


FORM OF ORDER SHEET

Court of _____

Appeal No. 2284/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	04/11/2024	<p>The appeal of Mst. Samavia refiled today by registered post through Muhammad Arshad Khan Tanoli Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on 26.11.2024. Counsel for the appellant has been informed telephonically.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

Appellant: Samavia Bibi Ex-Lady Constable Belt No. 2301 District Police
 Mansehra Versus Inspector General of Police Khyber Pakhtunkhwa, Peshawar etc.
Department Police

Type Appeal

Submitted on: 12-10-2024 12:58:37pm

Description: SERVICE APPEAL UNDER SECTION 4 OF KP SERVICE TRIBUNAL ACT, 1974 FOR SETTING ASIDE IMPUGNED WITHDRAWAL ORDER DATED 16/05/2024 AND RESPONDENTS' DEPARTMENT BE DIRECTED TO RE-INSTATE THE APPELLANT IN SERVICE WITH ALL BACK BENEFITS. ANY OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL DEEM APPROPRIATE IN THE CIRCUMSTANCES OF CASE MAY ALSO GRANTED TO THE APPELLANT.

Objections:

1- Documents attached with the appeal are not in sequence be annexed serial wise as mentioned in the memo of appeal 2- Copy of appointment order mentioned in the memo of appeal (Annexure-A) is not attached with the appeal. 3- Copy of departmental appeal for withdrawal of resignation order mentioned in the memo of appeal is not attached with the appeal be placed on it. 4- Copy of enquiry report attached with the appeal is illegible be replaced by legible/better one. 5- Three copies/sets of the appeal along with annexures i.e. complete in all respect for Tribunal and one for each respondent be submitted with the appeal.

No. _____ / Dt. _____ /2024. REGISTRAR SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR. M.Arshad Khan Tanoli Adv. Supreme Court at A.Abad. Returned for removal of above mentioned objections to be resubmitted on or before 2024-10-31

View PDF

objection no. 1 is not removed.

Resubmitted

Sir,

*objection are removed
 the file is re-submitted
 as desired*

[Handwritten Signature]

30/10/24

BEFORE THE HONOURABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR

Service appeal No. 2284 /2024

Samavia Bibi Ex-Lady Constable Belt No. 2301 District Police Mansehra.

...APPELLANT

VERSUS

Inspector General of Police Khyber Pakhtunkhwa, Peshawar & others.

....RESPONDENTS

SERVICE APPEAL

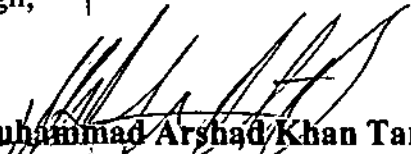
INDEX


S.#	Description	Page No.	Annexure
1.	Service appeal along with affidavit	1 to 8	
2.	Copy of so-called resignation of the appellant	9-14	"A"
3.	Copy of statement regarding withdrawal of resignation/ departmental appeal for withdrawal of resignation	15-20	"B"
4.	Copy of inquiry report	21-22	"C"
5.	Copy of re-instatement order dated 17/01/2024	23	"D"
6.	Copy of impugned withdrawal order dated 16/05/2024	24	"E"
7.	Wakalatnama	25	


 ...APPELLANT

Through;

Dated: 31-10-2024


 (Muhammad Arshad Khan Tanoli)
 Advocate Supreme Court of Pakistan
 At Abbottabad


 (Muhammad Ibrahim Khan)
 Advocate High Court, Abbottabad

BEFORE THE HONOURABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR

Service appeal No. 2284 /2024

Samavia Bibi Ex-Lady Constable Belt No. 2301 District Police Mansehra.

...APPELLANT

VERSUS

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 17582

1. Inspector General of Police Khyber Pakhtunkhwa, Peshawar ^{Dated 04-11-24}
2. Regional Police Officer Hazara Division, Abbottabad.
3. District Police Officer, Mansehra.

...RESPONDENTS

**SERVICE APPEAL UNDER SECTION 4 OF
KP SERVICE TRIBUNAL ACT, 1974.**

Respectfully Sheweth;

The facts forming the back grounds of instant service appeal are arrayed as under;-

1. That the appellant applied for the post of lady constable and was appointed as lady constable vide OB No. 235 dated 30/12/2022.
2. That the appellant had contracted marriage with one Izharullah who obtained thumb impression

Filed to day

Registrar

4/11/24

from the appellant deceitfully in the guise of obtaining leave from the department. Said person divorced the appellant and submitted her resignation to the respondent's department without the signature and the consent of the appellant. Copy of so called resignation of the appellant is annexed as Annexure "A".

3. That the resignation of the appellant was accepted on 16/02/2023. As a result, the appellant filed departmental appeal against the withdrawal of so called her resignation of the appellant. Copy of statement regarding withdrawal of resignation/ departmental appeal for withdrawal of resignation is annexed as Annexure "B".

4. That as a consequence of upon the departmental appeal, and inquiry was conducted under the supervision of District Police Officer Mansehra and it was proved that the resignation of the appellant was tendered by her Ex-Husband without the consent and signature of the appellant. Hence, the appellant was declared as innocent. Copy of

inquiry report is annexed as Annexure "C". Therefore the appellant was re-instated in service vide re-instatement order dated 17/01/2024. Copy of re-instatement order dated 17/01/2024 is annexed as Annexure "D".

5. That the appellant served the department near about 05 Months but when case of the appellant was forwarded to District Accounts Officer Mansehra for payment of salary who raised an objection on her re-instatement. Hence, the appellants' re-instatement order dated 17/01/2024 has been withdrawn vide impugned order dated 16/05/2024. Copy of impugned withdrawal order dated 16/05/2024 is annexed as Annexure "E".

6. That the appellant has filed departmental representation against the withdrawal order dated 16/05/2024 but of no avail. Hence feeling aggrieved, the instant service appeal being filed inter-alia on the following grounds:-

GROUND:-

- a) That the appellant was re-instated in service by the appellate authority as her ex-husband submitted fake resignation of the appellant and committed misrepresentation which was found correct during inquiry proceedings. Therefore the appellant was reinstated in service as per law.
- b) That once, the appellant was re-instated in service after founding her innocent. Therefore, re-instatement order of the appellant cannot be withdrawn without conducting 2nd Inquiry provides any complaint exist, against her after affording opportunity of personal hearing and affording chance of cross examine. There is no complaint against the appellant and withdrawal order dated 16/05/2024 is without lawful justification and is against the law.
- c) That once, the appellant was exonerated from charge of submitting resignation and

was found innocent as a result, she was reinstated in service then respondent department cannot withdraw the reinstatement order under the same charges.

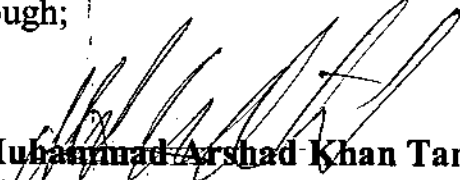
- d) That the matter pertains to terms and condition of service, Hence according to article 212 (2) of the constitution of Islamic Republic of Pakistan this tribunal has jurisdiction to entertain instant service appeal.
- e) Necessary Notices has been sent through registered receipts.
- f) That instant service appeal of appellant is well within period of limitation.
- g) That the other grounds shall be urged at the time of arguments with the permission of Honourable Tribunal.

It is humbly prayed that on the acceptance of instant service appeal, impugned withdrawal order dated 16/05/2024 may graciously be order to be set-aside and respondents' department be directed to re-instate the appellant in service with all back benefits. Any other relief which this Honourable tribunal deem appropriate in the circumstances of case may also granted to the appellant.


...APPELLANT

Through;

Dated: 31/10 /2024


(Muhammad Arshad Khan Tanoli)
Advocate Supreme Court of Pakistan
At Abbottabad

&


(Muhammad Ibrahim Khan)
Advocate High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of foregoing service appeal are true and correct to the best of our knowledge and belief and nothing has been concealed therein from this Honourable Tribunal.


...APPELLANT

BEFORE THE HONOURABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR

Service appeal No. _____/2024

Samavia Bibi Ex-Lady Constable Belt No. 2301 District Police Mansehra.

...APPELLANT

VERSUS

Inspector General of Police Khyber Pakhtunkhwa, Peshawar & others.

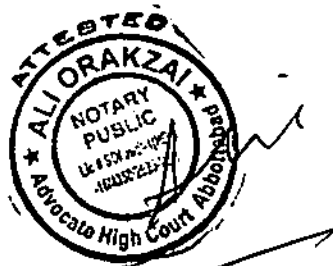
....RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, *Samavia Bibi Ex-Lady Constable Belt No. 2301 District Police Mansehra*, do hereby solemnly affirm and declare that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Tribunal.

Samavia
 DEPONENT



12/10/24



Annex- B A

POLICE DEPARTMENT

DISTRICT MANSERHA

ORDER

P-10 9

Recruit Lady Constable Samavia Bibi No. 2301 of district Manshera has tendered resignation from service. Her resignation is hereby accepted with effect from 16.02.2023 with immediate effect.

District Police Officer
Manshera

No. 1925-27 /OHC dated Manshera the 16/02 2023.

Copy to:-

1. District Account Officer Manshera
2. Pay Officer, DPO Office Manshera
3. SRC DPO, Office Manshera

16-02-2023
C/O

Attested

Muhammad Arshad Khan Tano
Advocate Supreme Court of Pakistan
Office B-11, Plaza Adjacent to
District Manshera

Supreme Court of Pakistan
Office of the Registrar
Islamabad

Muhammad

Case No. 0313-3276381

16/02/2023
Husband
Ballot No. 2301
Gamaria Khan
822003-320424
Gamaria Khan
Gamaria Khan

My dear Sir,
I am writing to you regarding the matter of the petition for the appointment of a guardian for my minor children. I am sorry to hear that you are unable to do so. I am sure that you will do your best to resolve this matter as soon as possible. I am sure that you will do your best to resolve this matter as soon as possible. I am sure that you will do your best to resolve this matter as soon as possible.

It is a matter of law and I am sure that you will do your best to resolve this matter as soon as possible. I am sure that you will do your best to resolve this matter as soon as possible. I am sure that you will do your best to resolve this matter as soon as possible.

P/10

D.P.O. Office
District Muzaffargarh
1974 Police Station



P-12
OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

0992-9310021-22

0992-9310023

r.rpohazara@gmail.com

NO: 9423 / PA DATE: 14 / 11 / 2023

To: District Police Officer,
Manshera

Subject: APPEAL

Memo:


Please refer to your office Memo No. 11492/GB dated 16-10-2023.

After hearing in person Ex-LFC Samavia Bibi No. 2301 and perusal of relevant record, the Regional Police Officer, Hazara has recorded the following remarks"


"The lady had allegedly been forced to resign after two months of joining service by her husband, who later on divorced her. Wants to rejoin service. DPO (Manshera) to facilitate pls, if found to have been forcibly restrained from joining service. An enquiry be conducted immediately."

Fouji Missal containing her appeal is returned herewith for further necessary action.


PSO
For REGIONAL POLICE OFFICER
HAZARA REGION (ABBOTTABAD)

PA
Conduct enquiry

DPO, Manshera.

Attested


Muhammad Arshad Khan
Advocate Supreme Court of Pakistan
Office # 33 Innah Plaza Adjacent to
Dist. Bar Abbottabad



P-12

10/11/23

POLICE DEPARTMENT

DISTRICT MANSEHRA

ORDER.

In compliance of the Region Office Abbottabad Memo: No. 9423/PA dated 14-11-2023, a committee comprising of the following Police Officers is hereby constituted under the chairmanship of the undersigned:-

1. Superintendent of Police, Investigation, Mansehra.
2. DSP Headquarters Mansehra.
3. DSP, Legal Mansehra.


Committee will enquire the matter regarding resign of Ex-LFC Samavia Bibi No. 2301, whether she resign herself or she forcibly restrained from joining service by her husband, as she was appeared before the Regional Police Officer, Hazara Region Abbottabad and stated that "She had allegedly been forced to resign after two months of joining service by her husband, who later on divorced her.


District Police Officer,
Mansehra.

No. 13572-SS /SRC dated Mansehra the 28/11 /2023

Copy forwarded to all concerned officers for information and necessary action.




Muhammad Arshad Khan Janoli
Advocate Supreme Court of Pakistan
Office: 331 Jinnah Plaza Adjacent to
District Bar Abbottabad

P 13



OFFICE OF THE SUPERINTENDENT OF POLICE
INVESTIGATION, MANSHERA

Ph: No: 0997-920106, Fax: No: 0997-920016

sspinvusa@gmail.com

No. 425 /PA/Inv: Dated Manshera the 20/12-2023.

To: The District Police Officer,
Manshera.

Subject: FINDINGS.
Memorandum.

Enclosed kindly find herewith enquiry file along with findings duly conducted by the undersigned against Ex-Lady Constable Samavia Bibi No.2301 of District Manshera, entrusted to the undersigned by the good honor, is sent herewith for kind perusal, please.

Encl: 35 pages.

Superintendent of Police
Investigation, Manshera

Muhammad Arshad Khan Tanoli
Advocate Supreme Court of Pakistan
Office: 33, Jinnah Plaza Adjacent to
District Bar, Abbottabad

P-15

BEFORE THE DEPUTY INSPECTOR GENERAL OF POLICE,
HAZARA REGION.

APPEAL AGAINST THE ORDER BEARING OB
NO. 40 DATED 26.09.2023 VIDE WHICH THE
SERVICE OF THE APPELLANT HAS BEEN
DISPOSED OF IN THE LIGHT OF RESIGNATION.

Respected Sir,

The brief facts leading to the instant appeal of arrayed as follows:-

1. That the appellant ^{has} applied for the post of lady Constable and was appointed as such and she also served the Department for two months.

(10) 6346/PA
Detect 27-9-23

2. That after serving for two months the appellant got married and had to go with her husband to Peshawar. An application for resignation was written by the appellant's husband and he had signed the application on behalf of the appellant and only a thumb impression of the appellant is shown on the application.

DPO Manshera
7 For comments
as per rules
along with
relevant record

3. That to the misfortune of the appellant, she was divorced and was thrown in lurch. She was compelled by her husband to submit the resignation which was neither voluntary nor true. She was kept unaware on home basis.

4. That the appellant belongs to a very poor family and the salary was only source to make both ends meet.

Alto

M

It is, therefore, requested that on acceptance of the appeal, the impugned order of accepting resignation may kindly be issued and appellant may kindly be re-instated to service.

Muhammad Arshad Khan Iano
Advocate Supreme Court of Pakistan
Office: 23 Innab Plaza Adjacent
Dist. Bank Abbottabad

25/09/23
26/05

SAMAVIA BIBI

Ex-Lady Constable
No.2301
Cell No.0310-9273293

Dated:- 26.09.2023

Muhammad Asad Khan
Advocate Supreme Court of Pakistan
Office # 33, Jinnah Plaza, Islamabad
ORIGINAL ADDRESSES

Muhammad Asad Khan

SP/1000

Kot AC

2/12/2023
Case # 22203 - 320442-4

Case # 22203 - 320442-4
Case # 22203 - 320442-4

Case # 22203 - 320442-4

Case # 22203 - 320442-4

Handwritten notes in Urdu script, appearing to be a legal memorandum or case summary. The text is dense and covers most of the lower half of the page.

Annex - B Page P-15
EX-170 No. 2501

Muhammad Arshad Khan (Applicant)
Advocate Supreme Court of Pakistan
Office # 33, Jinnah Plaza, adjacent to
District Bar, Dera Ghokhi

[Handwritten signature]

[Handwritten signature]

SR/M

PO 2 AC

[Handwritten signature]

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- رجوع سے انکار کیا گیا ہے۔

میں نے اپنی درخواستیں دہرائی ہیں اور ان پر عملدرآمد نہیں ہوا ہے۔
میں نے اپنی درخواستیں دہرائی ہیں اور ان پر عملدرآمد نہیں ہوا ہے۔
میں نے اپنی درخواستیں دہرائی ہیں اور ان پر عملدرآمد نہیں ہوا ہے۔
میں نے اپنی درخواستیں دہرائی ہیں اور ان پر عملدرآمد نہیں ہوا ہے۔
میں نے اپنی درخواستیں دہرائی ہیں اور ان پر عملدرآمد نہیں ہوا ہے۔
میں نے اپنی درخواستیں دہرائی ہیں اور ان پر عملدرآمد نہیں ہوا ہے۔
میں نے اپنی درخواستیں دہرائی ہیں اور ان پر عملدرآمد نہیں ہوا ہے۔
میں نے اپنی درخواستیں دہرائی ہیں اور ان پر عملدرآمد نہیں ہوا ہے۔
میں نے اپنی درخواستیں دہرائی ہیں اور ان پر عملدرآمد نہیں ہوا ہے۔
میں نے اپنی درخواستیں دہرائی ہیں اور ان پر عملدرآمد نہیں ہوا ہے۔

P-21
16

Munir Ahmad Khan Janglo
Advocate Supreme Court of Pakistan
Office # 33, Jinnah Plaza, Adjacent to
District Headquarters

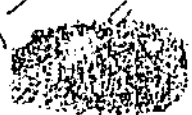
Munir Ahmad Khan Janglo

SR/1M
11/11/2022

PO 8 AC

9/12/2022
MOB# 0311-5565586-
CWC# 135014-206929-9

SR/1M



Handwritten text in Urdu, appearing to be a legal notice or a court order. The text is written in a cursive style and is somewhat difficult to read due to the handwriting. It seems to contain several lines of text, possibly detailing a legal proceeding or a judgment. The text is oriented vertically on the page.

17
F-17

۲
 نے دوران انٹرویو بیان ہوا کہ مسکاہ سماویہ نے میری بیٹی سے
 جسٹنی سے ملازمت چھوڑ لی۔ پولیس میں میری - زریہ کی شادی انڈیا کے
 ہوئی تھی جو کہ میری بیٹی کی محکمہ پولیس میں ملازمت سے فوس نہ تھا اور
 جس سے میری بیٹی نے زریہ کی ملازمت چھوڑ لی۔ میں میری بیٹی سے زریہ
 بلانے لگا اور چند دنوں بعد شروع کر دیا کہ محکمہ پولیس میں ملازمت نہ کرے۔
 اسی طرح ایدین مع سوریہ سب روٹین اجرت نامہ نامہ لیا گیا ہے کہ
 میرا بھائی محمد عارف قمر در آیا۔ اس دوران پاس کو غیرہ چینی نہ کرے کہ
 کسی انڈیا کے ایک کاغذ جس پر انٹرنیٹ زبان میں تحریر تھی اس پر
 اور بیٹی نام سے دستاویز انٹرنیٹ نامہ لیا گیا۔ زریہ نے شہدیا کہ مسکاہ
 جسٹنی کے کہ پولیس سے چھٹیوں کی درخواست ہے جو کہ وہ تو انٹرنیٹ بلانے
 دے کر ملو کر رہا تھا بعد ازاں وہ لوگ مہوا کہ وہ درخواست چھٹیوں کی
 بلانے چھوڑنے سے لگتی تھی۔

س۔ سراسری بیان ہے جو کہ درست ہے۔



آسیہ حسین

مسکاہ اسپریت زریہ عبدالغنی

CNIC # 82203-9353007-0

7/12/2023 (تقدیم)

ROFAC

SP/1111/111

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Muhammad Arshad Khan Tanoli
 Advocate Supreme Court of Pakistan
 Office # 33 Jinnah Plaza Adjacent to
 District Bar Abbottabad

Annex-3

Departmental appeal against
the impugned order on R 24
P-19

To

The Regional Police Officer,
Hazara Range Abbottabad.

Subject; DEPARTMENTAL APPEAL AGAINST THE
IMPUGNED WITHDRAWAL ORDER DATED
16/05/2024.

Respected Sir;

1. That reference is made to impugned withdrawal order dated 16/05/2024, wherein, reinstatement order of the appellant dated 17/01/2024 has been withdrawn. Copy of impugned withdrawal order dated 16/05/2024 and reinstatement in service order dated 17/01/2024 are attached.
2. That it is submitted that the appellant contracted marriage with one Izharullah who obtained thumb impression deceitfully in the guise of obtaining leave from the department.
3. That the said person divorced the appellant and submitted resignation of the appellant without the signature and the consent of the appellant.
4. That the resignation of the appellant was accepted. As a result, the appellant filed departmental appeal against the withdrawal of the resignation of the appellant. That under the supervision of the District Police Officer Mansehra, an inquiry was conducted and it was proved that the resignation of the appellant was tendered by her ex-husband without the consent and signature of the appellant. Therefore, the appellant was reinstated in service on 17/01/2024. Copy of

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Muhammad Arshad Khan (ano)
Advocate Supreme Court of Pakistan
Office # 33, Jinnah Plaza Adjacent to
District Bar, Abbottabad

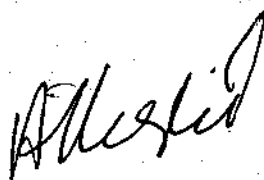
P-107 20

reinstatement order of the appellant is referred in para 1 above.

5. That the appellant served the department near about 05 months but when, the document of the appellant was forwarded to the District Account Officer for payment of salary, the said officer asked the rule under which resignation of the appellant was withdrawn person. As a result, the appellant's reinstatement order dated 17/01/2024 has been withdrawn vide impugned order dated 16/05/2024.
6. That the impugned withdrawal order is illegal, perverse, discriminatory, against the law and without following the prescribe procedure as well as regular inquiry.
7. That no show cause notice has been issued to the appellant nor opportunity of personal hearing was provided to the appellant. Besides, it is submitted that the appellant has been proved innocent in the inquiry report and withdrawal reinstatement order is illegal and liable to be set-aside.

In view of the above it is prayed that the impugned withdrawal order dated 16/05/2024 of the appellant may be ordered to be set-aside and the appellant may be reinstated in service all the benefits.

Dated: 13/06/2024



Muhammad Arshad Khan Tanoli
Advocate Supreme Court of Pakistan
Office # 33, Jinnah Plaza Adjacent to
Distt. Bar Abbottabad

Sincerely Yours



(SAMAVIA BIBI)

Ex-Lady Constable

Belt No. 2301

Cell No. 0310-9273293

FINDINGS.

This is Facts Finding Enquiry, initiated On Appeal Of Mst: Samaviya Bibi, Ex-LFC No.2301, for rejoining service in Khyber Pakhtunkhwa Police Department, received vide Memo No. 9423/PA Dated 14.11.2023 of Regional Police Office, Abbottabad, whereupon enquiry committee under chairmanship of the District Police Officer, Manshra, was constituted vide No. 13572-85/SRC/DPO/MA Dated 28.11.2023. The undersigned including DSP Headquarters, Manshra and DSP legal, Manshra, was deputed to enquire the matter of alleged forestal resignation of above named EX-LFC Samaviya Bibi.

ENQUIRY PROCEEDING.

During course of enquiry, the undersigned, summoned Mst: Samaviya Bibi, EX-LFC No.2301, for recording her statement along-with following PWs, to unearth the real facts of the matter and also associated mother and uncle of above named Ex-LFC No. 2301. Enquiry committee obtained application of resignation and divorce papers of above named Ex-LFC No. 2301, and recorded statements as PWs which are available on enquiry file as ready reference.

On 07.12.2023, in compliance of summon, issued vide No. 402/PA/Inv: dated 06.12.2023, under provision of Rule 7-1(A) of Khyber Pakhtunkhwa, Police Rules 1975 with amendment 2014, Mst: Samaviya Bibi, EX-LFC No.2301, along-with her mother Asiya Bibi and uncle Muhammad Arif r/o Roh, Garhi Habibullah, appear before the undersigned, and joined enquiry proceedings.

During enquiry proceedings, Mst: Samaviya Bibi, EX-LFC No.2301, on oath deposed that she was appointed as LFC in Khyber Pakhtunkhwa, Police Department from District Manshra and got married with one Izharullah, who was not pleased with her service. Consequently, on 16.02.2023 he wrote an application in English language and took her thumb impression along-with signature, by saying that its your application for taking leave from high-ups which he, himself submitted in District Police Office, Manshra. After interval of time, upon searching she came to know that, it was her resignation. At present her conjugal life became ended and she got divorce. She further deposed that she neither herself submitted resignation from Police Department nor it was submitted on her connivance/sweet-will.

PW-01, HC Shabzad, while then posted as MHC PS Garhi Habibullah, deposed that during the month of February 2023, he was posted as MHC at PS Garhi Habibullah and he, several times, contacted to Mst: Samaviya Bibi, EX-LFC No. 2301, for duty via phone call, on her provided contact number, but it was received by some one else who introduced himself, husband of Mst: Samaviya Bibi, EX-LFC No.2301 and told in aggressive tone that don't call his wife for duty as he is not allowing her to continue her service in Police Department otherwise he will submit complaint against me to the high-ups for irritating him. In same incident was written by him in daily diary vide No. 23 Dated 14.02.2023, of PS Garhi Habibullah, which is available on file as ready reference, (statement is enclosed as ready reference).

Alleged

PW-02, Mst: Asiya Bibi, Mother of Samaviya Bibi, EX-LFC No.2301, on oath deposed that her daughter Samaviya Bibi, got married with one Izharullah. She joined Police Department upon which her conjugal relations became strained. On 16.02.2023, she was doing routine work of her house and after that her brother namely Mubhan came there and both of them were taking tea. Consequently, her son-in-law, Izharullah, came there with an application, in hand, and took signature and thumb impression from her brother by saying that its application for her leave from duty, which he, himself, will submit before the high-ups. After passage of time they came to know that it was resignation of her daughter Samaviya Bibi, from Khyber Pakhtunkhwa, Police Department, (statement is enclosed as ready reference).

Arshad Khan Tandon
Advocate Supreme Court of Pakistan
Office # 333 Jinnah Plaza Adjacent to
District Bar Abbottabad

PW-03, Mr. Muhammad Arif, Maternal Uncle of Samaviya Bibi, EX-LFC No.2301, on oath deposed that Mst: Samaviya Bibi, is his real niece and residing in his neighbourhood. She joined Khyber Pakhtunkhwa Police Department. After her joining Police Department, her husband namely Izharullah, several times quarreled with his niece, upon which he played role of mediator. On 16.02.2023, in morning he visited the house of her sister where Izharullah also came there with an application in English language and took signature and thumb impression from his niece Samaviya Bibi, as he is illiterate and didn't know the soul of that application but on quires Izharullah, told him that its application, written by him to get leave of Samaviya Bibi, from high-ups. After passage of time they came to know that it was resignation of his niece, Samaviya Bibi, from Khyber Pakhtunkhwa, Police Department. (statement is enclosed as ready reference)

Perusal of Daily Diary reports vide Mad No.27 dated 06.02.2023, Mad No.18 dated 07.02.2023, Mad No.04 dated 11.02.2023, Mad No. 31 dated 12.02.2023, Mad No.22 dated 14.02.2023 and Mad No.23 dated 14.02.2023 of PS Garhi Habibullah, coupled with statement of above named PWs it is obvious that one Izaharullah, Ex-husband of Mst: Samaviya Bibi, was not satisfied from her service in Khyber Pakhtunkhwa Police Department. Moreover, perusal of application of resignation of Mst: Samaviya Bibi, Ex-LFC No 2301, revealed that it was submitted by Izharullah, on behalf of Mst: Samaviya Bibi, that is too written in English language, as stated by PWs in their statements, and above then the caliber of matriculated person, which is also not match with writing of Mst: Samaviya Bibi, Ex-LFC No.2301. During course of enquiry it is also came to surface that Mst: Samaviya Bibi, Ex-LFC No.2301, belongs to poor family and is elder daughter of her family who supported entire family.

CONCLUSION:

Keeping in view the circumstances, coupled with statements of PWs and available record, it has been transpired that application of resignation of Mst: Samaviya Bibi, Ex-LFC No.2301, was neither written nor submitted by herself. However, Ex-husband of Mst: Samaviya Bibi, namely Izharullah, deceptively/without her connivance, took her signature, and thumb impression on resignation application, by imputing it as application for leave. Therefore, in such circumstances, stance of Mst: Samaviya Bibi, Ex-LFC No.2301, regarding her forcibly restraining from joining service by her Ex-husband has been proved.

Submitted please.

Superintendent of Police
Investigation Manshehra

Deputy Superintendent of Police,
Legal, Manshehra.

Deputy Superintendent of Police,
(city) Headquarters, Manshehra

Muhammad Arshad Khan Tanoli
Advocate Supreme Court of Pakistan
Office # 33 Jinnah Plaza Adjacent to
Distt. Bannu Abbottabad

Reinstatement
order

11
Annex-²D

ORDER

P-204

P-23

In compliance with the letter of Regional Police Officer, Hazara Region Abbottabad issued vide Memo: No. 84/PA dated 04-01-2024. Ex-Lady Constable Samavia Bibi No. 2301 is hereby re-instated in service with effect from 16-01-2024.

She is allotted constabulary No. 932.


District Police Officer,
Mansehra


No. 376-79 /OASI, dated Mansehra the 17/01/2024

Copy submitted to the: _

1. Regional Police Officer, Hazara Region Abbottabad for favour of information, please.
2. District Accounts Officer, Mansehra.
3. Pay Officer, District Police Office, Mansehra.
4. Establishment Branch, District Police Office, Mansehra

CR
10
17-01-2024




Muhammad Arshad Khan Tanoli
Advocate Supreme Court of Pakistan
Office # 33 Jinnah Plaza Adjacent to
District Bar Abbottabad

Impugned order

P-24

Annex - E

ORDER

Lady Constable Samavia Bibi No. 2301 was enlisted as Lady Constable vide this office OB No. 235 dated 30-12-2022. Later on said Lady Constable tendered her resignation from service which was accepted by the then District Police Officer, Mansehra vide this office OB No. 40 dated 16-02-2023. After passage of seven Months Ex-Lady Constable has submitted an appeal before the Regional Police Officer, Hazara Region Abbottabad against the order bearing OB No. 40 dated 16-02-2023. After Hearing in person Regional Police Office, Hazara Region Abbottabad asked for the conduct of Enquiry vide Regional Police Office, Hazara Region Abbottabad Memo: No. 9423/PA dated 14-11-2023. In compliance of Regional Police Office, Hazara Region Abbottabad a committee was constituted vide this office Endst: No. 13572-55/SRC dated 28-11-2023. After conducting proper enquiry, committee submitted his finding and digged out that, application of resignation of Mst: Samavia Bibi Ex-LFC No. 2301 was neither written nor submitted by herself but her ex-husband, nameiy izhar-ullah, deceptively/without her connivance, took her signature and thumb impression on resignation application, by imputing it as application for leave. Finding of enquiry committee was submitted to the Regional Police Office, Hazara Region Abbottabad for further order on which Region Office Abbottabad recorded remarks that "Shall be re-instated for the reason digged out by the enquiry committee". In Compliance of Region Office Abbottabad Letter No. 84/PA dated 04-01-2024, ex-Lady Constable Samavia Bibi No. 2301 was re-instated in service vide this office OB No. 10 dated 17-01-2024. her service documents was sent to District Accounts Office, Mansehra for activation of her pay, but her service documents was returned by the said office with the remarks that " Rule for the rejoining of Ex-Lady Constable Samavia Bibi may be provided for activation of her pay" and also given the following remarks " According to clarification issued by Establishment department Govt: of KPK, dated 27-03-2017 resignation of a Civil Servant once accepted and communicate to him by the competent authority, cannot be withdrawn and becomes final.

In view of the above objection and Rule provided by the District Accounts Office, Mansehra Re-instatement order of Lady Constable Samavia Bibi No. 932 issued vide this office OB No. 10 dated 17-01-2024 is hereby withdrawn with immediate effect.

OB
70
16-05-2024

Abstract 23
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 District Police Officer
 Mansehra

District Police Officer,
 Mansehra.

کورٹ فیس

وکالت نامہ

P-25

Service Tribunal KPLC Peshawar بعدالت
Palace
Samavia Bibi عنوان: Inspector General
Appellant منجانب:

Service Appeal نوعیت مقدمہ:

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دی کل کاروائی متعلقہ آن مقام

M. Arshad Ishaq Tanali Asst of Peshawar M/bo

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل

صاحب موصوف کو کرنے راضی Muhammad Arshad Khan Tanali Asst of Peshawar M/bo

کرنے اجراء وصولی چیک روپیہ وغیرہ پر دستخط کرنے کا اختیار ہوگا اور بصورت

ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی

بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا

ساختہ پرداختہ مجھ کو منظور قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے

مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا

حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں

کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست برادر

استجارت نالاش بیسنہ مفلسی کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کیا تاکہ سند رہے۔

المقام:

Acceptance
Signature

بمقام:

Acceptance
Signature
M. Arshad Ishaq Tanali Asst of Peshawar