


# FORM OF ORDER SHEET

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

**Appeal No.** 1564/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/09/2024	<p>The appeal of Mr. Tariq Aziz presented today by Mr. Mir Zaman Safi Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 27.09.2024. Pareha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman .</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR.

Appeal NO. 1564 /2024

Taxiq Aziz VS

APPLICATION FOR FIXATION OF THE ABOVE TITLED Appeal AT  
PRINCIPAL SEAT, PESHAWAR

Respectfully Sheweth:

1. That the above mentioned Appeal is pending adjudication before this Hon'ble Tribunal in which no date has been fixed so far.
2. That according to Rule 5 of the Khyber Pakhtunkhwa Service Tribunal Rules 1974, a Tribunal may hold its sittings at any place in Khyber Pakhtunkhwa which would be convenient to the parties whose matters are to be heard.
3. That it is worth mentioning that the offices of all the respondents concerned are at Peshawar and Peshawar is also convenient to the appellant/applicant meaning thereby that Principal Seat would be convenient to the parties concerned.
4. That any other ground will be raised at the time of arguments with the permission of this Hon'ble tribunal.

It is therefore prayed that on acceptance of this application the Appeal may please be fixed at Principal Seat, Peshawar for the Convenience of parties and best interest of justice.

Appellant/Applicant

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

Through

M. Saeed  
MIR ZAMAN SAEED

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

APPEAL NO. 1564 /2024

**TARIQ AZIZ**

**VS**

**POLICE DEPTT:**

**INDEX**

<b>S.NO.</b>	<b>DOCUMENTS</b>	<b>ANNEXURE</b>	<b>PAGE</b>
1	Memo of appeal	.....	1- 4.
2	Affidavit	.....	5.
3	Dismissal order dated 03.05.2023	<b>A</b>	6.
4	Judgment	<b>B</b>	7- 9.
5	Final Show Cause Notice	<b>C</b>	10.
6	Reply	<b>D</b>	11.
7	Impugned order	<b>E</b>	12.
8	Departmental appeal	<b>F</b>	13- 14.
9	Wakalat nama	.....	15.

**APPELLANT**

**THROUGH:**

  
**MIR ZAMAN SAFI**  
**ADVOCATE**

-1-

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

APPEAL NO. 1564 /2024

Mr. Tariq Aziz, Ex-Constable No.4886,  
Platoon No.57, Elite Force, Dir Lower.

.....APPELLANT

**VERSUS**

- 1- The Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar.
- 2- The Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar.

.....RESPONDENTS

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 12.06.2024 WHEREBY MAJOR PENALTY OF DISMISSAL FROM SERVICE HAS BEEN IMPOSED UPON THE APPELLANT AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.**

**PRAYER:**

That on acceptance of this appeal the impugned orders dated 12.06.2024 may very kindly be set aside and the appellant be re-instated into service with all back benefits i.e. w.e.f 03.05.2023. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

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

- 1- That the appellant was the employee of the respondent department and has served the department as Constable No. 4886 for quite considerable period quite efficiently and upto the entire satisfaction of his superiors.
- 2- That the appellant while performing his duty at the concerned station, the following allegations were leveled against the appellant:-
  - i. *He alleged that nature of explosion in CTD Police Lines, Kabal District Swat was fabricated by officers/officials.*
  - ii. *He also stated facts were tarnished and twisted as there is no electricity in Armour/Kot.*

- iii. *He stated about the treatment meted out to constabulary alleged this disbursement of national consensus amount was not appropriate as given the government/department.*
- iv. *He stated about rights of constabulary are forfeited by senior command without any material facts and putting same before your chain of command.*

3- That on the basis of above mentioned allegations the appellant was awarded with major punishment of dismissal from service vide order dated 03.05.2023. That the appellant feeling aggrieved from the order dated 03.05.2023 preferred service appeal No. 1670/2023 before this august Service Tribunal, Peshawar which was accepted vide judgment dated 14.05.2024 with the directions to issue show cause notice to the appellant and provide him full opportunity of hearing. Copies of the order dated 03.05.2023 and judgment are attached as annexure.....A & B.

4- That in compliance to the judgment of Hon'ble Service Tribunal the respondent No.2 issued show cause notice to the appellant on 24.05.2024 which was properly replied by the appellant and denied the allegations leveled against him but the same has not been considered by the authority concerned and directly issued the impugned order dated 12.06.2024 without giving proper opportunity of hearing. Copies of the show cause notice, reply and impugned order are attached as annexure.....C, D & E.

5- That the appellant has served the department for more than 11 years with dedication and honesty and has never committed the said acts mentioned in the impugned order, rather only the appellant was requested the higher authorities to conduct fair and impartial investigation and to dig out the responsible involved in the incident of Explosion in CTD Police Lines, Kabal District Swat which is a legal and favorable statements in great honour of the Police Force while the appellant is un-aware from the other allegations which were leveled against him and the same are baseless and fabricated.

6- That there was no malafide intention behind the said request of the appellant but only for keeping higher reputation of police force in the public and to keep secure the force from such kind of incidents in future but the appellant has been proceeded departmentally instead of giving honour to his request which was in the best interest of all police force throughout the Province.

7- That the appellant feeling aggrieved from the impugned order dated 12.06.2024 preferred departmental appeal before the respondent No.1 but no reply has been received so far from the quarter concerned. Copy of the departmental appeal is attached as annexure.....F.

8- That appellant feeling aggrieved and having no other remedy but to file the instant appeal on the following grounds amongst the others.

**GROUND:**

- A- That the impugned order dated 12.06.2024 is against the law, facts, norms of natural justice and materials on the record, hence not tenable and liable to be set aside.
- B- That the appellant has not been treated in accordance with law and rules by the respondent on the subject noted above and as such violated Article-4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973.
- C- That the respondent department acted in arbitrary and malafide manner while issuing the impugned order dated 12.06.2024 which is not tenable in eye of law and liable to be set aside.
- D- That statements of witnesses have not been recorded by the authorities before issuing the impugned order dated 12.06.2024 which is necessary as per rule and law *ibid*.
- E- That no chance of cross of examination has been provided by the respondent department to the appellant before issuing the impugned order dated 12.06.2024 which is mandatory as per judgment of the superior Court.
- F- That no regular inquiry has been conducted by the authorities in the matter which is necessary as per law, rules and judgments of the Apex Court before taking punitive actions against the civil servants.
- G- That no chance of personal hearing/defense has been provided to the appellant before issuing the impugned order dated 12.06.2024.

It is, therefore, most humbly prayed that the appeal of appellant may very kindly be accepted as prayed for.

Dated: 23.09.2024.

APPELLANT

  
TARIQ AZIZ

THROUGH: 

MIR ZAMAN SAFI  
ADVOCATE

**CERTIFICATE:**

It is certified that no other earlier appeal was filed between the parties.

  
**DEPONENT**

**LIST OF BOOKS:**

- 1- CONSTITUTION OF PAKISTAN, 1973.
- 2- SERVICES LAWS BOOKS.
- 3- ANY OTHER CASE LAW AS PER NEED.

-5-

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

APPEAL NO. \_\_\_\_\_/2024

TARIQ AZIZ

VS

POLICE DEPTT:

**AFFIDAVIT**

I Mir Zaman Safi, Advocate High Court, Peshawar on the instructions and on behalf of my client do hereby solemnly affirm and declare that the contents of this **service appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



MIR ZAMAN SAFI,  
Advocate  
High Court, Peshawar

**ATTESTED**



9-224



"A"

-6-



Office of the Deputy Commandant  
Elite Force Khyber Pakhtunkhwa Peshawar



No. 5822-29 / AEF

Date: 03/05/2023

ORDER

This order will dispose of the departmental proceedings against Constable Tariq Aziz No. 4886, Platoon No. 57 of Elite Force who was issued charge sheet together with Summary of Allegations wherein the following charges were framed:-

- i. He alleged that nature of explosion in CTD Police Lines, Kabal District Swat was fabricated by officers/officials.
- ii. He also stated that facts were furnished and twisted as there is no electricity in Armoury/Kot.
- iii. He stated about the treatment meted out to constabulary and alleged that the disbursement of national census amount was not appropriate as given by the government/department.
- iv. He stated that rights of constabulary were forfeited by the senior command without any material facts and putting same before your chain of command.

Mr. Abdul Samad Khan Deputy Commandant RRF Peshawar was appointed as Enquiry officer to conduct proper departmental enquiry into the charges. He after conducting enquiry recommended the accused constable for awarding major punishment under Police Rule 1975.

All the relevant record was thoroughly examined and the accused constable was also heard in person. The accused constable failed to advance any plausible grounds in his support of his defense. As such the undersigned being competent authority have decided to impose major penalty in view of aforesaid serious nature of allegation. Therefore, Constable Tariq Aziz No. 4886 is found guilty of the charges hence awarded him the major punishment of "DISMISSAL" from service under the Police Disciplinary Rules 1975.

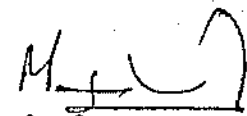


03/05/23.

(IRFAN TARIQ) PSP  
Deputy Commandant  
Elite Force Khyber Pakhtunkhwa  
Peshawar.

Copy of the above is forwarded to the:-

1. District Police Officer, Mardan for information.
2. Deputy Commandant RRF Khyber Pakhtunkhwa Peshawar.
3. Superintendent of Police, Elite Force Malakand Region.
4. Accountant, Elite Force Khyber Pakhtunkhwa Peshawar.
5. Incharge, Kot / OASI / SRC, Elite Force Khyber Pakhtunkhwa Peshawar.
6. FMC, Elite Force along with complete enquiry file Enls: (28) pages. USB

  
DSP Legal

  
**ATTESTED**

*Better copy*

Office of the Deputy Commander  
Elite Force Khyber Pakhtunkhwa Peshawar

No. 5822-29/EF

Dated 03.05.2023

ORDER

This order will dispose of Departmental proceedings against constable Tariq Aziz No. 4886, Platoon No. 57 of Elite Force who was issued charge sheet together with summary of allegations therein the following charges were frame.

- i. He alleged that nature of explosion in CTD Police Lines, Kabal District Swat was fabricated by officers/officials.
- ii. He also stated that facts were tarnished and twisted as there is no electricity in Armoury/Kot.
- iii. He stated about the treatment meted out to constabulary and alleged this disbursement of national census amount was not appropriate as given the government/department.
- iv. He stated that rights of constabulary and forfeited by the senior commenced without about any material facts and putting same before your chain of command.

Mr. Abdul Samad Khan Deputy Commandant FRP Peshawar was appointed as Enquiry officer to conduct proper departmental inquiry into the charges. He after conducting inquiry recommended the accused constable for awarding major punishment under Police Rules 1975.

All the relevant record was thoroughly examined and the accused constable was also heard in person. The accused constable failed to advance any plausible grounds supports of this defense. As such the undersigned being competent authority have decide the major punishment in view of aforesaid serious nature of allegation. Therefore, Constable Tariq Aziz No. 4886 is found guilty of the charges hence awarded him major punishment of "DISMISSAL" from service under the Police Disciplinary Rules 1975.

(IRFAN TARIQ) PS  
Deputy Commandant  
Peshawar

Copy of the above is forwarded to the:-

1. District Police Officer, Mardan for information.
2. Deputy Commandant RRF Khyber Pakhtunkhwa, Peshawar.
3. Superintendent of Police, Elite Force Malakand Region.
4. Account, Elite Force Khyber Pakhtunkhwa Peshawar.
5. Incharge Kot/OASI/SRC, Elite Force Khyber Pakhtunkhwa Peshawar.
6. FMC, Elite Force along with complete enquiry files Enls: (28) pages.

*M. Tariq*  
**ATTESTED**

"B" 7-

Service Appeal No. 1670/2023 titled "Tariq Aziz Vs. Commandant Elite Force, Khyber Pakhtunkhwa, Peshawar and others", decided on 14.05.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mr. Muhammad Akbar Khan, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

BEFORE: **KALIM ARSHAD KHAN ... CHAIRMAN**  
**MUHAMMAD AKBAR KHAN ... MEMBER (Executive)**

*Service Appeal No.1670/2023*

Date of presentation of Appeal.....17.08.2023  
Date of Hearing.....14.05.2024  
Date of Decision.....14.05.2024

**Tariq Aziz S/O Zubair Khan Ex-Constable No.4886 R/o Subhan Shah Baba, Lund Khowar Tehsili Takht Bahai District Mardan**  
.....(*Appellant*)

Versus

1. **Commandant Elite Force Khyber Pakhtunkhwa, Peshawar.**
2. **Deputy Commandant Elite Force, Khyber Pakhtunkhwa, Peshawar.....(Respondents)**

Present:

Mr. Kabir Ullah Khattak, Advocate .....For the appellant  
Mr. Muhammad Jan, District Attorney.....For respondents

.....  
**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 THE IMPUGNED ORDER DATED 03.05.2023 WHEREBY MAJOR PENALTY OF DISMISSAL FROM SERVICE WAS IMPOSED TO THE APPELLANT AGAINST WHICH THE APPELLANT FILED DEPARTMENTAL APPEAL ON 16.05.2023 WHICH HAS NOT BEEN DECIDED WITHIN THE STATUTORY PERIOD OF NINETY DAYS.**

-----  
**JUDGMENT**

*M. Khan*  
**ATTESTED**

**KALIM ARSHAD KHAN, CHAIRMAN:** Brief facts of the case, as enumerated in the memo and grounds of appeal are that appellant was appointed as Constable in the Police Department; that on the basis of allegations, he was dismissed from service on 03.05.2023; that feeling aggrieved, he filed departmental appeal on 16.05.2023,

*[Handwritten signature]*

8-

which was not responded within statutory period of ninety days, hence, the instant service appeal.

2. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant.

4. We have heard learned counsel for the appellant and learned District Attorney for respondents.

5. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned District Attorney controverted the same by supporting the impugned order(s).

6. The appellant was dismissed from service vide order dated 03.05.2023 on the allegations leveled by the competent authority.

The allegations are as follows:

i. He alleged that nature of explosion in CTD Police Lines, Kabat District Swat was fabricated by officers/officials.

ii. He also stated that facts were tarnished and twisted as there is no electricity in Armoury/Kot.

iii. He stated about the treatment meted out to constabulary and alleged this disbursement of national consensus amount was not appropriate as given the government/department.

iv. He stated that rights of constabulary are forfeited by senior command without any material facts and putting same before your chain of command."

ATTESTED Before issuance of the impugned dismissal order, charge sheet/statement of allegations were issued to the appellant. The

appellant was proceeded against departmentally on the basis of the said allegations. However, codal formalities have not been fulfilled before issuance of the impugned order. Show cause notice was mandatory, but the same was not issued to the appellant and he was dismissed from service without giving him opportunity of defense.

8. We, therefore, consider it necessary to remit the matter to the respondents to issue show cause notice and provide him opportunity of hearing and then pass appropriate order. Costs shall follow the event. Consign.

9. Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 14<sup>th</sup> day of May, 2024.

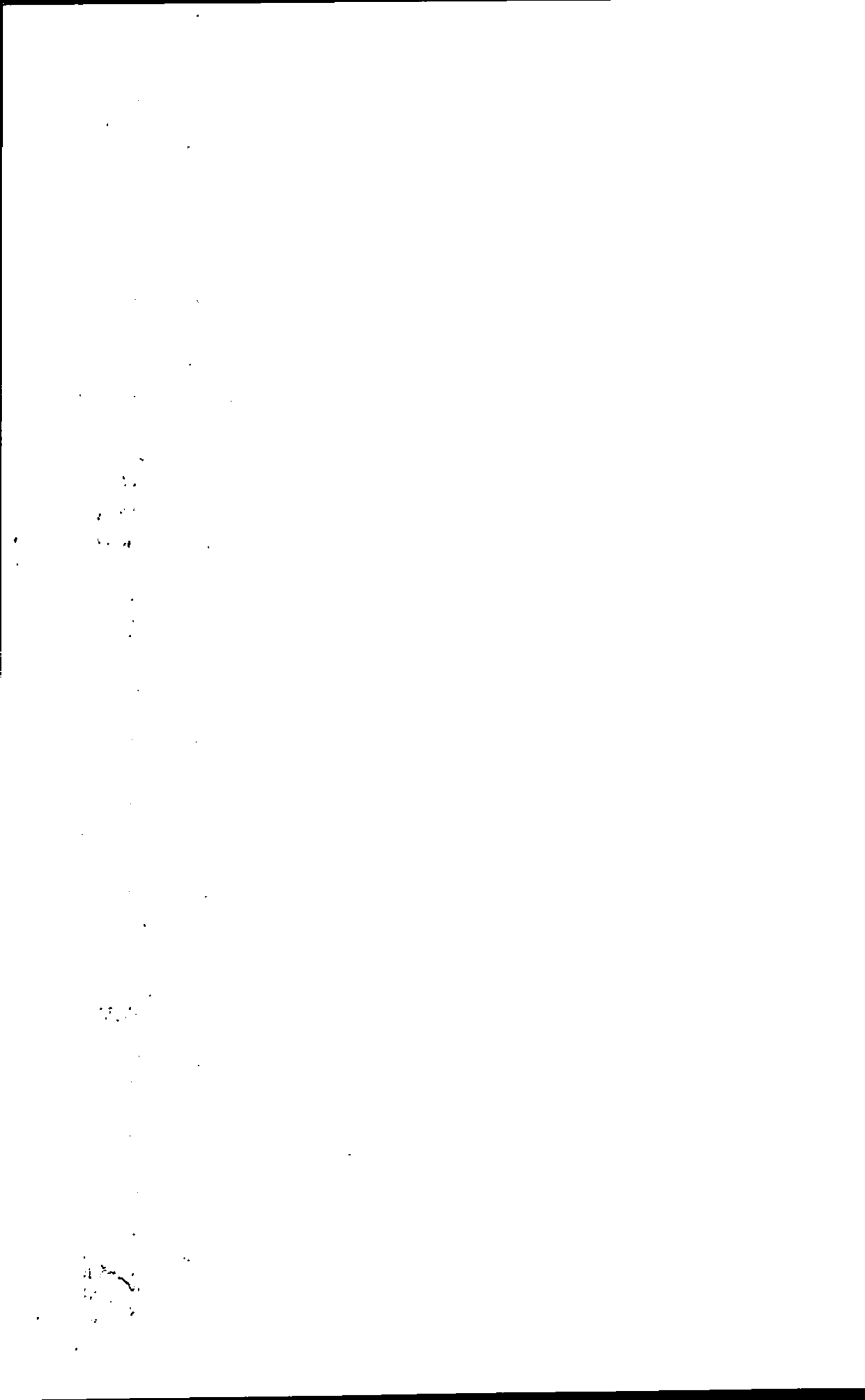


**KALIM ARSHAD KHAN**  
Chairman



**MUHAMMAD AKBAR KHAN**  
Member (Executive)

  
MUTAZEM SHAH





"C" -10-

**Office of the Deputy Commandant,  
Elite Force Khyber Pakhtunkhwa Peshawar**



No. 7719 /EF

Dated: 24/05/2024

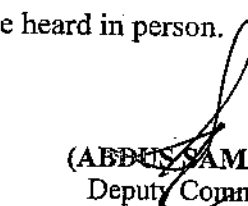
**FINAL SHOW CAUSE NOTICE**

**In compliance with the directions passed by the Honorable Service Tribunal Khyber Pakhtunkhwa Peshawar vide order dated:14-05-2024 in Service Appeal No.1670/2023 filed by Ex-constable Tariq Aziz.**

I, **Abdus Samad**, Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar as competent authority under Police Rules 1975 (amended 2014), do hereby serve you **Constable Tariq Aziz No.4886 of Platoon No.57** as follows;

- a- That you alleged that nature of explosion in CTD Police Lines, Kabal District Swat was fabricated by officers/officials.
- b- That you also stated that facts were tarnished and twisted as there is no electricity in Armoury/Kot.
- c- That you stated about the treatment meted out to constabulary and alleged this disbursement of national consensus amount was not appropriate as given the government/department.
- d- That you stated about rights of constabulary are forfeited by senior command without any material facts and putting same before your chain of command.
- 1- That consequent upon the completion of enquiry conducted against you, the Enquiry Officer has given you full opportunity of hearing, but you failed to satisfy the Enquiry Officer.
- 2- Ongoing through the findings and recommendations of the Enquiry Officer, the material available on record, I am satisfied that you have committed the omission/commission specified in Police Rules 1975 (amended 2014) and charges leveled against you have been established beyond any doubt.
- 3- As a result therefore, I Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar as competent authority have tentatively decided to impose minor/major penalty upon you under Police Rules 1975 (amended 2014) of the said Rules.
- 4- You are therefore, directed to show cause as to why the aforesaid penalty should not be imposed upon you.
- 5- In case, if reply to the final show cause notice is not received within the stipulated period of seven days of its delivery, it shall be presumed that you have no defense to put in and that an ex-parte action shall be taken against you.

You are at liberty if desire to be heard in person.

  
(ABDUS SAMAD)PSP  
Deputy Commandant  
Elite Force, Khyber Pakhtunkhwa  
Peshawar.

  
ABDUS SAMAD

"D"

-11-

To,

The Worthy Deputy Commandant,  
Elite Force, Khyber Pakhtunkhwa, Peshawar.

Subject: REPLY TO THE FINAL SHOW CAUSE NOTICE ISSUED  
BY YOUR GOOD SELF TO THE UNDERSIGNED ON  
24.05.2024

Respected Sir,

In compliance with the Show Cause Notice issued by your good self to the undersigned vide No.7719, dated 24.05.2024.

Respected sir,

It is stated with great respect that I was the employee of your good self department and was serving as Constable No. 4886 of Platoon No.57 Dir Lower quite efficiently and upto the entire satisfaction of my superiors.

That the undersigned has served the department for more than 11 years with dedication and honesty. That the undersigned while performing his duties at the concerned place of duty whereby several baseless allegations were leveled against undersigned mentioned in the Final Show Cause Notice, *Copy of the Show Cause Notice is attached.*

That the undersigned has never committed the said acts mentioned in the show cause notice, rather only the undersigned was requested the higher authorities to conduct fair and impartial investigation and to dig out the responsible involved in the incident of Explosion in CTD Police Lines, Kabal District Swat which is a legal and favorable statements in great honour of the Police Force while I am un-aware from the other allegations which are leveled against me and the same are baseless and fabricated.

That there was no malafide intention behind the said request of the undersigned but only to keep intact the high reputation of the police force in the public but the undersigned is hereby proceeded departmentally.

It is, therefore, most humbly submitted that on acceptance of this reply the show cause notice dated 24.05.2024 may very graciously be withdrawn/filed and I may please be exonerated from the allegations leveled against me and re-instated the undersigned into service with all back benefits.

Dated. 28.05.2024.

Sincerely yours

*Tariq Aziz*  
TARIQ AZIZ, Ex- Constable No: 4886,  
Platoon No.57 Elite Force, Dir Lower

*M. Aziz*  
ATTESTED



"E" - 12-



Office of the Deputy Commandant,  
Elite Force Khyber Pakhtunkhwa Peshawar



No. 8531-40 /EF

Dated: 12/06/2024

ORDER

Consequent upon the order passed in Service Appeal No.1670/2023 vide Judgment order dated 14-05-2024 by the Honorable Service Tribunal Peshawar, a show cause notice containing the following allegations was issued to constable Tariq Aziz No. 4886 Platoon No.57:-

- a- That it was circulated vide this office letter No. 9509-20/EF dated 13.09.2022 & 91-108/EF dated 04.01.2023 that no member of Khyber Pakhtunkhwa Police will upload and viral any sort of inauthentic and unauthorized information on social /Electronic media and shall not be a member of any Whatsapp groups. Still in violation of social media policy of KP Police under prohibition section 4,7 & 10 read with relevant section of Police Rules 1975, you proceeded with the use of social media with false and frivolous allegation against the department.
- b- He alleged that nature of explosion in CTD Police Lines, Kabal District Swat was fabricated by officers/officials.
- c- He also stated facts were tarnished and twisted as there is no electricity in Armour/Kot.
- d- He stated about the treatment meted out to constabulary alleged this disbursement of national consensus amount was not appropriate as given the government/department.
- e- He stated about rights of constabulary are forfeited by senior command without any material facts and putting same before your chain of command.

Show cause notice was delivered to Ex-Constable Tariq Aziz No.4886 at his home address and was properly served upon him. He submitted his written reply to the show cause notice and was also heard in person on 29-05-2024. His written statement was thoroughly examined and he was also cross questioned. Neither his reply was found satisfactory nor did he defend himself with plausible and convincing grounds.

As such the undersigned being competent to exercise authority for disposal of the instant enquiry as directed by the Honorable Court, the defaulter constable Tariq Aziz No.4886 is found guilty of the charges as he bitterly failed to produce tangible grounds in his support with reference to the allegations framed against him. More-so he also failed to defend himself in context with police social media policy circulated vide this office letter No.9509-20/EF, dated 13.09.2022 & No.91-108/EF dated 04.01.2023. To uphold and maintain discipline in the Force such commission/omission cannot be overlooked so in the larger interest of maintaining discipline in the Force; Constable Tariq Aziz No.4886 of Elite Force is hereby awarded the major punishment of "Dismissal from Service" under Police Rules 1975 with (amended rule 2014).

*M. Samad*  
ATTESTED

(ABDUS SAMAD)PSP  
Deputy Commandant  
Elite Force, Khyber Pakhtunkhwa  
Peshawar

No 198

For Insurance Notices see reverse  
Stamps affixed

RGL 141317552

if more than the  
annual weight prescribed in the  
Post Office Guide or on which no  
acknowledgement is due

Received a registered  
addressed to

Date Stamp

Write here "letter", "postcard", "packet" or "parcel"  
Initials of Receiving Officer with the word "insured" before it when necessary

Insured for Rs. (in figures) 12 1/2 (in words) Twelve and a half

If insured

Insurance fee Rs. 1 Ps. (in words) One Rupee

Name and address of sender

M-L  
ATTESTED

"F"

- 13 -

To,

The Worthy Commandant,  
Elite Force, Khyber Pakhtunkhwa, Peshawar.

Subject:

**DEPARTMENTAL APPEAL AGAINST THE IMPUGNED  
ORDER DATED 12.06.2024 WHEREBY MAJOR PENALTY  
OF DISMISSAL FROM SERVICE HAS BEEN IMPOSED  
UPON THE APPELLANT**

Respected Sir,

With great reverence it is stated that the appellant was the employee of your good self department and was serving as Constable No.4886 at Platoon No:57 Elite Force, Dir Lower quite efficiently and upto the entire satisfaction of his superiors.

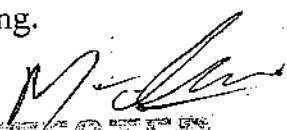
That the appellant while performing his duty at the concerned place, the allegations mentioned below were leveled against him:-

- i. *He alleged that nature of explosion in CTD Police Lines, Kabal District Swat was fabricated by officers/officials.*
- ii. *He also stated facts were tarnished and twisted as there is no electricity in Armour/Kot.*
- iii. *He stated about the treatment meted out to constabulary alleged this disbursement of national consensus amount was not appropriate as given the government/department.*
- iv. *He stated about rights of constabulary are forfeited by senior command without any material facts and putting same before your chain of command.*

Copy of the order is attached.....A.

That on the basis of above mentioned allegations the appellant was awarded with major punishment of dismissal from service vide order dated 03.05.2023. That the appellant feeling aggrieved from the order dated 03.05.2023 preferred departmental appeal followed by service appeal No. 1670/2023 before the Khyber Pakhtunkhwa Service Tribunal, Peshawar which was accepted vide judgment dated 14.05.2024 with the directions to issue show cause notice to the appellant and provide him opportunity of hearing.

That in compliance to the judgment of Hon'ble Service Tribunal the authority issued show cause notice to the appellant on 24.05.2024 which was properly replied by the appellant and denied the allegations leveled against him but the same has not been considered by the authority concerned and issued the impugned order dated 12.06.2024 without giving proper opportunity of hearing.

  
ATTESTED

-14-

That the undersigned has served the department for more than 11 years with dedication and honesty.

That the appellant has never committed the said acts mentioned in the impugned order, rather only the appellant was requested the higher authorities to conduct fair and impartial investigation and to dig out the responsible involved in the incident of Explosion in CTD Police Lines, Kabal District Swat which is a legal and favorable statements in great honour of the Police Force while the appellant is un-aware from the other allegations which are leveled against me and the same are baseless and fabricated.

That there was no malafide intention behind the said request of the appellant but only for the high reputation of the police force in the public and to keep secure the force from such kind of incidents in future but the appellant has been proceeded departmentally instead of giving honour to his request which was in best interest of all police force throughout the Province and awarded with major punishment of dismissal from service which unlawful, unconstitutional and against the principle of natural justice.


That no proper inquiry has been conducted in the matter which is necessary as per rule and judgments of the Apex Court before taking punitive actions against a civil servant.

It is, therefore, most humbly prayed that on acceptance of this departmental appeal the impugned order dated 12.06.2024 may very kindly be set aside and the appellant be re-instated into service with all back benefits i.e. with effect from 03.05.2023.

Dated: 20.06.2024.

APPLICANT

  
TARIQ AZIZ, Ex- Constable No. 4886,  
Platoon No.57 Elite Force, Dir Lower

  
ATTESTED

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

OF 2024

Tariq Aziz

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

VERSUS

Police Deptt.

(RESPONDENT)  
(DEFENDANT)

I/We Tariq Aziz

Do hereby appoint and constitute **MIR ZAMAN SAFI, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_ / \_\_\_ / 2024

Tariq Aziz  
CLIENT

M. Aman  
ACCEPTED  
MIR ZAMAN SAFI  
ADVOCATE

OFFICE:  
Room No.6-E, 5<sup>th</sup> Floor,  
Rahim Medical Centre, G.T Road,  
Hashtnagri, Peshawar.  
Mobile No.0333-9991564  
0317-9743003