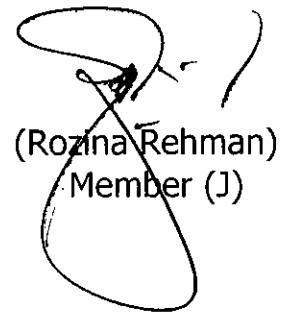


Continued  
11.05.2022

Later on, learned counsel for appellant attended the Tribunal, preliminary arguments heard and record perused.

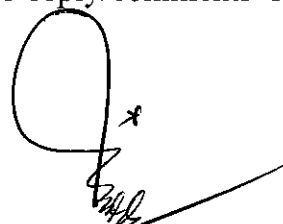
Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to respondents for submission of written reply/comments. To come up for reply/comments on 15.07.2022 before S.B.



(Rozina Rehman)  
Member (J)

15.07.2022

Learned counsel for the appellant present and submitted application for extension of time to deposit security and process fee. Application is allowed and learned counsel for the appellant is directed to deposit security and process fee within 03 days, thereafter, notice be issued to the respondents for submission of reply/comments. Adjourned. To come up for reply/comments on 16.09.2022 before S.B.



(MIAN MUHAMMAD)  
MEMBER (E)

18.10.2021

None for the appellant present.

Due to general strike of the Bar, the case is adjourned. Notices be issued to the appellant and his counsel. To come up for preliminary hearing before the S.B on 21.12.2021.

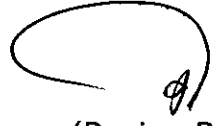


(MIAN MUHAMMAD)  
MEMBER (E)

21.12.2021

Appellant present through representative.

Lawyers are on general strike, therefore, case is adjourned to 16.02.2022 for preliminary hearing before S.B.



(Rozina Rehman)  
Member (J)

16.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 11.05.2022 for the same as before.




Reader

11.05.2022

Nemo for appellant.

Notice be issued to appellant/counsel for 15.07.2022 for preliminary hearing before S.B.



(Rozina Rehman)  
Member (J)

02.02.2021

Mr. Waqar Ahmad Advocate on behalf of counsel for the appellant present.

Requests for adjournment due to non-availability of learned senior counsel today. . Adjourned to 20.05.2021 for hearing before S.B.

  
Chairman

20.05.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 02.09.2021 for the same as before.

  
Reader

02.09.2021

Junior of counsel for the appellant present.

Junior of learned counsel for the appellant requested for adjournment on the ground that the learned counsel for the appellant is not available today. Adjourned. To come up for preliminary hearing before the S.B on 18.10.2021.

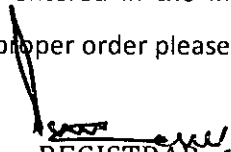


  
(MIAN MUHAMMAD)  
MEMBER (E)

Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 11467 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01/10/2020	<p>The appeal of Mr. Tasbih Ullah resubmitted today by Mr. Muhammad Inam Yousafzai 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> <p>2-</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>16/11/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>16.11.2020</p> <p>Due to third day of mourning the demise of Honourable Chief Justice, Peshawar High Court, the members of the Bar are not appearing before the courts today. The matter is, therefore, adjourned to 02.02.2021 before S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mr. Tasbihullah Ex-Head Constable Police District Swabi received today i.e. on 16.09.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Annexures of the appeal may be attested.
- 3- Annexures of the appeal may be flagged.

No. 2688 /S.T,

Dt. 17/09 /2020

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. M.Inam Yousafzai Adv. Pesh.

①

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER PAKHYUNKHWA PESHAWAR**

Service Appeal No. 11467 P/2020

Tasbih Ullah

**VERSUS**

DIG Mardan Police

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4	Copy of Departmental Appeal	<u>B</u>	10
5	Copies of Medical Certificates	<u>C</u>	11 - 19
6	Copy of Office Order dated 24/08/2020	<u>D</u>	20 - 21
7	Wakalat-Nama		20

Dated: 16/09/2020

Appellant  
Through  
Zia-Ud Din Khan  
Advocate High Court  
Attested  
**ZIA-UD-DIN KHAN**  
Waqar Ahmed Advocate  
High Court Federal Sharia  
(Associate)  
Court of Peshawar

**Office: INSAF LAW CHAMBER Flat No. 34-B, Super Market Phase-I Hayatabad  
Township Peshawar City, Khyber Pakhtunkhwa Province the Islamic Republic  
of Pakistan.**

Cell. No. 0345-9110368/0303-5893180  
E-mail: Ziakhan\_12@yahoo.com

(2)

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER PAKHYUNKHWA PESHAWAR**

Service Appeal No. \_\_\_\_\_-P/2020

Tasbih Ullah Ex-Head Constable (BPS-07) Police District Swabi  
Khyber Pakhtunkhwa.

[Appellant]

**VERSUS**

- 1) The Deputy Inspector General (DIG) of Police Mardan Region, Central Police Lines District Mardan Khyber Pakhtunkhwa.
- 2) The Regional Police Officer (RPO) Mardan Region, Central Police Lines District Mardan Khyber Pakhtunkhwa.
- 3) The District Police Officer (DPO) District Swabi, District Headquarter of Police Swabi Khyber Pakhtunkhwa.
- 4) The Govt of Khyber Pakhtunkhwa through Chief Secretary Central Civil Secretariat Peshawar.

[Respondents]

.....

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL ACT 1974**

**AGAINST THE IMPUDGNE OFFICE ORDER NO. 2063-68/PA, DATED SWABI, THE 24/09/2019, WHEREBY MAJOR PENALTY OF DISMISSAL FROM SERVICE HAS BEEN IMPOSED ON THE APPELLANT BY THE RESPONDENT NO. 3/THE DISTRICT POLICE OFFICER SWABI. WHILE, THE APPELLATE AUTHORITY THE RESPONDENT NO. 2/THE REGIONAL POLICE OFFICER (RPO) THROUGH OFFICE ORDER NO. 5126-ES/DATED MARDAN THE 24 - 08 - 2020, WHEREBY THE DEPARTMENTAL APPEAL DATED: 10/07/2020 OF THE APPELLANT WAS REJECTED.**

*Respectfully Sheweth;*

**BRIEF FACTS**

- 1) That the Appellant is a respectable Law-abiding citizen of Pakistan and belongs to a respectable family. Moreover, the appellant was initially appointed/recruited as a 'Constable (BPS -05)' in the Khyber Pakhtunkhwa Police in 2007 at his dwelling District Mardan where he render his services with honesty, zeal and zest to the entire satisfaction of his superiors (respondents). While, later on the appellant was promoted as 'Head-Constable (BPS-07)'.

- 2) That the 'Respondent No. 3/the District Police Officer (DPO)' imposed major penalty of 'Dismissal from Service' on the appellant whereby the present appellant was dismissed from service dated 24/09/2019 on the ground of willful and intentional absence from duty.

{Copy of Dismissal Order dated 24/09/2019 annexed Annexure- A}

- 3) It is pertinent to mention here that the Respondents neither served any 'Show-Cause Notice' to the present appellant nor informed about any inquiry proceedings or report of whatever nature has been conducted despite the fact that it was mandatory under the Law for the respondent to oblige.
- 4) That the Respondents haven't conducted/initiated any departmental inquiry/proceedings against the appellant and neither any 'Charge Sheet/Statement' of allegations was served upon the appellant. The respondent's allegation of absence from duty against the appellant is not true because the reason of appellant absence from duty was his serious illness (TB). While, the appellant in his 'Departmental Appeal' before the 'Respondent No. 1/the Deputy Inspector General (DIG) of Police' also put of the same plea.

{Copy of Departmental Appeal annexed Annexure- B}

- 5) That the Respondents didn't communicated and served any Show-Cause Notice to the appellant which was mandatory for the respondents under the Rules and neither the appellant was informed through any source of communication or through any publish 'Advertisement' etc in any reputed News Paper. It is further averred that the respondents neither conducted/initiated any departmental inquiry/proceedings against the appellant to probe into the matter as per modus operandi. Hence, this act of the respondents is against the famous principle that 'none could be condemned unheard'.
- 6) It is also important to be noted that the reason behind the Appellant absence from duty was his serious illness and the appellant also informed the concerned officials regarding his illness. But unfortunately, the same wasn't considered positively. Reliance could be made on the judgment of the Hon'ble Lahore High Court (2016 PLC (C.S 296)) clearly stated that;
- 'Whenever any discretion was given to an authority it had to be exercised not arbitrarily, but honestly, justly and fairly in consonance with the spirit of law after application of judicious mind and for



(4)

substantial reasons---Discretion had to be exercised with due care and caution keeping in mind the principles of natural justice, fair trial and transparency---Authority should record reasons with regard to dispensing with regular inquiry---Where recording of evidence was necessary to establish charge then departure from regular inquiry would amount to condemned unheard---Serving of Show-Cause notice and reply thereto in denial of allegations would not amount to affording the employee reasonable opportunity of showing cause'.

{Copies of Medical Certificates annexed Annexure- C}

- 7) Likewise, in the Civil Appeals No.1122, 1123, 1107 of 2013 & 173 and 174 of 2015, the Honorable Supreme Court of Pakistan further clarified that;

'For reasons to be recorded later these appeals are partially allowed and the impugned judgments of the High Court are set aside to the extent of setting aside the order of dismissal of the respondents by the Commandant Frontier Constabulary. However, since the procedure laid down in Rule 18 of the NWFP Frontier Constabulary Rules, 1958 had not been followed during the inquiry conducted against the respondents, a denovo inquiry according to the said Rule may be conducted against the respondents. In order to hold the inquiry the respondents have to be reinstated. Since three inquiries have already been held, the fresh inquiry shall be concluded within a period of four months'.

- 8) The Appellant refuted the allegations of absentee put up by the respondent in the subject matter case. While, it is pertinent to mention here that this Hon'ble Court/Tribunal as well as the Superior Judiciary frequently directed that no one should be condemned unheard and the case should be decided in its true letter and spirit according on merit. Reliance could be made on the judgment of the Hon'ble Peshawar High Court (PLD 2011 Page 47) wherein the Principle of Natural Justice elucidates that;

'Order passed by an authority against the interest of a person without providing him opportunity of hearing would be an illegal order'.

- 9) That being aggrieved by the said unlawful acts of the respondents and finding no other alternate remedy, the appellant had left with no other option but approach this Hon'ble Court/Tribunal through the appeal in hand inter-alia on the following grounds:

5

**GROUND**

A) That the impugned Office Order No. 2063-68/PA, Dated Swabi the 25/09/2019 which is issued by the 'Respondent No. 3/the District Police Officer (DPO)' whereby the appellant has been dismissed from service is not only based on their malafide intention, ill-will, unlawful and trying to deprive the appellant of his Fundamental Constitutional Right but also against the Law, Rules and Principles of Natural Justice.

B) That the Appellant has not been treated in accordance with Law, nor he has been granted any proper, fair and meaningful opportunity of self-defense and thus the alleged charges of absence against the appellant are false, baseless and devoid of merits, hence not tenable in the eyes of Law. The Hon'ble Supreme Court of Pakistan in the case of Muhammad Naeem Akhtar Vs Managing Director Water and Sanitation Agency LDA, Lahore and Others (2017 SCMR, Page 356), further elucidates that;

'Inefficiency---Major Penalty---Dispensation of regular enquiry---Legality---Fact finding enquiry--- Supreme Court observed that it would be lawful, appropriate and fair that a regular enquiry was conducted to the extent of responsibility of the appellant for his alleged misconduct and if culpable, the lawful penalty that may be imposed on him---Supreme Court set-aside the major penalty of dismissal from service imposed on the appellant and remanded his case to the department for holding regular enquiry after giving him full opportunity of representation in accordance with Law'.

C) That the 'Departmental Appeal' of the present appellant was rejected by the Respondent No (1)/the Regional Police Officer (RPO) through vide Office Order No. 15868-69/Legal/1134, dated 24/08/2020. Reliance could be made on the Hon'ble Supreme Court of Pakistan in the case of Inspector General of Police, Police Headquarters Office Karachi others Vs Shafqat Mehmood (2003 SCMR, Page 207), wherein it has been precisely stated that;

'Natural Justice, principles of---Applicability---Opportunity of defence to civil servant---Scope---Proper inquiry is to be conducted wherein Government servant is to be provided an opportunity of defence and personal hearing and if regular inquiry is proved then action against the public servant is to be taken'.

{Copy of Office Order dated 24/08/2020 annexed Annexure- D}

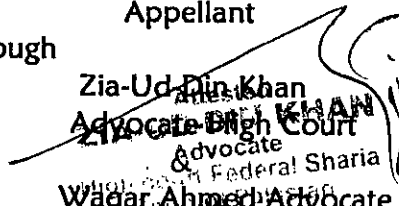
- 6
- D) That the Appellant has been condemned unheard and has not been treated in accordance with Law. No opportunity of personal hearing and personal defense has been provided to the appellant which is against the Law, hence the impugned order is void and illegal. Similarly, the appellant being a low paid Government Servant, having no other alternate source of income and deserving to be treated leniently. Therefore, the impugned order being harsh and vindictive liable to be Set-aside.
- E) It is further averred that Constitutional Provisions containing fundamental rights and the powers of the Courts to enforce them also received a broader interpretation after the Benazir Bhutto judgment. In the widely celebrated case in 'Shehla Zia Vs Wapda', the concept of right to life was not allowed to be confined to mere vegetal existence but was held to include the right to enjoy all decent comforts of life including the right to live in a pollution free environment.
- F) That the Appellant shall be allowed to add any other ground(s) at the time of arguments.

**PRAYER IN APPEAL**

- i) On acceptance of this Appeal, the impugned Office Order No. 2063-68/PA, Dated Swabi, The 25/09/2019 of the 'Respondent No. 3/the District Police Officer (DPO)' regarding the Appellant dismissal from service is illegal and unlawful, may please be Set-aside and the appellant shall be 'Re-instated' to service with all back benefits.
- ii) On acceptance of the appeal in hand, the inquiry proceedings conducted by the respondents against the appellant in Ex-Parte shall be declared null and void as the same against the Law and Principles of Natural Justice and the case of the appellant shall be referred for a 'Denovo Inquiry'.
- iii) Any other relief deems proper in the circumstances of this case may also be granted in favor of the appellant.

Dated: 16/07/2019

Appellant  
Through  
Zia-Ud-Din Khan  
Advocate High Court  
& Federal Sharia  
Court  
Waqar Ahmed Advocate

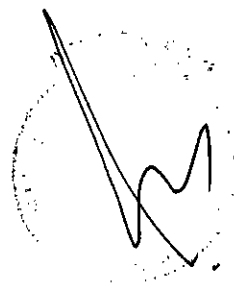


AFFIDAVIT

I, Tasbih Ullah Ex-Head Constable (BPS-07) Police District Swabi Khyber Pakhtunkhwa, do hereby solemnly affirm and declare on oath that the contents of this 'Appeal' are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal/Court.

*Tasbih Ullah*  
DEPONENT

*Tasbih Ullah*  
16101-0184672-1



BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER PAKHYUNKHWA PESHAWAR

Service Appeal No. \_\_\_\_\_-P/2020

Tasbih Ullah

VERSUS

DIG Mardan Police

APPLICATION FOR CONDONATION OF DELAY


Respectfully Sheweth:

- 1) That the above titled case has been filed by the applicant wherein no date for hearing has yet been fixed.
- 2) That the reason behind delay in filing of the 'Departmental Appeal' before the 'Appellate Authority' was the serious illness of the applicant/appellant. (Copies of Medical Certificates have been annexed with main Appeal).
- 3) That the delay in filing of the above title appeal is neither willful, nor intentional, but due to the above stated reason.
- 4) There are plethora of judgments of the Supeor Courts that cases must be decided on merits and technicalities should be avoided. The applicant is diligently pursuing his case therefore; the case deserves to be decided on merits.

It is therefore, most humbly prayed that on acceptance of this application, the delay in filing the above mentioned 'Departmental Appeal' may kindly be condoned in the best interest of justice.

Dated: 16/09/2020

Appellant  
 Through  
 Zia-Ud-Din Khan  
 Attested  
 Advocate High Court  
 ZIA-UD-DIN KHAN  
 Advocate  
 High court Federal Sharia  
 Court of Pakistan



AFFIDAVIT

I, Tasbih Ullah Ex-Head Constable (BPS-07) Police, District Swabi Khyber Pakhtunkhwa, do hereby solemnly affirm and declare on oath that the contents of the accompanying 'Application for Condonation' are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal/Court.

  
 DEPONENT

Annex 'A' (615)



9

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI.

ORDER.

Head Constable Tasbih Ullah No.615, while posted to Police Post Azam Abad, absented himself from duty with effect from 08.04.2019 till date without any leave/prior permission of the competent authority, which is against the discipline and amounts to gross mis-conduct. Therefore, he was issued with Show Cause Notice and directed to receive but the directions fell on deaf ears and he did not bother to receive. Therefore, he was issued with Charge Sheet and Summary of Allegations and DSP, Swabi was appointed to conduct departmental enquiry against him. The officer conducted enquiry, recorded statements of all concerned, collected evidence and submitted his findings wherein he found Head Constable Tasbih Ullah No.615, guilty for the mis-conduct and recommended him for major punishment. The undersigned perused the enquiry papers, findings of the Enquiry Officer and by agreeing with him served Head Constable Tasbih Ullah No.615 with Final Show Cause Notice through local Police on 6.9.2019. He was clearly directed to submit his reply within 7 days of the receipt of the notice, otherwise, ex-parte action will be taken but he did not submit his reply. However, it was decided to give him an opportunity of personal hearing and directed to appear in Orderly Room, but he did not, which means that he has nothing to offer in his defence and deserves ex-parte action.

Certified to be true copy.

Therefore, I, Syed Khalid Hamdani, PSP,QPM, District Police Officer, Swabi, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules 1975, hereby award Head Constable Tasbih Ullah No.615, Major Punishment of dismissal from service, from the date of his absence i.e 8.4.2019.

O.B No. 772  
Dated 24/09 2019.

*(Signature)*  
(SYED KHALID HAMDANI) PSP,QPM  
District Police Officer, Swabi.

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI.

No. 2063-68 /PA, dated Swabi, the 25/09/2019.

- Copies to the: -
1. DSP, Razzar.
  2. Pay Officer.
  3. Establishment Clerk.
  4. Fauji Missal Clerk.
  5. Official concerned

ATTESTED

*(Signature)*  
District Police Officer, Swabi.

*(Handwritten notes)*  
22/6  
2020  
Rashid Ali  
22-6-2020  
Date of Delivery of Copy: 22-6-2020

بخدمت جناب DIG صاحب مردان ریجن مردان

اپیل برخلاف حکم محررہ 25-09-2019 ڈی۔ پی۔ او صاحب صوابی

جناب عالی!

- 1- یہ کہ سائل بطور ہیڈ کنسٹیبل نمبر 615 پولیس پوسٹ اعظم آباد میں ڈیوٹی انجام دے رہا تھا۔
  - 2- یہ کہ اپریل 2019 میں سائل شدید بیمار ہوا۔ اور بوجہ بیماری ڈیوٹی پر نہ آسکا۔ (میڈیکل کاغذات لف ہیں)۔
  - 3- یہ کہ میں جب بمورخہ 20-06-2020 کو جب ڈیوٹی کیلئے گیا۔ تو وہاں ان لوگوں نے کہا کہ آپ DPO صوابی صاحب کے دفتر سے آپ معلومات کرے۔ تو اسکے بعد مجھے پتہ چلا کہ میں Dismiss ہوا ہو۔ تو اسلئے مجھے 22-06-2020 کو Dismiss آدر ملا۔
  - 4- یہ کہ بدوران بیماری سائل کئی ماہ تک بستر پر پڑا رہا۔ اور چلنے پھرنے کا قابل نہ تھا۔
  - 5- یہ کہ سائل کو حال ہی میں پتہ چلا کہ DPO صاحب صوابی نے اپنے عہدے سے برطرف کر دیا ہے۔
  - 6- یہ کہ سائل کے حکم مندرجہ بالا یکطرفہ ہے۔ اور سائل کو شنوائی کا موقع نہیں دیا گیا۔
  - 7- یہ کہ سائل کے خلاف تمام کارروائی کے دوران سائل کو کوئی نوٹس وغیرہ نہیں دیا گیا۔ اور ساری کارروائی کا سائل کو کوئی علم نہ تھا۔
  - 8- یہ کہ سائل اپنے خاندان کا واحد کفیل ہے۔ اور سائل کی آمدنی کا کوئی ذریعہ نہیں ہے۔
  - 9- یہ کہ سائل کی غیر حاضری قصداً عمدانہ ہے۔ بلکہ بوجہ بیماری ہے۔
  - 10- یہ کہ سائل کو اپنے زیر سایہ خدمت کا آخری موقع دیا جائے تو بڑی مہربانی ہوگی۔
- لہذا استدعا ہے کہ حکم محررہ 25-09-2019 جناب ڈی۔ پی۔ او صاحب صوابی منسوخ فرما کر سائل کو اپنے عہدے پر بحال کرنے کے احکام صادر فرمائی جائے۔

تسبیح اللہ علیہ وسلم  
HC No-615

10/07/2020

Annex - 'C' (11-19)

11

Dr. Waqar Ahmad

MBBS, Diap Diabetes  
Registrar Medical "A" Ward  
Incharge Diabetic O.P.D  
Mardan Medical Complex Mardan



ڈاکٹر وقار احمد

ایم بی بی ایس، ڈی آئی اے بی ڈی ایف  
رجسٹرڈ ڈیپٹھس "اے" وارڈ  
انچارج ڈیپٹھس او پی ڈی  
مردان میڈیکل کمپلیکس مردان

Pt's Name تبیح اللہ Age 31 Sex M Date 4/4/18

Clinical Record

Rx

Pur. B-

St. mynol forte

St. vita - 6

66

St. H...  
St. U...  
St. D...  
Exp: Raktas Exp

WA. 42 18

MEDICAL OFFICER  
Mardan

Mob: 0333-9178914

کلینک: بین روڈ نزد شگنی پل مردان



Dr. Waqar Ahmad  
MBBS, Diap Diabetes  
Registrar Medical "A" Ward  
Incharge Diabetic O.P.D  
Mardan Medical Complex Mardan



ڈاکٹر وقار احمد

ایم بی بی ایس، دیپ ڈیابٹس  
رجسٹرڈ میڈیکل "اے" وارڈ  
انچارج ڈیابٹس او پی ڈی  
مردان میڈیکل کمپلیکس مردان

Pt's Name Taqi Ahmad Age 37 Sex M Date 4/5/18

Clinical Record

Rx

Pain TB

Sup AF

Rx

Sub mynol forte  
Sub Ibest forte

Q.B

Cap. Exo  
Sub. Al

4948

Sub. Hylix

[Signature]

Mob: 0333-9178914

فونک: 0333-9178914

# CALL FOR CONSULTATION

Dated: 5/27/19 Time: \_\_\_\_\_ Bed No. MAD

Call To: Pt. - Tarsbach Miller, Age 31 yrs.

Hx by Pt. TB (on ATT), pt. improve. E. Tx.  
Advised to complete full course.

Rx

500 mg. of Isoniazid

(3)

was 55 kg

800 mg. Rifampin

bp: 140/80

Cap. Isoniazid 200 mg  
Rifampin 600 mg

Doctor Name: \_\_\_\_\_

Sign: \_\_\_\_\_

[Signature]

Call Attended by: \_\_\_\_\_

Designation: \_\_\_\_\_

Dated: \_\_\_\_\_

Sign: \_\_\_\_\_

**Dr. Waqar Ahmad**  
MBBS, Diap Diabetes  
Registrar Medical "A" Ward  
Incharge Diabetic O.P.D  
Mardan Medical Complex Mardan



**ڈاکٹر وقار احمد**

ایم بی بی ایس، ڈی آئی ڈی، ڈی ایچ ڈی  
ریسٹرنری میڈیکل "اے" وارڈ  
انچارج ڈی ایچ ڈی ایف ایس او پی ڈی  
مردان میڈیکل کمپلیکس مردان

Pt's Name سید سعید اللہ Age 37 Sex M Date 4/8/18

Clinical Record

Rx

Pul: TB (Pt. improve) (T+)  
 Continue ATT  
 1st Line drug  
 Cap: K Spiro  
 9K Mid Whagee  
 20. 65 kg

*[Handwritten signature]*

Mob: 0333-9178914

کلینک میں روڈ نمبر 100، قلعہ پل مردان

**Dr. Waqar Ahmad**

MBBS, Diap Diabetes  
Registrar Medical "A" Ward  
Incharge Diabetic O.P.D  
Mardan Medical Complex Mardan.



**ڈاکٹر وقار احمد**

ایم بی بی ایس، ڈی آئی ڈی  
رجسٹرڈ میڈیکل "اے" وارڈ  
انچارج ڈیابٹیس او پی ڈی  
مردان میڈیکل کمپلیکس مردان

Pt. Name Tirbech Age 32 Sex M Date 7/10/18

Clinical Record

Rx

P412 TB

an mycobact facc.

(Sib)

Mildly imp...  
Dp...

CP...  
H...

[Signature]

**Dr. Waqar Ahmad**

MBBS, Diap Diabetes  
Registrar Medical "A" Ward  
Incharge Diabetic O.P.D  
Mardan Medical Complex Mardan.



**ڈاکٹر وقار احمد**

ایم بی بی ایس، ڈی آئی ایس ڈی ڈی ایس  
ریسٹرو آرڈر سب سب ڈی ایس  
انچارج ڈی ایس او پی ڈی  
مردان میڈیکل کمپلیکس مردان

Pt. Name Tribach vilah Age 32 Sex M Date 8/12/13

Clinical Record

Rx

P-17 TB

(- mycobacterium f. avium)

49.70%

(6)

ii) Dantrolene (5)  
Vitamin B12  
Folic acid  
Isoniazid  
Rifampin  
Ethambutol  
Pyrazinamide

**Dr. Waqar Ahmad**

MBBS, Diap Diabetes  
Registrar Medical "A" Ward  
Incharge Diabetic O.P.D  
Mardan Medical Complex Mardan.



**ڈاکٹر وقار احمد**

ایم بی بی ایس، ڈی آئی ڈی، ڈی پی ڈی  
رجسٹرڈ میڈیکل "اے" وارڈ  
انچارج ڈیابٹک او پی ڈی  
مردان میڈیکل کمپلیکس مردان

Pt. Name سید سعید احمد Age 35 Sex M Date 17/12/2018

Clinical Record

Rx

Pro TB - (or TB)

Pt. improve

stop  
cp

12 NCTK

sup C...

for NCTK

cp

### Dr. Waqar Ahmad

MBBS, Diap Diabetes  
Registrar Medical "A" Ward  
Incharge Diabetic O.P.D  
Mardan Medical Complex Mardan.



### ڈاکٹر وقار احمد

ایم بی بی ایس، ڈی آئی ڈی پی ڈی ایس  
رجسٹرار میڈیکل "اے" وارڈ  
انچارج ڈیابٹک او پی ڈی  
مردان میڈیکل کمپلیکس مردان

Pt. Name تیسعہ بی بی Age 33 Sex م Date 6/4/2023

Clinical Record

Rx

on ATP

on 40 mg

Cap. Lisin

Handwritten signature

**Dr. Waqar Ahmad**

MBBS, Diap Diabetes  
Registrar Medical "A" Ward  
Incharge Diabetic O.P.D  
Mardan Medical Complex Mardan.



**ڈاکٹر وقار احمد**

ایم بی بی ایس، ڈی آپ ڈی ایس  
ریسٹرار میڈیکل "اے" وارڈ  
انچارج ڈی ایس او پی ڈی  
مردان میڈیکل کمپلیکس مردان

Pt. Name سید سعید اللہ Age 32 Sex M Date 8/8/20

Clinical Record

Rx

ATT Completed

Pt. improvement  
No. rx Completed

SB. Subst. at 2



Annex-'D' (20-21)

ORDER

This order will dispose-off the departmental appeal preferred by Ex-Head Constable Tasbi Ullah No. 615 of Swabi District Police against the order of District Police Officer, Swabi, whereby he was awarded major punishment of dismissal from service vide OB No. 772 dated 24.09.2019. The appellant was proceeded against departmentally on the allegations that he while posted at Police Post Azam Abad absented himself from his lawful duty with effect from 08.04.2019 till date of his dismissal without any leave/prior permission of the competent authority.

He was issued Show Cause Notice and directed time and again to receive the same but to no avail. Hence, proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Sub Divisional Police Officer (SDPO) Swabi was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities, submitted his findings wherein he recommended the appellant for awarding major punishment.

He was issued Final Show Cause Notice on 06.09.2019 with the directions to submit his reply within seven days of the receipt of the notice. But he did not bother to submit his reply. Besides, he was also provided right of self defense by summoning him in Orderly Room, but this time too he failed to appear before the competent authority. Therefore, ex-parte action was taken against him and he was awarded major punishment of dismissal from service from the date of absence i.e 08.04.2019 by the District Police Officer, Swabi vide OB: No. 772 dated 24.09.2019.


Feeling aggrieved from the order of District Police Officer, Swabi the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in his office on 11.08.2020.

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 also failed to appear before the competent authority in Orderly Room which clearly depicted that he had nothing to justify his absence. It is pertinent to mention here that prior to this, the appellant had been dismissed on the same allegations who was later on re-instated into service vide this office order endorsement No. 9276/ES dated 22.12.2017. But he failed to mend his ways. It is worthwhile

that the appellant approached this forum at a belated stage without advancing any cogent reason regarding the delay. Hence, order passed by the competent authority does not warrant any interference.

Keeping in view the above, I, **Sher Akbar, PSP S.St 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.**

No. 5126 /ES, Dated Mardan the 24-8- /2020.

Copy forwarded to District Police Officer, Swabi for information and necessary action w/r to his office Memo: No. 98/Insp: Legal dated 28.07.2020. His Service Record is returned herewith.

(\*\*\*\*\*)

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ایڈوکیٹ: ضیاء الدین خان، العالی خان، سمنی		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل ایسوسی ایشن نمبر: Be-10-9856				
رابطہ نمبر: 0345-9110368/030058				

بعدالت جناب: جسٹس رحیم، کنوینشن سروس ٹریننگ سینٹر، لہور

منجانب: شیخ اللہ	دعویٰ:
بنام ڈی۔ اے۔ جی۔ سراج کو لیس	علت نمبر:
	مورخہ: 16 ستمبر 2020ء
	جرم:
	تھانہ:

**باعت تحریر آگہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ آن مقام لہور کیلئے ضیاء الدین خان، العالی خان، سمنی 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 یکطرفہ 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 بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے 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 سند رہے

المرقوم: 16 ستمبر 2020ء

باعت تحریر آگہ

مقام لہور کے لیے منظور ہے۔  
نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔  
شیخ اللہ

Attested  
**ZIA-UD-DIN KHAN**  
Advocate  
High court Federal Sharia  
Court of Pakistan

شیخ اللہ ولد الزور سمنی لہور

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER**  
**PAKHTUNKHWA PESHAWAR**

Tasbiullah

**VERSUS**

D.I.G Mardan Police

**APPLICATION FOR DEPOSIT OF**  
**SECURITY AMOUNT**

**Respectfully Sheweth,**

1. That the above mention service Appeal is pending adjudicating before the Hon'ble Court which is fixed for today.
2. That the applicant/appellate shall be allowed to deposit the requisite security amount.

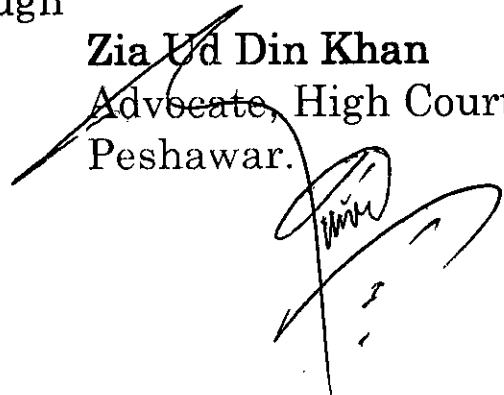
*It is, therefore, most humbly prayed that on acceptance of this application the applicant/appellate shall be allowed to deposit the requisites security amount.*

Dated: 15/07/2022

**Applicant/Appellate**

Through

**Zia Ud Din Khan**  
Advocate, High Court  
Peshawar.



"A"

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

No.

APPEAL No. 11467 of 20 20

Tasbiqullah

Appellant/Petitioner

lyd

Versus

D. I. G. Mardan

RESPONDENT(S)

Notice to Appellant/Petitioner

Tasbiqullah EX-Head -  
constable (BPS-07) Police Distt:  
Swabi

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 21/12/21 at 9:00

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.



Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

"A"

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

No.

APPEAL No. 11467 of 20 20

TasbiH uLlah

Apellant/Petitioner

Versus

D-I-G Police Mardan

RESPONDENT(S)

Notice to Apellant/Petitioner

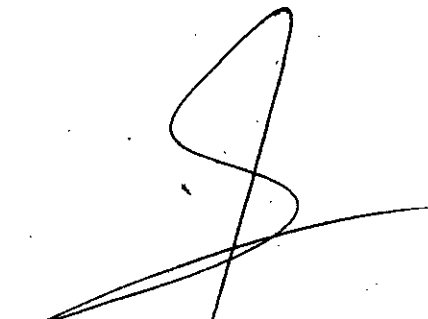
counsel

Zia ud Din Khan &

Inam Khan Yousaf Zai Adh  
Peshawar.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 21/12/21 at 9 a.m.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

  
24.11.21

  
Registrar.

2 Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.