


## FORM OF ORDER SHEET

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

**Appeal No.** \_\_\_\_\_ **1685/2024**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01/10/2024	<p>The appeal of Mr. Faheem Ullah resubmitted today by Mr. Afrasiab Khan Wazir Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 04.10.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

To

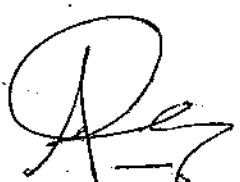
Chairman,  
Khyber Pakhtunkhwa Services Tribunal,  
Peshawar.

Subject : Case be fixed for hearing at Peshawar.

R/sir,

With due respect it is humbly stated that case titled "Fahim Khan v Police Department" is filed before your competent authority. The Petitioner in this case belongs to North Waziristan and there is apprehension that this case will be fixed for hearing at Bannu. Due to hectic work routine it is difficult for counsel to visit other stations therefore, it is requested that this case may kindly be fixed for hearing at Peshawar.

Thanks.

  
Afzal Khan Wazir  
Advocate HC.

BC 17-7299

0312 9888752

Dated 01/10/2024.

The appeal of Mr. Faheem Ullah received today i.e on 25.09.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Address of appellant is incomplete be completed according to rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal be placed on it.

No. 834 /Inst./2024/KPST,

Dt. 26/9 /2024.

*Amir Ullah*  
ADDITIONAL REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Afrasiab Khan Wazir Adv.  
High Court at Peshawar.

*R/SW,*

- 1) The addresses of parties are complete in all aspects.
- 2) objection no. 2. The copies of charge, sheet, statement of allegation, show cause, notice, enquiry report and replies are not served upon the appellant and the same are part of the grounds of the appeal. Hence objections are removed and re-submitted today 1-10-2024.

*AMIR ULLAH*

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL**  
**PESHAWAR**

Appeal No. 1685 /2024

**FAHEEM ULLAH**

**.....VERSUS.....**

**POLICE DEPTT**

**INDEX**

<b>S. NO.</b>	<b>DOCUMENTS</b>	<b>ANNEXURE</b>	<b>PAGE</b>
1.	Memo of Appeal	.....	1-3
2.	Affidavit	.....	---
3.	Condonation of delay application	.....	4
4.	<b>Service Card</b>	<b>A</b>	<b>5</b>
5.	<b>impugned order 20.09.2021</b>	<b>B</b>	<b>6</b>
6.	<b>Representation</b>	<b>C</b>	<b>7</b>
7.	Vakalatnama	.....	8

**APPELLANT**

Through:

  
**AFRASIAB KHAN WAZIR**  
**ADVOCATE HIGH COURT**

Office:

ROOM NO. B-16, GOVT COLLEGE CHOWK,

NIMRA PLAZA, PESHAWAR.

CELL: 0312-9888752

(1)

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

APPEAL NO. 1685 /2024

Mr, Faheem Ullah, S/O Wali Sardar, Ex-Constable, R/O Hamzoni,  
District North Waziristan.

.....APPELLANT.

**VERSUS**

- 1- The Inspector General Provincial Police Officer, Peshawar.
- 2- The Deputy Inspector General Bannu Division, District Bannu.
- 3- The District Police Officer, North Waziristan.

.....RESPONDENTS.

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974 READ WITH ALL ENABLING PROVISIONS OF LAW GOVERNING THE SUBJECT, AGAINST IMPUGNED ORDER DATED 20.09.2021 WHEREBY APPELLANT HAS BEEN DISMISSED FROM SERVICE w.e.f DATE OF HIS ABSENCE FROM DUTY AN NO ACTION IS TAKEN ON DEPARTMENTAL APPEAL OF THE APPELLANT.**

**RESPECTFULLY SHEWETH:**

**ON FACTS:**

- 1- That the Appellant served in the police department and since his appointment he performed his duties with full dedication and passion. **(Copy of the Service Card is attached.....A)**
- 2- That the Appellant while serving in the respondent department, never gave an opportunity to his high ups any sort of complaint regarding his duty neither any complaint has been made against him in his entire service.
- 3- That the appellant while performing his duties the Respondent No.3 astonishingly issued impugned order dated 20/09/2021 whereby the Appellant was dismissed from service for not joining the recruitment/ basic training. **(Copy of the impugned Dismissal order is attached.....B)**
- 4- That the Appellant has not received intimation letter of recruitment/ basic training during course of duty and astonishingly he was accused of gross misconduct.
- 5- That the Appellant feeling aggrieved against the aforementioned impugned order Dated 20/09/2021, he moved

representation to the pertinent Department, the reply of which is still pending. **(Copy of Representation attached.....C)**

6- That the Appellant further feeling aggrieved and left with no other alternate and efficacious remedy but to file this instant appeal on the following grounds inter alia.

**ON GROUNDS**

A- That the issuance of impugned order dated 20.09.2021 by Respondents is against law and norms of natural justice hence liable to be set aside.

B- That the action of the Respondent is violative of the Article 4 and 25 of the Constitution, 1973.

C-That the appellant was not informed about his selection for training through any letter by the respondents and this action of the respondents is sheer arbitrary in nature.

D-That the Appellant was not given reasonable opportunity of being personally heard and an order was issued inquiry was made without notice been served on him.

E- That further no show cause, charge sheet, statement of allegation was served on Appellant before issuance of aforementioned impugned order, Hence, the aforementioned impugned order is untenable in the eyes of law.

F- That the respondents till dated haven't served or associated appellant in inquiry before issuance of the before mentioned impugned order which is against law and rules on the subject matter.

G-That the Appellant further seeks permission to advance any other grounds at the time of regular hearing.

**PRAYER**

**That on acceptance of this appeal the impugned order dated 20.09.2021 may please be set aside and the respondents be directed to reinstate the appellant with all back benefits. Any other remedy which this honorable tribunal deems fit that may also be awarded in favor of Appellant.**

3

Dated:

APPELLANT

*M. Faheem Ullah*

Faheem Ullah

Through:

AFRASIAB KHAN WAZIR

&

SALMAN KHAN WAZIR

ADVOCATE(S) HIGH COURT

*AFRASIAB KHAN WAZIR*

*SALMAN KHAN WAZIR*

**Certificate:**

It is certified that no other appeal is filed between the parties on the same issue.

*M. Faheem Ullah*

DEPONENT

**AFFIDAVIT:**

I, Mr, Faheem Ullah, S/O Wali Sardar, Ex-Constable, R/O Hamzoni, District North Waziristan, do hereby solemnly affirm and declare that the contents of this appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable tribunal so far.

*M. Faheem Ullah*

DEPONENT



4

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

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

Mr, Faheem Ullah

VS

POLICE DEPTT

**APPLICATION FOR CONDONATION OF DELAY IN THE**  
**AFOREMENTIONED APPEAL OF THE APPELLANT**

**RESPECTFULLY SHEWETH:**

- 1- That the Appellant served in the police department and since his appointment he performed his duties with full dedication and passion.
- 2- That the Applicant was dismissed from service on 20-09-2021 without fulfilling of all the codal formalities.
- 3- That valuable rights of the Applicant are attached to the case and the Applicant has no other means to earn livelihood.
- 4- That as per judgment of Apex Court (2002 PLC CS 1388), technicalities in a case must be overlooked when there are reasonable grounds that a matter can be decided on merits.
- 5- That the appellant is dismissed from service on the basis that he couldn't attend the training about which he was not informed at all by the respondents.

APPLICANT

Through:

AFRASIAB KHAN WAZIR  
&  
SALMAN KHAN WAZIR  
ADVOCATES



Government of Khyber Pakhtunkhwa

Khyber Pakhtunkhwa Police

# SERVICE CARD

Serial No: 811

Name: Fahimullah S/O: Waliullah

Designation: Constable

CNIC: 21506-6278251-5 B/Group: A-10

Date of Birth: 01.09.1992 Issue Date: 01.06.2021

Date of Appointment: 2019 Valid upto: 01.10.2022

Cell: 0335-6000776



*Handwritten signature*

SUB-DIVISIONAL  
OFFICER  
POLICE

Order

B-6

My this order will paramount to Departmental proceeding initiated against Constable Fahim Ullah S/o Wali Sardar while posted at Police lines Miranshah were found to indulge in the following:-

- That he was selected for recruit/basic training Course commencing from 31.05.2021 at Hqrs STF Razmak training centre vide DIC training KPK letter No.5110/Trg: dated 25.05.2021, but he did not comply the lawful order of high-ups and absented himself from Govt: duty without any cogent reason, leave or permission of the competent authority.
- That you kept yourself absent intentionally from the said training and did not take interest in it.
- This all speaks of gross misconduct on your part and you are liable to be proceeded under Police Rules-1975.
- Such act on your part is against the service rules/discipline and amounts to gross misconduct and negligence.

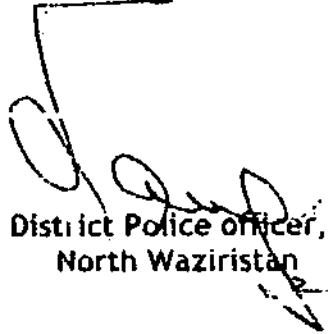
He was served with Show Cause Notice to this effect. He was repeatedly informed through concerned SHO to receive Show Cause but he deliberately refusal to receive Show Cause Notice. Such attitude is quite contrary to law and rules being the member of a disciplined Force. Final Show Cause notice also issued but he did not reply.

Therefore, I Mr. ShafiUllah Khan, District Police Officer, North Waziristan in exercise of the power vested in me under Police Rules-1975, hereby impose upon him major punishment of "Dismissal from service" with effect from the date of his absence from Govt: duty. He is directed to deposit all the Govt: articles/items allotted to him from the concerned branches.

RI/LO to collect the Govt: items /weapons etc if any from the above person.

OB. No. 472

Dated 20/09/2021

  
District Police officer,  
North Waziristan

No.2574-81 /SRC dated 20.09.2021

Copy of the above is submitted for favour of information:

1. The District Accounts Officer, North Waziristan for necessary action.
2. The RI/LO Police line Miranshah for necessary action.
3. The PO, OASI, EC & SRC for n/action.

  
District Police officer,  
North Waziristan

  
TESTED

Marked to Supdt. Genl. CPO  
13671/SB -

F.No.1-007/2024/Miscellaneous

Dated 25/04/2024

03/05/2024

To

The worthy Inspector General,  
Provincial Police Officer, Peshawar.

Subject: APPEAL TO REINSTATE IN THE SERVICE OF CONSTABLE MR. FAHIM  
ULLAH S/O WALI SARDAR NORTH WAZIRISTAN TRIBAL DISTRICT.

Dear Sir,

Most humbly, it is stated that undersigned had constable and doing official duty at North Waziristan Tribal District Miran Shah and dismissed from services due to not attaining the basic recruit training course w.e.f 31.05.2021 at Qtr STF Razmak North Waziristan tribal district training center. Moreover, during this period I was in official duty at Police Line Miranshah. The DPO office neither contact undersigned regarding said training nor received any show case notices, in this regard and declared absent from duty in lieu of present period, due to which they conduct enquiry under chairmanship of DIG Bannu in ibid matter and terminated me from services. Furthermore, I approach to Deputy Inspector General Bannu Region twice in this regard they stated that to applied to higher authority as Inspector General.

Therefore, I am humbly request to high-ups to reinstate my service on humanitarian basis and I shall obey rules and regulation of Police Services in future Cautiously, please.

Yours faithfully,

*Fahim*

Fahim Ullah S/O Wali Sardar  
CNIC: 21506-6278251-5

Contact: 0335-6000776/0305-6000776  
E-mail Faheemdawar12@gmail.com

Copy forwarded to:

1. PSO to Deputy Inspector General of Police Bannu Region.

*Ullah  
A/S*

8

**POWER OF ATTORNEY/VAKALATNAMA**

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

**FAHEEM ULLAH**

**VERSUS**

**POLICE DEPTT**

**Appeal No. \_\_\_\_\_-P/2024**

**On behalf of Petitioner/Appellant No.**

I/ we the **petitioners/appellant** hereby appoint **Mr. Afrasiab Khan Wazir** Advocate in the above-mentioned case, to do all or any of the following acts, deeds things.

1. To appear, act, sign, record Statement and plead for me/us in the above-mentioned case in this court /Tribunal or any other Court /Tribunal in which the same may be tried or heard, and other proceedings arising out of or connected therewith.
2. To sign, verify compromise and file or withdraw all proceedings, petitions, appeals, affidavits, and any other documents, as may be deemed necessary of advisable by them for the conduct, prosecution or defense of the said case at its stages.
3. To receive payments of, and issue receipts for, all money that may be or become due and payable to us during the course or on the conclusion of the proceedings.
4. To do all other acts and things which may be deemed necessary or advisable during the proceedings.

**AND HEREBY AGREE:**

- a. To ratify whatever the said advocate may do in the proceedings.
- b. Not to hold the Advocate responsible if the said case be proceeded ex-parte or dismissed in default in consequence of absence from the Court/Tribunal when it is called for hearing.
- c. An advocate shall not be responsible for any concealment, fraud, misrepresentation made by the client before any tribunal, court or forum.
- d. That the Advocate shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fees remains unpaid.

In witness whereof, I/We have signed this power of Attorney/ Vakalatnama hereunder, the contents of which have been read/ explained to me/us and fully understood by me/ us.

**Terms Accepted**

**Signatures**

**Accepted & Attested**

**Afrasiab Khan Wazir & Salman Khan Wazir**  
**Advocates Peshawar High Court, Peshawar.**

Office:

Room No. B-16, Govt College Chowk,

Nimra Plaza, Peshawar.

Cell: 0312-9888752.