


The appeal of Mr. Muhammad Zeeshan, Ex-Constable No. 2413, District Police Mardan received today i.e. on 29.12.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. Copy of charge sheet, statement of allegation, Enquiry report and replies thereto are not attached with the appeal.
2. Affidavit attested by the Oath Commissioner is not attached with the appeal.
3. Certificate be given to the effect that appellant has not been filed any service appeal earlier on the subject matter before this Tribunal.

No. 2683 /S.T,


Dt. 29/12 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR

Mr. Muhammad Tariq Adv. Pesh.

Respected Sir,

In ground "H" of instant Service appeal already mentioned that Respondents have not provided the copy of charge sheet, statement of allegation & Enquiry Report. As objection no. 2 & 3 satisfied. Therefore, re-submitted,


Advocate

KHYBER PAKHTUN IWA SERVICES TRIBUNAL, PESHAWAR
CHECK LIST

Muhammad Zeeshan
..... Appellant

Versus

Provincial Police Officer Soher
..... Respondents

S NO	CONTENTS	YES	NO
1.	This petition has been presented by: <i>M. Tariq Advocate Court</i>	√	
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 AG/DAG?	√	
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 cutting/overwriting?	x	
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:- *Muhammad Tariq Advocate*

Signature:- *Tariq*

Dated:- *22/12/2021*

BEFORE THE PROVINCIAL SERVICE TRIBUNAL KHYBER
PAKHTUNKHUWA PESHAWAR

Service Appeal No. 46 /2024

Muhammad Zeeshan

VERSUS


Provincial Police Officer & others

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4.	Copy of Officer endorsement No.2761/ES dated 31/05/2021	<u>"C"</u>	11
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Through

Appellant


(Muhammad Tariq)
Advocate, High Court
Peshawar

Office Address: 2nd Floor Al-Mansoor Hotel Opposite Gulbahar Police Station
G.T. Road Peshawar

Ceill # 0333-9385283

Email Address: tariq.adv.hc@gmail.com

(1)

**BEFORE THE PROVINCIAL SERVICE TRIBUNAL KHYBER
PAKHTUNKHUWA PESHAWAR**

Service Appeal No. _____ /2021

Muhammad Zeeshan, Ex-Constable No.2413, District Police Mardan
.....(Appellant)

VERSUS

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar
 2. Regional Police Officer/Deputy Inspector General of Police, Mardan
 3. District Police Officer, Mardan
-(Respondents)

**APPEAL UNDER SECTION 4 OF K.P.K SERVICE
TRIBUNAL ACT, 1974 AGAINST THE FINAL
ORDER OB No.1297 DATED 05/08/2020 OF
RESPONDENT 03 VIDE WHICH APPELLANT WAS
AWARDED MAJOR PUNISHMENT OF DISMISSAL
FROM SERVICE, APPELLANT HAS FILED
DEPARTMENT APPEAL TO THE RESPONDENT 02
WHICH WAS ALSO REJECTED VIDE ORDER
No.2761/ES, DATED MARDAN THE 31/05/2021
AND APPELLANT HAS FILED DEPARTMENTAL
APPEAL/MERCY PETITION TO THE
RESPONDENT 01 ON 06/09/2021 BUT TILL DATE
THE ORDER IS NOT COMMUNICATE TO THE
APPELLANT INSPITE OF SEVERAL REQUEST**

Prayer in Appeal

On acceptance of instant appeal, impugned Final Order OB
No.1297 Dated 05/08/2020 of Respondent 03 whereby Appellant was awarded
Major Punishment of Dismissal from Service and Order No.2761/ES, Dated
Mardan the 31/05/2021 of Respondent 02 vide which Departmental Appeal of the

Appellant was rejected may very graciously be set aside and Consequently, Appellant may please be re-instated in the service with all back benefits and any other order deem proper in the matter may also be passed in favour of Appellant against Respondents.

Respectfully Sheweth:

1. That Appellant is the permanent resident of District Mardan and Appellant was appointed as Constable vide Appointment Order No.15/12/2008.
2. That Appellant was issued charged sheet and statement of allegation No.67/PA dated 10/02/2020 by Respondent 03 with the following allegation
“That Constable Zeeshan No.2413 while posted at Police Station Sheikh Maltoon, Mardan, absented himself from his lawful duty vide D.D.No.35 dated 19/01/2020 to vide D.D.No.13 dated 03/04/2020 P.S. SMT (74 days) and vide DD No.34 Dated 13/07/2020 of P.S. Par Hoti till date of his dismissal without any leave/prior permission of the Competent Authority.”
3. That in light of above charge sheet, a departmental enquiry was initiated against the Appellant. Mr. Sher Nawaz R/O Lines Mardan was nominated as Enquiry Officer. Appellant produced a detailed and comprehensive reply alongwith relevant documents in response to the charge sheet before the enquiry officer.
4. That initially the enquiry was conducted regarding the absence of 74 days from P.S. SMT Mardan. Appellant disclosed during the course of enquiry before the Enquiry Officer that Appellant is ill due to **Chronic Pain of back and left leg**. Appellant produced medical prescription/documents in support of his stance before the Enquiry Officer which was positively considered.
5. That as per the story mentioned in the dismissal order, the Enquiry Officer findings to the Respondent 03 with the recommendation that his absence of 30 days may be counted as Medical Leave and the rest of absence of 44 days be counted as Leave Without Pay.

6. That on 04/04/2020, Appellant made his arrival at P.S. SMT and performed his duty till 12/07/2020. During this period, the Appellant was transferred from P.S. SMT to P.S. Par Hoti. Due to continuous previous disease, Appellant did not make his arrival at P.S. Par Hoti and went to his village for further treatment and during stay at his village the Appellant continued his treatment and was lying on bed.
7. That Appellant was marked absent regarding the absence from P.S. Par Hoti vide DD No.34 Dated 13/07/2020. Appellant was not issued any show cause/charge sheet in this regard. Similarly, no departmental inquiry was conducted in this connection. It would not be out of place to mention here that neither any kind of notice regarding appearance is/was served upon the Appellant. Appellant was awarded major punishment in absentia and as such ex-parte action was taken against the Appellant. The Enquiry finding of the Enquiry Officer for the period of absent from 74 days was not considered by Respondent 03. Respondent 03 has mentioned the absence of the Appellant from P.S. Par Hoti in the dismissal Order but in this connection no departmental proceedings were conducted. Similarly, no notice for appearance is/was served upon the Appellant. Respondent 03 illegally dismissed the Appellant from service vide OB No.1297 dated 05/08/2020.(Copy of the OB No.1297 dated 05/08/2020 is Annexure "A")
8. That Appellant did not absent himself from duty deliberately rather it was due to the chronic disease of back pain which is evident from the medical record already placed with departmental enquiry finding.
9. That Appellant aggrieved from the Order of Respondent 03 has filed an Appeal before the Respondent 02 and Respondent 02 vide Officer endorsement No.2761/ES dated 31/05/2021 reject the appeal of the Appellant.(Copy of Memo of Appeal and Officer endorsement No.2761/ES dated 31/05/2021 are Annexure "B" & "C")
10. That impugned both the Orders of Respondent 02 and 03 by filing Departmental Appeal/Mercy Petition before the Respondent 01. But till date, Respondent 01 has not decided the Departmental Appeal/Mercy

Petition of Appellant inspite of several requests were made by the Appellant but in vain. (Copy of the Departmental Appeal/Mercy Petition is Annexure "D")

11. That Appellant is highly aggrieved from Orders of Respondent 02 and 03 and the unjust and cruel attitude of the Respondents. As such, approach this honorable Tribunal by Challenging the same on the following

GROUND:

- A. That impugned Orders and acts and deeds of the Respondents are against the law. Hence, not tenable.
- B. That impugned Orders and acts and deeds of the Respondents are incorrect, illegal, without substance, in utter disregard of the well settle principle of law. As such, the same is liable to be set aside.
- C. That impugned Orders and acts and deeds of Respondents are tainted with mala fide; the same are in derogation of provisions of the Constitution.
- D. That the impugned Orders have been issued illegally by not adopting the proper procedure of conduct enquiry etc.
- E. That Respondents have not treated the Appellant in accordance with law, rules and policy on the subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully passed issued the impugned Orders, which are unjust, unfair. Hence, not sustainable in the eyes of law.
- F. That the impugned Orders are against the Article 10-A of the Constitution of Islamic Republic of Pakistan, 1973. As no personal hearing and regular inquiry conducted by the Respondents.
- G. That the charge of absence from duty has fully been explained in the Departmental Appeal/Representation and clear from the record but no heed was given to the explanation offered by the Appellant.
- H. That the Charge of absence from service was also ill founded and not based on facts. It is pertinent to mentioned here that, Appellant has not been issued any charge sheet regarding the absence from

(S)

duty and Appellant is not aware of any other enquiry proceedings in that regard nor any show cause notice, statement of allegation etc. was given to him. Hence, the charge of absence is also untenable, baseless and accordingly the impugned Orders are not legally sustainable under the laws and are liable to be set aside.

- I. That Respondent 03 has terminated the Appellant from service by imposing major penalty on the basis of no evidence. Not an iota of material has been brought to prove the allegation leveled against Appellant. Therefore, the impugned Orders are arbitrary, unlawful. Hence, not sustainable in the eyes of law.
- J. That no opportunity of personal hearing was offered to the Appellant by the competent authority which is mandatory requirement of law. Appellant was condemned unheard as the action has been taken at the back of the Appellant which is against the principle of natural justice.
- K. That Appellant has made absentees due to his long standing illness of "severe back pain" for which the necessary medical documents have been produced before the enquiry officer. The Enquiry Officer has given due worth to the medical condition of the Appellant in his Enquiry Officer Report. However, Respondent 02 and 03 have not taken into account the rationale behind the Enquiry Officer Report and acted against the norms of law and justice and Police Rules as well. (Copy of Medical Prescription is Annexure "E")
- L. That Appellant was not given any opportunity of "Personal Hearing" by the competent authority at the time of passing of impugned Orders, which is contrary to the Police Rules 1975. It is settled principle of law that "No one should be condemned unheard."
- M. That the violation was brought into the notice of Respondents by filing Departmental Appeal/Mercy Petition which is still pending.

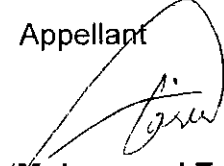
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It is, therefore, respectfully prayed that on acceptance of instant appeal, impugned Final Order OB No.1297 Dated 05/08/2020 of Respondent 03 whereby Appellant was awarded Major Punishment of Dismissal from Service and Order No.2761/ES, Dated Mardan the 31/05/2021 of Respondent 02 vide which Departmental Appeal of the Appellant was rejected may very graciously be set aside and Consequently, Appellant may please be re-instated in the service with all back benefits and any other order deem proper in the matter may also be passed in favour of Appellant against Respondents.

محمد زکریا

Appellant

Through


(Muhammad Tariq)
Advocate, High Court
Peshawar

BEFORE THE PROVINCIAL SERVICE TRIBUNAL KHYBER
PAKHTUNKHUWA PESHAWAR

6A

Service Appeal No. _____ /2021

Muhammad Zeeshan

VERSUS

Provincial Police Officer & others

CERTIFICATE

Certified that no such Service Appeal has been filed earlier on the subject matter
before this Honorable Court.


(Deponent)

**BEFORE THE PROVINCIAL SERVICE TRIBUNAL KHYBER
PAKHTUNKHUWA PESHAWAR**

6B

Service Appeal No. _____ /2021

Muhammad Zeeshan

VERSUS

Provincial Police Officer & others

Affidavit

It is hereby solemnly affirm and declare on oath that contents of Appeal are true and correct to the best of my knowledge and belief and nothing has been kept from this Honorable Tribunal.

(Deponent)



OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

2020

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Annex
A

No. 67/PA

Dated 18/12/2020

ORDER ON ENQUIRY OF CONSTABLE ZEESHAN NO.2413

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the subject official, under the allegations that while posted at Police Station Sheikh Maltoon (now PS Par Hoti), Proceeded against departmentally through Inspector Sher Nawas RI/Police Lines Mardan vide this office Statement of Disciplinary Action/Charge Sheet No.67/PA dated 10-02-2020 on account of the following absence's period from duty without any leave/approval of the competent authority:-

- 1) DD No.35 dated 19-01-2020 to DD No.18 dated 03-04-2020 PS SMT (74 Days)
- 2) DD No.34 dated 13-07-2020 PS Par Hoti till-date.

The Enquiry Officer after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.167/RI dated 11-06-2020, recommending (30) days his absence's period as medical leave while the rest as leave without pay.

Final Order

Constable Zeeshan was called for O.R on 08-07-2020, 15-07-2020, 22-07-2020, 29-07-2020 & 05-08-2020, but he didn't appear despite receiving and personally signing the notice, while on the other hand, as per his previous record, he was enlisted in Police Department on 15-12-2008 and earned (92) bad entries with no good entry, besides (324) days absence's period, meaning that he is an unwilling worker with paying no attention towards the directives of Senior Officers, therefore, awarded him major punishment of dismissal from service with effect from 12-07-2020 with counting his (74) days absence's period as leave without pay with immediate effect, in exercise of the power vested in me under Police Rules-1975.

OB No. _____

Dated 18/12/2020.

(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

Copy forwarded for information & n/action to:-

- 1) The DSP/HQrs Mardan.
- 2) The SHO PS Par Hoti.
- 3) The P.G & E.C (Police Office) Mardan.
- 4) The OSI (Police Office) Mardan with () Sheets.

ATTESTED

Before the DPO/Maulan

Maulan Region - I Maulan

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Subject: Appeal against the order of DPO/Maulan issued vide
EDNO 1297 dated 05.08.2020 whereby the
appellant has been dismissed from service.

Annex
B.1

Respected Sir,

The DPO/Maulan has issued charge sheet no 67/PA dated
10.2.20 to the appellant with the following allegation

That you Constable Zeeshan no 2443 while posted
at PS/SMT remained absent - which detail is as in
EDNO 35 dated 19.7.2020 to EDNO 18 dated 3.4.2020
PS/SMT (>4 days).
EDNO 24 dated 13.07.2020 PS Panthi till date.

It is submitted that in the light of the above charge sheet
a departmental enquiry was initiated against the appellant
Mr Sha Nawaz B/Lines Maulan was nominated as EO
The appellant produced a detailed and comprehensive
reply in response to the charge sheet before the EO.

1) Initially the enquiry was conducted regarding the absence
of 44 days from PS/SMT Maulan. The appellant
disclosed during the course of enquiry before the EO
that the appellant is ill due to chronic pain of back
and leg. The appellant produced medical prescription
before the EO which was positively considered.

2) As per the story mentioned in the dismissal order, the
EO submitted the enquiry finding to the DPO/Maulan
with the recommendation that his absence of 30 days
may be counted as medical leave and the rest
of absence of 14 days be counted as leave without
pay.

3) That on 4.4.2020 the appellant made his arrival
at PS SMT and performed his duty till 12.7.2020
during this period, the appellant was transferred
from PS SMT to PS Panthi. Due to
continuing chronic disease, the appellant could
not ensure his arrival at PS Panthi and

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ATTESTED

(Page)

to his village for further treatment

6) During stay at his village, the appellant continued his treatment and was lying on bed.

7) The appellant was marked absent regarding the absence from PS Par Hoti vide DD NO 34 dated 13.7.2020. The appellant was not issued any show cause / charge sheet in this regard. Similarly no departmental enquiry was conducted in this connection. It would be ^{to out of place} not to mention here that no any kind of notice regarding appearance in OR was served upon the appellant. The appellant was awarded major punishment in character and as such ex-parte action was taken against the appellant. The ending finching of the EO for the period of absence of 74 days was not considered by DPO Malan. The DPO Malan has mentioned the absence of the appellant from PS Par Hoti in the dismissed order but in this connection no departmental proceedings were conducted. Similarly no notice for appearance in OR was served upon the appellant. The DPO Malan illegally dismissed the appellant from service vide OP No 1297 dated 05.08.2020. (Copy of OP No 1297 dated 05.08.2020 is enclosed)

8) The appellant did not absent himself from duty deliberately rather it was due to the chronic abuse of back pain, which is evident from the medical record, already placed / included with departmental enquiry finching.

9) The appellant is still in medical agony and therefore the appeal was delayed. The Supreme Court of Pakistan judgment is very clear; that procedural technicalities should not be ~~counted~~ while granting justice to an individual.

ATTESTED

9) The appellant belongs to a poor family and is living with his old/sick mother. There is no other source of income of the appellant family except the Police Pension of the appellant.

10) The appellant was appointed as constable in Police department on 26.11.2018 and performed his duty with zeal and efficiency.

Keeping in view the above facts and Circumstances, it is humbly prayed that on the acceptance of the instant appeal the order of DPO Maulam may kindly be set-aside and the appellant be re-instated in service from the date of dismissal of pl.

Yours obediently,
شیرین

Date: 24.3.2021

EX-Constable. Muhammad Zeeshan NO 2413
District Police Maulam.
Mobile NO. 0346-9123065

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ATTESTED

(11)

Annex
C

ORDER.

This order will dispose-off the departmental appeal preferred by Constable Zeeshan No. 2413 of Mardan District Police against the order of District Police Officer, Mardan, whereby he was awarded major punishment of dismissal from service vide OB No. 1297 dated 05.08.2020. The appellant was proceeded against departmentally on the allegations that he while posted at Police Station Sheikh Mattoon, Mardan, absented himself from his lawful duty with effect from 19.01.2020 to 03.04.2020 and 13.07.2020 till date of his dismissal without any leave/prior permission of the competent authority.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Inspector Sher Nawaz Khan the then Reserve Inspector Police Lines, Mardan was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings wherein he recommended that 30 days absence period of the delinquent Officer may be treated as medical leave while the rest of absence period as leave without pay.

The delinquent Officer was called in Orderly Room on 08.07.2020, 15.07.2020, 22.07.2020, 29.07.2020 and 05.08.2020 respectively by the District Police Officer, Mardan, but he failed to appear in connection with his defense which shows that he had nothing to offer in his defense, therefore, he was awarded major punishment of dismissal from service by the District Police Officer, Mardan vide his office OB No. 1297 dated 05.08.2020.

Feeling aggrieved from the order of District Police Officer, Mardan, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 26.05.2021.

From the perusal of service record of the appellant, it has been found that allegations leveled against the appellant have been proved beyond any shadow of doubt. The service record of the appellant revealed that he was enlisted in Police Department on 15.12.2008 and earned 92 bad entries with no good entry. Besides, the appellant in his span of service remained absent for 324 days on different occasions which depicts his lethargic attitude towards his official duties with paying no attention of the directives of Senior Officers. The appellant has filed the instant appeal which is time barred by 07 months and 21 days. Hence, order passed by the competent authority does not warrant any interference.

Keeping in view the above, I, Yaseen Farooq, PSP Regional Police Officer, Mardan, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being time barred.

Order Announced.

Regional Police Officer,
Mardan

ATTESTED

No. 2761 /ES, Dated Mardan the 31 - 05 - 2021.

Copy forwarded to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No. 98/LB dated 15.04.2021. His Service

BEFORE THE PROVINCIAL POLICE OFFICER, KPK PESHAWAR

Subject: **MERCY PETITION AGAINST OB NO.1297 DATED 05-08-2020 ISSUED BY DPO MARDAN, WHEREBY THE PETITIONER HAS BEEN AWARDED MAJOR PUNISHMENT OF DISMISSAL FROM SERVICE, AND REJECTION OF APPEAL BY DIG MARDAN ISSUED VIDE OFFICE ENDORSEMENT NO.2761/ES DATED 31-05-2021.**

Annex
D

Respected Sir,

The petitioner submits as under:

1. It is submitted that petitioner was issued charge sheet and statement of allegations No. 67/PA dated 10-02-2020 by DPO Mardan with the following allegations:-

“That Constable Zeeshan No.2413, while posted at Police Station Sheikh Maltoon, Mardan absented himself from his lawful duty vide DD NO.35 dated 19-01-2020 to vide DD No13 dated 03-04-2020 PSSMT (74 days) and vide DD No.34 dated 13-07-2020 of PS Par Hoti till date of his dismissal without any leave/prior permission of the competent authority”.

2. It is submitted that in the light of above charge sheet, a departmental Enquiry was initiated against the Petitioner. Inspector Sher Nawaz Khan, the then Reserve Inspector Police Lines, Mardan was appointed as Enquiry Officer. The Petitioner submitted a detailed and comprehensive reply to the charge sheet before the EO but his version was not considered in true letter and spirit. The EO submitted his enquiry findings vide letter no.167/RI dated 11-06-2020 after fulfilling codal formalities wherein he recommended that 30 days absence period of the petitioner may be treated as medical leave while the rest of absence period as leave without pay.
3. That DPO Mardan awarded major punishment of “dismissal from service wef 12-07-2020 with counting his 74 days absence period as leave without pay with immediate effect ” to the petitioner vide his office OB No.1297 dated 05-08-2020 against the essence of the EO findings which is a sheer miscarriage of justice and against the Police Rules 1975. (Copy of DPO Order is enclosed)
4. That feeling aggrieved from the order of DPO Mardan, the Petitioner filed an Appeal before the DIG Mardan on 24-03-2021. That DIG Mardan vide his office endorsement No.2761/ES dated 31-05-2021 rejected the appeal of the petitioner and regarded the appeal as time barred by 07 months and 21 days and hence the present mercy petition. (Copy of the order of DIG Mardan is enclosed).

GROUNDS OF MERCY PETITION :

- i. That the petitioner has made absentees due to his long standing illness of “severe Backache” for which the necessary medical documents have been presented before the Enquiry Officer. The EO has given due worth to the medical condition of the petitioner, in his EO report. However, the DPO/DIG Mardan have not taken into account the rationale behind the

ATTESTED

EO report and acted against the norms of law & justice and Police Rules as well.

- ii. That The petitioner was not given any opportunity of **"PERSONAL HEARING"** by the competent authority at the time of passing of impugned punishment Order, which is contrary to the Police rules 1975. It is a settled principle of law that **"No one should be condemned unheard"**.
- iii. That it is the general principle of law that **"no one should be vexed twice for the same offence "** and if the petitioner has committed any mistakes in the past service that should not be made consequential basis for the present punishment of dismissal from service .
- iv. That the petitioner would like to state that it is well settled principle of law that procedural technicalities should not be allowed on dispensation of substantial justice. Procedural laws are meant to advance the cause of justice and not to thwart it. The supreme court of Pakistan in **criminal original petition No. 90/2009** has further emphasized that while deciding a case, principles of natural justice **"audi alteram partem"** and other fundamental rights should be observed.
- v. That the petitioner was enlisted as constable in police department on 26-11-2008 and performed his duty with zeal and efficiency .The lengthy police service of the petitioner may kindly be given appropriate worth and be re-instated in service.
- vi. The petitioner is residing and supporting his old age sick mother and the entire livelihood of his family is dependent upon the police service and have no other source of income.

Keeping in view the above facts and circumstances, it is humbly requested that in the light of instant mercy petition, both the impugned orders of DPO/DIG Mardan may be filed and the petitioner may graciously be re-instated in police service on humanitarian basis from the date of Dismissal, please.

Your's Obediently,

محمد زیشان

(EX.CONSTABLE ZEESHAN NO.2413)
DISTRICT POLICE MARDAN
(NOW DISMISSED FROM SERVICE)
CELL NO.0314-9032390

Dated: 06 September, 2021.

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M/11/2021

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**DISTRICT HEAD QUARTER HOSPITAL
MARDAN**

Out Patient Department

Annex
E

OPD #	313	Date	18-3-2020	Paid	10
Name	Mohammad Zeeshan	Sex	Male		
H/F/Name		Age			
Department	Orthopedic	Contact	00000000000000		0
Address					

History	<i>[Handwritten notes]</i>
Clinical Examination	<i>[Handwritten notes]</i>
Provisional Diagnosis	<i>[Handwritten notes]</i>
Investigations Required	<i>[Handwritten notes]</i>

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DISTRICT HEAD QUARTER HOSPITAL MARDAN

Out Patient Department

OPD #	187	Date	19-2-2020	Paid	10
Name	Mohammad Zeeshan	Sex		Male	
H/F/Name		Age			
Department	Orthopedic	Contact		0000000000000000	0000000000000000
				000	

Address

History	<p><i>2</i></p> <p><i>25 Feb 2020</i></p> <p><i>25 March</i></p> <p><i>25 April</i></p> <p><i>for Two weeks</i></p> <p><i>7-10</i></p>
Clinical Examination	
Provisional Diagnosis	
Investigations Required	

by
ATTESTED

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**DISTRICT HEAD QUARTER HOSPITAL
MARDAN**

Out Patient Department

OPD #	15	Date	04-2-2020	Paid	10
Name	Mohammad Zeeshan			Sex	Male
H/F/Name				Age	
Department	Orthopedic			Contact	00000000000000 00000000000000
Address					

History	
Clinical Examination	
Provisional Diagnosis	28 Dec 2019
Investigations Required	28 Dec 2019 28 Dec 2019

ATTESTED

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**DISTRICT HEAD QUARTER HOSPITAL
MARDAN**

Out Patient Department

OPD #	482	Date	03-3-2020	Paid	10
Name	Mohammad Zeeshan			Sex	Male
H/F/Name				Age	
Department	Orthopedic			Contact	00000000000000 00000000000000
Address					

History

Clinical Examination

Provisional Diagnosis

Investigations Required

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28 August 2020

28 September 2020

28 October 2020

[Signature]

UP
ATTESTED



DISTRICT HEAD QUARTER HOSPITAL MARDAN


Out Patient Department

OPD #	587	Date	20-1-2020	Paid	10
Name	Mohammad Zeeshan	Sex		Male	
H/F/Name		Age			
Department	Orthopedic	Contact	00000000000000 0		
Address					

History	<i>[Handwritten notes]</i>	
Clinical Examination	<i>[Handwritten notes]</i>	
Provisional Diagnosis	<i>[Handwritten notes]</i>	
Investigations Required	<i>[Handwritten notes]</i>	
<i>[Signature]</i>		

ATTESTED

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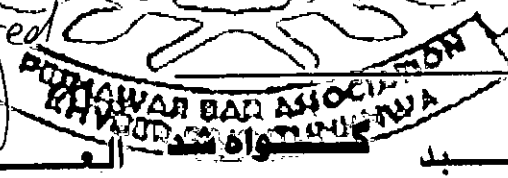
تیت 50 روپے	106379			
ایڈویکٹ: محمد طارق		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل / ایسوسی ایشن نمبر: bc-11-1564				
رابطہ نمبر: 0333-9385283				

بعدالت جناب: صوبائی سروس ٹریبونل خیبر پختونخواہ پشاور

منجانب: ایڈیلٹ	دعویٰ:
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:
باعث تحریر آئیکہ	

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ

آن مقام لسٹا ہر کیلے محمد طارق کا ایڈویکٹ ہر کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے نگران کے نگران اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا سختہ پر داخستہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ اتوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں۔ لہذا وکالت نامہ لکھ دیا تاکہ سندر ہے

المرقوم:  

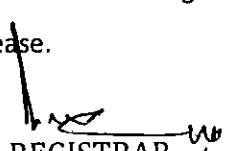



مقام لسٹا ہر کے لیے منظور ہے۔

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 46/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	12/01/2022	<p>The appeal of Mr. Muhammad Zeeshan resubmitted today by Mr. Muhammad Tariq 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 up there on <u>28/2/22</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	28.02.2022	<p>Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 26.05.2022 for the same as before.</p> <p style="text-align: right;"> Reader</p>
	26.05.2022	<p>Junior to counsel for the appellant present and requested for adjournment on the ground that senior counsel for the appellant is not available today. Adjourned. To come up for preliminary hearing on 10.07.2022 before S.B.</p> <p style="text-align: right;"> (Mian Muhammad) Member (E)</p>