

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 758/2018

Date of Institution ... 21.05.2018

Date of Decision ... 24.01.2022

Amjid Ex-Constable. No. 1542 District Bannu.

... (Appellant)

VERSUS

The Regional Police Officer, Bannu Region, Bannu and one another

... (Respondents)

Uzma Syed,
Advocate

... For Appellant

Muhammad Adeel Butt,
Additional Advocate General

... For respondents

AHMAD SULTAN TAREEN ...
ATIQ-UR-REHMAN WAZIR ...

CHAIRMAN
MEMBER (EXECUTIVE)

JUDGMENT

ATIQ-UR-REHMAN WAZIR MEMBER (E):- Brief facts of the case are

that the appellant while serving as Constable in Police Department was proceeded against on the charges of absence from duty and was ultimately dismissed from service vide order dated 02-05-2017. Feeling aggrieved, the appellant filed departmental appeal which was rejected vide order dated 25-04-2018, hence the instant service appeal with prayers that the impugned orders dated 02-05-2017 and 25-04-2018 may be set aside and the appellant may be re-instated in service with all back benefits.

02. Learned counsel for the appellant has contended that the impugned orders are against law, facts and norms of natural justice, therefore not tenable

and liable to be set aside; that no regular inquiry was conducted and the appellant was not associated with proceedings of the inquiry; that the so called inquiry officer did not rebut stance of illness of the appellant as the medical prescriptions were not verified nor sent to medical board for its authenticity; that there is no order in black & white to dispense with regular inquiry, which is violation of law and rule; that the appellant was not afforded opportunity of personal hearing, hence was condemned unheard; that the appellant has not been treated in accordance with law, hence his rights secured under the Constitution has badly been violated; that absence of the appellant was not willful but was due to compelling reason of his illness, which however was not taken into consideration; that the penalty so imposed is harsh, which does not commensurate with gravity of the guilt so committed.

03. Learned Additional Advocate General for the respondents has contended that the appellant remained absent from duty without permission of the competent authority and during the initial stage of disciplinary proceedings, the appellant did not produce any medical documents pertaining to his illness; that proper showcause notice was served upon the appellant but the appellant did not bother to respond to the showcause notice; that the appellant was called repeatedly but he did not turn up, hence ex-parte action was taken against him and was dismissed from service;

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

05. Record reveals that the appellant was proceeded against on the charges of absence from duty. Placed on record is a showcause notice, which too was not served upon the appellant and the appellant was proceeded summarily without adhering to the method prescribed in law. Comments of the respondents would suggest that the appellant had submitted his medical certificates for the

mentioned absence period, but his stance on medical grounds was ignored and he was straight away dismissed from service without conducting regular inquiry and without affording opportunity of defense to the appellant. The respondents were repeatedly directed to produce record pertaining to disciplinary proceedings of the appellant, but they failed to provide such record, which shows that the appellant was dismissed from service in an unlawful manner. The Supreme Court of Pakistan in its judgment reported in 2008 SCMR 1369 have held that in case of imposing major penalty, the principles of natural justice required that a regular inquiry was to be conducted in the matter and opportunity of defense and personal hearing was to be provided to the civil servant proceeded against, otherwise civil servant would be condemned unheard and major penalty of dismissal from service would be imposed upon him without adopting the required mandatory procedure, resulting in manifest injustice. Obviously the appellant was not associated with the process of disciplinary proceedings and was condemned unheard. We have observed that absence of the appellant was neither so long nor willful, but he availed such leave due to compelling reasons by submitting his medical certificates. Even otherwise, absence on medical grounds without permission of the competent authority could not be considered an act of gross misconduct entailing major penalty of dismissal from service, but the respondents did not consider his case on compassionate ground and was dismissed in an arbitrary manner, which was not warranted. Reliance is placed on 2008 SCMR 214.

06. We are of the considered opinion that the appellant has not been treated in accordance with law and the penalty so imposed appears to be harsh, which does not commensurate with gravity of the guilt so committed. In view of the fore-going discussion, the instant appeal is partially accepted. Impugned orders are set aside and the penalty of dismissal is converted into minor punishment of stoppage of increments for two years. The intervening period is treated as leave

without pay. 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

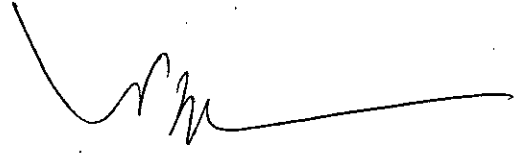
Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondent present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the instant appeal is partially accepted. Impugned orders are set aside and the penalty of dismissal is converted into minor punishment of stoppage of increments for two years. The intervening period is treated as leave without pay. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
24.01.2022



(AHMAD SULTAN TAREEN)
CHAIRMAN



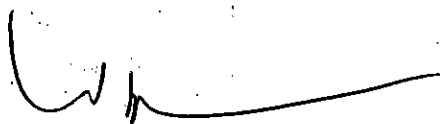
(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

02.12.2021

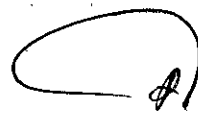
Appellant present through counsel.

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

Being not prepared, learned counsel for appellant made a request for adjournment; granted. To come up for arguments on 19.01.2022 before D.B.



(Atiq ur Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

19.01.2022

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

Due to paucity of time, arguments could not be heard. To come up for arguments on 24.01.2022 before the D.B.



(Atiq-Ur-Rehman Wazir)
Member (E)

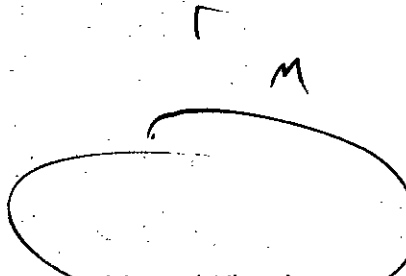


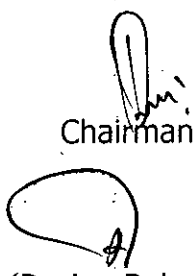
Chairman

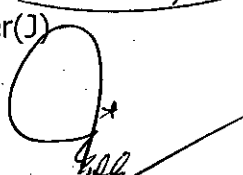
09.02.2021

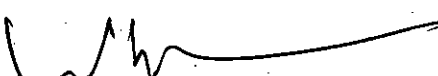
Appellant present in person and Addl. AG for the respondents present.

Former requests for adjournment as his learned counsel is indisposed today. Adjourned to 26.04.2021 for hearing before the Div. Bench.


(Muhammad Jamal Khan)
Member(J)


Chairman
(Rozina Rehman)
Member(J)


(Mian Muhammad)
Member (E)


(Atiq-ur-Rehman Wazir)
Member(E)

26.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 20.08.2021 for the same as before.


Reader

20.08.2021

Due to summer vacations, case is adjourned to 02.12.2021 for the same as before.

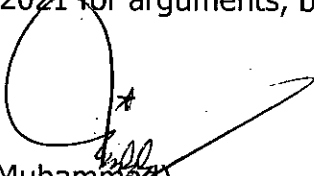

READER

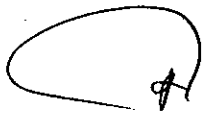
11.11.2020

Appellant present through representative.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 20.01.2021 for arguments, before D.B.

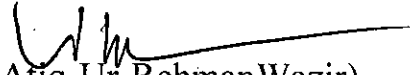

(Mian Muhammad)
Member (E)

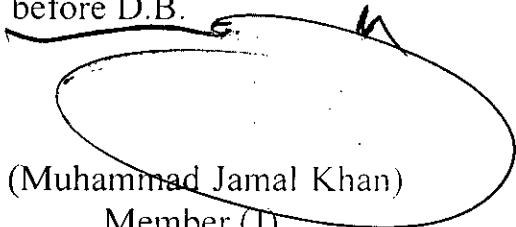

(Rozina Rehman)
Member (J)

20.01.2021

Learned counsel for the appellant is present. Mr. Riaz Khan Paindakhel learned Assistant Advocate General for respondents is also present.

Since the issue regarding the retrospectivity of the impugned order passed by the authority has not been adjudicated by the Larger Bench of this Tribunal, therefore, file to come up for further proceedings on 09.02.2021 before D.B.


(Atiq-Ur-Rehman Wazir)
Member (E)

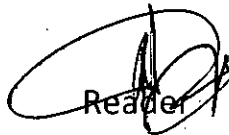

(Muhammad Jamal Khan)
Member (J)

09-4.2020

Due to COVID19, the case is adjourned to
07/07/2020 for the same as before.

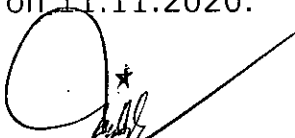

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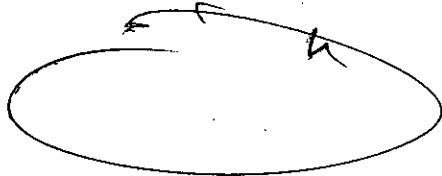
07.07.2020 Due to COVID19, the case is adjourned to 01.09.2020 for
the same as before.


Reader

01.09.2020 Learned counsel for the appellant is present. Mr.
Muhammad Jan, Deputy District Attorney for the
respondents, is also present.

Learned counsel for the appellant invited the attention
of this bench to the impugned order dated 02.05.2017 vide
which appellant has been proceeded against ex-post facto
and since the proposition is under consideration of the Larger
Bench of this august Tribunal, therefore, it would be in the
fitness of things to place the instant appeal before the Larger
Bench for consideration. The point raised is genuine, a
Larger Bench of the Services Tribunal has been constituted
for looking into the matter as to retrospectivity of an order
passed by a competent authority, therefore, the instant
appeal is also sent to the worthy Larger Bench for
consideration where the parties and their counsel have to
appear on 11.11.2020.


(Mian Muhammad)
Member (Executive)


(Muhammad Jamal Khan)
Member (Judicial)

26-2-20

The learned Members is on
tour therefore case is adjourned
to 9-4-2020


Rendler

29.05.2019

Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 02.08.2019 before D.B.


Member


Member

02.08.2019

Learned counsel for the appellant present. Mr. Zia Ullah learned DDA present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 28.10.2019 before D.B.


Member


Member

28.10.2019

Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on ~~23.12.2019~~ 23.12.2019 before D.B.


Member


Member

23.12.2019

Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 26.02.2020 before D.B.


Member


Member

17.12.2018

None present on behalf of appellant. Mr. Kabirullah Khattak learned AAG present. Written reply not received. Mr. Asghar H.C representative of the respondents absent. Adjourn. To come up for written reply/comments on 23.01.2019 before S.B. Notice be issued to the respondents


Member

23.01.2019

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Yaqoob Khan, Head Constable for the respondents present. Learned counsel for the appellant submitted rejoinder and requested for adjournment for arguments. Adjourned to 13.03.2019 for arguments before D.B.


(HUSSAIN SHAH)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

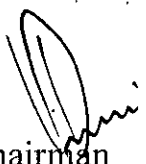
11.03.2019

Appellant in person and Addl. AG for the respondents present.

Request for adjournment is made due to engagement of learned counsel for the appellant in some domestic affairs today.

Adjourned to 29.05.2019 before the D.B.


Member


Chairman

18.07.2018

Counsel for the appellant present. Preliminary arguments heard and case file perused. On account of absence from duty departmental proceedings were initiated against the appellant and vide impugned order dated 02.05.2017 major penalty of dismissal from service was imposed on him. He preferred departmental appeal copy of which is not annexed with the appeal in hand but was dismissed on 25.04.2018 followed by present service appeal on 21.05.2018. Learned counsel for the appellant further argued that absence from duty was not willful and intentional, rather due to serious illness, he was unable to perform duty.

Appellant Deposited
Security & Process Fee

Points urged need consideration. Admit, subject to limitation. Appellant is deposit of security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 10.09.2018 before S.B.

(AHMAD HASSAN)
MEMBER

10.09.2018

Miss. Uzma Syed, Advocate counsel for the appellant present. Mr. Asghar Ali, H.C alongwith Mr. Kabirullah Khattak, Addl: AG for respondents present. Written reply submitted on behalf of the respondents. Case to come up for arguments on 29.10.2018 before D.B.

Chairman

29.10.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 17.12.2018.

READER

Form -A

FORM OF ORDER SHEET

Court of _____

Case No. 758/2018

S.No.	Date of Order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	<p>30/05/2018</p> <p>31/05/18.</p> <p>11.06.2018</p>	<p>The appeal of Mr. Amjid resubmitted today by Mr. Uzma Syed Advocate may be entered in the Institution register and put up to the Wrothy Chairman for proper order please.</p> <p style="text-align: right;">REGISTRAR 30/5/18</p> <p>The case is entrusted to S Bench for preliminary hearing to be put up there on <u>11/06/18.</u></p> <p>None present for the appellant CHAIRMAN up for preliminary hearing on 18.07.2018 before S.B.</p> <p style="text-align: right;">Chairman</p>

The appeal of Mr. Amjid Ex-Constable No. 1542 District Bannu received today i.e. on 21.05.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of departmental appeal is not attached with the appeal which may be placed on it.
- 2- Annexure-D of the appeal is illegible which may be replaced by legible/better one.

No. 1069 /S.T,

Dt. 22/05 /2018.

Uzma Syed Adv. Pesh.

Sir,

- That the Departmental Appeal's Copy ~~was~~ is not available with the Appellant may be requisitioned from the Deptt: which may also be requested in Para-4 of the Appeal.

objection No 2 removed & resubmitted

[Signature]

29-5-2018

[Signature]
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 759/2018

Amjid

V/S

Police Deptt:

INDEX

S.No.	Documents	Annexure	Page No.
1.	Memo of Appeal	-----	1-03
2.	Copy of medical discription	-A-	04/05-32
3.	copy of showcause notice	-B -	33
4.	Copy of impugned order	-C-	34
5.	Copy of rejection order	-D-	35
6.	Vakalat Nama	-----	36

231
APPELLANT

THROUGH:

Fund Syed
(SYED NOMAN ALI BUKEARI)

& Uqma
(UZMA SYED)

ADVOCATES, PESHAWAR

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 758 /2018

Amjid , EX- Constable, No.1542
District Bannu.

Khyber Pakhtukhwa
Service Tribunal

Diary No. 748

Dated 21-5-2018

.....(Appellant)

VERSUS

1. The Regional Police Officer, Bannu Region, Bannu.
2. The District Police officer Bannu.

.....(Respondents)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE REJECTION ORDER DATED 25.04.2018 OF RESPONDENT NO. 1 WHEREBY THE DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 02.05.2017 HAS BEEN REJECTED FOR NO GOOD GROUNDS.

PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDERS DATED 25.04.2018 AND 02.05.2017 MAY PLEASE BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED IN TO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

Filed by Amjad
21/5/18
Registrar

Re-submitted to -day
and filed.

Registrar
30/5/18

RESPECTFULLY SHEWETH:

FACTS:

Facts giving rise to the present service appeal are as under:

1. That the appellant was appointed as Constable in Police and the appellant was performed his duties with entire satisfaction of his superiors.
2. That the appellant had been seriously ill due to which appellant didn't performed his duties so the abscentia of the appellant was not willing full but due to serious illness. **Copy of the medical prscription is attached as annexure-A.**
3. That, thereafter, the appellant was departmentally proceeded wihtout charge sheet, statement of allegation and direct show cause notice was served through DFC upon the appellant without any inquiry report provided to the appellant. **Copy of show show cause is attached as Annexure-B.**
4. That without personal hearing the impugned order dated 02.05.2017 has been passed against the appellant whereby the appellant was dismissed from service. The appellant been agrrieved from the impugned dismissal order preffered departmental appeal but the copy of the departmental appeal was not availiable with the appellant so the same will may be requisite from the department. **Copy of impugned order is attached as Annexure-C.**
5. That the departmental appeal of the appellant was rejected vide order dated 25.04.2018 for no good ground. **(Copy of rejection order is attached as Annexure-D).**
6. That now the appellant come to this august Tribunal on the following grounds amongst others.

GROUND:

- A) That the impugned orders dated 25.04.2018 and 02.05.2017 are against the law, facts, norms of justice and so harshed. So material on record, therefore not tenable and liable to be set aside.
- B) That no inquiry has been conducted nor the enquiry office is rebutted the plea of illness of the appellant because as medical prescription have not been cross examined from the concerned

Doctor, and in case of any doubt the authority was required to refer the matter to Medical Board for their opinion. therefore, without adopting that procedure the impugned penalty order has been passed which is not sustainable in the eyes of law.

- C) That there is no order in black and white form to dispense with the regular inquiry which is violation of law and rules and without given personal hearing which is necessary and mandatory in law and rules before imposing major penalty. So the whole procedure conducted has nullity in the eye of law. So the impugned order is liable to be set aside.
- D) That the appellant has been condemned unheard and has not been treated according to law and rules.
- E) That the appellant has not been treated under proper law despite he was a civil servant of the province, therefore, the impugned order is liable to be set aside on this score alone.
- F) That the absent of the appellant was not intentionally but due to serious illness. So the penalty imposed upon the appellant was so harshed.
- G) That no chance of personal hearing was provided to the appellant and as such the appellant has been condemned unheard throughout.
- H) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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

امجد
APPELLANT
AMJID

THROUGH:

uzma
(UZMA SYED)
& Syed
(SYED NOMAN ALI BUKHARI)
ADVOCATES HIGH COURT

ORTHOPAEDIC UNIT D.H.Q TEACHING HOSPITAL BANNU

DISCHARGE SLIP

Associate Professor & Incharge
Dr. Mir Syed Ali
Assistant Professor
Dr. Shams-ur-Rehman

Medical Officer
Dr. Jehan Zeb
Dr. Muhammad Niaz

Patient Name: Amyad Khan Father/Husband Name: Mir Syed Ali
 Sex: M Age: 22y Admission No: 10.87/28 Date of Admission: 8/12/15
 ward: Orthopaedic Bed Room No: -
 Date of Operation: - Date of Discharge: 10-12-15
 Disease / injuries: FAT @ leg / # pistol shot & bullet w
 Operation: D/D & bone graft in knee joint
 Important Investigation: Hbs, Hcu Neg Hb7. 10:4 (gm%)
 Address: Bannu

TREATMENT IN HOSPITAL

TREATMENT FOR HOME

1 INJ ceftroil 1gm B.D
 1 INJ Diclo 1/2m SOS
 Tab. Brown 1 OD
 Tab. Nalox 1 (4)

[Handwritten notes and signature]
 Leg w/ cast / bone graft
 normal wound
 usage of crutches
 [Signature]

Mabil Tab/Inj

Dicloran Tab/Gel

Intig-D Tab/Syp

ATTACHED



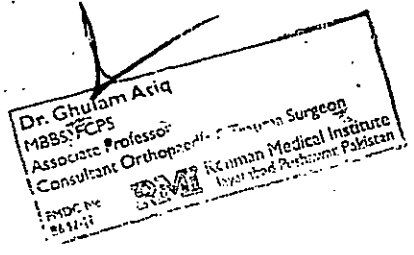
Dr. Ghulam Atiq - Associate Professor
MBBS, FCPS
Consultant Orthopaedic & Trauma Surgeon
ghulam.atiq@rmi.edu.pk | Direct Tel: +92-91-5838332
Clinic Timing: 09:00 am - 03:00 pm (Monday - Friday)
10:00 am - 01:00 pm (Saturday)

1-0 DEC 2015

Amjad
30/12/15

FB @ knee
intra articular
e. split fracture
② Proximal
Tibia

Admit ward 9.



Adv. Right fem.
bone. (1 1/2 months)

removal of
FB
screw fixation
(simple)



5/B-2 Phase - 5 Hayatabad Peshawar Pakistan
Tel: +92-91-5838000 (Ext. 3632) | Fax: +92-91-5838333 | Appointments: +92-91-5838666
ghulam@rmi.edu.pk

III-REHMAN
www.rmi.edu.pk

ATTACHED

Amjad Khan
25 yr / M
Banna

26/03/2015

Rx medel (pain)
Tubercle platan

FTI e

bullet inside
gr

ORIL e
screws

R
1) TBS Drapone - P
2) Ec's (2 + 2)
1 cur ss

3) Adv. cast for 03 months
Now weight bearing - ambulation

Dr. Ghulam Atiq
MBBS, FCPS
Associate Professor
Consultant Orthopaedic & Trauma Surgeon
Rehman Medical Institute



ATTESTED

RM

8

Dr. Ghulam Atiq - Associate Professor

MPBS FCPS

Consultant Orthopaedic & Trauma Surgeon | F.F.S. (UK) | FRCR (UK)

PhD (University of Peshawar) | FRCR (UK) | FRCR (UK)

Clinic Timing: 09:00 am - 03:00 pm (Monday - Friday)

10:00 am - 01:00 pm (Saturday)

Amjad Khan

25/11/11

Bannu

10/11/11

→ Tibial plateau

HAI (undisplaced)

R

1) Tas Duzayesi - front

ME 26 (177)

9E

pt stable

swell mild

2) Tas Becefol

17/11/11

ROM - Good

X-ray help in prep.

3) Adv Patient weight bearing & crutches

4) Adv Rest for 04 weeks &

then Physiotherapy of knee joint

S/B-2 Phase - 5 Hayatabad Peshawar Pakistan

Tel: +92-91-5838000 (Ext. 3686) | Fax: +92-91-5838333 | Appointments: +92-91-5838666

WWW.FMHC.COM.PK

San
ATTACHED



The Graduate Army...
1000 am - 01:00

Amjad Khan
Sgt
Bannu

18 JUL 2016

FIW for
Tactical plan
from
Pvt for
FB
e foreign help
command

D Tas
1000 am - 01:00

2) life in
Quadrants Exercises
for 6 weeks

3) Rest from duty for
6 weeks

Signature box

Signature

10

INVOICE



5/B-2 Phase - 5 Hayatabad Peshawar Pakistan
Tel: +92-91-5838000 | Fax: +92-91-5838333
Appointments: +92-91-5838666

Patient Invoice

THIS FORM CAN ONLY BE USED FOR INVOICE
Invoice #: 15-12-000820

RMI Patients

Patient Information

PR No: 15-12-004037
Name: Mr Amjad Khan
Gender: Male Age 25 Years Weight: kg kg
Phone: Height: ft
Address: mairmon khel, bannu, kpk

Admission Information

Admission No: 15-12-000820
Admission Date: 10/12/2015 3:46PM
Ward: Ward J
Room / Bed: 352 / A
Discharge Date: 13/12/2015 2:30PM
Discharge Type: Normal Discharge

Consultant: Dr. Ghulam Atiq

Package	Amount	Procedure Done
o Removal of Foreign body (deep)	34,000	Procedure Done
o Screw Fixation	36,000	Procedure Done

General Services:	Date	Charges	Department
S# Service	12/12/2015	600	Physiotherapy
1 Physiotherapy			

Consumption Detail

S#	Head	Amount
1	Laboratory	7,280
2	Cardiology	1,600
3	Radiology	8,300
4	Visits	3,600
5	Stay Charges	8,808
6	OT Pharmacy	3,742
7	Ward Pharmacy	5,473
8	Anesthetist Fee	7,200
9	OT Time Charges	6,667
10	Hospital Charges	2,500
11	Procedure Fee	21,600

Cash Deposit:	Rs.	70,000	
Consumption:	Rs.	76,770	
Adjustment Amount:	Rs.	(2,667)	Reason: OT TIME=-2667(80mins)
Final Bill:		74,103	Details Attached

Amount Receivable: 4,103 Four Thousand One Hundred Three ONLY.

Mr. Israr Ullah

Print Date: Dec 13, 15 2:55:13 pm

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www.treesvalley.com
www.rmi.edu

Print Date: Dec 13, 15 2:00 pm

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ATTACHED

(11)

Discharge Sheet

RMI Patients

Patient Information

PR No: 15-12-004037
 Name: Mr Amjad Khan
 Gender: Male Age: 25 Years Weight: kg
 Phone: 03339736610 Height: ft
 Address: mairnon khel, bannu, kpk

Admission Information

Admission No: 15-12-000820
 Admission Date: 10/12/2015 3:46PM
 Ward: Ward J
 Room / Bed: 352 / A
 Discharge Date: 13/12/2015 1:47PM
 Discharge Type: Normal Discharge

Consultant

Primary: Dr.Ghulam Atiq
 Secondary: Dr.Ghulam Atiq

Package

- o Screw Fixation
- o Removal of Foreign body (deep)

Department

(Orthopeadics)
 (Orthopeadics)

Diagnosis

foreign body left knee articular & split fracture (L) Proximal tibia
Presenting Complaints
 PRESENTED WITH FIREARM INJURY
 PAIN
 FOREIGN BODY LEFT KNEE INTRA ARTICULAR SPLIT FRACTURE <L>
 PROXIMAL TIBIA

Clinical Status

IMPROVED & STABLE

Investigations

ATTACHED

Risk Factors

EXPLAINED

Treatment At Hospital

Operation Notes

REMOVAL OF FOREIGN BODY (DEEP)
 SCREW FIXATION

Medicines

INJ ZINACEF
 INJ GRACIL
 INJ TORADOL
 INJ MAXALON
 INJ ESSO

Post Operative Complication

NIL

Precautions

Care At Home

FOLLOW UP AFTER 6 WEEKS
 EXERCISE

Diet

EXPLAINED

Medicines

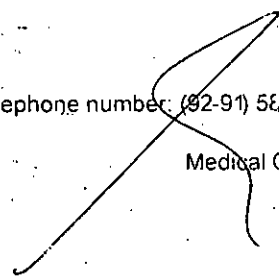
CAP ESSO 40MG OD 7 DAYS
 SYP DIAGESIC P 2TSF 1+1+1 5 DAYS
 TAB SURBEX Z OD 1 MONTH
 TAB ZINACEF 250MG 1+1+1 5 DAYS

Follow Up

Visit your Consultant (Dr.Ghulam Atiq) 7 days after discharge from the hospital.
 Please ensure that you have booked an appointment prior to your visit by calling on the following telephone number: (92-91) 5838000

Discharged By : Aftab Ud Din

Medical Officer



Handwritten signature and stamp
 Aftab Ud Din



THIS FORM CAN ONLY BE USED FOR PATIENT REPORTS

Echocardiography

Request No: 15-12-002201	PR No: 15-12-004037	Entered: 10, Dec, 15 04:12PM
Patient Name: Mr. Amjad Khan	(Male: 25 Years)	Printed: 10, Dec, 15 06:13PM
Consultant: dr ghulam atiq		Location: Ward J

Measurements	Observed	Normal Range(mm)	Parameter	Values	Range
Aortic Root Dimension	27	20--40	EPSS		0--9
Left Atrial Dimension	31	19--39	PHT		--
LV End Diastolic Dimension	45	36--56	E Velocity(cm/sec)		.44--1.
LV End Systolic Dimension	31	25--41	A Velocity(cm/sec)		.2--.6
IVS Thickness	09	8--12	E: A Ratio		.7--3.1
LVPW Thickness	09	7--11	RVSP		--
Rt. Vent. Dimension	22	7--25			
LV Function Indices					
Fractional Shortening	33% ✓		Ejection Fraction	61% ✓	
IVRT			E. Wave DT		
PAP(mmHg)					
Sys			Dias		

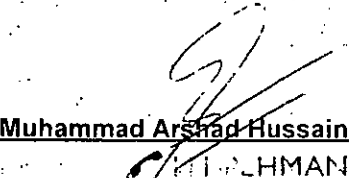
Valves	Gradient (mmHg)		Peak Velocity (cm/sec)	Valve Area (cm) ²		Regurgitation
	Peak	Mean		Doppler	2-D	
Mitral Valve						
Tricuspid Valve						
Aortic Valve						
Pulmonic Valve						

Comments:

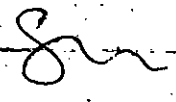
- o Normal size cardiac chambers.
- o Good LV function.
- o No regional wall motion abnormality at rest.
- o Valves are normal in structure and flow pattern.
- o No clot or pericardial effusion.

Conclusion:

Normal Study.


Dr. Muhammad Arshad Hussain
 MUHAMMAD ARSHAD HUSSAIN
 www.rmi.edu.pk

This is computer generated report and is duly verified by Cardiac Sonologist.





5/B-2 Phase - 5 Hayatabad Peshawar Pakistan
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Appointments: +92-91-5838666
healthcare@rmi.edu.pk

REPORT

THIS FORM CAN ONLY BE USED FOR PATIENT REPORTS

Radiology No: 15-12-004390

Consultant: Dr. Ghulam Atiq

Test Date: 12/12/2015

PR No: 15-12-004037

Name: Mr Amjad Khan

Age: 25 Years

Gender: Male

15-12-004037

CT Knee joint (without contrast) (L)

Clinical Information:

FAI - left knee

Technique:

0.5 mm thin images in bone window are reviewed on workstation of 128 slicer CT machine in axial, coronal and sagittal planes.

Findings

There are multiple comminuted split fractures of medial tibial condyle and tibial plateau. Few fractures extending into posterior lateral tibial condyle and tibial neck. There is involvement of articular margins. Few fractures are involving medial aspect of tibial tuberosity. Multiple displaced tiny bony chips and metallic foreign bodies are seen in posteromedial soft tissues of popliteal fossa and knee joint space at intercondylar level.

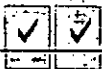
Metallic screws are seen in posterior aspect of tibial condyles. Significant artifacts have degraded the visualization of fibular neck. However, there is suspicion of cortical break in medial aspect of fibular head, could be post intervention.

There is extensive soft tissue edema. Retropatellar joint effusion seen with air fluid levels.

Impression

Comminuted fractures of tibial plateau and medial condyle (Moore classification type II).
Retropatellar joint effusion with air.

Dr. Ummara Siddique Umer
FCPS (DGR)
Consultant Radiologist



Notes: Electronically verified report, signatures not required. Identity of the patient not verified. www.rmi.edu.pk

ATTESTED

Reception ID: 15-001-0207837 PR No: 15-12-004037
Patient Name: Mr. Amjad Khan (Male : 25 Year(s))
Referred By: Dr. Ghulam Atiq

Entered: (10, Dec 15, 16:08)
Printed: 13, Dec, 15, 15:31
Ward: Ward J

Blood Grouping

ABO grouping	'AB'	(-)
Rh factor	'POSITIVE'	(-)

Notes: Electronically verified report, signatures not required. Identity of the patient not verified. Any query about this report may be addressed within twenty four hours of reporting, the duration for which the samples are preserved.

Signature
ATIQ

15

Reception ID: 15-001-0207837 PR No: 15-12-004037
Patient Name: Mr. Amjad Khan (Male : 25 Year(s))
Referred By: Dr. Ghulam Atiq

Entered: (10. Dec 15. 16:08)
Printed: 13. Dec. 15. 15:31
Ward: Ward J

Hepatitis B Profile

Hepatitis B Surface Antigen 0.33(Nonreactive)

(<1:0 - sp;)

Test performed by CMIA Arichitect ci8200 System.

Notes: Electronically verified report, signatures not required. Identity of the patient not verified. Any query about this report may be addressed within twenty four hours of reporting, the duration for which the samples are preserved.

[Signature]
ATTESTED

15

Reception ID: 15-001-0207901 PR No: 15-12-004037
Patient Name: Mr. Amjad Khan (Male : 25 Year(s))
Referred By: Dr. Ghulam Atiq

Entered: (10, Dec 15, 17:34)
Printed: 13, Dec, 15, 15:31
Ward: Ward J

Notes: Electronically verified report, signatures not required. Identity of the patient not verified. Any query about this report may be addressed within twenty four hours of reporting, the duration for which the samples are preserved.

su

AT

System: 15-12-004037

Reception ID: 15-001-0207837 PR No: 15-12-004037
Patient Name: Mr. Amjad Khan (Male : 25 Year(s))
Referred By: Dr. Ghulam Atiq

Entered: (10, Dec 15, 16:08)
Printed: 13, Dec, 15, 15:31
Ward: Ward J

Viral Profile

Hepatitis A IgM antibodies 0.56(Nonreactive) (-)

The cut-off value of HAV IgM is 1.2 Value more than cut-off is reactive. Test is performed by Microparticle Enzyme Immunoassay (MEIA) System Interpretation For diagnostic purposes, IgM anti-HAV reactivity should be correlated with patient history and other hepatitis markers for diagnosis of past or present infection, or vaccination against HAV.

Notes: Electronically verified report, signatures not required. Identity of the patient not verified. Any query about this report may be addressed within twenty four hours of reporting, the duration for which the samples are preserved.

[Handwritten Signature]
ATTENDED

Document ID: 15-12-004037

Reception ID: 15-001-0207837 PR No: 15-12-304037
Patient Name: Mr. Amjad Khan (Male : 25 Year(s))
Referred By: Dr:Ghulam Atiq

Entered: (10, Dec 15, 16:08)
Printed: 13, Dec, 15, 15:31
Ward: Ward J

Glucose group

Plasma Glucose (R) 128 mg/dl (<200)

Interpretation
(ADA 2006)

<div style="text-align: justify;">

Normal: ≤ 100 (F), ≤ 200 (2hr); Diabetes Mellitus: ≥ 126 (F) or ≥ 200 (2hr); Pre-diabetes: Impaired Glucose Tolerance (IGT): 140-200 (2hr); Impaired Fasting Glycaemia (IFG): 100-126 (F). All values mg/dl, venous plasma/serum. True Random plasma glucose value, the one having no relationship with meal has limited screening/diagnostic/prognostic value. For clinical purposes, the diagnosis of diabetes should be confirmed by repeating the test unless there is unequivocal hyperglycaemia with acute metabolic decompensation or obvious symptoms.</div>

Kidney Profile

Blood Urea 29 mg/dl (10 - 50)

Serum Creatinine 1.1 mg/dl (0.7 - 1.2)

Estimated GFR 81.56 ml/min/1.73 sqm (30 - 130)

<div style="text-align: justify;">

Interpretation</div>

<li style="text-align: justify;">

Estimation of GFR in adults is based on Age, gender and serum creatinine according to the modified MDRD equation (Lévey et al, 2007).

<li style="text-align: justify;">

In children upto 18 years of age it is based on serum creatinine and height. 3. Estimated GFR may not correlate with creatinine clearance for healthy population, at the extremes of body size, acute or chronic renal failure, and in patients on dialysis.

Serum Electrolytes

Sodium 140.3 mmol/L (135 - 148)

Potassium 4.03 mmol/L (3.6 - 5.2)

Chloride 100.6 mmol/L (98 - 108)

Bicarbonate 26.9 mmol/L (22 - 28)

Complete Blood Counts

Haemoglobin	12.7 g/dl	(13.5 - 17.5)	Neu	67.5 %	(40 - 75)
WBC	10.05 x10 ⁹ /l	(4.0 - 11.0)	Lym	23.6 %	(20 - 45)
Platelets	177 x10 ⁹ /l	(150 - 400)	Mono	6.2 %	(2 - 10)
RBC	5.34 x10 ¹² /l	(4.5 - 6.5)	Eos	2.5 %	(1 - 6)
PCV	0.3960 l/l	(0.4 - 0.5)	Baso	0.2 %	(0.1 - 1)
MCV	74.2 fl	(80 - 100)	Neu	6.79 X10 ⁹ /l	(2.0 - 7.5)
MCH	23.8 pg	(27.0 - 32.0)	Lym	2.37 X10 ⁹ /l	(1.5 - 4.0)
MCHC	32.1 g/dl	(30 - 35)	Mono	0.62 X10 ⁹ /l	(0.2 - 0.8)
RDW-SD	38.9 fl	(-)	Eos	0.25 X10 ⁹ /l	(0.04 - 0.4)
		(-)	Baso	0.02 X10 ⁹ /l	(0.02 - 0.1)
RDW-CV	14.7 (%)	(-)			

Notes: Electronically verified report, signatures not required. Identity of the patient not verified. Any query about this report may be addressed within twenty four hours of reporting, the duration for which the samples are preserved.

ATTESTED

25

Reception ID: 15-001-0207901 PR No: 15-12-004037
Patient Name: Mr. Amjad Khan (Male : 25 Year(s))
Referred By: Dr. Ghulam Atiq

Entered: (10; Dec 15 17:34)
Printed: 13, Dec, 15, 15:31
Ward: Ward J

Viral Profile

Anti-HIV Antibodies

Anti-HIV I & II (Antibodies) 0.21(Nonreactive) (<1.0 - sp;)

<div style="text-align: justify;">
Interpretation

The cut-off value of Anti-HIV antibodies is 1.00. Value more than cut-off is REACTIVE.

Test is performed by:

a. Chemiluminescent Microparticle Immunoassay (CMIA) Architect i 1000 SR System (HIV Ag/Ab Combo). The ARCHITECT HIV Ag/Ab Combo assay is a chemiluminescent microparticle immunoassay (CMIA) for the simultaneous qualitative detection of HIV p24 antigen and antibodies to HIV type 1 and 2.

b. Electrochemiluminescence Immunoassay (ECLIA) Hitachi E170 System Interpretation Indeterminate/REACTIVE test result must be confirmed by western blot test and or PCR.</div>

Notes: Electronically verified report, signatures not required. Identity of the patient not verified. Any query about this report may be addressed within twenty four hours of reporting, the duration for which the samples are preserved.

[Handwritten Signature]
ATTESTED

21

Reception ID: 15-001-0207837 PR No: 15-12-004037
Patient Name: Mr. Amjad Khan (Male : 25 Year(s))
Referred By: Dr. Ghulam Atiq

Entered: (10 Dec 15 16:08)
Printed: 13 Dec 15 15:31
Ward: Ward J

Anti-HCV (Antibodies) 0.19(Nonreactive) (<1.0 - nbsp;)

<div style="text-align: justify;">

Value more than cut-off is REACTIVE.

Test is performed by Chemiluminescent Microparticle Immunoassay (CMIA) Architect: ci 8200 System.

Interpretation:

REACTIVE Result:A positive Anti-HCV antibodies test requires confirmation by immunoblot test or by PCR.

Negative Result:A negative test does not exclude the possibility of exposure or infection with Anti-HCV antibodies. The testing for HCV by PCR is not indicated in cases with negative Anti-HCV sero-status.

Gray Zone Result:

Please repeat the test with a fresh blood sample for confirmation or preferably it should be repeated after 08 weeks. Indeterminate Result: Please repeat the test with a fresh blood sample after 08 weeks or confirm by PCR. In positive case the viral load may be determined by quantitative PCR for further confirmation.</div>

Notes: Electronically verified report, signatures not required. Identity of the patient not verified. Any query about this report may be addressed within twenty four hours of reporting, the duration for which the samples are preserved.

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Appointments: +92-91-5838333
healthcare@mr.edu.pk

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In Patient cash

PR No: 15-12-004037
Name: Mr. Amjad Khan (M: 25 Y)
Admission No: 15-12-000820
Consultant: Ghulam Atiq Dr.
Bill No: B15-12-9019
Paid No: P15-068193
Admission Date: 10/12/2015 3:46PM

S#	Package	Mode	Payment Made
1	Removal of Foreign body (deep)	cash	50,000

Amount in word: Rupees Fifty Thousand Only.
Total Amount: 50,000

Received By: Mr. Qaisar Khan FP176

Received On: Dec 10, 15 3:54PM

Cash Received
Finance Department
10 DEC 2015
Sign
Rehman Medical Institute
Hayatabad Peshawar Pakistan



REHMAN
www.rm.edu.pk

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23

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In Patient cash

PR No: 15-12-004037
Name: Mr. Amjad Khan (M:25 Y)
Admission No: 15-12-000820
Consultant: Ghulam Atiq Dr.
Bill No: B15-12-9019
Paid No: P15-068605
Admission Date: 10/12/2015 3:46PM

S#	Package	Mode	Payment Made
1	Removal of Foreign body (deep)	cash	20,000

Amount in word: Rupees Twenty Thousand Only.
Total Amount: 20,000

Received By: Mr. Syed Aamir Ali Shah

Received On: Dec 12, 15 10:28AM

III-REHMAN
www.rmi.edu.pk

[Signature]
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RECEIVED 10/12/2015 10:28AM

24

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OUT-PATIENT RECEIPT

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PR.No: 15-12-004037		Paid No: 16-0495428
Name: Mr. Amjad Khan (Male:25 Years)		Visit No: 16-07-016833
Department: OPD	Cashier: Mr. Jamal Khan	
Date: Jul-18, 16 14:05		
Service: Consultation	Ghulam Atiq Dr.	Charges: 1,000
Amount in words: Rupees One Thousand Only.		Total Amount: 1,000
		Net Amount: 1,000

Print On Jul 18, 16 14:19:13

DR. RIZWAN
www.edu.pk

S
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Generated on 2016-07-18 14:19:13

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Appointments: +92-91-5838333

OUT-PATIENT RECEIPT

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PR.No: 15-12-004037

Name: Mr. Amjad Khan (Male: 25 Years)

Department: OPD

Date: Feb. 16, 16 11:35

Service: Consultation

Ghulam Atiq Dr.

Cashier: Mr. Anwar Ali

Paid No: 16-0130409

Visit No: 16-02-037042

Charges: 1,000

Amount in words: Rupees One Thousand Only.

Total Amount: 1,000

Net Amount: 1,000

Print On: Feb 16, 16 11:38:10

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25

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OUT-PATIENT RECEIPT

PR.No: 15-12-004037		Paid No: 16-0130540
Name: Mr.Amjad Khan (Male:25 Years)		
Department: Radiology	Radiology No: 16-02-006663	
Cashier: Mr Muhammad Farooq Shah	Date: Feb 16, 2016 11:50	

S# Investigation	Charges
1 Joint Knee, left (AP & lateral views) : XRY	850

Amount in words: Rupees Eight Hundred Fifty Only. Total Amount: 850

Net Amount: 850



Dr. I.I. REHMAN
 www.rmi.edu.pk

[Signature]
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Intig-D Tab/Syp

Date: 16/02/2016

27



MAN MEDICAL INSTITUTE

FOR DIAGNOSTIC PR

FIELD

RECORDS
UT 300

PR No. - -

310563

16 FEB 2016

Patient Name Amjad Khan

Date

Consultant _____ Age _____

Gender: M F

Diagnosis _____

Department _____

X-ray (2) knee joint AP
[Handwritten signature]

Consultant Name

Dr. Ghulam Asif
MBBS, FCPS
Associate Professor
Consultant Orthopaedic & Trauma Sur
Karnal, Medir
Fatehabad Pesh
Signature *[Handwritten Signature]*

(White, for Department) (Yellow, for Record)

[Handwritten Signature]
AP 16 FEB 2016

3

28

ORTHOPAEDIC UNIT D.H.Q TEACHING HOSPITAL BANNU

DISCHARGE SLIP

Incharge and Associate Professor
Dr Mir Said Ali Khattak
Assistant Professor
Dr Shams ur Rehman

Medical Officers
Dr Jehan Zeb
Dr Niaz Muhammad
(District Specialist)

Patient Name Ali Father Name Abdul
 Sex m Age 5 Admission No 97/54 Date of admission 25/2/2017
 Ward now Bed/Room No _____
 Date of Operation / Date of Discharge 26/2/2017
 Disease/Injuries knee joint ✓
 Operation _____
 Important Investigation HBS - HIV
 Address Ali Negative

Treatment in Hospital	Treatment for Home
<p>w/ encl²⁰¹⁵ 1) Acetaminophen 2) Diclofenac 3) Paracetamol 4) Celecoxib</p>	<p>Tab: Moxifloxacin Tab: Brevan Tab: Celecoxib Cap: R/Sell to be used</p>

Advised
Rest for
wrote 27/2/17

ORTHOPAEDIC SURGEON
D.H.Q. HOSPITAL
BANNU

ATTACHED

ORTHOPAEDIC UNIT

Medical No. 2
No.

Rs. 5

(29)

OUT-PATIENTS DEPARTMENT.

NAME UG ASI
YEARLY NO 1590
DATE 21/1/2017

No.

Rs. 5

OUT-PATIENTS DEPARTMENT.

NAME _____
YEARLY NO _____
DATE _____
DISEASE _____

FACE VALUE RUPEES 5

Fur

Tib Modiler

CP(L) Tibia

Tib Proximal

ORIF

Tib Spinal

Adv: Bed rest

For 015 days

Medical Officer
H.Q Teaching Hospital
Bannu.

under 27/2/17

Signature
AS

30

Medical No. 2

Rs. 5

No.

OUT-PATIENTS DEPARTMENT.

ORTHOPAEDIC UNIT

NAME

131

YEARLY NO

5515

DATE

23/1/2017

FACH VALUE RUPES 5- FACH VALUE RUPES 5-

No.

Rs. 3

OUT-PATIENTS DEPARTMENT.

NAME

YEARLY NO

DATE

DISEASE

F.M.

Cp. upper limb
4 leg.

1- The Moksir
120

- The voltral SR
120

- The Surbers
120

for: Bed rest
for 02 weeks

Medical Officer
H.Q. Teaching Hospital
Bambur.

under 27/2/17

ATTESTED

34

ORTHOPAEDIC UNIT

Medical No. 2

Rs. 5

No.

OUT-PATIENTS DEPARTMENT

NAME *31*

YEARLY NO *9/34*

DATE *7/22/67*

FACE VALUE RUPEES 5

No.

Rs. 5

OUT-PATIENTS DEPARTMENT

NAME

YEARLY NO

DATE

DISEASE

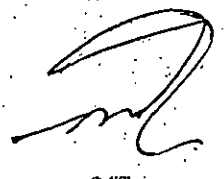
Fr. Fract leg

The Osseous ORIF

The Kinnor, v

The Aboral, v

Ad: Bed rest for 215 days



Medical Officer
H. G. ... Hospital
...

write 27/2/67

UNIT BANK

Son
ATTESTED

39

119

KHALIFA GUL NAWAZ TEACHING HOSPITAL BANNU

R
Y
G

OUT-PATIENT DEPARTMENT

ORTHOPA

Name _____ Age _____ Sex _____

Address _____

Hospital Yearly No. _____ Dated _____

Pt. Status.	R/- Ubb, Digeret P-1
Pt. Hist.	Ubb, Surber-2
Clinical Examination	Ubb, 30 clu @
Provisional Diagnosis	Ubb, Vstrum Ubb, 10 clu @
Investigations Required	Syp, 10 minutes E.M.H.

GS&PD, KP.1152/22-KGNTH-1,500 Pads-10.07.17/KGNTH/Emergency OPD Chit

ATTESTED

OFFICE OF THE DISTRICT POLICE OFFICER, BANNU.

SHOW CAUSE NOTICE

(Under rules 5 (03) KPK Police Rules, 1975

That you Constable Amjid No.1542 have rendered yourself liable to be proceeded under Rule 5(3) of the Khyber Pakhtunkhwa Police Rules (As amended vide Khyber Pakhtunkhwa gazette Notification No.27th of August 2014) for the following misconduct:

1. That you, while posted at Police Line Bannu, deliberately absented from official duty without the prior permission of the competent authority w.e.f. from 08.01.2017 to till date as evident from DD: No.48 dated 08.01.2017 Police Line, Bannu.

That by reason of above, as sufficient material is placed before the undersigned; therefore it is decided to proceed against you in general police proceeding without aid of enquiry officer.

That the misconduct on your part is prejudicial to good order of discipline in the police force

That your retention in the police force will amount to encourage in efficient and unbecoming of good police officers:

That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against your by awarding one or more of the kind punishments as provided in the rules.

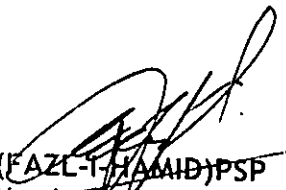
You are, therefore called upon to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 for the misconduct referred to above.

You should submit reply to this show cause notice within 07 days of the receipt of the notice failing which an ex parte action shall be taken against you.

You are further directed to inform the undersigned that wish to be heard in person or not.


Grounds of action are also enclosed with this notice.

NO-20/SRC dt. 13-2-2017


 (FAZL-I-HAMID)PSP
 District Police Officer,
 Bannu.

Received by _____
 Dated _____ /2017

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 DF
 تفصیل کے لئے
 H. H. Mandan
 01-3-017


 ATTESTED

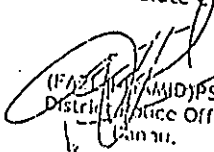
ORDER

This order of the undersigned will dispose of the Show Cause Notice against accused Constable Amjid No.1542 under general proceeding of Police Rule 1975 (As amended vide Khyber Pakhtunkhwa gazette Notification, No.27th of August 2014) by issuing show cause notice to him for committing the following commissions/omissions.

"That he while posted at Police lines Bannu, deliberately absented himself from his official duty without any sanctioned leave or prior permission of the competent authority w.e.from 08.01.2017, till date vide DD No.48 dated 08.01.2017 Police Lines Bannu".

Proper show cause notice was issued to the accused official. The Show Cause Notice was properly served upon him on 03.03.2017. The accused official avoided himself from the provision of reply to the Show Cause Notice. According to the report of Moharar Police Lines, Bannu, the accused official is still absent, placed on file.

In view of the position explained above, perusa. of record and deliberate absence from official duty till date and there is no possibility of the accused official to resume his duty. Therefore, I, FAZL-I-HAMID, District Police Officer Bannu, in exercise of the power vested in me under Police Rule 1975 (As amended vide Khyber Pakhtunkhwa gazette Notification, No.27th of August 2014), taking ex-parte action against the accused constable, therefore, he is hereby dismiss from service from the date of absence with immediate effect.


(FAZL-I-HAMID)PSP
District Police Officer,
Bannu.

OB No. 781
Dated: 02/05/2017

No. 7078-791 SRC dated Bannu, the 02/05/2017.

Copies to:

1. The Pay Officer, DPO Office, Bannu.
2. The OASI DPO Office, Bannu along with the enquiry file for placing it in the Faujl-Missal of concerned official.



ATTACHED

Annex D

35

3594
26/4/018

BANN REGION

ORDER

This order will dispose of the appeal, preferred by Lt. Constable Amjad Khan No. 152 of Bannu District Police against the order of major punishment of dismissal from service imposed on him by DPO Bannu, vide OB No. 281 dated 02.05.2017, on account of misconduct of his willful absence from service vide OB No. 2017 to 02.05.2017.

His service record, inquiry papers and comments, received from DPO Bannu were perused and it was found that, on 03.03.2017, the appellant was served with show cause notice, on the basis of the above misconduct through the local police of PS Mandan as he was avoiding the services of the said show cause notice as well as to associate himself with the departmental proceedings in order to hamper the inquiry proceedings. After services upon him: the show cause notice, the appellant failed to submit a reply, thereof, within stipulated period. The competent authority has got no other option except to take action in ex parte and that is why, the competent authority imposed upon him major punishment of dismissal from service, vide impugned order quoted above.

Aggrieved from the impugned order, the appellant submitted the instant appeal to the undersigned that was sent to DPO Bannu for comments as well as obtaining his service record. DPO Bannu, vide his letter No. 4202/FC dated 04.04.2018, submitted para wise comments, wherein, the appeal of the appellant was properly defended on cogent grounds.

During the perusal of his service record, it was also found that the appellant has served in Police force for about 08 years and during this period, he has availed 60 days medical leave, 30 days earned leave and 36 days leave without pay. The inquiry file and appeal shows that the appeal is grossly time barred as there is a gap of eleven months and 10 days.

The undersigned heard the appellant in orderly room today on 24.04.2018 and provided opportunity of hearing but he failed to prove his innocence and justify the delay between the order of dismissal and preferring the instant appeal.

Keeping in view the above, I, Dar Ali Khan Khattak, Regional Police Officer, Bannu Region Bannu, therefore, in exercise of the powers vested in me under the rules, hereby reject the instant appeal being grossly time barred.

Order announced

(DAR ALI KHAN KHATTAK) PSP
Regional Police Officer,
Bannu Region, Bannu

No. 1157 /EC, dated Bannu the 25/04/2018

Copy to the District Police Officer, Bannu for information and n/action w/r to his office. He no. No. quoted above along with the service record containing the inquiry papers of the appellant for record in office which may acknowledge please. The appellant may be informed accordingly.

SPECIFIED
For App's information
OPATD
26/4

(DAR ALI KHAN KHATTAK) PSP
Regional Police Officer,
Bannu Region, Bannu

ATTESTED

BETTER COPY

Police Department

ORDER

This order will dispose of the appeal by Ex-Constable Amjid Khan No.1542 of Bannu District Police against the order of major punishment of dismissal from service imposed him by DPO Bannu dated 02.05.2017 on account of misconduct of his willful absence w.e.f 08.01.2017 to 02.05.2017.

His service record, inquiry papers and comments, received him from DPO Bannu were perused behind it was found that on 03.03.2017, the applicant was service with show cause notice, on the basis of the above misconduct through the local police of PS Mandan as he was awarding the services of the said show cause notice as well as to associate himself with the departmental proceeding. The competent authority has got no other option except to take action in ex-parte and this is why, the competent authority imposed upon him major punishment of dismissal from service.

Aggrieved from the impugned order, the appellant submitted the instant appeal to the undersigned that was sent to DPO Bannu for comments as well as his service record. DPO Bannu, date 04.04.2018 submitted comments wherein the appeal of the appellant was properly depended on cogent grounds.

During the perusal of his service record it was also found that the appellant has served in Police Force for about 8 years and during this period he was availed 60 days medical leave. The inquiry file and dappeal, tht athe appeal is badly time barred.

The undersigned heard the appellant in orderly room today on 24.04.2018 and provided opportunity of hearing but he failed to prove his innocence.

Keeping in view the above I, Dar Ali Khan Khattak RPO Bannu therefore in exercise of the power vested in me under the rules hereby reject the instant appeal being time babbred.

Order Announced.

25.04.2018

Dar Ali Khan Khattak,

RPO Bannu

مقام

Peshawar

کے لئے منظور ہے۔

Accepted & Attested

Advocate

Syed Noman Ali Bukhari

31

5

2018

موجود ہیں۔ لہذا اس کے لئے منظور ہے۔

کئی تاریخ میں پیش کیا گیا ہے اور اس کے لئے منظور ہے۔

موجود ہیں اور اس کے لئے منظور ہے۔

کئی تاریخ میں پیش کیا گیا ہے اور اس کے لئے منظور ہے۔

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مقام
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موجود

Secura Tribunal, Peshawar

موجود ہیں اور اس کے لئے منظور ہے۔

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No.758/2018

Amjid Ex-Constable No.1542,

District Bannu

.....

Appellant

Versus

1. Regional Police Officer, Bannu Region, Bannu.
2. The District Police Officer, Bannu

..... Respondents

PARA WISE COMMENTS/REPLY ON BEHALF OF RESPONDENTS NO.1 & 2.

Preliminary Objections

1. That the appeal of the appellant is badly time-barred.
2. That the appeal is not maintainable in its present form.
3. That the appellant has concealed the actual facts from this Honorable Tribunal.
4. That the appeal is bad in law due to mis-joinder and non-joinder of necessary parties.
5. That the appellant has approached the Honourable Tribunal with unclean hands.
6. That the appellant has got no cause of action and locus-standi to file the instant appeal.
7. That the appellant has been estopped by his own conduct.

OBJECTIONS ON FACTS:

Respectfully Sheweth

1. Correct to the extent that the appellant was appointed as constable while rest of the para is incorrect. The performance of the appellant was found unsatisfactory during his entire service.
2. Incorrect. The appellant was absent from his duty with effect from 08.01.2017 to till date without permission from his senior officers or to inform his concerned officers. Furthermore, in initial stage during the inquiry proceedings, the delinquent official did not produce any kind of medical documents or otherwise.
3. Incorrect. The appellant was issued show-cause notice according to rules 5 (03) KPK Police Rules, 1975 to explain the reasons of absence but he did not bother to make sure his replies. The appellant was summoned time and again but he badly failed to come up and join the said proceedings.
4. Incorrect. All legal proceedings were adopted to join departmental proceedings but the appellant willfully did not obey the order of his competent authority therefore, ex-parte action was taken against the appellant and the said order was issued. He preferred departmental appeal but rejected being badly time barred.

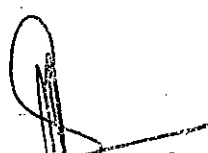
5. Incorrect. The appeal of the appellant was rejected on 25.04.2018 being badly time barred.
6. The Respondent Department also submit their reply on the following grounds.

OBJECTIONS ON GROUNDS

- A. Incorrect. The order of Respondent No.1 & 2 is quite legal, based on facts and according to law/ rules.
- B. Incorrect. The appellant was time and again summoned to associate with the inquiry proceedings but in initial stage he did not bother to join the proceedings or to inform his senior officers about his illness or otherwise. During the inquiry proceedings, he willfully did not associate himself with the proceedings nor he has produced any kind of medical documents.
- C. Incorrect. The appellant was time and again summoned to associate with the inquiry proceedings but he willfully badly failed to join or obey the legal order of inquiry officer and Respondent No.2 therefore, the department has no other option but to proceed and take ex-parte action against the delinquent police official. Furthermore, according to Police Rules 1975, Section 5(3) Show-Cause notice was also issued to join the proceedings but in-vain.
- D. Incorrect. The appellant was not condemned unheard, was treated according to land laws specified for the said proceedings (i.e. Police Rules 1975).
- E. Incorrect. All codal formalities were adopted and all opportunity of hearing and defense were available but he badly failed to avail the same. Therefore, the said order was issued accordingly.
- F. Incorrect. The appellant is $\frac{3}{4}$ Kilometers away from the office of Respondent No.2 but he did not bother to inform his senior officers about any kind of mishaps. Therefore, the penalty imposed upon the appellant, was no option with the department except the said orders.
- G. Incorrect. Reply has already been given in the above para.
- H. The Respondents department may kindly be allowed to advance any other grounds & material as evidence at the time of arguments.

PRAYER:

In view of the above replies, it is most humbly prayed that the appeal of the appellant may kindly be dismissed with cost please.


District Police Officer,
Bannu
(Respondent No.2)


Regional Police Officer,
Bannu Region, Bannu
(Respondent No.1)

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Appeal No.758/2018

Amjid Ex-Constable No.1542,

District Bannu

.....

Appellant

Versus

1. Regional Police Officer, Bannu Region, Bannu.

2. The District Police Officer, Bannu

.....

Respondents

AUTHORITY LETTER.

Mr. Muhammad Farooq Khan, Inspector Legal is hereby authorized to appear before The Service Tribunal Khyber Pakhtunkhwa Peshawar on behalf of the undersigned in the above cited case.

He is authorized to submit and sign all documents pertaining to the present appeal.



District Police Officer,
Bannu
(Respondent No.2)



Regional Police Officer,
Bannu Region, Bannu
(Respondent No.1)

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No.758/2018

Amjid Ex-Constable No.1542,
District Bannu

..... Appellant

Versus

1. Regional Police Officer, Bannu Region, Bannu.
2. The District Police Officer, Bannu

..... Respondents

AFFIDAVIT

I, **Muhammad Farooq Khan**, Inspector Legal representative for Respondent Nos. 1 & 2 do hereby solemnly affirm and declare that the contents of the accompanying comments submitted by me are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Tribunal.


DEPONENT

11101-1483421-1

11/3

BEFORE THE KPK, SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 758/2018

Amjid

VS

Police Deptt:

.....

REJOINDER ON BEHALF OF APPELLANT

.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

(1-7) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

- 1 Half para-1 of the appeal is admitted correct by the respondents while rest of the contention of the respondents deptt: is incorrect. While para-1 of the appeal is correct. Moreover, it is added that the respondent deptt: without any proved raised contention which is null and void in eye of law.
- 2 Incorrect. While para-2 of the appeal is correct as mentioned in the main appeal of the appellant.

- 3 Incorrect. While para-3 of the appeal is correct as mentioned in the main appeal of the appellant. Moreover, before imposing major penalty the charge sheet statement of allegation and regular inquiry is must which were not conducted in the case of appellant.
- 4 Incorrect. While para-4 of the appeal is correct as mentioned in the main appeal of the appellant. Moreover, the impugned order was retrospective order so the limitation should not run against the such order, so the plea raised by the depts is null and void in the eyes of law.
- 5 Incorrect. While para-5 of the appeal is correct as mentioned in the main appeal of the appellant.
- 6 No comments.

GROUND:

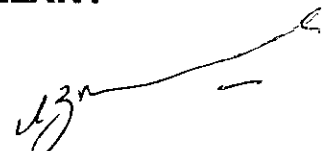
- A) Incorrect. The orders of the respondents are against the law, rules and norms of justice therefore not tenable and liable to be set aside.
- B) Incorrect. While para-B of the appeal is correct as mentioned in the main appeal of the appellant.
- C) Incorrect. Incorrect. While para-C of the appeal is correct as mentioned in the main appeal of the appellant.
- D) Incorrect. Incorrect. While para-D of the appeal is correct as mentioned in the main appeal of the appellant.
- E) Incorrect. Incorrect. While para-E of the appeal is correct as mentioned in the main appeal of the appellant.

- G) Incorrect. Incorrect. While para-G of the appeal is correct as mentioned in the main appeal of the appellant.
- H) Legal.

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


APPELLANT

Through:


(UZMA SYED)
&
SYED NOMAN ALI BUKHARI
ADVOCATE HIGH COURT.

AFFIDAVIT

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.


DEPONENT



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 1136 /ST

Dated: 24/5 /2022

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

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

To

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

Subject: JUDGMENT IN APPEAL NO. 758/2018 MR. AMJID.

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

Encl: As above


REGISTRAR

KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR