

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 498/2018

Date of Institution ... 10.04.2018

Date of Decision ... 24.01.2022

Rashid Ahmad S/o Sher Zada, R/o Village Kokarai, Swat, Ex-Constable No. 1834,  
District Police Swat. ... (Appellant)

VERSUS

District Police Officer, Swat and others. ... (Respondents)

Arbab Saiful Kamal,  
Advocate

... For Appellant

Asif Masood Ali Shah,  
Deputy District Attorney

... For respondents

**AHMAD SULTAN TAREEN**  
**ATIQU-UR-REHMAN WAZIR**

...  
...

**CHAIRMAN**  
**MEMBER (EXECUTIVE)**

JUDGMENT

**ATIQU-UR-REHMAN WAZIR MEMBER (E):-**

This single judgment

shall dispose of the instant service appeal as well as the connected Service Appeal bearing No. 571/2018 titled "Aamir Shah Versus District Police Officer, Kohat and two others", as common question of law and facts are involved therein.

02. Brief facts of the case are that the appellant while serving as constable in police department, was proceeded against on the charges of absence and was ultimately dismissed from service vide order dated 21-02-2009. Feeling aggrieved, the appellant filed departmental appeal dated 20-03-2009, which was not responded. Subsequent appeal was submitted to respondent No 2, which was rejected vide order dated 12-03-2018, hence the instant service appeal with

prayers that the impugned orders dated 21-02-2009 and 12-03-2018 may be set aside and the appellant may be re-instated in service with all back benefits.

03. Learned counsel for the appellant has contended that the appellant was dismissed from service on the charges of absence but absence of the appellant was not willful but was due to compelling reason of terrorism; that a large number of police personnel had deserted their jobs due to threats of Taliban, who were again re-instated in service vide orders dated 30-11-2010, 15-03-2017 and 09-08-2017, but case of the appellant was not considered positively; that this Tribunal in numerous cases has already granted relief to the similarly placed employees and the appellant is also requesting for the same treatment under the principle of consistency; that absence of the appellant was not willful, which does not constitute gross misconduct and the penalty so awarded is harsh, which does not commensurate with gravity of the guilt; that the impugned order was issued with retrospective effect, which is void ab initio; that no codal formalities were fulfilled and the appellant has not been treated in accordance with law, hence his rights secured under the Constitution has badly been violated.

04. Learned Deputy District Attorney for the respondents has contended that the appellant was proceeded against on the charges of willful absence from duty, therefore proper departmental proceedings were initiated against him, which culminated into his removal from service under RSO 2000; that the appellant file departmental appeal with a considerable delay, which was rejected being barred by time; that numerous other officials were re-instated into service but every case has its own merits, whereas the appellant was awarded punishment for his own conduct; that final show cause notice was also served at his home address, but the appellant did not turn up, hence he was proceeded in absentia.

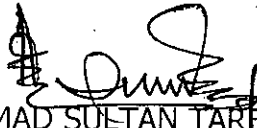
05. We have heard learned counsel for the parties and have perused the record.


06. Placed before us is case of a police constable, who alongwith many other police personnel had deserted their jobs in the wake of insurgency. Police department had constituted a committee for cases of desertion and keeping in view humanitarian aspect, re-instated such personnel into service in large number. Placed on record is a notification dated 30-11-2010, where 253 similarly placed employees had been re-instated on the recommendation of the committee constituted for the purpose. Vide another order dated 07-02-2012, batch of another 12 employees had been re-instated in service. Yet another order dated 15-03-2017 would show that similarly placed employee had been re-instated upon his revision petition on the ground of length of his service and cause of terrorism. Other cases of similar nature are available on record, which would suggest that the provincial government had taken a lenient view keeping in view the peculiar circumstances in the area at that particular time. Even this tribunal has already granted relief in similar nature cases under the principle of consistency. Appellant is also one among those, who had deserted his job due to threats from terrorists. Situation at that particular time was so perturb, as how to proceed such large number of cases of desertion, for which publications were made in newspapers, hence the proceedings so conducted in such like cases were not in accordance with law. In the instant case no regular inquiry was conducted, nor any charge sheet/statement of allegation was served upon the appellant and the appellant was condemned unheard and which shows that the appellant was summarily proceeded without adhering to the method prescribed in law.

07. We are also mindful of the question of limitation, but since the impugned order was passed without proper legal process and when an adverse order is passed without fulfilling the legal formalities, such order is void and no limitation runs against void order. Still another reason exists for condonation of delay that the impugned order was issued with retrospective effect being void ab initio.

08. In view of the situation mentioned above and keeping in view the principle of consistency, we are inclined to partially accept the instant appeal as well as the connected service appeal by converting the major penalty of dismissal from service into minor penalty of stoppage of increments for two years. The intervening period is treated as leave without pay. Respondents however are at liberty to conduct de-novo inquiry as per mandate of law, if they so desire. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED  
24.01.2022

  
(AHMAD SULTAN TAREEN)  
CHAIRMAN

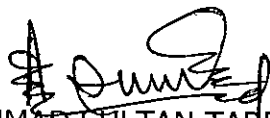
  
(ATIQ-UR-REHMAN WAZIR)  
MEMBER (E)

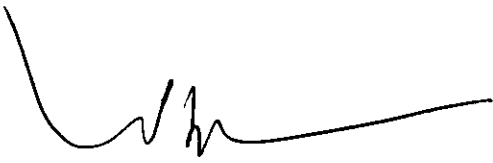
ORDER  
24.01.2022

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, we are inclined to partially accept the instant appeal as well as the connected service appeal by converting the major penalty of dismissal from service into minor penalty of stoppage of increments for two years. The intervening period is treated as leave without pay. Respondents however are at liberty to conduct de-novo inquiry as per mandate of law, if they so desire. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED  
24.01.2022

  
(AHMAD SULTAN TAREEN)  
CHAIRMAN

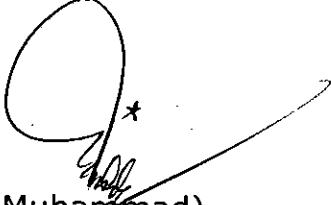
  
(ATIQ-UR-REHMAN WAZIR)  
MEMBER (E)

S.A No. 498/2018

17.11.2021

Junior of learned counsel for the appellant present.  
Mr. Hikmat Khan, H.C alongwith Mr. Asif Masood Ali Shah,  
Deputy District Attorney for the respondents present.

The learned Member (Judicial) Mr. Salah-ud-Din is  
on leave, therefore, arguments could not be heard.  
Adjourned. To come up for arguments before the D.B on  
24.01.2022.

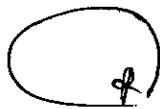
  
(Mian Muhammad)  
Member (E)

21.10.2021

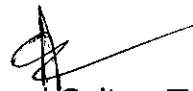
Counsel for appellant present.

Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

This case was fixed for today for orders, however, learned counsel for appellant has requested to make further submissions before announcement of the order. After hearing learned counsel at short length, it has been deemed appropriate to direct the office to fix this appeal before the bench comprising Hon'ble Members Mr. Salah ud Din (Member Judicial) and Mr. Mian Muhammad (Member Executive) when available. To come up for arguments on 29.10.2021 before D.B.



(Rozina Rehman)  
Member (J)

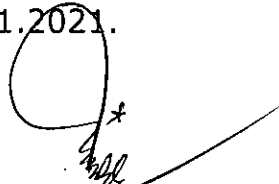


(Ahmad Sultan Tareen)  
Chairman

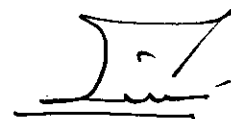
29.10.2021

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments before the D.B on 17.11.2021.



(Mian Muhammad)  
Member (E)



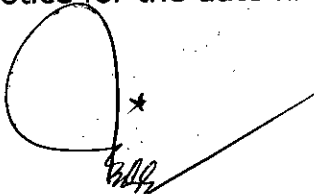
(Salah-Ud-Din)  
Member (J)

31.05.2021

Nemo for appellent.

Kabir Ullah Khattak learned Additional Advocate General alongwith Hikmat Khan Constable for respondents present.

Issue involved in the instant case is pending before Larger Bench, therefore, case is adjourned to 16.09.2021 for hearing before D.B. Appellant/counsel be put on notice for the date fixed.



(Mian Muhammad)  
Member (E)



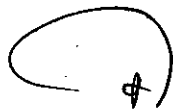
(Rozina Rehman)  
Member (J)

16.09.2021

Counsel for appellent present.

Usman Ghani learned District Attorney alongwith Hikmat Khan H.C for respondents present.

Arguments heard. To come up for order 21.10.2021 before D.B.



(Rozina Rehman)  
Member (J)



Chairman

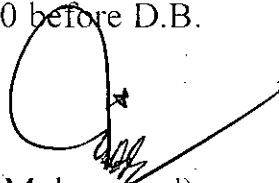


28.09.2020

Junior counsel for appellant present.

Mr. Usman Ghani learned District Attorney for respondents present.

A request was made for adjournment as issue involved in the present case is pending before Larger Bench of this Tribunal. Adjourned. To come up for arguments on 01.12.2020 before D.B.



(Mian Muhammad)  
Member (E)



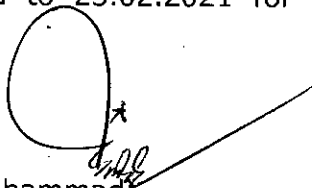
(Rozina Rehman)  
Member (J)

01.12.2020

Junior to counsel for the appellant and Zara Tajwar, DDA alongwith Ahmad Khan, H.C for the respondents present.

Seeks adjournment as learned counsel for appellant is busy before the Honourable Peshawar High Court in various cases today.

Adjourned to 23.02.2021 for hearing before the D.B.



(Mian Muhammad)  
Member(E)

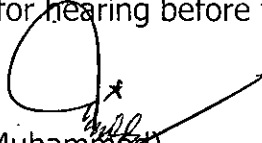


Chairman

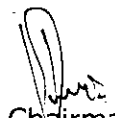
23.02.2021

Counsel for the appellant and Addl. AG alongwith Khawas Khan, S.I (Legal) for respondents present.

Former states that the issue regarding retrospectivity of penalty has not yet been answered by the Larger Bench of this Tribunal. Adjournment is, therefore, requested. Adjourned to 31.05.2021 for hearing before the D.B.



(Mian Muhammad)  
Member(E)



Chairman

4-5 .2020

Due to COVID19, the case is adjourned to  
15/7 /2020 for the same as before.


  
Reader

15.07.2020

Counsel for appellant present.

Mr. Kabir Ullah Khattak learned Additional Advocate  
General for the respondents present.

Former requests for adjournment. Adjourned to  
28.09.2020 before D.B, in order to avail the outcome of  
cases pending before Larger Bench of this Tribunal.

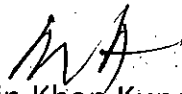
  
(Attiq ur Rehman)  
Member (E)

  
(Rozina Rehman)  
Member (J)

18.11.2019

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned to 02.01.2020 for arguments before D.B.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

02.01.2020

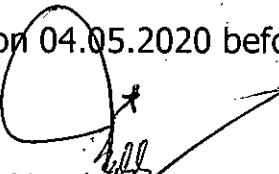
Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mr. Mir Faraz, DSP (Legal) for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 04.03.2020 for arguments before D.B.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

04.03.2020

Counsel for the appellant present. Addl: AG for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 04.05.2020 before D.B.

  
Member

  
Member

14.06.2019

Due to general strike by the Pakistan Bar Council, the case is adjourned. To come up for arguments on 11.07.2019 before D.B.

  
Member

  
Member

11.07.2019

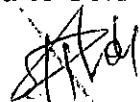
Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Khawas Khan Inspector present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 06.09.2019 before D.B.


  
Member

  
Member

06.09.2019

Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Mir Faraz, DSP (Legal) for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 18.11.2019 for arguments before D.B.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

08.01.2019

Clerk to counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney alongwith Mr. Mir Faraz DSP for the respondents present. Due to general strike of the bar, the case is adjourned. To come up for arguments on 06.03.2019 before D.B

  
Member

  
Member

06.03.2019

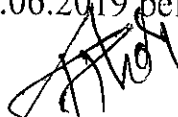
Junior counsel for the appellant and Mr. Kabirullah Nattak, Additional AG alongwith Mr. Mir Faraz, DSP (Legal) for respondents present. Junior counsel for the appellant seeks adjournment on the ground that learned senior counsel for the appellant is busy before the Hon'ble Peshawar High Court. Adjourn. To come up for arguments on 18.04.2019 before D.B.


  
(M. HAMID MUGHAL)  
MEMBER

  
(M. AMIN KHAN KUNDI)  
MEMBER

18.04.2019

Appellant in person present. Mr. Zia Ullah learned Deputy District Attorney alongwith Mr. Khawaz Khan Inspector for the respondents present. Due to general strike of the bar council learned counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 14.06.2019 before D.B.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

07.08.2018

Miss. Uzma Syed, Advocate appeared on behalf of counsel for the appellant. Mr. Kabirullah Khattak, Addl: AG for respondents present. Written reply not submitted. Learned AAG sought some time to submit the same. Granted. Case to come up for written reply/comments on 27.09.2018 before S.B.

  
Chairman

27.09.2018

Appellant Rashid Ahmad in person present. Mr. Sajjad Hussain, H.C alongwith Kabirullah Khattak, Addl. AG for the respondents present. Written reply submitted. To come up for rejoinder, if any, and arguments on 19.11.2018 before the D.B.

  
Chairman

19.11.2018

Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Mr. Ishaq Khan DSP legal present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 08.01.2019 before D.B.

  
Member

  
Member

23.04.2018

Counsel for the appellant present. Preliminary arguments heard. The learned counsel for the appellant argued that the appellant was dismissed from service on 21.1.2009 with retrospective effect. That against this order, the appellant filed departmental appeal on 20.03.2009 which was not responded to and thereafter he filed another appeal on 07.02.2018 which was rejected on 12.3.2018 on the ground of limitation, hence the present service appeal on 10.04.2018. The learned counsel for the appellant further argued that no limitation would run as the order was given ~~with~~ retrospective effect. On merits he argued that no regular enquiry was conducted.

The points raised need consideration. The appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 11.06.2018 before the S.B.

Appellant Deposited  
Security & Process Fee

11.06.2018

None present on behalf of the appellant. Mr. Kabirullah Khattak, Additional AG for the respondents present. Representative of the department is not in attendance, therefore, notice be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date. Adjourned. To come up for written reply/comments on 07.08.2018 before S.B.


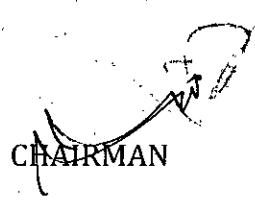
  
Chairman

  
(Muhammad Amin Khan Kundi)  
Member

Form-A  
FORM OF ORDERSHEET

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

Case No. 498/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	10/04/2018	<p>The appeal of Mr. Rashid Ahmad presented today by Mr. Saadullah Khan Marwat Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	11/04/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>23/04/18.</u></p> <p> CHAIRMAN</p>



**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

S.A No. 498 /2018

Rashid Ahmad

versus

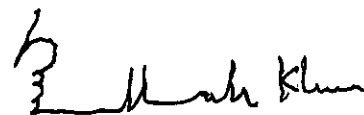
D.P.O & Others

**I N D E X**

S. No	Documents	Annex	P. No.
1.	Memo of Appeal		1-3
2.	Dismissal order dated 21-02-2009	"A"	4
3.	Departmental appeal dated 20-03-18	"B"	5
4.	Sub: Representation dated 07-02-18	"C"	6-7
5.	Filing Order dated 12-03-2018	"D"	8
6.	Reinstatement of other constables	"E"	9-19
7.	Judgments in similar cases	"F"	20-26

Appellant

Through



Saadullah Khan Marwat  
Advocate.

21-A Nasir Mansion,  
Shoba Bazaar, Peshawar.

Ph: 0300-5872676

0311-9266609

Dated.09-04-2018

**BEFORE KPK SERVICE TRIBUNAL PESHAWAR**

S.A No. 498 / 2018

Rashid Ahmad S/O Sher Zada,  
R/o Village Kokarai, Swat,  
Ex-Constable. No. 1834,  
District Police Swat . . . . . Appellant

Khyber Pakhtukhwa  
Service Tribunal

Diary No. 524

Dated 10-4-2018

**VERSUS**

- 1. District Police Officer, Swat.
- 2. Regional Police Officer,  
Malakand, at Saidu Sharif  
Swat . . . . . Respondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974  
AGAINST O.B. NO. 28, DATED 21-02-2009 OF R. NO.  
01 WHEREBY APPELLANT WAS DISMISSED FROM  
SERVICE FROM 29-10-2008 OR OFFICE ORDER NO.  
2503/E DATED 21-03-2018 OF R. NO. 02, WHEREBY  
REPRESENTATION OF APPELLANT WAS FILED:**

**Filed to-day**

*[Signature]*  
**Registrar**

10/4/18

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**Respectfully Sheweth:**

- 1. That appellant was enlisted in service in the year 2008 as Constable and served the department till the date of dismissal from service.
- 2. That appellant was deputed to PTC, Hangu for training in the year 2008 which was qualified by him.
- 3. That on 29-10-2008, appellant was posted at PTC Hangu, but absented from duty vide message dated 27-11-2008.

4. That in the impugned order Charge Sheet, Statement of Allegation and Enquiry is mentioned but due to the deteriorated situation the same could not be served upon him so no reply was submitted to the same.
5. That on the absence of allegation, appellant was dismissed from service by R. No. 01 vide order dated 21-02-2009 with effect from 29-10-2008 retrospectively. (Copy as Annex "A")
6. That on 20-03-2009, appellant submitted departmental appeal before R. No. 02 for reinstatement in service but without any response. (Copy as Annex "B")
7. That on 07-02-2018, appellant submitted subsequent representation before R. No. 02 which was rejected on 12-03-2018 on merit. (Copies as Annex "C" & "D")
8. That not only appellant was dismissed from service on the score of absence but numerous others were also dismissed as such and they were reinstated into their services vide order dated 30-11-2010, 15-03-2017 and 09-08-2017 (Copies as Annex "E")
9. That apart from the aforesaid fact, the subject matter came up for consideration before the hon'ble Tribunal and after thorough probe, their appeal's were accepted vide judgments dated 02-05-2016 and 07-12-2017, etc. (Copies as Annex "F")

Hence this appeal, inter alia, on the following grounds:

**GROUND S:**

- a. That appellant was enlisted in service in the year 2008 and served the department till the date of dismissal from service.
- b. That at the time, the Swat Valley was in clutches of the miscreants and it is will in knowledge of every one that they were ruling the area and the government machinery was totally collapsed. Employees were kidnapping, beheading and killing either through guns or bomb blasts. In such a situation employees of almost all of every department let their services, especially of the police department.

- c. That appellant was dismissed from service on the score of absence but such absence was not willful but was due to the deteriorated situation of the area.
- d. That absence does not constitute any misconduct when the same is not willful and as stated earlier, hundreds and thousands similarly and equally placed employees have been reinstated into their services not only by the department but also by the hon'ble Tribunal / courts which judgments were upheld by the apex court.
- e. That codal formalities enumerated in the Rules were never observed, being mandatory. The impugned order not per the mandate of Law and based on malafide.

It is, therefore, most humbly prayed that on acceptance of appeal, order dated 21-02-2009 and 12-03-2018 of the respondents be set aside and appellant be reinstated in service with all consequential / back benefits, with such other relief as may be deemed proper and just in circumstances of the case.

*Roshid Ahmad*  
Appellant

Through

*Saadullah Khan Marwat*  
Saadullah Khan Marwat

*Arbab Saiful Kamal*  
Arbab Saiful Kamal  
Advocates.

Dated 09-04-2018

A 4

1834

**ORDER**

This order will dispose off the enquiry initiated against Constable Rashid Ali No.1834, who while posted to PTC Hangu absented himself from duty with effect from 29/10/2008 vide T.P Message No.4288-3405/GC, dated 27/11/2008 and failed to report. Thus absented himself from his legitimate duty and a report to this effect was entered at PTC Hangu T.P Message No.4288-3405/GC, dated 27/11/2008 with effect from 29/10/2008.

He was issued charge sheet with statement of allegations. Enquiry was initiated against him and DSP Legal was appointed as Enquiry Officer. The Enquiry Officer in his finding report submitted that the defaulter Constable was summoned time and again, but did not appear to record his statement. Hence he was recommended for Major punishment of the Enquiry Officer. He was issued Charge Sheet No. 42/E, dated 16/01/2009 but no reply has been received.

This constitutes misconduct, cowardice on his part and as such he is liable for action under section 5 sub section (4) of the Removal from service (Special Powers) Ordinance 2000 (Amendment) Ordinance 2001.

This constitutes misconduct/disinterest on his part and as such he is liable for action under section 5 Sub Section (4) of the Removal from service (Special Power) Ordinance 2000 (Amendment) Ordinance 2001 and dispose with the enquiry proceeding as laid down in the Ordinance and am further satisfied that there is no need of holding further departmental enquiry. Since the defaulter Constable has been found guilty of gross misconduct as defined in the said Ordinance, I Mr. Dilawar Khan Bangash DPO Swat as a competent authority, therefore impose major penalty by dismissing him from service from the date of absence i.e 29/10/2008.

Order announced.

  
District Police Officer, Swat

O.B. No. 28  
Dated. 21.1.09.

21.1.09



✓ Rashid Ahmed

خدمتِ خراب ڈیپارٹمنٹ کے آف پولیس مالکنڈ سوات

Ry. No. 62  
20.3.09

درخواستِ عمارتِ عالیہ ملازمت

خواب عالیہ

۱۔ عرض ہے کہ سائیل سال 2008 میں حکم پولیس میں  
بمبشت سپاہی بھرتی ہوا تھا۔ سائیل نو دیگر سپاہیان ٹریننگ گھنٹے  
نشت ہوا۔ لیکن ملٹری اڈیشن شروع ہو کر سوات کے پاسیوں کو  
دربرد کیا۔ سائیل نے بہت سی مشکل سے خاندان کو بچا لیا۔

۲۔ یکم غیر ملکی عمارتِ عالیہ کو خواب ڈیپارٹمنٹ کے سر  
سے مورخہ 21-2-09 کو برطرف کیا۔ تاہم ترقی ترقیوں کو پورا نہیں کیا

۳۔ کہ 2 نمبر سائیل کو بیکہ دیگر ان کثرت ملازمین کو تمام فلوہ  
نے نامساعد حالات کی وجہ سے نوکریوں سے برطرف کیا تھا بلکہ شہر پسندوں  
کا حکم پولیس خاص ٹیشن پر تھا۔ بہت سوں کو سرکاری پر جان بیا گیا ہے۔

استدعا ہے کہ حکم مورخہ 21.2.09 کو کالعدم قرار دیکر  
سائیل کو تمام سابقہ مراعات کے ساتھ سروس پر بحال کرنے کا حکم صادر  
فرمایا۔ دعا گو رہوں گا۔

Abdul Wahid

20.3.09

رشید احمد دلائی زارہ محلہ جانمیل کو کارہی سوات  
سابقہ کنیشن مورخہ 1834 جو میں لائن سوات  
Rashid Ahmad



ہے اور ہرگز قابل بحالی نہ ہے۔

### وجوہات :

- i- یہ کہ حکم معترضہ خلاف قانون، خلف ضابطہ، خلاف واقعات اور خلاف انصاف ہے بد میں وجہ باطل منسوخی ہے۔
- ii- یہ کہ حکم معترضہ صادر کرنے سے پہلے از روئے قانون ضروری تھا۔ کہ سائل / اپیلانٹ کو کوئی شوکاژ نوٹس یا چارٹیٹ دیا جاتا ہے۔ چونکہ سائل / اپیلانٹ کو اس نسبت کسی قسم کی شوکاژ نوٹس یا چارج شیٹ نوٹس نہیں دیا گیا ہے بد میں وجہ حکم معترضہ مذکورہ قابل منسوخی ہے۔ کیونکہ من سائل جناب والا کی طرف سے جاری کردہ کسی قسم کے نوٹس اگر صادر ہوا ہو کی تعمیل اصالتاً نہیں کی ہے۔
- iii- یہ کہ سائل / اپیلانٹ کے ضعیف العمر والدین کے علاوہ چھوٹے چھوٹے بچے ہیں۔ اور سائل / اپیلانٹ کا نوکری ہی سائل / اپیلانٹ کے گھرانے کا واحد ذریعہ معاش ہے چونکہ حکم معترضہ کی رد سے سائل / اپیلانٹ کو ذریعہ معاش سے خلاف انصاف محروم کیا گیا ہے۔ بد میں وجہ حکم معترضہ قابل منسوخی ہے۔

لہذا استدعا ہے کہ بمظوری اپیل ہذا حکم معترضہ مذکورہ کو کالعدم اور منسوخ فرمائی جا کر سائل / اپیلانٹ کو تاریخ برخاستگی سے جملہ مراعات سرکاری کے ساتھ نوکری پر بحال فرمایا جائے۔ تو سائل / اپیلانٹ اور سائل / اپیلانٹ کے ضعیف العمر والدین اور چھوٹے چھوٹے بچے آپ صاحبان کے لئے تادم حیات دعاگوں رہینگے۔

عریضہ Rashid Ahmad

سائل / اپیلانٹ، رشید احمد (سابق پولیس کنشیل نمبر 1834) ولد شیرزادہ

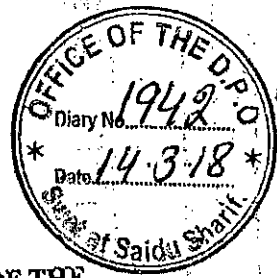
سکنہ محلہ جام خیل کوکرائی ضلع سوات

ڈسٹرکٹ پولیس سوات المرقوم: 07/02/2018

رشید احمد  
Rashid  
ahmad



D 8



**OFFICE OF THE  
REGIONAL POLICE OFFICER, MALAKAND**

**AT SAIDU SHARIF SWAT.**

Ph: 0946-9240381-83 & Fax No. 0946-9240390

Email: [djemalakand@yahoo.com](mailto:djemalakand@yahoo.com)

**ORDER:**

The following Ex-Constable / Ex-SPF of the Districts noted against each, submitted applications for reinstatement in Service. Their applications were thoroughly examined and found long time barred having no legal justification to consider, hence their applications are hereby filed:-

S. No	Name and No	District	Date of Dismissal
1.	Ex-Constable Rashid Ahmad No. 1834	Swat	21/02/2009
2.	Ex-Constable Mushtaq Ahmad No. 1007	Buner	24/08/2017
3.	Ex-Constable Muhammad Amin No. 2146	Dir Lower	15/07/2013
4.	Ex-Constable Anwar Said No. 1701	Swat	13/01/2009
5.	Ex-Constable Shah Aurang Zeb No. 341	Buner	24/04/2017
6.	Ex-Constable Kamal Khan (SPF) No. 2721	Swat	08/09/2015
7.	Ex-Constable Said Rahman (SPF) No. 123	Buner	15/06/2016

The applicants of yours respective Districts may be informed accordingly, please.

*(Signature)*  
**(AKHTAR HAYAT KHAN)**  
 Regional Police Officer,  
 Malakand, at Saidu Sharif Swat  
 \*\*Naqi\*\*

No. 2503 /E,  
 Dated 12-03- /2018.

Copy to District Police Officers, Swat, Buner and Dir Lower for information and necessary action. The applicants of your respective District may be informed accordingly please.

\*\*\*\*\*  
*Bej OASI*  
*To inform them*  
*accordingly*  
*Allested*  
*Rashid Ahmad*

**District Police Officer**  
 13/SWAT.  
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ORDER

WHEREAS as per the approval of the Provincial Police Officer, Khyber Pukhtunkhwa a Committee had been constituted vide this office No: 9871-77/E dated 16/11/2010, headed by DPO Swat to reconsider the cases of the personnel dismissed during militancy.

AND WHEREAS the Committee has, after thorough deliberations and scrutiny of the relevant record, submitted its findings vide No: 14732/E dated 29/11/2010 wherein 253 personnel have been recommended for reinstatement in service.

NOW THEREFORE as per the approval of the Provincial Police Officer, the following personnel recommended by the Committee are hereby reinstated in service with effect from the date of their dismissal. The period during which they remained out of service after dismissal and the period of their absence will be treated as leave without pay.

S.No.	Name and No.
1.	Ex-Constable Bahadey Khan No. 1322
2.	Ex-HC Mian Said Rehman No.582
3.	Ex-Constable Muhammad Saeed No. 1543
4.	Ex-Constable Fida Hussain No. 751
5.	Ex-Constable Zia-u-din No.1581
6.	Ex-Constable Sami Ullah No. 103
7.	Ex-Constable Sadiq Akbar No. 310
8.	Ex-Constable Ayaz Ali No. 1482
9.	Ex-PASI Ijaz Ali No.3 5 (Shaheed Son)
10.	Ex-Constable Farman Ali No.757
11.	Ex-Constable Shafulah No. 298
12.	Ex-Constable Sher Ali Khan No. 443
13.	Ex-Constable Sabir Hussain No. 1421
14.	Ex-Constable Sharafat Khan No. 776
15.	Ex-Constable Fazal Anwar No. 1091
16.	Ex-Constable Asmat Ali No. 1304
17.	Ex-Constable Niaz Mohd No. 822
18.	Ex-Constable Abdul Wadod No. 151
19.	Ex-Constable Muhammad Shoab No 112/RR
20.	Ex-Constable Shah Hussain No. 1257
21.	Ex-HC Abdul Wali Khan No. 378
22.	Ex-Constable Naseer Un-din No.1415
23.	Ex-Constable Ajmal Khan No. 1524

*Atiq*  
*[Signature]*

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24.	Ex-Constable Gul Farrz Khan No. 1512
25.	Ex-Constable Fazal Wadood No. 12311
26.	Ex-Constable Sultanat Khan No. 556
27.	Ex-Constable Bakht Nawab No. 141/RR
28.	Ex-Constable Saeed ullaah No. 1043
29.	Ex-Constable Nasir Ali No.1074
30.	Ex-Constable Zahoor Ahmad No. 1038
31.	Ex-Constable Said Akbar No.1118
32.	Ex-Constable Muhammad Ali No.1850
33.	Ex-Constable Faiaq Zeb No. 887
34.	Ex-Constable Adalat Khan No. 1254
35.	Ex-Constable Malak Zada No. 953
36.	Ex-Constable Zahoor Ahmad No. 165/RR
37.	Ex-Constable Akhtar Ali No. 49
38.	Ex-Constable Shakir Hussain No. 290
39.	Ex-Constable Akbar Ali No. 1306
40.	Ex-Constable Akber Ali No. 1528
41.	Ex-Constable Zoor Muhammad Khan No. 549
42.	Ex-Constable Muhammad Alam No 512
43.	Ex-Constable Amir Khatam No. 30
44.	Ex-Constable Naseer-Ullah Khan No. 1428
45.	Ex-Constable Muhammad Zeb Khan No. 371
46.	Ex-Constable Hayat Muehd Khan No. 143
47.	Ex-Constable Subhan Ullah No. 186/RR
48.	Ex-Constable Asad-ullaah Jan No. 1226
49.	Ex-Constable Rasheed Khan No. 33/RR
50.	Ex-Constable Habib-ur- Rehman No. 205/RR
51.	Ex-Constable Abdullah No. 885
52.	Ex-Constable Niaz Ali Shah No. 130/RR
53.	Ex-Constable Sher Alam Khan No. 144/RR
54.	Ex-Constable Said Mahmood Jan No. 615
55.	Ex-Constable Muhammad Shoaib No. 645
56.	Ex-Constable Ajab Khan No. 172
57.	Ex-Constable Tariq No. 1534
58.	Ex-Constable Karim Ullah Khan No. 608
59.	Ex-Constable Shafi Ullah No. 1506
60.	Ex-Constable Bashir Ahmad No. 1457
61.	Ex-Constable Izzat Mond No. 1244
62.	Ex-Constable Shehzada No. 364
63.	Ex-Constable Umar Zaib No. 1448
64.	Ex-Constable Majee Khan No. 81

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65.	Ex-Constable Shamshey Khan No. 508
66.	Ex-Constable Sabz Ali Khan No. 1447
67.	Ex-Constable Baktawar Khan No. 1251
68.	Ex-Constable Bacha Wali No. 1434
69.	Ex-Constable Rasheed Ahmad No. 1791
70.	Ex-Constable Muhd Sher Ali Khan No. 463
71.	Ex-Constable Adalat Khan No. 275
72.	Ex-Constable Mian Said Parvez No. 752
73.	Ex-Constable Jahan Parvez No. 293
74.	Ex-Constable Rehmat Ali No. 927
75.	Ex-Constable Abdul Hayeed No. 206
76.	Ex-Constable Bakht Ullah No. 92
77.	Ex-Constable Shokat Ali No. 1371
78.	Ex-Constable Zikriya No. 421
79.	Ex-Constable Zahir Ahmad No. 1450
80.	Ex-Constable Said Ahmad Khan No. 917
81.	Ex-Constable Bakht Zayin No. 1694
82.	Ex-Constable Riaz Muhammad No. 1467
83.	Ex-Constable Zahid Ullah No. 1394
84.	Ex-Constable Bakht Namroz No. 667
85.	Ex-Constable Mian Said Gul No. 344
86.	Ex-Constable Hidayat Ullah Khan No. 335
87.	Ex-Constable Umar Rehman No. 728
88.	Ex-Constable Gohar Ali No. 625
89.	Ex-Constable Said Azam No. 42/RR
90.	Ex-ASI Aman Khan
91.	Ex-Constable Najib Ullah No. 1481
92.	Ex-Constable Alta Ullah No. 1514
93.	Ex-Constable Feroz Khan No. 961
94.	Ex-Constable Ubaid Ullah No. 190
95.	Ex-Constable Akbar Bøch No. 852
96.	Ex-Constable Sher Alam No. 996
97.	Ex-Constable Muhammad Ayaz No. 488
98.	Ex-Constable Anwar-ul-Haq No. 572
99.	Ex-Constable Muhammad Iqbal No. 369
100.	Ex-Constable Gohar Ali No. 642
101.	Ex-Constable Rizwan Ullah No. 1454
102.	Ex-Constable Yousaf Khan No. 350
103.	Ex-Constable Farooq No. 13
104.	Ex-Constable Muhammad Shoaib No. 1528
105.	Ex-Constable Ali Muhammad No. 1456

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106.	Ex-Constable Mumtaz Ali No. 62
107.	Ex-Constable Shah Wali Khan No. 1502
108.	Ex-Constable Mian Khaliq Jan No. 383
109.	Ex-Constable Luqman Ali No. 95
110.	Ex-Constable Jehan Ali No. 195
111.	Ex-Constable Musharat Khan No. 1113
112.	Ex-Constable Amir Muhammad No. 176/RR
113.	Ex-Constable Alam Khan No. 1078
114.	Ex-Constable Sher Shah No. 862
115.	Ex-Constable Arnjid Ali No. 1044
116.	Ex-Constable Sher Ali Khan No. 1353
117.	Ex-Constable Iftikhar No. 564
118.	Ex-Constable Bakht Akbar No. 1288
119.	Ex-Constable Taj Muhd No. 1111
120.	Ex-Constable Alam Badshah No. 1196
121.	Ex-Constable Liaqat Ali No. 225
122.	Ex-Constable Liaqat Ali No. 253
123.	Ex-Constable Azam Khan No. 1427
124.	Ex-Constable Habib Ullah No. 1446
125.	Ex-Constable Yar Badshah No. 933
126.	Ex-Constable Nadar Shah No. 468
127.	Ex-Constable Nazir Muhd No. 1379
128.	Ex-HC Asghar Khan No. 31
129.	Ex-Constable Ali Rasheed No. 1480
130.	Ex-Constable Fazal Rehman No. 784
131.	Ex-Constable Bakhtaj No. 1329
132.	Ex-Constable Ibrar Hussain No. 420
133.	Ex-Constable Zafar Alam No. 653
134.	Ex-Constable Muhd Rafiq No. 1633
135.	Ex-Constable Sajjad Khan No. 1518
136.	Ex-Constable Umar Khatab No. 1109
137.	Ex-Constable Ahmad Ali No. 1318
138.	Ex-Constable Rehmat Ali No. 175
139.	Ex-Constable Iqbal Hussain No. 1486
140.	Ex-Constable Rehman Ullah No. 1466
141.	Ex-Constable Ayaz Ahmad No. 320
142.	Ex-Constable Sadq No. 1470
143.	Ex-Constable Shafiq-Ur-Rehman No. 851
144.	Ex-Constable Bashir Ahmad No. 1377
145.	Ex-Constable Liaqat Ali No. 1345
146.	Ex-Constable Aziz-ul-Hassan No. 1170

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147.	Ex-Constable Zakir Hussain No. 308
148.	Ex-Constable Midrarullah No. 533
149.	Ex-Constable Muslim Khan No. 108/RR
150.	Ex-Constable Zafar Ali Khan No. 74
151.	Ex-Constable Najib Ullah Khan No.1439
152.	Ex-Constable Rahim Khan No. 571
153.	Ex-Constable Azam Khan No.45
154.	Ex-Constable Mian Said Bacha No. 1362
155.	Ex-Constable Hazrat Alam No. 1570
156.	Ex-Constable Irfan Ud Din No. 1549
157.	Ex-Constable Sher Hassan Khan No. 685
158.	Ex-Constable Muhd Raq No. 131/RR
159.	Ex-Constable Mian Said Farooq No. 333
160.	Ex-Constable Muhammad Tahir No. 1703
161.	Ex-Constable Bahadur Nawab Khan No. 1635
162.	Ex-Constable Amir Khan No. 1604
163.	Ex-Constable Sami Ullah No. 1588
164.	Ex-Constable Muhammad Qasim No. 1688
165.	Ex-Constable Muhd. Arif Khan No. 1393
166.	Ex-Constable Asmat Ali No. 1723
167.	Ex-Constable Farhad Ali No. 1761
168.	Ex-Constable Mian Said Ghani No. 1689
169.	Ex-Constable Inam Ullah No. 1145
170.	Ex-Constable Umar Farooq No. 1677
171.	Ex-Constable Israr Ahmad No. 1622
172.	Ex-Constable Amal Khan No. 1569
173.	Ex-Constable Rehmat Ali No. 496
174.	Ex-Constable Zara Wali No. 134
175.	Ex-Constable Anwar Ullah No. 1666
176.	Ex-Constable Bakht Kayam No. 1800
177.	Ex-Constable Anwar Ali No. 1574
178.	Ex-Constable Aziz Ullah Khan No. 1591
179.	Ex-Constable Hazrat Bijal No. 1776
180.	Ex-Constable Farman Ali No. 217/RR
181.	Ex-Constable Muhd Alam Khan No. 1774
182.	Ex-Constable Asghar Khan No. 1720
183.	Ex-Constable Abdullah No. 1661
184.	Ex-Constable Mohammad Azim No. 971
185.	Ex-Constable Said Sarfullah No.1600
186.	Ex-Constable Samin Khan No. 1724
187.	Ex-Constable Salman Asghar No. 1575


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188.	Ex-Constable Hayat Ali No. 1614
189.	Ex-Constable Liaqat Ali Khan No. 1414
190.	Ex-Constable Yaqub Khan No. 1601
191.	Ex-Constable Farman Ali No. 1069
192.	Ex-Constable Rehmat Zaib No. 1679
193.	Ex-Constable Fayaz Ali No. 914
194.	Ex-Constable Wali Ahmad No. 841
195.	Ex-Constable Barkat Ali Khan No. 190/RR
196.	Ex-Constable Nazir Mahmood No. 1771
197.	Ex-Constable Mohim Bacha No. 1608
198.	Ex-Constable Muhd. Kashif No. 1579
199.	Ex-Constable Nisar Ahmad No. 1565
200.	Ex-Constable Fazal Haq No. 1589
201.	Ex-Constable Ajab Khan No. 1553
202.	Ex-Constable Shah Ali Yar Khan No. 1645
203.	Ex-Constable Hazrat Ali No. 1797
204.	Ex-Constable Zia Ullah No. 104/RR
205.	Ex-Constable Naeem Iqbal No. 1716
206.	Ex-Constable Amjid Ali No. 1624
207.	Ex-Constable Farhad Ali No. 127
208.	Ex-Constable Hazrat Usman No. 1691
209.	Ex-Constable Umar Zaman No. 160/RR
210.	Ex-Constable Zafar Ali No. 159
211.	Ex-Constable Saeed Ullah No. 1513
212.	Ex-Constable Sher Bahadar Shah No. 211/RR
213.	Ex-Constable Arif Ali Shah No. 828
214.	Ex-Constable Fazal Ahmad No. 1647
215.	Ex-Constable Abdur Rehman No. 1607
216.	Ex-Constable Muhammad Ikram No. 240
217.	Ex-Constable Inayat Ullah No. 1665
218.	Ex-Constable Sajid Ullah No. 1672
219.	Ex-Constable Karim Ullah No. 1788
220.	Ex-Constable Umar Muhammad No. 1361
221.	Ex-Constable Nawab Rehman No. 1664
222.	Ex-Constable Zai Ullah Khan No. 9/RR
223.	Ex-Constable Qayum Khan No. 1586
224.	Ex-Constable Imran Ali No. 531
225.	Ex-Constable Nasir Ali No. 1623
226.	Ex-Constable Riaz Ali No. 1559
227.	Ex-Constable Haider Ali No. 1667
228.	Ex-Constable Badshah Muhammad No. 142/RR

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229.	Ex-Constable Sher Zaman No. 1167
230.	Ex-Constable Muhammad Jan No. 1708
231.	Ex-Constable Mian Gull Basha No. 1696
232.	Ex-Constable Saif Ullah No. 1769
233.	Ex-Constable Zahir Ullah No. 1644
234.	Ex-Constable Parveez Khan No. 65/RR
235.	Ex-Constable Muhammad Naeem No. 1746
236.	Ex-Constable Fazal Basha No. 605
237.	Ex-Constable Barkat Ali No. 1312
238.	Ex-Constable Amir Zeb No. 1787
239.	Ex-Constable Kalim Ullah Jan No. 1656
240.	Ex-Constable Zai-ur-Rehman No. 1694
241.	Ex-Constable Muhammad Alam No. 1730
242.	Ex-Constable Fazal Hayat No. 1658
243.	Ex-Constable Hazrat Nawaz Khan No. 721
244.	Ex-Constable Ikram Ullah No. 1606
245.	Ex-Constable Tariq Rahim No. 1782
246.	Ex-Constable Wali Khan No. 212/RR
247.	Ex-Constable Abdali Khan No. 188/RR
248.	Ex-Constable Muhammad Parvez No. 63/RR
249.	Ex-Constable Muhammad Zahid No. 71/RR
250.	Ex-Constable Sardar Ali No. 45/RR
251.	Ex-Constable Luqman No. 95
252.	Ex-Constable Bahad Ali No. 4688/FRP
253.	Ex-Constable Sher Ali No. 4388/FRP

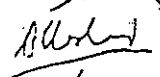
Order announced.

  
(WAZI JAMIL-UR-REHMAN)  
Deputy Inspector General of Police,  
Malakand Region, Saidu Sharif, Swat.  
\*\*SAIF\*\*

No. 109.14-16/E,  
Dated 30/11/2010.

Copy for information and necessary action to the:-

1. Provincial Police Officer, Khyber Pukhtoon Khwa, Peshawar.
2. District Police Officer, Swat.
3. Superintendent of Police, FRP, Swat.

  
Sry.



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OFFICE ORDER

WHEREAS as per the approval of the Provincial Police Officer, FR, Pukhtunkhwa a Committee had been constituted vide this office No:9871 dated 16/11/2010, headed by DPO Swat to reconsider the cases of the persons absented during military.

AND WHEREAS the Committee has, after thorough deliberation scrutiny of the relevant record, submitted its findings vide No:89/OASI, 04/01/2012 wherein 12 personnel have been recommended for reinstatement service.

NOW THEREFORE as per the approval of the Provincial Police Officer, following personnel recommended by the Committee are hereby reinstated service with effect from the date of their dismissal. The period during which remained out of service after dismissal and the period of their absence will be treated as leave without pay.

S.No	Name and No.
1.	Ex-Constable Minhaj-ud-Din No.139
2.	Ex-Constable Zahoor Hussain No.1738
3.	Ex-Constable Ali Baz No.501
4.	Ex-Constable Muhammad Israr No.118
5.	Ex-Constable Atlaullah No.924
6.	Ex-Constable Muhammad Ali No.1653
7.	Ex-Constable Fazal Hanan No.1501
8.	Ex-Constable Ikram No.1189
9.	Ex-Constable Qaisar Ali Shah No.675
10.	Ex-Constable Bashir Ahmad No.270
11.	Ex-Constable Parwanat Khan No.30
12.	Ex-Constable Fazal Rabbi No.579

Order announced.

(AKHTAR HAYAT KHAN)  
Deputy Inspector General of Police  
Malakand Region, Saidu Shahr, Swat

No. \_\_\_\_\_ /E,

Dated 07/02/2012.

Copy for information and necessary action to the

1. Provincial Police Officer, Khyber Pukhtunkhwa, Peshawar.
2. District Police Officer, Swat.

AKHTAR HAYAT KHAN

*[Signature]*

*[Signature]*

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OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

No. SI/ 1656 /17, dated Peshawar the 15/3/2017

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-Constable Noor Khan No. 462. The appellant was dismissed from service by DPO, Dir Lower vide OB No. 361, dated 16.03.2009 on the charge of absence from duty for 02 months and 04 days.

Meeting of Appellate Board was held on 02.03.2017 wherein appellant was heard in person. During hearing petitioner contended that he was posted at Malakand Region as DFC. He could not bring Summon and Warrants to the area because of terrorism. Terrorists and Taliban threatened him time and again on his cell phone.

The Board examined his service record which revealed that appellant has no bad entry during his service. Moreover, he has qualified Recruit Course and A-1 examination.

Keeping in view 07 years, 11 months and 12 days service at the credit of petitioner and threats from Terrorists and Taliban, the Board decided that the petitioner is hereby re-instated in service, however, the intervening period including period of absence from duty is considered as period in service but not on duty and he will not be entitled for salary of the intervening period. He will remain under special watch for one year.

This order is issued with the approval by the Competent Authority.

(NAJEEB-UR-REHMAN BUGVI)  
AIG/Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.

No. SI/ 1657-64117.

Copy of the above is forwarded to the:

1. Regional Police Officer, Malakand at Swat.
2. District Police Officer, Dir Lower.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.
8. Central Registry Cell, CPO.

ORDER

This order shall dispose of departmental appeal under rule 11 of Khyber Pakhtunkhwa Police Rules 1975, submitted by Ex-constable Sadiq-ur-Rehman No. 4881 of FRP Malakand Range, against the order of SP FRP Malakand Range, Swat, wherein he was removed from service.

Brief facts of the case are that Ex-constable Sadiq-ur-Rehman No. 4881 of FRP Malakand Range was enlisted as constable on 26.07.2007. Later on during the course of duty he was absented himself from duty with effect from 20.07.2008, till the date of his removal from service.

In this regard he was issued charge sheet and statement of allegations, but neither he report/arrival for duty, nor replied to charge sheet within stipulated period. Thereafter, on 08.11.2008 he was issued Urdu Parwan, but he failed to do so, therefore, the Enquiry Committee recommended him for major punishment of removal from service. Later on he was issued final show cause notice but his reply was not received within stipulated period.

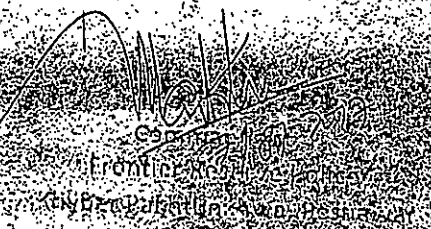
In the light of recommendation of Enquiry Committee and other material available on record he was removed from service by the SP FRP Malakand Range, Swat, vide office OB No. 151, dated 14.11.2009.

After going through the available record it has pointed out that the appellant has neither participated with enquiry proceedings, nor provided opportunity of personal hearing.

The applicant has heard in person in orderly room held on 03.08.2017, during the course of hearing he contended that at those days the Swat valley was under control of miscreants/Taliban and were kidnapping, killing the Government employees, especially of Police department. He further stated that being a member of the Force (Police Department) he was received threat from Taliban, then he along with his family members were compulsively shifted to other safe place i.e. Punjab Province. He further added that his removal from service order was not communicated to him. His plea was found plausible and satisfactory.

Keeping in view the above, vis-a-vis his unblemished service record also a trained soldier, he (Ex-constable Sadiq-ur-Rehman No. 4881 of FRP Malakand Range) is hereby reinstated in service and the punishment of removal from service is hereby modified and converted into major punishment of deduction in pay in timescale of constable. The period of his absence from duty and the intervening period are considered as period in service but not on duty and he will not be entitled for salary of his absence and intervening period.

Order pronounced

  
Officer in Charge  
Frontier Region, Peshawar  
Khyber Pakhtunkhwa, Pakistan

Copy of above is forwarded to the SP FRP Malakand Range, Swat for information and necessary action. His service record sent herewith.

Copy of above is forwarded to the SP FRP Malakand Range, Swat for information and necessary action. His service record sent herewith.

This order shall dispose of departmental appeal under rule 11 of Khyber Pakhtunkhwa Police Rules 1975, submitted by Ex-constable Taj Bhadar No. 4899 of FRP Malakand Range, against the order of SP FRP Malakand Range Swat, wherein he was removed from service.

Brief facts of the case are that constable Taj Bhadar No. 4899 of FRP Malakand Range was enlisted as constable on 26.07.2007. He was absented himself from duty with effect from 01.04.2009, till the date of his removal from service.

In this regard he was issued charge sheet and statement of allegations, but neither he report/arrival for duty nor replied to charge sheet within stipulated period. Thereafter, on 28.04.2009, he was issued Undo Parwan, but he failed to do so, therefore, the Enquiry Committee recommended him for major punishment of removal from service. Later on he was issued final show cause notice but his reply was not received within stipulated period.

In the light of recommendation of Enquiry Committee and material available on record he was removed from service by the SP FRP Malakand Range Swat, vide office OB No. 294, dated 21.02.2009.

After going through the available record it has pointed out that during the course of enquiry the applicant has neither participated with enquiry proceedings nor provided opportunity of personal hearing.

The applicant was heard in person in orderly room held on 03.08.2017, during the course of hearing he contended that at those days the Swat valley was under control of miscreants/Taliban and were kidnapping, killing the Government employees, especially of Police department. He further stated that being a member of the Force (Police Department) he was received threat from Taliban, then he alongwith his family members were compulsively shifted to other safe place i.e. Karachi. He further added that his removal from service order was not communicated to him. His plea was found plausible and satisfactory.

Keeping in view the above, vis-à-vis his unblemished service record, also a trained soldier, he (Ex-constable Taj Bhadar No. 4899 of FRP Malakand Range) is hereby reinstated in service and the punishment of his removal from service is hereby modified and converted into major punishment of deduction in pay as timescale constable. The period of his absence from duty and the intervening period are considered as period in service but not on duty and he will not be entitled for salary of his absence and intervening period.

Order announced

Commandant  
Frontier Reserve Police  
Khyber Pakhtunkhwa, Peshawar

No. 5913/EC, dated Peshawar, the 15/08/2017

Copy of above order was forwarded to the SP FRP Malakand Range Swat for information and necessary action. His service record sent here with.

F

20

23-5-12

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 588 /2012

Murad Ali S/o Muhammad Mashal Khan,  
R/o Char Bagh, Ex-C. No. 4708, FRP,  
Police Station Matta, Swat



Handwritten notes: 562, 23/05/12

Appellant

Versus

1. Commandant, FRP, KPK, Peshawar.
2. Superintendent of Police, FRP, Malakand Region, Swat.
3. Provincial Police Officer, KPK, Peshawar. Respondents

APPEAL AGAINST OFFICE ORDER  
NO.1964-65/EC, DATED 09.04.2012 OF  
R.NO.1 (APPELLATE AUTHORITY)  
WHEREBY REPRESENTATION OF  
APPELLANT WAS REJECTED AGAINST OR  
NO.138 DATED 10.10.2008 OF R.NO.2  
REGIONAL AUTHORITY) WHO  
DISMISSED APPELLANT FROM SERVICE  
FOR NO LEGAL REASON.

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Respectfully Sheweth,

1. That on 25.07.2007, appellant was enlisted as FRP constable in Malakand Range by R.No.1.

That it was an admitted fact that the whole Swat valley was under the control of insurgents/Taliban. Armed forces were absolutely ineffective. Miscreants/Taliban were kidnapping, killing and harassing Government employees, especially of

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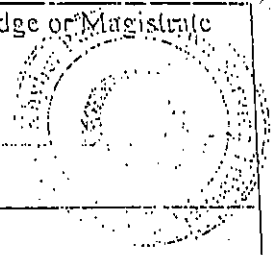
21

2-5-16

No. of  
proceeding

Date of  
Order or  
proceedings.

Order or other proceedings with signature of Judge or Magistrate  
and that of parties where necessary.



2

3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
CAMP COURT SWAT.

APPEAL NO. 588/2012

(Murad Ali Vs. Commandant FRP, KPK Peshawar & 2 others.)

JUDGMENT

02.05.2016

MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:

Appellant with counsel and Mr. Muhammad Zubair, Senior  
Government Pleader alongwith Mushiaq Ahmad, Inspector (Legal)  
for the respondents present.

Murad Ali son of Muhammad Mashal Khan hereinafter  
referred to as the appellant has preferred the instant appeal against  
order dated 09.4.2012 communicated to the appellant on 02.5.2012  
vide which his departmental appeal against original order dated  
10.10.2008 of removal from service was regretted.

6

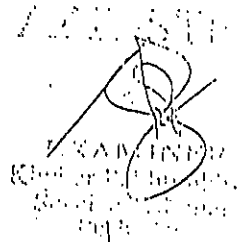
Brief facts giving rise to the present appeal are that the  
appellant was appointed as Constable in FRP Malakand Range  
vide appointment order dated 25.07.2007. While serving so he was  
found absent from duty for a period of 3 months and 8 days and  
after conducting enquiry removed from service vide order dated  
10.10.2008 where-against departmental appeal of the appellant  
was rejected on 09.4.2012 and hence the instant service appeal on  
23.05.2012.

*Handwritten signature and initials*

We have heard arguments of the learned counsel for the parties and perused the record.

Perusal of the record would suggest that charge sheet dated 09.08.2008 was communicated to the appellant on the allegations of wilful absence. however, according to findings/report of the enquiry committee appellant had not turned up in response to notice issued to the appellant for resuming duty and facing an enquiry. It is evident from the record that enquiry procedure was not followed by the enquiry committee as the appellant was neither associated with the enquiry proceedings nor any opportunity of hearing afforded to him and, furthermore, in case of absence, publication of any notice in prescribed manners was not made in the newspapers. Furthermore the alleged period of absence was during the days of militancy and according to the stance of the appellant, similarly placed employees were reinstated in service and that appellant was also entitled to same treatment.

Since the appellant was subjected to enquiry wherein neither prescribed procedure was followed nor appellant associated with the same as such we deem it more appropriate to set aside the impugned original order dated 10.10.2008 as well as the order dated 09.12.12 and in consequence thereof reinstate the appellant in service, placing the respondents at liberty to departmentally proceed against the appellant afresh, if need be, and that the plea of the appellant in respect of reinstatement of similarly placed persons in service shall also be taken into account during the enquiry which shall be concluded within the period of 2 month from the date of receipt of this judgment. In case the



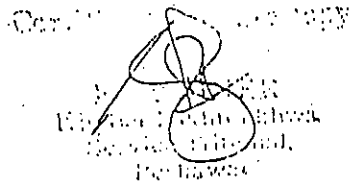
Attested  
*[Signature]*

enquiry is not conducted then the period of absence till reinstatement be treated as leave of the kind due. The appeal is disposed of accordingly. Parties are however left to bear their own costs. File be consigned to the record room.

Announced  
02.05.2016

Sd/- M. Azim Khan Afzidi,  
Chairman

Sd/- Abdul Latif,  
Member



Mr. ...  
Mr. ...  
Mr. ...  
Mr. ...  
Mr. ...  
Mr. ...

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12-05-2016  
12-05-2016

Attended  
/s/



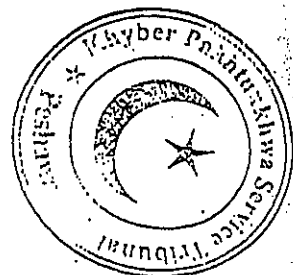
24

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
CAMP COURT SWAT

Service Appeal No. 957/2016

Date of Institution... 04.08.2016

Date of decision... 07.12.2017



Shoukat Ali son of Muhammad Shafiq, R/O Kokari Mingora Swat Ex-Constable  
No. 4741, FRP Platoon No. 83, P.S Mingora Swat. ... (Appellant)

Versus

1. Superintendent of Police, FRP Malakand Region, Malakand and two others. ... (Respondents)

ARBAB SAIFUL KAMAL,  
Advocate

For appellant.

MR. KABIRULLAH KHATTAK,  
Addl Advocate General

For respondents.

MR. NIAZ MUHAMMAD KHAN,  
MR. MUHAMMAD HAMID MUGHAL,

CHAIRMAN  
MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - This judgment shall also  
disposed of other connected appeals No. 697/2016 Muhammad Said, No.  
958/2016 Fazal Yaseen, No. 959/2016 Afzal Khan, and No. 961/2016 Umar Ali  
as in all the appeals common questions of law and facts are involved.

2. Arguments of the learned counsel for the parties heard and record perused.

FACTS

3. The appellant Shaukat Ali, Umar Ali and Afzal Khan were removed  
from service on 28.08.2016, the appellant Fazal Yaseen was removed from

ATTESTED

CHAIRMAN

service on 02.02.2009 and the appellant Muhammad Saeed was removed from service on 21.09.2009. The appellants then filed departmental appeals belatedly which were rejected then the appellant also approached this Tribunal belatedly not within the stipulated time.

ARGUMENTS

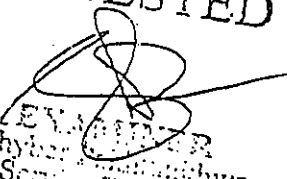
4. The learned counsel for the appellants argued that the very orders of removal from service are void because all these orders have been given retrospective effect. That in view of judgment reported as 1985-SCMR-1178 no limitation shall run against void order.

5. On the other hand the learned Addl. Advocate General argued that the departmental appeals are hopelessly time barred. That the revision within the meaning of Rule 11 -A of Khyber Pakhtunkhwa Police Rules, 1975 could not enlarge the period of limitation. That all the codal formalities were fulfilled by the department.

CONCLUSION

6. Regardless of other merits of the case it is an admitted position that all these orders have been given retrospective effect and in view of so many judgments delivered by this Tribunal on the basis of judgment reported in 1985-SCMR-1178 the retrospective order is a void order and no limitation shall run against void order.

7. Since no limitation runs against a void order, any successive appeals or revision would not curtail the rights of the appellants qua the limitation or in other

ATTESTED  
  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal

respect. Presuming that all other elements of due processes have been complied with, the void order cannot be sustained on this score alone.

8. As a sequel to the above discussion, the present appeals are accepted and the appellants are reinstated in service. The department is however, at liberty to hold denovo proceedings in accordance with law within a period of ninety days. The intervening period shall be subject to the final outcome of the denovo proceedings. Parties are left to bear their own costs. File be consigned to the record room.

Announced sdf - Niaz Muhammad Khan,  
07-12-2017 Chairman  
Cant Court Swat

sdf M. Hamid Nughal  
Member

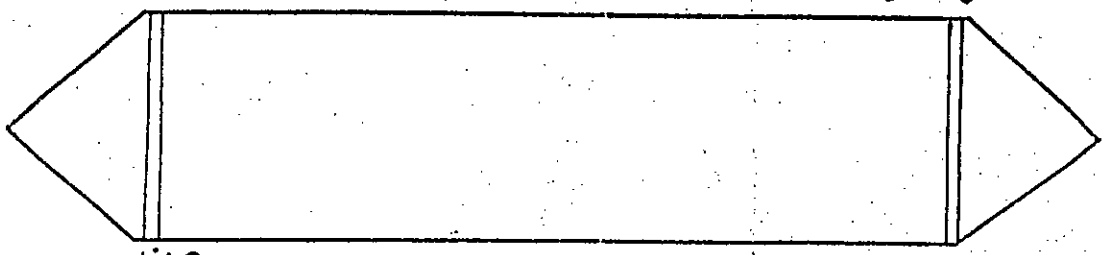
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Service Tribunal,  
Peshawar

Date of Presentation of Application 13-12-17  
Number of Pages 1200  
Copying Charges 8  
Urgent 8  
Total 8  
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Date of Copy 15-12-17  
Date of Delivery of Copy 15-12-17

Attsts  
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# بعدالت Senior Tribunal KPTC



2 منجانب  
بنام

موزخه  
مقدمہ  
دعویٰ  
جرم

## باعث تحریر آئینک

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
 آن مقام لکھنؤ کیلئے سید اللہ صفحہ صوفی صاحب  
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
 وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور  
 بصورت ڈگری کرنے اجراء اور صولی چیک در و پیہار عرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
 زرا میں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برادگی اور منسوخی  
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
 کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار  
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ یا اختیارات حاصل ہوں گے اور اس کا ساختہ  
 پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔  
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
 مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم 10  
 ماہ 1/12  
 20  
 واہ العب

کے لئے منظور ہے۔  
 Attached & accepted  
 by Advocate

Rashid

03489174248

03450718088

Advocate Saiful Kamil  
Advocate

Advocate  
ایک طرف

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.**

**Service Appeal No. 498/2018.**

Rashid Ahmed Ex-Constable of Swat Police.

..... Appellant

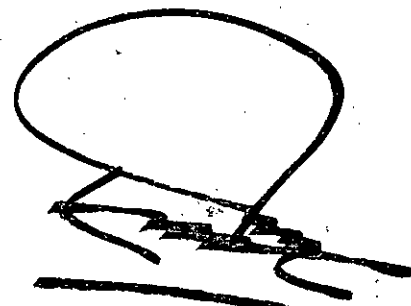
**VERSUS**

1. The District Police Officer, Swat
2. The Regional Police Officer, Malakand Region Swat.

..... Respondents

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<b>S.No:</b>	<b>Description of Documents</b>	<b>Annexure</b>	<b>Page</b>
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2	Affidavit	-	4
3	Authority Letter	-	5



**District Police Officer, Swat  
(Respondent No.01)**

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.**

**Service Appeal No. 498/2018.**

Rashid Ahmed Ex-Constable of Swat Police.

..... Appellant

**VERSUS**

1. The District Police Officer, Swat
2. The Regional Police Officer, Malakand Region Swat.

..... Respondents

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS.**

**Respectfully Shewith,**

The comments on behalf of Respondents are submitted as below.

**Preliminary Objections.**

1. That the appellant has got no Cause of action and locus standi to file the present appeal.
2. That the appeal is bad due to misjoinder and nonjoinder of necessary parties.
3. That the appeal is time barred.
4. That the appellant has not come to the Tribunal with clean hands.
5. That this Hon'ble Tribunal has got no jurisdiction to entertain the present appeal.
6. That the instant appeal is not maintainable in its present form.
7. That the appellant concealed the material facts from this Hon'ble Tribunal.
8. That the appellant has been estopped by his own conduct to file the appeal.

**FACTS:**

1. Para No.1 of appeal pertains to service record, hence need no comments.
2. Para No.2 of appeal is correct to the extent that appellant was deputed for training to PTC Hangu, however during training he absented himself on account of which he was returned as unqualified to parent district.


3. Para No. 3 of appeal to the extent of posting is incorrect. Appellant was deputed for basic recruit course at PTC Hangu but on account of willful absence returned as unqualified, however appellant admit his absence from duty.
4. Para No. 4 of appeal to the extent of service of charge Sheet is correct, however during departmental enquiry appellant did not join proceedings despite of opportunity hence recommended for major punishment by Enquiry Officer.
5. Para No. 5 of appeal to the extent of dismissal is correct, however appellant was dismissed from service on recommendation of Enquiry Officer.
6. Para No.6 of Appeal is incorrect. Appellant filed departmental appeal before respondent No.2 in the year 2018 which was examined and rejected being badly time barred vide order dated 12-03-2018.
7. Para No.7 of appeal is incorrect, reply already given vide para above.
8. Para No.8 of appeal is incorrect. The case of appellant is on different footings as compared to others, because appellant on initial stage of service, while undergoing training course, proved himself an inefficient Police official. Furthermore he was also on different footings as compared to those decided by the Tribunal.

**GROUND:**

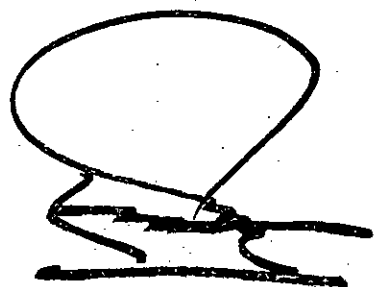
- a. Pertains to record, hence need no comments.
- b. Incorrect. During insurgency and activities of miscreants in the year 2009, a number of Police official embraced Shahadat and performed duties with courage and bravery.
- c. Incorrect. Appellant was found guilty of the willful absence and dismissed from service.
- d. Incorrect. Reply already given vide para above.
- e. Incorrect. After proper enquiry in accordance with law/rules appellant was dismissed from service.

**PRAYER:**

It is therefore requested that the appeal of appellant may kindly be dismissed with cost being devoid of merits and without any legal substance.



Regional Police Officer,  
Malakand  
(Respondent No. 2)



District Police Officer, Swat  
(Respondent No. 1)



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**

Service Appeal No. 498/2018.

Rashid Ahmed Ex-Constable of Swat Police.

..... Appellant


VERSUS

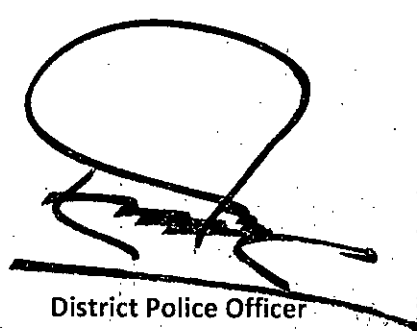
1. The District Police Officer, Swat
2. The Regional Police Officer, Malakand Region Swat.

..... Respondents

**AFFIDAVIT**

We, the above respondents do hereby solemnly affirm and declare on oath that the accompanying Para-wise comments submitted in reply to above cited service appeal are correct to the best of our knowledge and nothing has been concealed from this Honorable Tribunal.

  
Regional Police Officer,  
Malakand  
(Respondent No.02)

  
District Police Officer  
Swat.  
(Respondent No.01)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**

Service Appeal No. 498/2018.

Rashid Ahmed Ex-Constable of Swat Police.

..... Appellant

**VERSUS**

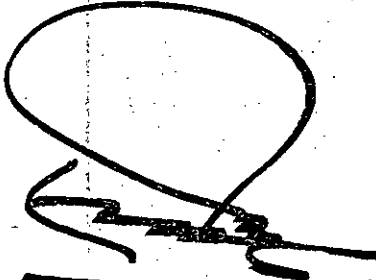
1. The District Police Officer, Swat
2. The Regional Police Officer, Malakand Region Swat.

..... Respondents

**AUTHORITY LETTER**

We, the above respondents do hereby authorize Mr. Khawas Khan SI Legal Swat to appear in the Service Tribunal on our behalf on each date fixed in connection with titled Service Appeal and do whatever is needed.

  
Regional Police Officer,  
Malakand  
(Respondent No.02)

  
District Police Officer  
Swat  
(Respondents No.1)

1834-

7 Pages

ORDER

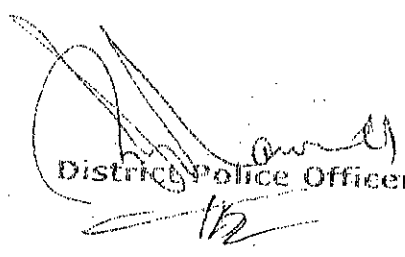
This order will dispose off the enquiry initiated against Constable Rashid Ali No.1834, who while posted to PTC Hangu absented himself from duty with effect from 29/10/2008 vide T.P Message No.4288-3405/GC, dated 27/11/2008 and failed to report. Thus absented himself from his legitimate duty and a report to this effect was entered at PTC Hangu T.P Message No.4288-3405/GC, dated 27/11/2008 with effect from 29/10/2008.

He was issued charge sheet with statement of allegations. Enquiry was initiated against him and DSP Legal was appointed as Enquiry Officer. The Enquiry Officer in his finding report submitted that the defaulter Constable was summoned time and again, but did not appear to record his statement. Hence he was recommended for Major punishment of the Enquiry Officer. He was issued Charge Sheet No. 42/E, dated 16/01/2009 but no reply has been received.

This constitutes misconduct, cowardice on his part and as such he is liable for action under section 5 sub section (4) of the Removal from service (Special Powers) Ordinance 2000 (Amendment) Ordinance 2001.

This constitutes misconduct/disinterest on his part and as such he is liable for action under section 5 Sub Section (4) of the Removal from service (Special Power) Ordinance 2000 (Amendment) Ordinance 2001 and dispose with the enquiry proceeding as laid down in the Ordinance and am further satisfied that there is no need of holding further departmental enquiry. Since the defaulter Constable has been found guilty of gross misconduct as defined in the said Ordinance, I Mr. Dilawar Khan Bangash DPO Swat as a competent authority, therefore impose major penalty by dismissing him from service from the date of absence i.e 29/10/2008.

Order announced.

  
District Police Officer, Swat

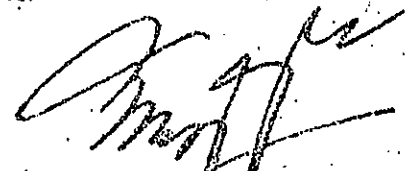
O.B. No. 28  
Dated. 21.7.09.

FINDING REPORT

This is regular departmental enquiry against Constable Rashid Ali No 1835. According to the allegation, that the Constable while posted in Police OTC Haripur absented himself from lawful duty with effect from 29/10/08 uptill now with out getting prior permission of the high ups.

In this connection proper departmental enquiry was conducted and the undersigned was appointed as Enquiry Officer. The defaulter Constable was summoned for 3/2/09 but did not attend this office. According to report of MHC Line/Swat he is absent from 29/10/08 up till now. The charges/allegation were proved against the defaulter Constable Rashid Ali No 1835 and found him guilty of the charges.

Being found guilty of charges/allegation, Constable Rashid Ali No 1835 is recommended for major punishment.



Muhammad Ayaz  
DSP/Legal, Swat

4/2/09

BC  
Issue final Show cause Notice

OPD/Swat  
15/02/09

CHARGE SHEET

I Mr. Dilawar Khan Bangash, DPO Swat as competent authority, hereby charge you, Constable Rashid Ali No.1834 as following that you, while posted in PTC Hangu committed the following irregularities:

You Constable Rashid Ali No.1834, while posted to PTC Hangu, absented yourself from duty with effect from 29/10/2008 till to date with out permission or leave vide T.P.M No.4288-4305/GC, dated 27/11/2008 of PTC Hangu.

All these based on your malafied intention, negligence, omission and disinterest in duty which is gross misconduct on your part.

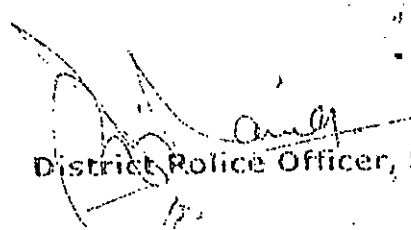
2. By reasons of the above, you appear to be guilty of misconduct under Section-3 of the NWFP (Removal from Service) Special powers ordinance 2000, and have rendered yourself liable to all or any of penalties specified in section-3 of the ordinance.

3. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the Enquiry officer / Committee, as the case may be.

4. Your written defense, if any, should reach the Enquiry Officer/ Committee within the specified period, failing which it shall be presumed that you have no defense to put in and in that case exparte action shall follow against you.

5. Intimate whether you desire to be heard in person.

6. A statement of allegations is enclosed.

  
District Police Officer, Swat

No. 42 /EB

Dated 16/11 / 2008

DISCIPLINARY ACTION

I Mr. Dilawar Khan Bangash, DPO, Swat District Police Officer, Swat as competent authority, am of the opinion that Constable Rashid Ali No.1834, has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meaning of section 3 of the N.W.F.P Removal from Service (Special Powers) Ordinance, 2000.

STATEMENT OF ALLEGATIONS

That he while posted to PTC Hangu, absented himself from duty with effect from 29/10/2008 till to date with out permission or leave vide T.P.M No:4288-4305/GC, dated 27/11/2008 of PTC Hangu.

All these based on your malafied intention, negligence, omission and disinterest in duty which is gross misconduct on your part.

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, an Enquiry committee consisting of the following is constituted under section 3 of the Ordinance.

1. Mr. Muhammad Ayaz Khan DSP/Legal, Swat
2. \_\_\_\_\_

3. The enquiry Committee shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused, record its findings and make within, 25 Days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place given by the enquiry Committee.

*[Signature]*  
District Police Officer, Swat

No. 42 /E, Dated Gulkada the, 16 11 2008

Copy of above is forwarded to the:-

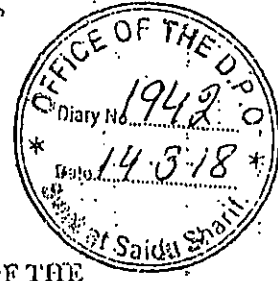
1. Mr. Muhammad Ayaz Khan DSP/Legal, Swat
2. \_\_\_\_\_ } for initiating proceeding against the Officer/Official under the provisions of the NWFP/Removal from Service (Special Powers) Ordinance 2000.

3. Constable Rashid Ali No.1834 *through line office*

With the direction to appear before the enquiry Committee on the date, time and place fixed by the Committee for the purpose of he proceeding

\*\*\*\*\*

D 8



**OFFICE OF THE  
REGIONAL POLICE OFFICER, MALAKAND**

**AT SAIDU SHARIF SWAT.**

Ph: 0946-9240381-83 & Fax No. 0946-9240390

Email: dirmalakand@yahoo.com

ORDER:

The following Ex-Constable / Ex-SPF of the Districts noted against each, submitted applications for reinstatement in Service. Their applications were thoroughly examined and found long time barred having no legal justification to consider, hence their applications are hereby filed:-

S. No	Name and No	District	Date of Dismissal
1.	Ex-Constable Rashid Ahmad No. 1834	Swat	21/02/2009
2.	Ex-Constable Mushtaq Ahmad No. 1007	Buner	24/08/2017
3.	Ex-Constable Muhammad Amin No. 2146	Dir Lower	15/07/2013
4.	Ex-Constable Anwar Said No. 1701	Swat	13/01/2009
5.	Ex-Constable Shah Aurang Zeb No. 341	Buner	24/04/2017
6.	Ex-Constable Kamal Khan (SPF) No. 2721	Swat	08/09/2015
7.	Ex-Constable Said Rahman (SPF) No. 123	Buner	15/06/2016

The applicants of yours respective Districts may be informed accordingly, please.

(AKHTAR HAYAT KHAN)  
Regional Police Officer,  
Malakand, at Saidu Sharif Swat  
\*\*Naqi\*\*

No. 2503 /E,

Dated 12-03-2018.

Copy to District Police Officers, Swat, Buner and Dir Lower for information and necessary action. The applicants of your respective District may be informed accordingly please.

*TO inform them accordingly*

*Allisted  
Rashid ahmad*

District Police Officer  
SWAT.

13/3



17

OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

No. SI/1656/17, dated Peshawar (15/3/2017)

ORDER


This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-Constable Noor Khan No. 462. The appellant was dismissed from service by DPO, Dir Lower vide OB No. 361, dated 16.05.2009 on the charge of absence from duty for 02 months and 04 days.

Meeting of Appellate Board was held on 02.05.2017 wherein appellant was heard in person. During hearing petitioner contended that he was posted at Malakand Region as DFC. He could not bring Summon and Warrants to the area because of terrorism. Terrorists and Taliban threatened him time and again on his cell phone.

The Board examined his service record which revealed that appellant has no bad entry during his service. Moreover, he has qualified Recruit Course and A-1 examination.

Keeping in view 07 years, 11 months and 12 days service at the credit of petitioner and threats from Terrorists and Taliban, the Board decided that the petitioner is hereby re-instated in service, however, the intervening period including period of absence from duty is considered as period in service but not on duty and he will not be entitled for salary of the intervening period. He will remain under special watch for one year.

This order is issued with the approval by the Competent Authority.

  
(NAJEEB-UR-REHMAN BUGTI)  
AIG/Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.

No. SI/1657-64/17.

Copy of the above is forwarded to the:

1. Regional Police Officer, Malakand at Swat.
2. District Police Officer, Dir Lower.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.
8. Central Registry Cell, CPQ.



1834

مخارج

کلیں

17/12/08

1325  
17-12-08

دفعہ اول اور دفعہ دوم کی دفعہ اول سے ماہانہ رقم  
دفعہ اول کی رقم 223 08  
دفعہ دوم کی رقم 223 08  
دفعہ اول کی رقم 223 08  
دفعہ دوم کی رقم 223 08

محکمہ  
22-12-08

M. A. P. L. Swat  
22-12-08

محکمہ

1834  
ریگولر ریشہ علی  
تعمیرات و مرمت کے لئے

20-Swat  
23-12-08

pay stopped and  
charge sheet

OB. No. 237  
31.12.08

D. P. S. Swat  
29.12.08

AAJ: The Largest Circulated Publication of NWFP

روزنامہ آج

پشاور پاکستان

12 سہ ماہی

جلد 20 | نمبر 4 فروری 2009ء | 8 سہ ماہی 1430ھ | قیمت 9 روپے | ایس ایم ایچ 25

نام پولیس اہلکاران جو بلا اجازت درخواست اپنے فرانسیسی منشی سے غیر حاضر پٹا آرہے ہیں ان کو  
 جیو انڈیا نظر میں کیا جاتا ہے کہ وہ اندر سے جان بوجھ کر اپنے منشی سے قوت منگوانے کی کوشش کر رہے ہیں  
 ان کے ساتھ ساتھ دیگر جیو انڈیا اہلکاران غیر حاضر کے خلاف کارروائی کر رہے ہیں اور ان کی جانگی۔

ڈسٹرکٹ پولیس آفیسر سوات

INF(SW)17

AAJ: The Largest Circulated Publication of NWFP

روزنامہ آج

پشاور پاکستان

12 سہ ماہی

جلد 20 | نمبر 4 فروری 2009ء | 8 سہ ماہی 1430ھ | قیمت 9 روپے | ایس ایم ایچ 25

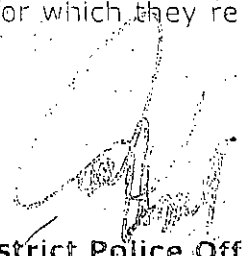
نام پولیس اہلکاران جو بلا اجازت درخواست اپنے فرانسیسی منشی سے غیر حاضر پٹا آرہے ہیں ان کو  
 جیو انڈیا نظر میں کیا جاتا ہے کہ وہ اندر سے جان بوجھ کر اپنے منشی سے قوت منگوانے کی کوشش کر رہے ہیں  
 ان کے ساتھ ساتھ دیگر جیو انڈیا اہلکاران غیر حاضر کے خلاف کارروائی کر رہے ہیں اور ان کی جانگی۔

ڈسٹرکٹ پولیس آفیسر سوات

INF(SW)17

**ORDER**

All the Ex-Officials, who dismissed / discharged from service due to their absence during the past insurgency, have been ordered and re-instated by the Region Police Chief Swat orders issued, vide Region Office Swat No. 10214-16/E dated 30/11/2010, are strictly directed to report their arrival to OASI of District Police office Swat within fortnight (15 days) from the issuance of this order, other wise their arrival report will not be considered and accepted at the beleted stage i.e. beyond the fixed period. However, the OASI of the office is directed to get an affidavit from each Ex-official to the effect that he will never in submit any kind of appeal / mercy petition for the grant of all back benefits pertaining to the period, for which they remained out of service / absented himself.

  
District Police Officer, Swat

\*\*\*AYAZ\*\*\*

NO. 15094-10/EC Dated 04-12-2010

Copies to the:-

- 1- Deputy Inspector General of Police, Malakand Region, Saidu Sharif Swat for favour of information please.
- 2- Additional Superintendent of Police Upper Swat.
- 3- Superintendent of FRP Swat.
- 4- DSP/Headquarter.
- 5- All SDPOs.
- 6- Office Establishment Clerk.
- 7- OASI of District Police Office Swat.



**KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR**

No. 1021 /ST

Dated: 13-5- /2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281  
Fax:- 091-9213262

The District Police Officer,  
Government of Khyber Pakhtunkhwa,  
Swat.

Subject: JUDGMENT IN APPEAL NO. 498/2018 MR. RASHID AHMAD & 1 OTHER.

I am directed to forward herewith a certified copy of Judgement dated 24.01.2022 passed by this Tribunal on the above subject for compliance please.

Encl: As above

  
REGISTRAR

KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR

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*MS*

Charge sheet

Statement

allegation

*MS*

32

25/11/10

*MS*  
10/11/10

LARGE SHEET

I, CP Mam Dherai, District Police Officer, Swat, as competent authority, hereby charge you, Constable Mohammad Ayub No. 1460, as following at you, while posted in CP Mam Dherai committed the following irregularities:

You Constable Mohammad Ayub No. 1460 while posted to Check Post Mam Dherai Police Post Kanju Police Station Kabal, absented yourself from duty with effect from 17/10/2008 till to date with our permission or leave vide DD No. 11 dated 7/10/2008 of Police Post Kanju Police Station Kabal.

All these based on your malafid intention, negligence, omission and

incompetence, which is in violation of the provisions of Section 3 of the NWFR (Removal from Service) Special powers Ordinance 2007 and the provisions of the Rules and Regulations specified in section-3 of the Ordinance.

You are therefore required to submit your written defense within 15 days from the date of receipt of this charge sheet.

If you fail to do so, the charge sheet shall be treated as proved and no defense to put forward in that case except action shall follow against you.

CP Mam Dherai

District Police Officer, Swat

No. 681 /EB

Dated 9/11 / 2008

DISCIPLINARY ACTION

I, Mr. Dilawar Khan Bangash, DPO, Swat District Police Officer, Swat as competent authority, am of the opinion that Constable Mohammad Ayub No.1460, has rendered himself liable to be proceeded against as he committed the following facts/omissions within the meaning of section 3 of the N.W.F.P Removal from Service (Special Powers) Ordinance, 2000.

STATEMENT OF ALLEGATIONS

That he while posted to Check Post Mam Dherai Police Post Kanju Police Station Kabal, absented himself from duty with effect from 17/10/2008 till to date without permission or leave vide DD No.11 dated 17/10/2008 of Police Post Kanju Police Station Kabal.

All these based on <sup>his</sup> ~~your~~ malafied intention, negligence, omission and disinterest in duty which is gross misconduct on your part.

3. For the purpose of ascertaining the conduct of the said accused with reference to the above allegations, an Enquiry committee consisting of the following is constituted under section 3 of the Ordinance.

1. Mr. Muhammad Ayaz Khan DSP/Legal, Swat
2. \_\_\_\_\_

3. The enquiry Committee shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused, record its findings and make within, 25 Days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place given by the enquiry Committee.

  
District Police Officer, Swat

No. 681 /E, Dated Gulkada the, 20/11 <sup>10/11</sup> 2008.

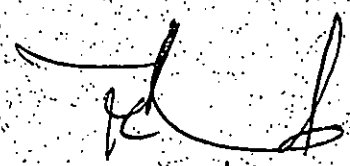
Copy of above is forwarded to the:-

1. Mr. Muhammad Ayaz Khan DSP/Legal, Swat
2. \_\_\_\_\_ } for initiating proceeding against the Officer/Official under the provisions of the NWFP/Removal from Service (Special Powers) Ordinance 2000.

3. Constable Mohammad Ayub No.1460 *Through PS Kabal*

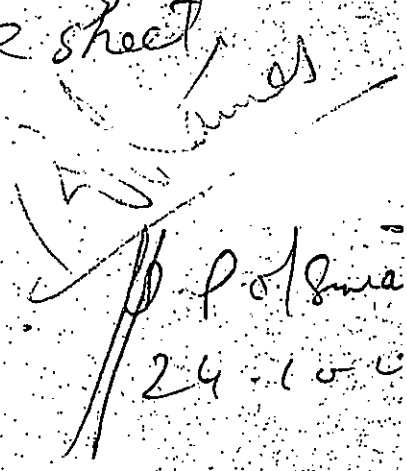
With the direction to appear before the enquiry Committee on the date time and place fixed by the Committee for the purpose of he proceeding

صالحه خورشیدی کی ایجنسی کے لیے 1460 بجے 11  
روزانہ 17/08 = مہینہ غیر طائفہ کے عادی غیر طائفہ کے لیے  
بڑے درجے کے لیے ایجنسی کے لیے ایجنسی کے لیے ایجنسی کے لیے  
مہینہ کے لیے ایجنسی کے لیے ایجنسی کے لیے ایجنسی کے لیے

  
Asst. Genl. Manager D  
23.10.08

OB No. 204  
Dt: 25/10/08

Pay stopped and cseu  
charge sheet

  
24.10.08



FINAL SHOW CAUSE NOTICE

1460

You Constable Mohammad Ayub while posted to Police Station Maan Dheran absented your self from duty with effect from 17/10/08 uptill now with out any leave or permission from your immediate officer. The EO in his finding report recommended you for Major Punishment.

Your are, therefore, served with this final show cause notice to Show cause with in 03 days of the receipt of this notice as to why the proposed action, which may included you dismissal from service, should not be taken against you, in case your written reply is not received within 03 days, you will be definitely dismissed from service.

  
District Police Officer, Swat

No: 681 /E

Dated 4/12 2008

Constable Mohammad Ayub No. 1460  
S/o \_\_\_\_\_  
R/o Maan Dheran PS Kabal  
District Swat

ORDER

1460

12

1460

This order will dispose off the enquiry initiated against Constable Muhammad Ayub No.1460, who while posted to Check Post Imam Dherai absented himself from duty with vide DD No.11, dated 17/10/2008 and failed to report. Thus absented himself from his legitimate duty and a report to this effect was entered at Police Post Kanju vide DD No.11, dated 17/10/2008.

He was issued charge sheet with statement of allegations. Enquiry was initiated against him and DSP Legal was appointed as Enquiry Officer. The Enquiry Officer in his finding report submitted that the defaulter Constable was summoned time and again, but did not appear to record his statement. Hence he was recommended for Major punishment of the Enquiry Officer. He was issued Final Show Cause Notice No: 681/E, dated 04/02/2009 but no reply has been received.

This constitutes misconduct, cowardice on his part and as such he is liable for action under section 5 sub section (4) of the Removal from service (Special Powers) Ordinance 2000 (Amendment) Ordinance 2001.

This constitutes misconduct/disinterest on his part and as such he is liable for action under section 5 Sub Section (4) of the Removal from service (Special Power) Ordinance 2000 (Amendment) Ordinance 2001 and dispose with the enquiry proceeding as laid down in the Ordinance and am further satisfied that there is no need of holding further departmental enquiry. Since the defaulter Constable has been found guilty of gross misconduct as defined in the said Ordinance, I Mr. Dilawar Khan Bangash DPO Swat as a competent authority, therefore impose major penalty by dismissing him from service from the date of absence i.e 17/10/2008.

Order announced.

District Police Officer, Swat

O.B. No. 28

Dated. 21.2.09.

A

1460

4

21-2-09

12

ORDER

This order will dispose off the enquiry initiated against Constable Muhammad Ayub No.1460, who while posted to Check Post Iriam Dherai absented himself from duty with vide DD No.11, dated 17/10/2008 and failed to report. Thus absented himself from his legitimate duty and a report to this effect was entered at Police Post Kanju vide DD No.11, dated 17/10/2008.

He was issued charge sheet with statement of allegations. Enquiry was initiated against him and DSP Legal was appointed as Enquiry Officer. The Enquiry Officer in his finding report submitted that the defaulter Constable was summoned time and again, but did not appear to record his statement. Hence he was recommended for Major punishment of the Enquiry Officer. He was issued Final Show Cause Notice No. 681/E, dated 04/02/2009 but no reply has been received.

This constitutes misconduct, cowardice on his part and as such he is liable for action under section 5 sub section (4) of the Removal from service (Special Powers) Ordinance 2000 (Amendment) Ordinance 2001.

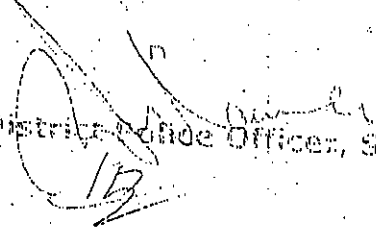
This constitutes misconduct/disinterest on his part and as such he is liable for action under section 5 Sub Section (1) of the Removal from service (Special Power) Ordinance 2000 (Amendment) Ordinance 2001 and dispose with the enquiry proceeding as laid down in the Ordinance and am further satisfied that there is no need of holding further departmental enquiry. Since the defaulter Constable has been found guilty of gross misconduct as defined in the said Ordinance, I Mr. Dilawar Khan Bangash DPO Swat as a competent authority, therefore impose major penalty by dismissing him from service from the date of absence i.e 17/10/2008.

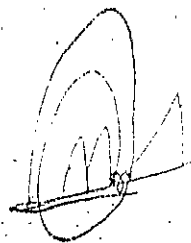
Order announced.

O.B. No. 28

Dated. 21.2.09.

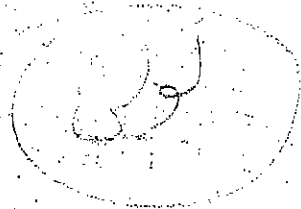
Attested

  
District Police Officer, Swat



محکمہ قضاہ کی عدالت نے فیصلہ دیا ہے کہ پولیس میں سپاہی ہو گیا ہے

ججی بر ملازمیت



حنا علی

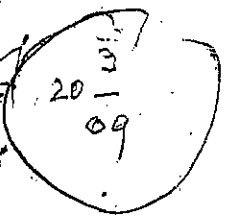
ذیل میں ہے

- 1- یہ سائیل سال 2002 میں پولیس میں سپاہی ہو گیا ہے۔
- 2- اسے ٹریننگ و کورس مکمل کر چکے ہیں۔
- 3- اسے ٹریننگ کے دوران کو عدالت نے ججی بر ملازمیت دیا ہے۔
- 4- اسے عدالت نے ججی بر ملازمیت دیا ہے۔
- 5- اسے عدالت نے ججی بر ملازمیت دیا ہے۔
- 6- اسے عدالت نے ججی بر ملازمیت دیا ہے۔
- 7- اسے عدالت نے ججی بر ملازمیت دیا ہے۔
- 8- اسے عدالت نے ججی بر ملازمیت دیا ہے۔
- 9- اسے عدالت نے ججی بر ملازمیت دیا ہے۔
- 10- اسے عدالت نے ججی بر ملازمیت دیا ہے۔

Attest

الکافی

محمد ایوب ولد شہ علی خان سکریٹری



(Signature)

منگورہ سوات

سالہ کیل 1960 تمام ذہنی ہوت

ORDER

1834

7 Pages

This order will dispose off the enquiry initiated against Constable Rashid Ali No. 1834, who while posted to PTC Hangu absented himself from duty with effect from 29/10/2008 vide T.P. Message No. 4288-3405/GC, dated 27/11/2008 and failed to report. Thus absented himself from his legitimate duty and a report to this effect was entered at PTC Hangu T.P. Message No. 4288-3405/GC, dated 27/11/2008 with effect from 29/10/2008.

He was issued charge sheet with statement of allegations. Enquiry was initiated against him and DSP Legal was appointed as Enquiry Officer. The Enquiry Officer in his finding report submitted that the defaulter Constable was summoned time and again, but did not appear to record his statement. Hence he was recommended for Major punishment of the Enquiry Officer. He was issued Charge Sheet No. 42/E, dated 16/01/2009 but no reply has been received.

This constitutes misconduct, cowardice on his part and as such he is liable for action under section 5 sub section (4) of the Removal from service (Special Powers) Ordinance 2000 (Amendment) Ordinance 2001.

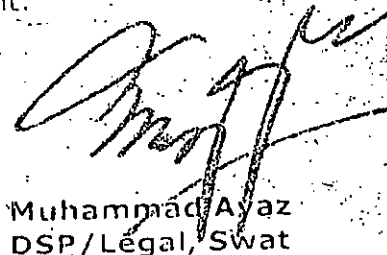
This constitutes misconduct/disinterest on his part and as such he is liable for action under section 5 Sub Section (4) of the Removal from service (Special Power) Ordinance 2000 (Amendment) Ordinance 2001 and dispose with the enquiry proceeding as laid down in the Ordinance and am further satisfied that there is no need of holding further departmental enquiry. Since the defaulter Constable has been found guilty of gross misconduct as defined in the said Ordinance, I, Mr. Dilawar Khan Bangash DPO Swat as a competent authority, therefore impose major penalty by dismissing him from service from the date of absence i.e. 29/10/2008.

FINDING REPORT

This is regular departmental enquiry against Constable Rashed Ali No 1835. According to the allegation, that the Constable while posted in Police QTC Mangera absented himself from lawful duty with effect from 29/10/08 uptill now without getting prior permission of the high ups.

In this connection proper departmental enquiry was conducted and the undersigned was appointed as Enquiry Officer. The defaulter Constable was summoned for 3/2/09 but did not attend this office. According to report of MHC Ime/Swat he is absent from 29/10/08 up till now. The charges/allegation were proved against the defaulter Constable Rashed Ali No 1835 and found him guilty of the charges.

Being found guilty of charges/allegation, Constable Rashed Ali No 1835 is recommended for major punishment.



Muhammad Ayaz  
DSP/Legal, Swat

4/2/09

EC  
Issue final Show cause Notice.

QTC/Swat  
15/02/09

I, Mr. Dilawar Khan Bangash, DPO Swat as competent authority, hereby charge you, Constable Rashid Ali No. 1834 as following that you, while posted in PTC Hangu committed the following irregularities:

You Constable Rashid Ali No. 1834, while posted to PTC Hangu, absented yourself from duty with effect from 29/10/2008 till to date with out permission or leave vide T.P.M No. 4288-4305/GC, dated 27/11/2008 of PTC Hangu.

All these based on your malafied intention, negligerce, omission and disinterest in duty which is gross misconduct on your part.

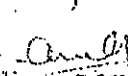
2. By reasons of the above, you appear to be guilty of misconduct under Section-3 of the NWFP (Removal from Service) Special powers ordinance 2000, and have rendered yourself liable to all or any of penalties specified in section-3 of the ordinance.

3. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the Enquiry officer / Committee, as the case may be.

4. Your written defense, if any, should reach the Enquiry Officer/ Committee within the specified period, failing which it shall be presumed that you have no defense to put in and in that case exparte action shall follow against you.

5. Intimate whether you desire to be heard in person.

6. A statement of allegations is enclosed.

  
District Police Officer, Swat

No. 42 /EB

Dated 16/11 / 2008

DISCIPLINARY ACTION

Mr. Dilawar Khan Bangash, DPO Swat District Police Officer, Swat as competent authority, am of the opinion that Constable Rashid Ali No.1834, has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meaning of section 3 of the N.W.F.P Removal from Service (Special Powers) Ordinance, 2000.

STATEMENT OF ALLEGATIONS

That he while posted to PTC Hangu, absented himself from duty with effect from 29/10/2008 till to date with out permission or leave vide T.P.M No.4288-4305/GC, dated 27/11/2008 of PTC Hangu.

All these based on your malafied intention, negligence, omission and disinterest in duty which is gross misconduct on your part.

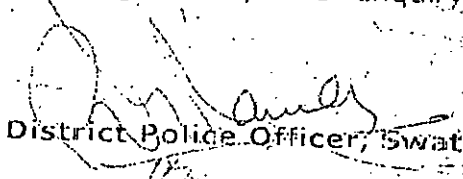
2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, an Enquiry committee consisting of the following is constituted under section 3 of the Ordinance.

1. Mr. Muhammad Ayaz Khan DSP/Legal, Swat

2. \_\_\_\_\_

3. The enquiry Committee shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused, record its findings and make within 25 Days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place given by the enquiry Committee.

  
District Police Officer, Swat

No. 42 /E, Dated Gulkada the, 16 11 2008

Copy of above is forwarded to the:-

1. Mr. Muhammad Ayaz Khan DSP/Legal, Swat

2. \_\_\_\_\_

} for initiating proceeding

against the Officer/Official under the provisions of the NWFP/Removal from Service (Special Powers) Ordinance 2000.

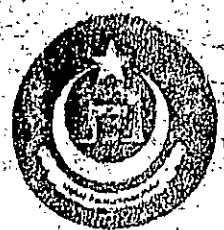
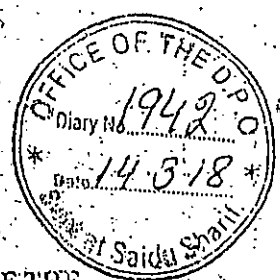
3. Constable Rashid Ali No.1834 *Manager Line office*

With the direction to appear before the enquiry Committee on the date, time and place fixed by the Committee for the purpose of he proceeding

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D 8



**OFFICE OF THE  
REGIONAL POLICE OFFICER, MALAKAND  
AT SAIDU SHARIF SWAT.**

Ph: 0946-9240381-83 & Fax No: 0946-9240390  
Email: diemalakand@yahoo.com

ORDER:

The following Ex-Constable / Ex-SPF of the Districts noted against each, submitted applications for reinstatement in Service. Their applications were thoroughly examined and found long-time barred having no legal justification to consider, hence their applications are hereby filed:

S. No	Name and No.	District	Date of Dismissal
1.	Ex-Constable Rashid Ahmad No. 1834.	Swat	21/02/2009
2.	Ex-Constable Mushtaq Ahmad No. 1007	Buner	24/08/2017
3.	Ex-Constable Muhammad Amin No. 2146	Dir Lower	15/07/2013
4.	Ex-Constable Anwar Said No. 1701	Swat	13/01/2009
5.	Ex-Constable Shah Aurang Zeb No. 341	Buner	24/04/2017
6.	Ex-Constable Kamal Khan (SPF) No. 2721	Swat	08/09/2015
7.	Ex-Constable Said Rahman (SPF) No. 123	Buner	15/06/2016

The applicants of yours respective Districts may be informed accordingly please.

*(Signature)*  
**(AKHIFAR HAYAT KHAN)**  
Regional Police Officer,  
Malakand, at Saidu Sharif Swat  
\*\*Naqi\*\*

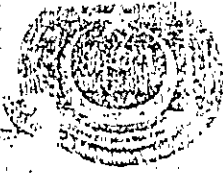
No. 2503 /E,  
Dated 12-03 /2018.

Copy to District Police Officers, Swat, Buner and Dir Lower for information and necessary action. The applicants of your respective District may be informed accordingly please.

\*\*\*\*\*  
*BOPTASI*  
*To inform them*  
*accordingly*

*(Signature)*  
*Allister*  
*Rashid Ahmad*

District Police Officer  
13/SWAT.  
13/3



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

No. S/ 1656 / 17, dated 18.05.2017

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-Constable Noor Khan No. 462. The appellant was dismissed from service by DPO, Dir Lower vide OB No. 361, dated 18.05.2009 on the charge of absence from duty for 02 months and 04 days.

Meeting of Appellate Board was held on 02.05.2017 wherein appellant was heard in person. During hearing petitioner contended that he was posted in Malakand Region as DFC. He could not bring Summon and Warrants to the area because of terrorism. Terrorists and Taliban threatened him time and again on his cell phone.

The Board examined his service record which revealed that appellant has no bad entry during his service. Moreover, he has qualified Recruit Course and A-1 examination.

Keeping in view 07 years, 11 months and 12 days service at the credit of petitioner and threats from Terrorists and Taliban, the Board decided that the petitioner is hereby reinstated in service, however, the intervening period including period of absence from duty is considered as period in service but not on duty and he will not be entitled for salary of the intervening period. He will remain under special watch for one year.

This order is issued with the approval by the Competent Authority.

*(Signature)*  
(NAJEEB-UR-REHMAN BUCVI)  
AIG/Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.

No. S/ 1657-64/17.

Copy of the above is forwarded to that

1. Regional Police Officer, Malakand at Swat.
2. District Police Officer, Dir Lower.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.
8. Central Registry Cell, CPO.

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 31-12-08

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FINDING REPORT

This is regular departmental enquiry against Constable Mohammad Ajub No 1460 According to the allegation, that the Constable while posted in Police C.P. Mann Dherat absented himself from lawful duty with effect from 17/10/08 uptill now with out getting prior permission of the high ups.

In this connection proper departmental enquiry was conducted and the undersigned was appointed as Enquiry Officer. The defaulter Constable was summoned for 12/12/08 but did not attend this office. According to report of MHC/ASI/Kamju he is absent from 12/12/08 up till now. The charges/allegation were proved against the defaulter Constable Mohammad Ajub No 1460 and found him guilty of the charges.

Being found guilty of charges/allegation, Constable Mohammad Ajub 1460 is recommended for major punishment.

EC

Issue final Show Cause notice

Signature  
DPO/Strat.  
06/01/09

Signature  
Muhammad Ayyaz  
DSP/Legal, Surat

**CHARGE SHEET**

I Mr. Dilawar Khan Bangash, DPO Swat as competent authority, hereby charge you, Constable Mohammad Ayub No.1460 as following at you, while posted in CP Mam Dherai committed the following irregularities:

You Constable Mohammad Ayub No.1460 while posted to Check Post Mam Dherai Police Post Kanju Police Station Kabal, absented yourself from duty with effect from 17/10/2008 till to date with out permission or leave vide DD No.11 dated 17/10/2008 of Police Post Kanju Police Station Kabal.

All these based on your malafied intention, negligence, omission and disinterest in duty which is gross misconduct on your part.

2. By reasons of the above, you appear to be guilty of misconduct under Section-3 of the NWFP (Removal from Service) Special powers ordinance 2000, and have rendered yourself liable to all or any of penalties specified in section-3 of the ordinance.

3. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the Enquiry officer / Committee, as the case may be.

4. Your written defense, if any, should reach the Enquiry Officer/ Committee within the specified period, failing which it shall be presumed that you have no defense to put in and in that case exparte action shall follow against you.

5. Intimate whether you desire to be heard in person.

6. A statement of allegations is enclosed.

No. 687 /EB

Dated 20/11 / 2008

  
District Police Officer, Swat

**DISCIPLINARY ACTION**

I, Mr. Dilawar Khan Bangash, DPO, Swat District Police Officer, Swat as competent authority, am of the opinion that Constable Mohammad Ayub No.1460, has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meaning of section 3 of the N.W.F.P Removal from Service (Special Powers) Ordinance, 2000.

**STATEMENT OF ALLEGATIONS**

That he while posted to Check Post Mam Dherai Police Post Kanju Police Station Kabal, absented himself from duty with effect from 17/10/2008 till to date without permission or leave vide DD No.11 dated 17/10/2008 of Police Post Kanju Police Station Kabal.

All these based on <sup>his</sup>~~your~~ malafied intention, negligence, omission and disinterest in duty which is gross misconduct on your part.

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, an Enquiry committee consisting of the following is constituted under section 3 of the Ordinance.

1. Mr. Muhammad Ayaz Khan DSP/Legal, Swat
2. \_\_\_\_\_

3. The enquiry Committee shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused, record its findings and make within, 25 Days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place given by the enquiry Committee.

  
District Police Officer, Swat

No. 681 /E, Dated Gulkada the, 20/11 2008.

Copy of above is forwarded to the:-

1. Mr. Muhammad Ayaz Khan DSP/Legal, Swat
2. \_\_\_\_\_ } for initiating proceeding against the Officer/Official under the provisions of the NWFP/Removal from Service (Special Powers) Ordinance 2000.

3. Constable Mohammad Ayub No.1460 *Through ps Kabal*

With the direction to appear before the enquiry Committee on the date time and place fixed by the Committee for the purpose of he proceeding

ضابطہ خزانہ کی طرف سے 1460 بجائے 1460

روزانہ 17/10 = 17/08 عادی غیر طاری

بڑے درجے کے افسران کی طرف سے 1460

بڑے درجے کے افسران کی طرف سے 1460

*[Handwritten signature]*

Asst. Genl. Aman D

23.10.08

OB No. 204  
Dt: 25/10/08

Pay stopped and issue charge sheet

*[Handwritten signature]*  
P. P. Sharma  
24.10.08

**FINAL SHOW CAUSE NOTICE**

1460

You Constable Mohammad Ayub while posted to Police CP Mian Dhera absented your self form duty with effect form 17/10/08 uptill now with out any leave or permission from your immediate officer. The EO in his finding report recommended you for Major Punishment.

Your are, therefore, served with this final show cause notice to Show cause with in 03 days of the receipt of this notice as to why the proposed action, which may included you dismissal from service, should not be taken against you, in case your written reply is not received within 03 days, you will be definitely dismissed from service.

  
District Police Officer, Swat

No. 681 /E

Dated 4/12/2009

Constable Mohammad Ayub No. 1460  
S/o \_\_\_\_\_  
R/o CP Mian Dhera PS Karbal  
District Swat



ORDER

1460

12

This order will dispose off the enquiry initiated against Constable Muhammad Ayub No.1460, who while posted to Check Post Imam Dherai absented himself from duty with vide DD No.11, dated 17/10/2008 and failed to report. Thus absented himself from his legitimate duty and a report to this effect was entered at Police Post Kanju vide DD No.11, dated 17/10/2008.

He was issued charge sheet with statement of allegations. Enquiry was initiated against him and DSP Legal was appointed as Enquiry Officer. The Enquiry Officer in his finding report submitted that the defaulter Constable was summoned time and again, but did not appear to record his statement. Hence he was recommended for Major punishment of the Enquiry Officer. He was issued Final Show Cause Notice No: 681/E, dated 04/02/2009 but no reply has been received.

This constitutes misconduct, cowardice on his part and as such he is liable for action under section 5 sub section (4) of the Removal from service (Special Powers) Ordinance 2000 (Amendment) Ordinance 2001.

This constitutes misconduct/disinterest on his part and as such he is liable for action under section 5 Sub Section (4) of the Removal from service (Special Power) Ordinance 2000 (Amendment) Ordinance 2001 and dispose with the enquiry proceeding as laid down in the Ordinance and am further satisfied that there is no need of holding further departmental enquiry. Since the defaulter Constable has been found guilty of gross misconduct as defined in the said Ordinance, I Mr. Dilawar Khan Bangash DPO Swat as a competent authority, therefore impose major penalty by dismissing him from service from the date of absence i.e 17/10/2008.

Order announced.

  
District Police Officer, Swat

O.B. No. 28

Dated... 21.2.09.

A

21-2-09

1460

12

ORDER

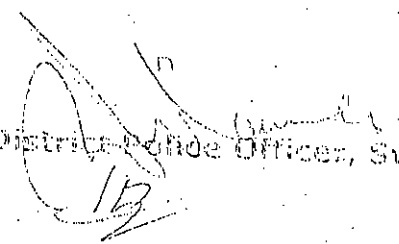
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He was issued charge sheet with statement of allegations. Enquiry was initiated against him and DSP Legal was appointed as Enquiry Officer. The Enquiry Officer in his finding report submitted that the defaulter Constable was summoned time and again, but did not appear to record his statement. Hence he was recommended for Major punishment of the Enquiry Officer. He was issued Final Show Cause Notice No. 681/E, dated 04/02/2009 but no reply has been received.

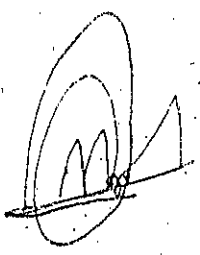
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Order announced.

  
District Police Officer, Swat

Attested



O.B. No. 28

Dated. 21.2.09.