10.2009 which was rejected on 01.03.2024 on no good grounds but the said rejection order was communicated to the appellant on 10.08.2024. **(Copy of Departmental appeal and rejection order are attached as Annexure B & C).**
- 4) That feeling aggrieved the appellant prepares the instant Service Appeal before this Hon' able Tribunal inter alia on the following grounds.

#### GROUNDS

- A) That the impugned order dated 12/10/2009 and 01.03.2024 are come under the definition of void order because it was passed without fulfilling the codal formalities.
- B) That no charge sheet and statement of allegation has been issued or served to the appellant.
- C) That no show cause notice has been issued to the appellant.


- D) That no Departmental or regular inquiry has been conducted against the appellant.
- E) That no opportunity of personal hearing and defense has been provided to the appellant.
- F) That there is no illegality on part of the appellant
- G) That no notice was issued to the appellant regarding the selection of the appellant for training by the respondent department.
- H) That any other will be raised at the time of arguments with the prior permission of this Hon' able Tribunal

It is therefore most humbly prayed that On acceptance of the instant service appeal the impugned orders dated 12.10.2009 and 01.03.2024 may kindly be set aside and the appellant may kindly be ordered to be restore his one increments for one year with all back benefits.

Any other remedy which this august tribunal deems fit that may also onward granted in favor of appellant.

Through

  
Appellant

**Kabir Ullah Khattak**  
&   
**Roeda Khan**  
Advocates, High Court,  
Peshawar.

(5)

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

Appeal No. \_\_\_\_\_ of 2024

Arshid Ali Constable No 175, District Police office District  
Nowshera.

..... Appellant

**VERSUS**

1. Regional Police Officer Mardan.
2. District Police Officer Nowhera.

..... Respondents

**ADDRESSES OF THE PARTIES**

**Appellant**

Arshid Ali Constable No 175, District Police office District  
Nowshera

**Respondents**

1. Regional Police Officer Mardan.
2. District Police Officer Nowhera.

Through

*ASMS*  
Appellant

**Kabir Ullah Khattak**

**&  
Roeda Khan**

**Advocates, High Court,  
Peshawar.**



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

Appeal No. \_\_\_\_\_ of 2024

Arshid Ali Constable No 175, District Police office District  
Nowshera.

..... Appellant

**VERSUS**

1. Regional Police Officer Mardan.
2. District Police Officer Nowhera.

..... Respondents

**AFFIDAVIT**

I, Arshid Ali Constable No 175, District Police office  
District Nowshera do hereby solemnly and oath that the  
contents of the instant appeal are true and correct to the  
best of my knowledge and belief and nothing has been  
concealed from this Hon' able Court.



*Deponent*  
Deponent

(7)

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

Appeal No. \_\_\_\_\_ of 2024

Arshid Ali Constable No 175, District Police office District  
Nowshera.

..... Appellant

**VERSUS**

1. Regional Police Officer Mardan.
2. District Police Officer Nowhera.

..... Respondents

**APPLICATION FOR CONDINATION OF DELAY**  
**IF ANY**

Respectfully Sheweth:

Petitioner submits as under:-

1. That the above mentioned appeal is filing before this Hon' able Court in which no date is fixed for fixed for hearing so far.
- 2) That on 12.10.2009 the impugned order issued against the appellant whereby minor penalty of stoppage of one increment for one year with accumulative affected, fine of Rs. 1, 000/- rupees as well as suggested that the appellant may not be selected for any future course on the ground of alleged allegation mentioned in the impugned order, it is pertains to mention here that the

(8)

appellant was never inform regarding any official training by the respondent department and the appellant came to know regarding the above mentioned minor punishment at the ~~month~~ of November 2023 due to deduction from his monthly salary as compare to his other colleagues after that the appellant visited to respondent department whereby through his personal file, Amal Nama and service Book the appellant came to know that the impugned minor penalty was imposed against the appellant at the year of 2009 by the respondent department and that's why copy of the impugned order dated 12.10.2009 was communicated to the appellant at the ~~month~~ <sup>month</sup> of November 2023 and the appellant submitted an Departmental appeal within one month from the date of knowledge / communication.

- 3) That the matter /issue of the appellant is come under the definition of recurrence / continuous cause of action and as per judgment of Superior court as well as of this Hon' able Tribunal no limitation run against that very issue that i.e increments.
- 4) That there are so many judgments of the superior court that cases should be decided on merit rather than on technicity
- 5) That there are also so many judgment of the superior court as well as specific provision of service law made li limitation has been counted from the date of knowledge / communication.

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6. That any other grounds will be raised at the time of arguments with the prior permission of this Hon' able court.

It is therefore, requested that the limitation period (if any) may kindly be condone in the interest of justice.

Through

*ASR*  
Appellant

*[Signature]*  
Kabir Ullah Khattak

*[Signature]*  
Roeda Khan  
Advocates, High Court,  
Peshawar

'A' (10)

ORDER

Despite repeated calls the following Police officials did not return to Police Lines without any cogent reasons. This warrants disciplinary action. They were given three chances but they showed lack of commitment, poor conduct, ill-discipline, no zeal for training. Hence they are awarded punishment of Rs.1000/- fine and stoppage of increment for one year with accumulative effect. It is also suggested that they may not be selected for any future course:-

1. Constable Hidayatullah No.19.
2. Constable Arshad Ali No. 175. ✓
3. Constable Arif Shah No. 551.
4. Constable Saiful Amin No. 561.
5. Constable Sheraz Gul No. 615.
6. Constable Khalid Khan No. 758.
7. Constable Ibrahim No. 951.
8. Constable Tahir No. 1014.
9. Constable Akhtar Munir No. 1107.
10. Constable Umar Inayat No. 1087.
11. Constable Irfanullah No. 1234.
12. Constable Abid Khan No. 1269.
13. Constable Tehsinullah No. 582.
14. Constable Mukhtiar No. 750.
15. Constable Riaz No. 278.

OB No. 1122  
Dated 12/10/2009

District Police Officer,  
Nowshera.

No. 3823-AS/PA, dated Nowshera, the 12/10/2009.

Copy for information and necessary action to the :-

1. Pay Officer.
2. Establishment Clerk.
3. O.H.C.

~~ATTACHED~~

23-11-2023

ATM

NSP/HQ/NSR  
Forwarded  
Sir,

*[Signature]*

10/23/23  
175  
10/23/23

*[Handwritten text in Urdu, appearing to be a letter or report, written in a cursive style.]*

12/10/2023

1795

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**ORDER.**

EC (12)

This order will dispose-off the departmental appeal preferred by Head Constable Arshad Ali No. 170 of Nowshera District Police against the order of the then District Police Officer, Nowshera, whereby he was awarded minor punishment of fine of Rs. 1000/- and stoppage of one annual increment with cumulative effect vide O.D. No. 1700 dated 12.10.2009, on the allegations that despite repeated calls the delinquent Officer did not return to Police Lines without any cogent reasons. Thus warrant of disciplinary action. He was given three chances but he showed lack of commitment, poor conduct, ill-discipline, no zeal for training. Hence, he was awarded minor punishment of fine of Rs.1000/- and stoppage of one annual increment with cumulative effect by the then District Police Officer, Nowshera vide O.D. No. 1700 dated 12.10.2009.

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

From the perusal of service record of the appellant, it has been found that allegations leveled against the appellant have been proved beyond any shadow of doubt. Moreover, the appellant approached this forum with a delay of 14 years without advancing any cogent reason regarding such delay. Hence, order passed by the competent authority does not warrant any interference.

Based on the above, I, Muhammad Suleman, PSP Regional Police Officer, Mardan, being the appellate authority, finds no substance in the appeal, the same is rejected and filed, being devoid of merit as well as badly time barred for 14 years.

Order Announced.

(MUHAMMAD SULEMAN) PSP  
Regional Police Officer  
Mardan.

No. 4801 /ES, Dated Mardan the 01/03 2024.

Copy forwarded to District Police Officer, Nowshera, for information and necessary action w/r to his office Memo: No. 45/PA dated 0501.2024. His Service Record is returned herewith.

EC/FMC  
For u. a. Arshad

No. 297/164  
dt 04/3/2024

*[Handwritten signature]*  
04/3/2024

~~ATTACHED~~

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ان سخیانہ و سخیانہ

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