


The appeal of Mr. Abdullah, Constable Belt No. 782, Police Station Pabbi, District Police Nowshera received today i.e. on 04.10.2021 is incomplete on the following score which is returned to the counsel for the appellent for completion and resubmission within 15 days.

- 1- Check list is not attached with the appeal.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Annexures of the appeal may be attested.
- 4- Departmental appeal in respect of appellent to RPO against order dated 10/06/2020 is not attached with the appeal, which may also be submitted with the appeal.
- 5- Copies of charge sheet, statement of allegations and replies are not attached with the appeal, which may also be submitted with the appeal.
- 6- Wakalat nama is unattested.
- 7- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1966 /S.T,

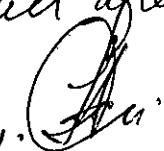
Dt. 05/10 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Taimur Ali Khan Adv.Pesh.

Respected Sir.

- 1- Removed
- 2- Removed
- 3- Removed
- 4- copy of departmental appeal against order dated 10/06/2020 is not present with the appellent, which may be requisite from the department.
- 5- copies of charge sheet, statement and replies are not mentioned in the appeal, hence the appellent did annex with the appeal.
- 6- Removed
- 7- Removed

*Resubmitted after compliance
12/10/2021, *

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST**

Case Title: Abdullah vs Police Deptt.

S.#	Contents	Yes	No
1.	This appeal has been presented by: _____	✓	
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	✓	
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?	✓	
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D.A:G?	✓	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?	✓	
16.	Whether appeal contains cuttings/overwriting?	✓	
17.	Whether list of books has been provided at the end of the appeal?	✓	
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?		✓
24.	Whether Security and Process Fee deposited? on		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on		✓
26.	Whether copies of comments/reply/rejoinder submitted? on		✓
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on		✓

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:

Taimur Adil Khan

Signature:

[Handwritten Signature]

Dated:

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 7578/2021

Abdullah

V/S


Police Deptt:

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APPELLANT

THROUGH:


TAIMUR ALI KHAN
(ADVOCATE HIGH COURT)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 7683

Dated 04/10/2021

Abdullah, Constable No.782,
Police station Pabbi, Nowshera.

(APPELLANT)

VERSUS

1. The Provincial Police Officer, KPK, Peshawar.
2. The Regional Police officer, Mardan Region, Mardan.
3. The District Police Officer, Nowshera.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 07.06.2021 RECEIVED BY THE APPELLANT ON 03.09.2021, WHEREBY THE REVISION OF THE APPELLANT UNDER 11-A OF KHYBER PAKHTUNKHWA POLICE ACT 1975 (AMENDED IN 2014) HAS BEEN REJECTED AGAINST THE ORDER DATED 14.07.2020, WHEREBY MAJOR PUNISHMENT OF DISMISSAL FROM SERVICE OF THE APPELLANT WAS MODIFIED INTO MAJOR PUNISHMENT OF REDUCTION IN PAY TO THE LOWEST STAGE FOR A PERIOD OF 05 YEARS FOR NO GOOD GROUNDS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 07.06.2021 MAY KINDLY BE SET ASIDE AND THE RESPONDENTS MAY BE DIRECTED TO RESTORE THE STAGES IN PAY OF THE APPELLANT AS WERE BEFORE THE PENALTY ORDER DATED 14.07.2020 BY MODIFYING THE ORDER DATED 14.07.2020 TO THAT EXTENT ONLY WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO, BE AWARDED IN FAVOUR OF APPELLANT.

Filed to-day

Registrar
04/10/2021

RESPECTFULLY SHEWTH:

FACTS:

1. That the appellant was appointed as Constable in the respondent department in the year 2013 and is performing his duty with great devotion and honesty, whatsoever, assigned to him and no complaint has been filed by his superiors regarding his performance.
2. That the appellant was ill due to which he was unable to perform his duty and was remained absent from duty on which inquiry was conducted against the appellant in which the inquiry officer recommended for awarding major punishment of reduction in pay by one stage with counting his absence period as leave without pay, but despite the recommendation of inquiry officer, respondent No.3 dismissed the appellant from service vide order dated 10.06.2020. **(Copy of order dated 10.06.2020 is attached as Annexure-A)**
3. That against the dismissal order, the appellant filed departmental appeal on which respondent No. 2 modified the major punishment of dismissal from service into major punishment of reduction in pay to the lowest stage for a period of 05 years vide order dated 14.07.2020. **(Copy of order dated 14.07.2020 is attached as Annexure-B)**
4. That the appellant then filed revision under 11-A of the Police Act 1975 amended in 2014, which was rejected on 07.06.2021, however rejection order was received by the appellant through an application dated 03.09.2021. **(Copies revision, application dated 03.09.2021 and rejection order dated 07.06.2021 are attached as Annexure-C,D&E)**
5. That the appellant has no other remedy except to file the instant appeal in this Honorable Tribunal on the following grounds amongst others.

GROUND:

- A) That the impugned rejection order dated 07.06.2021 and order dated 14.07.2020 are against the law, facts, norms of justice and material on record, violation of superior courts judgments, therefore not tenable and the order dated 07.06.2021 is liable to be set aside and the order dated 14.07.2021 is liable to be modified to the extent that the stages in pay of the appellant may be restored as was before the penalty order dated 14.07.2020.
- B) That the appellant was ill and was remained absent from duty on which inquiry was conducted in which inquiry officer recommended major punishment of reduction in pay by one stage, but despite that respondent No.3 modified the punishment of dismissal from service to

the major punishment of reduction in pay to lowest stage for the period of 05 years, which is against the norms of justice and fair play.

- C) That as superior court judgments the penalty of reduction could be made to one lower stage, but not beyond that, but despite that penalty of reduction to lowest stage was imposed upon the appellant, which is violation of the superior Courts judgments and as such the impugned order dated 14.07.2020 is liable to be set aside to that extent only.
- D) That the major punishment of dismissal from service into major punishment of reduction in pay to the lowest stage for a period of 05 years vide order dated 14.07.2020 was imposed upon the appellant on the basis of absence and his absence period was already treated as leave without pay in the impugned order dated 14.07.2020, therefore, there remain no ground to penalize the appellant on the basis of that absence.
- E) That the appellant being a low paid employee is suffering badly from the punishment of reduction to lowest stage in pay for a period of 05 years and if the impugned order is not set aside to that extent, it will badly effect his current salary as well as his pension in future.
- F) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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

Abdullah
APPELLANT
Abdullah

THROUGH:


TAIMUR ALI KHAN
(ADVOCATE HIGH COURT)

CERTIFICATE:

It is certified that no other similar service appeal between the parties has been filed earlier.

Abdullah
DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2021

Abdullah

V/S

Police Deptt:

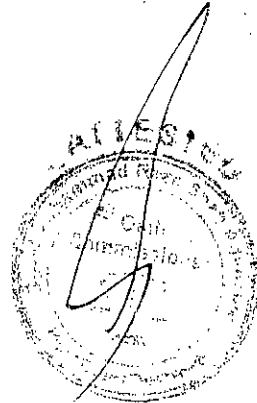
.....

AFFIDAVIT

I, Abdullah, Constable No.782, Police Station Pabbi, Nowshera., (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this Honourable Tribunal.

Abdullah
DEPONENT

Abdullah
(APPELLANT)



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2021

Abdullah

V/S

Police Deptt:

.....
APPLICATION FOR CONDONATION
OF DELAY IN THE INSTANT APPEAL.


RESPECTFULLY SHEWETH:

1. That the instant appeal is pending before this Honourable Tribunal in which no date is fixed so for.
1. That the appellant was dismissed from service on the basis of absence vide order dated 10.06.2020 against which he filed departmental appeal on which his major punishment of dismissal was modified into major punishment of reduction in pay to lowest stage for a period of 05 years vide order dated 14.07.2020, however due to Covid-19 situation, the appellant could not filed his revision against the order dated 14.07.2020 within the stipulated period of time.
2. That the august Supreme Court of Pakistan has hold in its reported judgment (PLD 2003 SC 724) that decision on merit should be encouraged rather than knocking-out the litigants on technicalities including limitation. Therefore, appeal needs to be decided on merit.
3. That the instant appeal may kindly be decided on merit as the appellant has good cause to be decided on merit.

It is therefore most humbly prayed that on the basis of above submission, the instant appeal may be decided on merit by condoning the delay to meet the ends of justice.

THROUGH:

APPELLANT


(TAIMUR ALI KHAN)
ADVOCATES PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of application are true and correct to the best of my knowledge and belief and nothing has been concealed from this august Tribunal.

Abdullah

DEPONENT

POLICE DEPARTMENT

DISTRICT NOWSHERA

ORDER

This order will dispose of the departmental enquiry initiated under Khyber Pakhtunkhwa Police Rules-1975, against FC Abdullah No.782 under the allegations that he while posted at PP Pir Sabaq remained absent from duty without any leave/permission of the competent authority vide DD No. 26 dated 22.12.2019 to DD No. 10 dated 27.03.2020 PS Kalan and relieved for PP Badrashi for special duty wherefrom he was again absented vide DD No. 04 dated 07.04.2020 PP Badrashi.

On account of which, he was served with Show Cause Notice on 27.02.2020, but failed to submit his reply, therefore, he was proceeded against departmentally through SDPO Pabbi, who after fulfillment of legal formalities submitted his report to undersigned vide his office Endst: No. 375/St: dated 07.05.2020, wherein he recommended him for awarding major punishment of reduction in pay by one stage with counting his absence period as leave without pay.

He was served with Final Show Cause Notice on 27.05.2020, but did not bother to submit his reply. He is still absent which seems that he is no more interested in police job.

He was called through his home Police Station for personal hearing in orderly room, but also failed to attend the same, hence, he is hereby awarded major punishment of dismissal from service from the date of his absence, in exercise of powers vested in me under Khyber Pakhtunkhwa Police Rules-1975.

OB No. 444

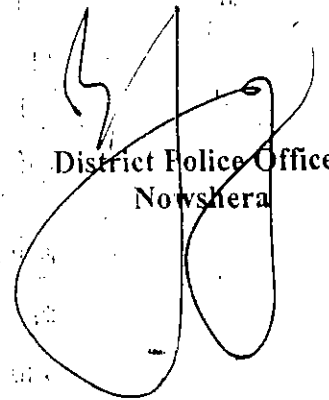
Dated 12/06 /2020

No. 1524-28 /PA, dated Nowshera. the 12/06 /2020.

Copy for information and necessary action to the:

1. Pay Officer.
2. Establishment Clerk.
3. OHC.
4. FMC with its enclosures (33 pages).
5. Official concerned.

District Police Officer,
Nowshera



B (E)

ORDER.

This order will dispose-off the departmental appeal preferred by Ex-Constable Abdullah No. 782 of Nowshera District Police, against the order of District Police Officer, Nowshera, whereby he was awarded major punishment of dismissal from service vide OB: No. 444 dated 10.06.2020. The appellant was proceeded against departmentally on the allegations that he while posted at Police Post Pir Sabaq remained absent from duty without any leave/permission of the competent authority vide daily diary No. 26 dated 22.12.2019 to daily diary No. 30 dated 27.03.2020 Police Station Kalan. Besides, the appellant was relieved for Police Post Badrashi for special duty wherefrom he again absented himself from lawful duty vide daily diary No. 04 dated 07.04.2020 Police Post Badrashi.

He was issued Show Cause Notice on 27.02.2020, but he failed to submit his reply. Therefore, proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Sub Divisional Police Officer, (SDPO) Pabbi, Nowshera was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities, submitted his findings wherein he recommended the delinquent Official for awarding major punishment of reduction in pay by one stage with counting his absence period as leave without pay.

He was issued Final Show Cause Notice on 06.05.2020, but neither had he submitted his reply nor assumed the duty.

The delinquent official was informed through his local Police Station to appear before the District Police Officer, Nowshera in Orderly Room. But failed to appear, therefore ex-parte action was taken against him and he was awarded major punishment of dismissal from service from the date of absence vide OB: No. 444 dated 10.06.2020 by the District Police Officer, Nowshera.

Feeling aggrieved from the order of District Police Officer, Nowshera, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 07.07.2020.

From the perusal of the enquiry file and service record of the appellant, it has been found that the appellant during the course of enquiry did not bother to join enquiry proceedings. Moreover, he was called in Orderly Room, held by the District Police Officer, Nowshera but he failed to appear in

C (10)

بعضور جناب عزت مآب انسپکٹر جنرل آف پولیس، سنٹرل پولیس آفس، پشاور

عنوان: اپیل برخلاف آرڈر مجاریہ جناب ڈپٹی انسپکٹر جنرل آف پولیس، مردان ریجن ون، مردان نمبری 4365-ES

مورخہ 14-07-2020

جناب عالی!

گزارش ہے کہ سائل کو جناب DPO صاحب نوشہرہ نے بحوالہ آرڈر بک نمبری 444 مورخہ 10-06-2020 کو بوجہ غیر حاضری جو کہ مجبوری کی وجہ سے سرزد ہوئی تھی نوکری سے برخاست کیا۔ اس برخاستگی آرڈر کے خلاف جناب ڈی آئی جی صاحب مردان کو اپیل برائے بحالی ملازمت کی۔ دفتر ڈی آئی جی مردان کو اردلی روم میں پیش ہو کر ڈی آئی جی صاحب مردان نے مورخہ 14-7-2020 کو میری کمزور مالی پوزیشن کو مد نظر رکھتے ہوئے میری برخاستگی کی سزا کو تبدیل کر کے ملازمت پر بحال کر کے چھوٹی سزا کم تنخواہ (ٹائم سکیل) پیریڈ 5 سال کا حکم صادر فرمایا اور میری ایام غیر حاضری عرصہ چار ماہ بلا تنخواہ کی سزا برقرار رکھی۔

جناب عالی!

میری مالی پوزیشن بہت کمزور ہے اس لئے یہ بھی عاجزانه استدعا ہے کہ سائل کی ایام غیر حاضری کو رخصت کا اہل میں تبدیل کر کے میری چار ماہ کی کالی گئی تنخواہ مجھے واپس دینے کا حکم صادر فرمائیں۔
سائل تا عمر دعا گورہیگا۔

المرقوم: 04-05-2021

آپ کا تابع فرمان کنسٹیبل عبداللہ نمبر 782، متعینہ پولیس لائن نوشہرہ۔

داعیہ عالیہ
11

حور خانہ گھرانے کے بارے میں کہہ سکتے ہیں۔ یہ ایک غیر ملکی نوکری سے برباست

ہو گیا تھا۔ گھرانے کے لوگوں نے اسے گھر سے نکال دیا تھا۔

ساتھ ہی (5) سالہ نوکری کا سزا دی گئی۔ اس کے بعد عدالت نے 4

دسمبر 2019ء کو اس کے لیے ایک ایس آر ایف جاری کیا تھا۔ لیکن اسے عدالت نے بھی خارج کر دیا۔

عدالت نے اسے سزا دی ہے۔ اس لیے عدالت نے اسے Punishment Dismissed

کا حکم دیا ہے۔ اس لیے اس سے اتفاق ہے۔ کہ مطلوبہ معلومات فراہم کر کے

فراہم کرنا کہ عدالت اس کے لیے ایس آر ایف جاری کرے گی۔ عدالت نے اسے

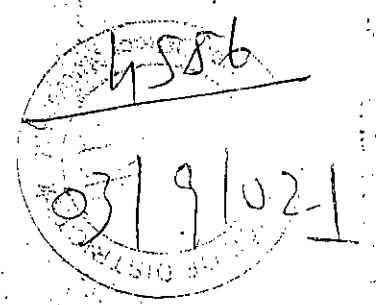
الغافل

M. H. Khan

آئی جی نئی دہلی، سب ڈیویژن، 782 سب ڈیویژن، قلعہ نو شہرہ

FME

For no objection



DPO N32
02/09/2021

114
7521



OK
7-7-20

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar.

E (12)

No. S/ 2331 /21, dated Peshawar the 07/06 /2021.

To : The Regional Police Officer,
Mardan.

1278
9-6-21

Subject: - APPEAL

Memo:

Please refer to your office Memo No. 2569/ES, dated 21.05.2021.

The Competent Authority has examined and filed the revision petition submitted by Constable Abdullah No. 782 of Nowshera district against the punishment of reduction in pay to the lowest stages for a period of 05 years awarded by vide Region office, Mardan order Endst: No. 4365/ES, dated 14.07.2020, being badly time barred.

The applicant may please be informed accordingly.

ES

Ps attached
A
A/EC

(NOOR AFGHAN)
Registrar,

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

2/b

No-3035/ES

Dt - 10-6-21

EC/DPA Nowshera

for information

Amir Ahmad
For RPO Mardan
10/6/21

VAKALAT NAMA

NO. _____/2021

IN THE COURT OF KP Service Tribunal Peshawar

Abdellah (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Police Deptt. (Respondent)
(Defendant)

I/We, Abdellah


Do hereby appoint and constitute **Taimur Ali Khan, Advocate High Court 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 costs.

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. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/2021

Abdellah
(CLIENT)

ACCEPTED


TAIMUR ALI KHAN
Advocate High Court
BC-10-4240
CNIC: 17101-7395544-5
Cell No. 0333-9390916

OFFICE:

Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, S.P.
PESHAWAR.

No.

7578

Appeal No. of 20 21

Abdullah

Appellant/Petitioner

Recd

the P-P-O KPK Peshawar

Respondent

Respondent No. 3

the Distt. Police Officer Nowshera.

Notice to: —

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 24/12 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No. dated~~

Given under my hand and the seal of this Court, at Peshawar this 27/12

Day of Dec 20 21

(for Reply)

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

S.B

No.

7578

21

Appeal No. of 20

Abdullah

Appellant/Petitioner

Legal

the P.P.O. KPK Peshawar

Respondent

2

the Regional Police Officer Mardan
Region Mardan.

Notice to: -

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....at 8.00 A.M. If you wish to urge anything against the appelland/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

27/11

Given under my hand and the seal of this Court, at Peshawar this.....

Dec

21

Day of.....20

(for Reply)

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
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"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, S.B
PESHAWAR.

No.

Appeal No. 7578 of 20 21

Abdullah

Appellant/Petitioner

the P.P.O KPK Peshawar

Respondent

Respondent No. 1

Notice to: —

the Provincial Police Officer KPK Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....26/2/22.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this~~

office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....27/11.....

Day of.....Dec.....20 21

(for Reply)

[Signature]
Registrar

2 Khyber Pakhtunkhwa Service Tribunal,
Peshawar.


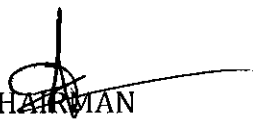
Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7578 7578/2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	12/10/2021	<p>The appeal of Mr. Abdullah resubmitted today by Mr. Taimur Ali Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>16/12/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

16.12.2021

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant argued that the appellant is aggrieved of the impugned order dated 10.06.2020 whereby he was "dismissed from service". His departmental appeal was considered and the penalty of dismissal from service was modified into "reduction in pay to the lowest stage for a period of 05 years" and intervening as well as absence period was treated as leave without pay vide Rule 11-A of the Khyber Pakhtunkhwa Police Rules 1975 which was rejected on the ground of being time barred, on 07.06.2021 and is claimed to have been received to the appellant on 03.09.2021. The appellant submitted service appeal in the Service Tribunal on 04.1.2021. Learned counsel for the appellant was confronted with the question of limitation to which he referred to application for condonation submitted with the memorandum of appeal. The plea taken is that decision on merit should be encouraged rather than knocking out the litigants on technicalities including limitation, as per PLD 2003 SC 724. It was further contended that reduction in pay to the lowest stage for a period of 05 years, is illegal as clarified by the august Supreme Court of Pakistan in 2004 SCMR 74.

*Appellate order dated 14.07.2020.
The Appellant
submitted service
petition under*

The appeal is admitted to regular hearing subject to all just legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for submission of reply/comments. To come up for reply/comments on 17.02.2022 before S.B.

(Mian Muhammad)
Member(E)

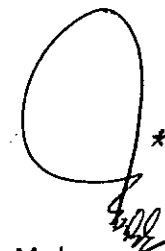
16.12.2021

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant argued that the appellant is aggrieved of the impugned order dated 10.06.2020 whereby he was 'dismissed from service'. His departmental appeal was considered and the penalty of dismissal from service was modified into "reduction in pay to the lowest stage for a period of 05 years" and intervening as well as absence period was treated as leave without pay vide appellate order dated 14.07.2020. The appellant submitted review petition under Rule 11-A of the Khyber Pakhtunkhwa Police Rules 1975 which was rejected on the ground of being time barred, on 07.06.2021 and is claimed to have been received to the appellant on 03.09.2021. The appellant submitted service appeal in the Service Tribunal on 04.1.2021. Learned counsel for the appellant was confronted with the question of limitation to which he referred to application for condonation submitted with the memorandum of appeal. The plea taken is that decision on merit should be encouraged rather than knocking out the litigants on technicalities including limitation, as per PLD 2003 SC 724. It was further contended that reduction in pay to the lowest stage for a period of 05 years, is illegal as clarified by the august Supreme Court of Pakistan in 2004 SCMR 74.

The appeal is admitted to regular hearing subject to all just legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for submission of reply/comments. To come up for reply/comments on 14.02.2022 before S.B.

Appellant Deposited
Security & Process Fee
20/12/21


(Mian Muhammad)
Member(E)

24.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 12.05.2022 for the same as before.


Reader

12.05.2022

Appellant present through counsel.

Muhammad Adeel Butt, learned Additional Advocate General alongwith Fayyaz H.C for respondents present.

Reply on behalf of respondents is still awaited. Representative of respondents requested for time to submit reply/comments. Opportunity is granted. To come up for reply/comments on 19.07.2022 before S.B.


(Rozina Rehman)
Member (J)