

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

C.M NO. 799 /2024

IN

SERVICE APPEL NO.892 of 2020


- 1)The Inspector General of Police at Peshawar.
- 2)The Regional Police officer Hazara Range, Abbottabad.
- 3)The District Police officer Mansehra.Applicants

VERSUS

Adil Ali Ex- Constable No. 626 district
Mansehra.....Respondent

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Deponent
DSP LEGAL
MANSEHRA
MANSEHRA

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

C.M NO. 799 /2024

IN

Diary No. 14572

SERVICE APPEL NO.892 of 2020

Dated 29-7-24

- 1)The Inspector General of Police at Peshawar.
- 2)The Regional Police officer Hazara Range, Abbottabad.
- 3)The District Police officer Mansehra.Applicants

VERSUS

Adil Ali Ex- Constable No. 626 district
Mansehra.....Respondent


APPLICATION FOR LEAVE TO DEFEND THE SERVICE APPEAL

RESPECTFULLY SHEWETH:-

- 1) That the above mentioned service appeal is pending before this Honorable Tribunal and next date of hearing has been fixed as 26-09-2024.
- 2) That vide order dated 18-11-2021 of this honorable tribunal, the applicants have been directed to submit comments/reply within 10 days but order of the Honorable tribunal was not complied and honorable tribunal placed the instant service appeal before DB for arguments. The applicant was totally unaware about the pendency of the instant service appeal before this tribunal. **Copy of order sheet is enclosed A.**
- 3) That applicant representative appeared in another service appeal before this tribunal on 22-7-2024 and came to know about pendency of instant appeal.
- 4) That applicant has not been served through any notice or any other means for appearance before this tribunal.
- 5) That applicant may be given opportunities to defend themselves and may not be condemned unheard.
- 6) That as per decision of superior judiciary, lis between the parties should be decided on merits and applicants may not be knocked out on technical grounds.
- 7) That the respondent was dismissed from service on the ground of involvement in criminal case vide FIR. No 1063 dated 16-10-2017 u/s 381-A PPC PS city and arrested on 04-11-2017 and latter on released on bail on 21-11-2017. Despite release from Jail, he failed to join the departmental proceedings and expartee proceedings were initiated against him and dismissed from service vide OB No. 214 dated 28-12-2017. He preferred departmental appeal after lapse of more than two years, which was rejected on 31-05-2019. He also preferred revision petition which was rejected on 19-01-2020. The service appeal is badly time barred and liable to be dismissed.

Prayer:-

In view of above, it is most humbly prayed that applicants may be given chance to defend themselves and to submit reply in the service appeal to meet the ends of Justice, please.


 District Police Officer,
 Mansehra
 Shafi ullah Gandapur (psp)
 (Applicants No. 03 & for 1,2)

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- 1)The Inspector General of Police at Peshawar.
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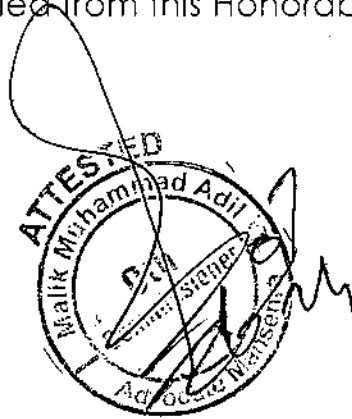
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APPLICATION FOR LEAVE TO DEFEND THE SERVICE APPEAL

AFFIDAVIT

I, Shafi Ullah Gandapur District Police Officer do solemnly affirm and declare that the contents of the application are true and correct to my knowledge and belief and that nothing has been concealed from this Honorable tribunal.




 District Police Officer,
 Mansehra
 Shafi Ullah Gandapur(FSP)
 (Respondent No. 03)

(3)

BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA PESHAWAR

Service Appeal No. 892 /2020

Adil Ali son of Ali Azhar, Ex-Constable No.626, (District Mansehra) resident of Kehal Khola Tehsil and District Abbottabad.

...APPELLANT

VERSUS

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Abbottabad.

Mansehra

...RESPONDENTS

Address
Corrected
Vide Order Sheet
dated 18/11/2021.

SERVICE APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT, 1974, FOR DECLARATION TO THE EFFECT THAT THE APPELLANT WAS IMPLICATED IN FIR NO. 1068 UNDER SECTION 381 PPC DATED 16/10/2017, POLICE STATION CITY MANSEHRA, THE CASE WAS COMPROMISED ON 04/03/2019 AND WAS ACQUITTED ON 09/03/2019. THE APPELLANT WAS DISMISSED FROM

Attested

2/2/19
DSP LEGAL
MANSEHRA



Appeal No. 892/2020
Adil Ali vs Govt

18.11.2021

Counsel for the appellant and Mr. Muhammad Rasheed, DDA for the respondents present.


The appeal was fixed for written reply of the respondents. Mr. Shamraiz Khan, ASI (Legal) on behalf of D.P.O Abbottabad present has pointed out that the impugned order actually was passed by D.P.O Mansehra which is available at page 11 at Annexure-C with the Memorandum of Appeal. The point raised by aforesaid representative is well-placed. It would result in delay of proceedings to get application for correction of the address of respondent No. 3, while this Tribunal has got the power of Civil Court within the meaning of sub-section (2) of Section 7 of the Khyber Pakhtunkhwa Service Tribunals Rules, 1974 besides inherent powers under Rule 27 of the Khyber Pakhtunkhwa Service Tribunal Rules, 1974 to pass orders to meet with ends of justice. Therefore, office is directed to delete the word "Abbottabad" and insert the word "Mansehra" against designation of respondent No. 3. Thereafter, notice be issued to D.P.O Mansehra (respondent No. 3) for submission of written reply/comments in office at Peshawar within 10 days after receipt of notice, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments before the D.B on 14.02.2022 at Camp court, Abbottabad.

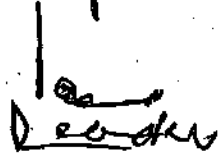

Chairman
Camp Court, A/Abad

19-2-22:-

Due to retirement of worthy chairman the Tribunal is non functional. To come up for the same on 18-7-22, at Camp Court Abbottabad.

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar


Recorder

Date of Presentation of Application 29/7/23
Number of Words 17
Copying Fee 5/-
Urgent 5/-
Total 10/-
Name of Copyist _____
Date of Completion 29/7/23
Date of Delivery of Copy 29/7/23

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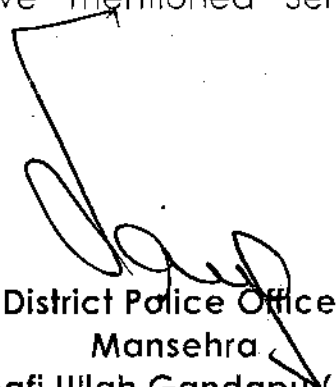
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Mansehra.....**Respondent**

APPLICATION FOR LEAVE TO DEFEND THE SERVICE APPEAL

AUTHORITY LETTER

I, District Police Officer, Mansehra, hereby authorized Haq Nawaz ASI Legal Mansehra to attend Honorable Service Tribunal, KPK, Peshawar in above mentioned Service Appeal.


District Police Officer,
Mansehra
Shafi Ullah Gandapur(PSP)
(Respondent No. 03)