


FORM OF ORDER SHEET

Court of _____

Appeal No. 1693/2024


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. Imran Khan resubmitted today by Mr. Afrasiab Khan Wazir Advocate. It is fixed for preliminary hearing before touring Single Bench at D.I.Khan on 21.10.2024. Parcha, Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Imran Khan 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- Copy of revision petition mentioned in the memo of appeal is not attached with the appeal be placed on it.

No. 836 /Inst./2024/KPST,

Dt. 26/9 /2024.

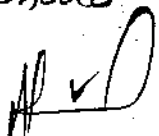

ADDITIONAL REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

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

R/sir,

- 1) Addresses of parties are complete in all aspects.
- 2) The Revision Petition ^{repetition} copy is available / attached as Annexure F on page # 10.

Hence all objections removed and re-submitted.


1/10/2024.

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR

Appeal No. 1693/2024

IMRAN KHAN

.....VERSUS.....

POLICE DEPTT

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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 1693 /2024

Mr. Imran Khan, Ex-Constable, Belt No 1370, S/O Gul Zareen Khan,
P/O Ladha Kot Langor Khel, Tehsil Ladha, District South Waziristan
.....**APPELLANT.**

VERSUS

- 1- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2- The Regional Police Officer, Dera Ismail Khan Region.
- 3- The District Police Officer, South Waziristan Upper.

.....**RESPONDENTS.**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974. AGAINST THE IMPUGNED REVISION PETITION DATED 05-06-2024 WHEREBY REVISION PETITION IS REJECTED ON NO GOOD GROUNDS.

RESPECTFULLY SHEWETH:

ON FACTS:

- 1- That the appellant is law abiding citizen and had performed his duties as Constable with zeal and zest since appointment and never any such complaints has been made against him. **Copy of the Service Card is attached.....A**
- 2- That the appellant was deputed on a duty at DPO Bangla and while performing his duties, he was informed about his dismissal from service vide original impugned order dated 02.11.2023, whereby the appellant has been dismissed from service on the basis of absentia. **Copy of the Roznamcha, original impugned order dated 02.11.2023 is attached.....B & C.**
- 3- That the appellant feeling aggrieved from original impugned order, he preferred departmental appeal to appellate authority but it was rejected on valid grounds vide appellate order dated 09.05.2024. **Copy of the departmental appeal, appellate order dated 09.05.2024 are attached.....D & E.**
- 4- That the appellant further feeling aggrieved, he preferred revision petition to the respondents but it was also rejected vide impugned rejection revision petition dated 05.06.2024 on no

2

good grounds, without cogent justification. Copy of the impugned revision petition rejection dated 05.06.2024 is attached.....F.

5- That the appellant further feeling and having no other alternate and efficacious remedy but to file this appeal on the following grounds inter alia.

GROUND:

A-That the issuance of impugned Revision Petition 05.06.2024, appellate order 09.05.2024 and Original Order Dated 02.11.2023 by the respondents is against law and rules, hence liable to set aside.

B- That the respondents violated article 4 & 25 of the constitution of Islamic republic of Pakistan 1973.

C-That the respondents acted in arbitrary and malafide manner while issuing the impugned Revision Petition 05.06.2024, appellate order 09.05.2024 and Original Order Dated 02.11.2023 which is against the norms of natural justice.

D-That no regular inquiry has been conducted by the respondents before issuance of impugned orders which is against the law, hence not tenable in the eye of law.

E- That no show cause notice, charge sheet, statement of allegation has been served upon the appellant, hence the aforementioned impugned orders are illegal and unlawful in eye of law.

F- That no final show cause notice has been served upon the appellant before issuing the impugned orders.

G-That no chance of personal hearing has been granted to the appellant by the respondents, which is against Article 10 of the constitution of Islamic republic of Pakistan.

H-That the appellant was on duty at the DPO Banglao but he is ignored and not informed about the any of the process initiated against him, which amounts to blatant violation of law and rules.

3

That the appellant seeks permission to advance any other grounds at the time of regular hearing.

➤ **PRAYER**

That on acceptance of this Appeal the impugned Revision Petition 05.06.2024, appellate order 09.05.2024 and Original Order Dated 02.11.2023 may very kindly be set aside and the Respondent be directed to Reinstate the Appellant into Service with all back benefits. Any other relief which this Honorable Tribunal deems appropriate may also be awarded in favor of the appellant.

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

Dated:

APPELLANT

عمران خان

IMRAN KHAN

Through:

AFRASIAB KHAN WAZIR

SHOAIB KHAN MEHSOOD

&

HAROON KHAN MEHSOOD

ADVOCATE(s)

Certificate:

That no earlier appeal has been filed between the parties on the same issue.S

عمران خان

Deponent

Affidavit:

I, Mr Imran Khan, S/O Gul Zareen Khan, P/O Ladha Kot Langor Khel, Tehsil Ladha, District South Waziristan, do hereby solemnly affirm and declare that contents of this appeal is true and correct to the best of my knowledge and nothing has been concealed from Honorable Tribunal so far.


عمران خان

Deponent


ANNEXURE A

4

GOVERNMENT OF KHYBER PAKHTUNKHWA
POLICE DEPARTMENT SWAT
SERVICE CARD



Name: **Imran Khan**
Rank: **Constable**
Belt No: **1370**



KPK POLICE

ENIC No: 21702-2339426-1
Contact: 0344-2141321
B/Group: B+ve
Address: Tehsil Iadha SWATD

Valid up to 06-04-2025

This card is the property of South Waziristan Tribal District Police.

This card is not transferable and is valid for Police Department KPK only.

If found please contact to given number or give it the nearest Police Station

Verification Contact: 0963-510999

ATTACHED

ANNEXURE

'B'

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لقد تم تزجج

بوالعلاق

مرفق

رواثة لهورت سبالم عبالقار، سا مرفق $\frac{04}{05}$ و مرفق

~~15/05 في الساعة 10:30 صباحاً في يوم الاثنين 1370~~
مرفق من سبالم انوران بالا جناب DPO حسب جولة لالة
مرفق من سبالم سبالم DPO روزان كرا براليس مرفق
مع B.

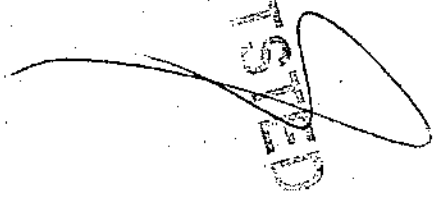
جناب علي

لقد تم تزجج

in m place

05.04.03

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Office of the district police officer South Waziristan Upper

ORDER

The following official of the district police were identified as ghost employee by the scrutiny committee. Proper departmental inquiry was initiated against them. They were called for inquiry, and full opportunities were provided to them to defend themselves but they finally failed to appear before the Undersigned.

12- Imran khan-1170

Now, therefore in the light of the finding/recommendations and the available record of the delinquent Officials. 1 Malik Habib, District Police Officer, South Waziristan Upper District being Competent Authority under Police rules 1975 issue "Major punishment of dismissal from the Service" with immediate effect.

No. 1265

DATED 02/11/2023

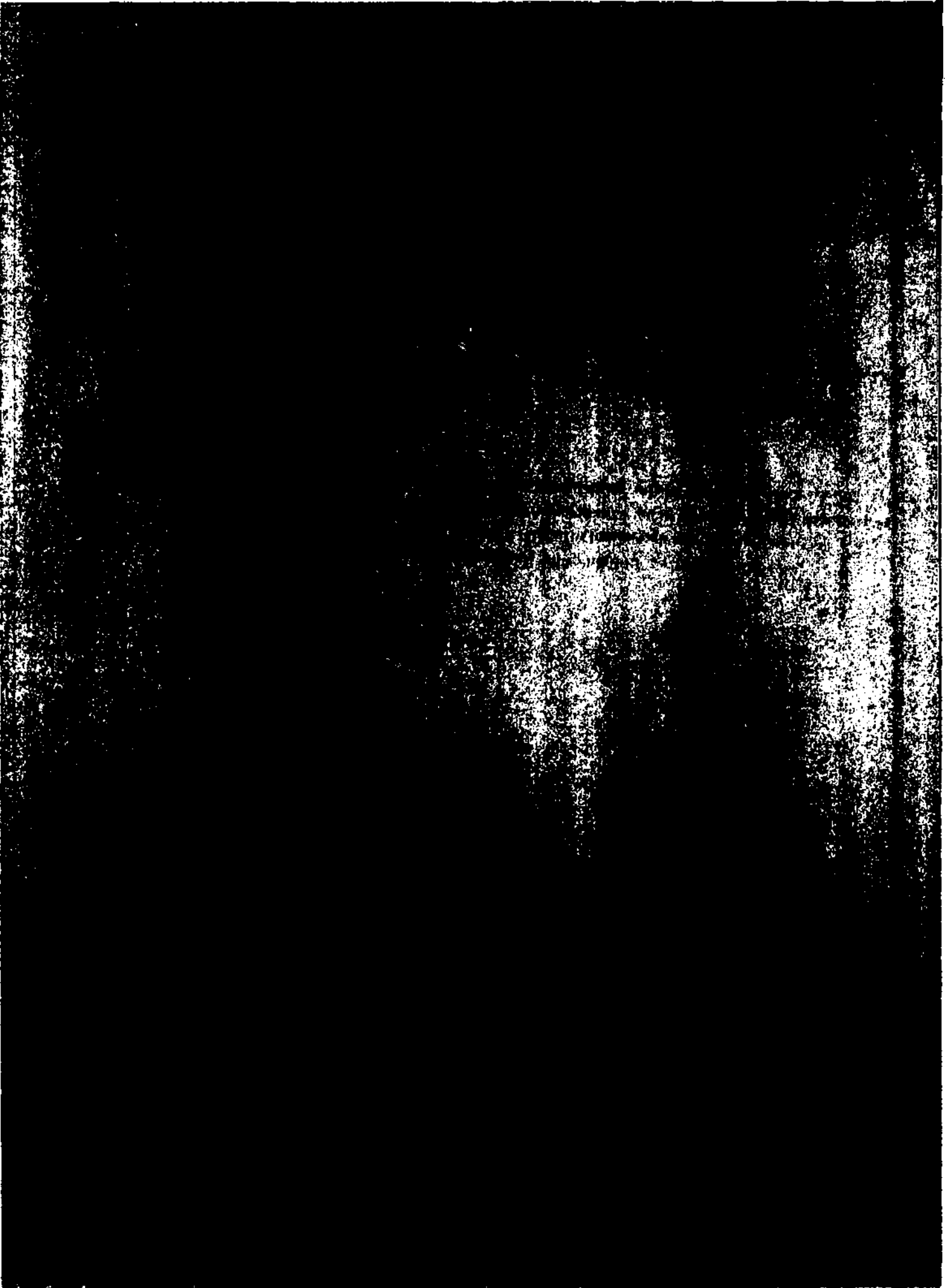
611-615/SWTD

District Police Officer

South Waziristan Upper

____ DATED 02/11/2023

SWT
611-615/SWTD



ANNEXURE C 6

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ANNEXURE — EN

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OFFICE OF THE REGIONAL POLICE OFFICER DERA SMAILI KHAN REGION

NO. 3046/ES DATED D.I Khan the

09-05-2024

- 1- This order disposes off departmental appeal filed by ex Constable Imran Khan No. 1370 of District Police SW Upper, against the order of major punishment of (dismissal from service) passed by the DPO SW Upper, vide his office OB No. 1265 dated 02-11-2023 on the following allegations.
- 2- "As per request he has found absent from lawful duties since long and failed to appear physically before the scrutiny committee and have been identified as ghost employee."
 - ii. DPO SW Upper served the appellant with show cause notice to appear physically to defend himself but neither he received the show cause notice nor appear before the district police officer SW Upper to defend himself.
- 3- On the recommendation of the scrutiny committee the appellant was awarded Major Punishment of "Dismissal from service" by the DPO SW Upper vide his office OB No. 1265 dated 02-11-2023.
- 4- Perusal of the service record of the applicant and comments received from the DPO SW Upper the instant appeal is time barred.
- 5- Keeping in view the above, I, **NASIR MEHMOOD SATTI, PSP**, Regional Police Officer, Dera Ismail Khan, in exercise of the powers conferred upon me under Rule-11, clause-4(a), of the Police Rules 1975, Amended 2014, do not intend to take a lenient view, therefore **REJECT** his appeal being time barred and uphold the order of Major Punishment of (Dismissal from Service), passed by District Police Officer SW Upper vide No. OB No.1265 dated 02-11-2023, with immediate effect.
- 6- **Order Announced**

(NASIR MEHMOOD SATTI) PSP
Regional Police Officer
Dera Ismail Khan

No. 3047 . Es.

Copy of the above is sent to the DPO SW Upper with reference to his office letter No. 45/ES dated 12.01.2024. (Encl: Service Roll & Fauji Maissal)

(NASIR MEHMOOD SATTI) PSP
Regional Police Officer
Dera Ismail Khan

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ANNEXURE "E" (9)

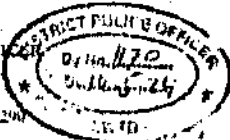
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OFFICE OF THE
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN
REGION
☎ 096-926291 Fax 926290



No. 3046
D.P.O. I.K.

Dated: 09/02/24

1. This order disposes of all departmental appeal filed by Ex-Constable Imran Khan No. 1270 of District Police SW Upper, against the order of Major Punishment of (Dismissal from Service), passed by the DPO SW Upper, vide his office OI No. 1265 dated 02.11.2023 on the following allegations:
2. "As per report he has found absent from duty since long and failed to appear physically before the scrutiny committee and have been identified as ghost employee."
3. DPO SW Upper served the appellant with show cause notice to appear physically to defend himself but neither he received the show cause notice nor appear before the district police officer SW Upper to defend himself.
4. On the recommendation of the scrutiny committee the appellant was awarded Major Punishment of "Dismissal from service" by the DPO SW Upper vide his office OI No. 1265 dated 02.11.2023.
5. Perusal of the service record of the applicant and comments received from DPO SW Upper the instant appeal is time barred.
6. Keeping in view the above, A. NASIR MEHMOOD SATTI, PSP, Regional Police Officer, Dera Ismail Khan, in exercise of the powers conferred upon me under Rule-11, clause-4 (a), of the Police Rules, 1979, amended 2011, do not intend to take a lenient view, therefore **REJECT** the appeal being time barred and uphold the order of Major Punishment of (Dismissal from Service), passed by District Police Officer SW Upper vide OI No. 1265 dated 02.11.2023, with immediate effect.

(Signature)
(NASIR MEHMOOD SATTI) PSP
Regional Police Officer
Dera Ismail Khan
08/05

No. 3047

Copy of above is sent to the DPO SW Upper with reference to his office letter No. 45/S dated 12.01.2024 (Local Service Roll & Pay) (Encd).

(Signature)
(NASIR MEHMOOD SATTI) PSP
Regional Police Officer
Dera Ismail Khan
08/05

108/04/15
For n/a/cion

(Signature)
District Police Officer
South West Dera Ismail Khan

(Large Signature)
ATTACHED

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ANNEXURE 7

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Office of the inspector General of police
Khyber Pakhtunkhwa central police office Peshawar
No.S.1488/24 dated Peshawar the 05/06/2024

To
the regional police officer
dera ismail khan

subject : RIVISION PETITON.

MEMO

The competent authority has examined and filed the revision petition submitted by Ex-FC imran khan no.1370 of the district south Waziristan upper, against the punishment of dismissed from service awarded by DPO SW south upper vide OB No.1265 dated 2/11/2023 being time barred.

The applicant may pleased be informed accordingly.

(AFSAR JAN)

Registrar

for inspector general of police

Khyber pakthunkhwa, Peshawar

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ANNEXURE F

10



OFFICE OF THE
INSPECTOR GENERAL
AND DEPARTMENT OF
INTERNAL SECURITY

REPORT OF THE
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(11)

POWER OF ATTORNEY/VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

Imran Khan •

VERSUS

POLICE DEPTT

Appeal No. _____-P/2024

On behalf of Petitioner/Appellant No.

I/ we the **petitioners/appellant** hereby appoint **Mr. shoaib khan mehsood** 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 or 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.

[Signature]
Accepted & Attested
Afrasiab Khan Wazir
Shoaib Khan mehsood
&
Haroon Khan mehsood
Advocates

Terms Accepted

Signatures

[Signature]