### BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR.

Service Appeal No. 1103/2018

Date of Institution ... 05.09.2018

Date of Decision ... 15.09.2021

Muhammad Umar Ex-Constable No. 273 Police Line Hangu.

... (Appellant)

(Respondents)

#### **VERSUS**

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and two others.

Mr. MIR ZAMAN SAFI, Advocate

MR. RIAZ AHMED PAINDAKHEL, Assistant Advocate General

MR. SALAH-UD-DIN MR. ATIQ-UR-REHMAN WAZIR MEMBER (JUDICIAL) MEMBER (EXECUTIVE)

For appellant.

For respondents.

JUDGMENT:

#### SALAH-UD-DIN, MEMBER:-

Brief facts forming the background of the instant service appeal are that the appellant while serving as Constable was proceeded against departmentally on the ground of his absence from duty without seeking any leave or permission from the competent Authority. The disciplinary action against the appellant culminated in his dismissal from service. The service appeal of the appellant was, however allowed by this Tribunal vide judgment dated 08.01.2018 by setting-aside the impugned order, however it was also held that the respondents would bewat-liberty to conduct de-novo inquiry within a period of 90 days and that in case of de-novo inquiry, the issue of back benefits shall be subject to outcome of the de-novo inquiry. De-novo inquiry was then conducted in the matter and the appellant was dismissed from service vide order dated 21.06.2018, which was challenged by the appellant through filing of departmental appeal, however the same was also rejected vide order dated 01.08.2018. The appellant has now approached this Tribunal through filing of the instant service appeal for redressal of his grievance.

2. Notices were issued to the respondents, who submitted their comments, wherein they refuted the contentions of the appellant.

3. Learned counsel for the appellant has contended that the absence of the appellant was not willful, rather he was seriously ill on account of which, he was unable to attend his duty; that the inquiry proceedings were not carried out in accordance with the relevant provisions of Police Rules, 1975 and the appellant was not even afforded opportunity of crossexamination of witnesses produced during the inquiry; that the medical record was declared as fake and bogus, without examining anyone as witness during the inquiry; that the appellant was on probation during the relevant days, therefore, the dismissal order was not legal because a probationary could only be discharged under Police Rule 12:21; that the impugned orders being patently wrong and illegal are liable to be set-aside. Reliance was placed on 2006 SCMR 60, 2008 SCMR 214, 2000 SCMR 75, PLD 2019 Lahore 729, 2009 PLC (C.S) 634 and 1995 SCMR 776.

4. On the other hand, learned Assistant Advocate General for the respondents has contended that the appellant while in probation period remained absent without even applying for any leave, which shows his extreme negligence and casual attitude in the performance of his duty; that the appellant has taken plea of his illness, however the record so produced by the appellant before the inquiry officer was found fake and bogus on verification from the concerned hospital; that

2

producing of fake medical documents by the appellant for procuring his reinstatement in service shows his evil mind set and he is thus not a suitable person for serving in Police Force; that during the period of his dismissal, the appellant by concealing his dismissal from service, managed to be appointed on Class-IV vacancy as Cook, however upon surfacing of the fact of his dismissal from police, the appointment of the appellant as Class-IV employee was cancelled; that the absence of the appellant without seeking prior permission of the competent Authority is an admitted fact and the burden was upon the appellant to show any legal and valid reason for his absence, however the appellant failed to justify his absence through any legal and valid reason, therefore, he has been rightly dismissed from service. Reliance was placed on 2019 PLC (C.S) 519 and 2021 PLC (C.S) 611.

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

A perusal of the record would show that the appellant 6. was recruited as Constable on 22.11.2010 and was sent to Signal Training Centre Kohat for training, however he remained absent for 49 days and was thus returned ungualified to District Hangu. The appellant, however did not report in Police Line Hangu, which fact has been admitted by the appellant in his reply to the charge sheet issued to him during the de-novo inquiry. The absence of the appellant without seeking prior permission of the competent Authority is an admitted fact, therefore, the burden was upon the appellant to show any legal and valid reasons for his absence from duty. The appellant took the plea of his illness and in this respect he produced medical record, copies of which are available on record. The medical record of the appellant was sent by the inquiry officer to District Headquarter Hospital KDA Kohat for verification. The record regarding the illness of the appellant was sent by the inquiry officer to the Medical Superintendent District Headquarter Hospital KDA Kohat vide letter No. 1918 dated 03.05.2018 for its verification. Medical

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Superintendent DHQ Teaching Hospital Kohat vide his office letter No. 3023 dated 04.05.2018 affirmed that all the medical documents produced by the appellant regarding his illness were found bogus/fake. The appellant was duly associated during the inquiry proceedings, however he did not opt to produce any official/officer of the concerned hospital as witness in his defense regarding the plea of his illness. The appellant remained absent without even applying for any leave. The conduct of the appellant was thus unbecoming of a good official and in the given circumstances, the absence of the appellant from duty without leave, even if considered as not willful, was an act of disorder in the service, which certainly constitutes misconduct. Rule 12.21 of Police Rules, 1934, provides that in case of any inefficiency of a Police Officer at any time within three years of his enrollment may be discharged by the Superintendent, therefore, the proper course for the competent Authority was to discharge the appellant from service.

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7. In light of the above discussion, the impugned penalty awarded to the appellant is kept intact with the only modification that his dismissal from service is converted into discharge from service. The appeal in hand is disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED 15.09.2021

(SALAH-UD-DIN) MEMBER (JUDICIAL)

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

<u>O R D E R</u> 15.09.2021

Appellant alongwith his counsel Mr. Mir Zaman Safi, Advocate, present. Mr. Arif Saleem, Steno alongwith Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the impugned penalty awarded to the appellant is kept intact with the only modification that his dismissal from service is converted into discharge from service. The appeal in hand is disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED 15.09.2021

REHMAN WAZIR) MEMBER (EXECUTIVE)

(SALAH-UD-DIN) MEMBER (JUDICIAL)

29.03.2021

Appellant in person present.

Muhammad Rasheed learned Deputy District Attorney for respondents present.

A request for adjournment was made as issue involved in the instant case is pending before Larger Bench of this Tribunal. Adjourned. To come up for arguments on  $\underline{\mathcal{W}}$ / $\underline{\mathcal{OT}}$ /2021 before D.B.

(Atiq ur Rehman Wazir) Member (E)



14.07.2021

Appellant alongwith his counsel Mr. Mir Zaman Safi, Advocate, present who submitted fresh Vakalatnama on behalf of the appellant, which is placed on record. Mr. Riaz Ahmad Paindakheil, Assistant Advocate General for the respondents present and produced copies of record consisting of 71 pages, which are placed on file.

Learned counsel for the appellant requested for adjournment that he has been engaged today and has not gone through the record. Adjourned. To come up for arguments before the D.B. on 15.09.2021.

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

(SALAH-UD-DIN)

MEMBER (JUDICIAL)

11.02.2020

Appellant with counsel present. Mr. Muhammad Jan learned Deputy District Attorney alongwith Muhammad Sajjad Legal Steno present. Representative of respondents submitted additional documents. Copy given to learned counsel for the appellant. Learned counsel for the appellant requested for adjournment. Adjourn. To come up for arguments on 10.03.2020 before D.B.

Member

Member

10.03.2020

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Learned Additional Advocate General seeks adjournment. Adjourn. To come up for arguments on 22.04.2020 before D.B.

Member

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22.04:2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 04.08.2020 before D.B.

04.08.2020 Due to summer vacation case to come up for the same on 15.10.2020 before D.B.

15.10.2020

Counsel for the appellant is present. Mr. Usman Ghani, District Attorney for the respondents is present.

Learned counsel for the appellant while making reference to impugned order dated 21.06.2018 submitted that retrospective effect was given to the referred  $t \sigma$  order, the issue with retrospectivity is pending before the Larger Bench of this august Tribunal constituted for the purpose, therefore; unless and until judgment is made by the worthy Larger Bench of this Tribunal this appeal is kept pending.

File to come up for further proceedings on 24.12.2020

before D.B. (Mian Muhammad)

(Mian Muhammad) Member (E)

(Rozina Rehman) Member(J)

24.12.2020

Due to summer vacation, case is adjourned to 29.03.2021 for the same as before.

08.08.2019

Appellant in person present. Mr. Muhammad Jan, DDA alongwith Mr. Zahid ur Rehman, Inspector for respondents present. Appellant seeks adjournment due to general strike on the call of Pakistan Bar council. Adjourn. To come up for arguments on 31.10.2019 before D.B.



Member

31.10.2019

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Atteeq Ur Rehman Head Constable for the respondents present. Learned counsel for the appellant seeks. adjournment. Adjourn. To come up for arguments on 06.12.2019 before D.B.

Memb

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The Bonch is mcomplete Therefore Case is adjurned to 11-2-2020 Reader

#### 05.03.2019

Learned counsel for the appellant Mr. Zia Ullah learned Deputy District Attorney along with Mr. Atta ur Rehman SI for the respondents present. Learned counsel for the appellant request for adjournment. Adjourn. To come up for arguments on 26.04.2019 before D.B.

Membé

26.04.2019

Clerk to counsel for the petitioner and Adll: AG for the respondents present.

Due to general strike on the call of Bar Association instant matter is adjourned to 17.06.2019 before D.B.

(Ahmad Hassan) Member

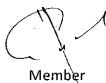
(M. Amin Khan Kundi) Member

Member

#### 17.06.2019

Learned counsel for the appellant and Mr. Riaz Paindakhel learned Assistant Advocate General alongwith Mr. Zahid Ur Rehman SI for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 08.08.2019 before D.B.





19.09.2018

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Appellant Deposited

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Counsel for the appellant present. Preliminary arguments heard and case file perused. Learned counsel for the appellant argued that this is the second round of litigation. Earlier while deciding service appeal no. 266/17 this Tribunal in its judgment gave directions for de-novo enquiry. De-novo enquiry was conducted and again major penalty of dismissal from service was imposed on him on 22.06.2018. He filed departmental appeal on 05.07.2018 which was rejected on 06.08.2016, hence, the instant service appeal. Treatment mated out to the appellant is not in accordance with law and rules, as such there are valid grounds for indulgence of this Tribunal.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 09.11.2018 before S.B.

(AHMAD HASSAN) MEMBER

REAPER

Same al

09.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 27.12.2018. Written reply not received. Mr. Arif Saleem Stenographer representative of respondents absent.

#### 27.12.2018

Learned counsel for the appellant present. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Zahid ur Rehman Inspector present. Representative of respondent department submitted written reply. Adjourn. To come up for rejoinder if any and arguments on 05.03.2019 before D.B.- //



# Form-A

# FORM OF ORDER SHEET

Court of

Case No.\_\_\_\_\_\_ 1103/2018

Order or other proceedings with signature of judge S.No. Date of order proceedings 3 2 1 The appeal of Mr. Muhammad Umar presented today by 05/09/2018 1-Uzma Syed Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please. 7-9-18 REGISTRAR 5/9/19 This case is entrusted to S. Bench for preliminary hearing to 2be put up there on  $\frac{29-9-18}{2}$ . MEMBER

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# BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

# Appeal No. 1103 /2018

Muhammad Umar

1.

V/S

Police Deptt:.

# INDEX

INDEA						
S.No.	Documents	Annexure	Page No.			
1.	Memo of Appeal		01-03			
2.	Copy of tribunal judgment	- A -	4-6			
3.	Copy of charge sheet	· - B -	7-8			
4.	Copy of reply.	- C -	9-10-			
5."	Copy of impugned order	- D -	11-12			
6.	Copy of departmental appeal	-E-	13			
7.	Copy of rejection order	- F -	14.			
8.	Vakalat Nama		15			

A. UN APPELLANT Muhammad Umar

THROUGH:

(UZMA SYED),

(SYED NOMAN ALI BUKHARI) ADVOCATES, HIGH COURT PESHAWAR.

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

Appeal No. 103 /2018

Mr. Muhammad Umar Ex-Constable No. 273 Police Line Hangu.

/ERSUS The Inspector General of Police, KP. Peshawar. 1.

- **2**. The Regional police officer, Kohat region kohat.
- **3** The District Police officer Hangu.

#### RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 22.06.2018 AND AGAINST THE REJECTION ORDER DATED 01.08.2018 AND COMMUNICATED TO THE APPELLANT ON 06.08.2018 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED WITHOUT ANY SHOWING COGENT REASON.

ecto-deBAYER: THAT ON ACCEPTANCE OF THIS APPEAL. THE ORDER DATED 22.06.2018 AND 01.08.2018 AND COMMUNICATED TO THE APPELLANT ON 06.08.2018 MAY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED IN TO SERVICE WITH ALL BACK AND CONSEQUENTIAL **BENEFITS.** ANY OTHER **REMEDY, WHICH THIS TRIBUNAL DEEMS FIT** AND APPROPRIATE THAT MAY ALSO BE

# AWARDED IN FAVOUR OF APPELLANT

#### **RESPECTFULLY SHEWETH:**

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#### Facts:

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- 1. That the appellant was appointed as Ex-Constable in police deptt. The appellant during training got serious ill, due to which he was absented from duties.
- 2. That, thereafter, the appellant was departmentally proceeded, without charge sheet, statement of allegation, regular inquiry and even without showcause notice, the impugned order dated 28.05.2011 was passed against the appellant whereby the appellant was dismissed from service with retrospective effect. The appellant been aggrieved from the impugned dismissal order preferred departmental appeal which was rejected vide order dated 26.06.2011.
- 3. That thereafter appellant filed an Appeal bearing No.266/2017 against termination from service. That the said appeal was finally heard by the Honorable Tribunal on 08.01.2018 and the Honorable Tribunal was kind enough to accept the appeal and directed the respondent to conduct denovo inquiry within period 0f 90ndays within accordance with law. (Copy of judgment is attached as Annexure-A).
- 4. That in pursuance of judgment of this service tribunal the appellant was reinstated in to service and issued charge sheet and statement of allegation, the appellant properly replied to the charge sheet and denied the allegation. (Copy of the charge sheet and reply is attached as Annexure-B & C).
- 5. That thereafter the appellant was directed dismissed from service vide order dated 22.06.2018 without regular inquiry, and showcause notice even without personal hearing. The appellant being aggrieved from the impugned order filed departmental appeal which was rejected vide order dated 01.08.2018 and communicated to the appellant on 06.08.2018 wihout showing any cogent reason. (Copy of the dismissal order, appeal and rejection order is attached as Annexure-D, E & F).
- 6. That now, the appellant comes to this august Honorable Tribunal on the following grounds amongst the others:

#### **GROUNDS:**

- A) That the impugned order dated 22.06.2018 and 01.08.2018 are against the law, facts, norms of justice and principle of fair play and liable to be set aside material on record.
- B) That the impugned order and attitude of respondent department is in sheer violation of Article 4, 25 and 38 of the constitution.

- C) That the respondents not deal the appellant as per law and rules and not considering the appeal on its merit and dismissed the appellant which is clearly violation of the judgment of Hon'ble Tribunal.
- D) That the appellant has been condemned unheard and treated according to law and rules because being a civil servant of the province, the appellant has not been dealt with accordance with law and removed from service in a slip short manner.
- E) That thereafter the appellant was directed dismissed from service vide order dated 22.06.2018 without regular inquiry, and showcause notice even without personal hearing. The appellant being aggrieved from the impugned order filed departmental appeal which was rejected vide order dated 01.08.2018 and communicated to the appellant on 06.08.2018 without showing any cogent reason. Thus, the lacking such procedure the impugned order is liable to be set aside.
- F) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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

the

APPELLANT Muhammad Umar

THROUGH:

(UZMA SYED),

(SYED NOMAN ALI BUKHARI)

ADVOCATES, HIGH COURT PESHAWAR.

#### BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUAL, PESHAWAR

#### Appeal No. 266/2017

Date of Institution ... 20.03.2017

Date of Decision ... 08.01.2018

Muhammad Umar Ex-Constable No. 273 of District Police Hangu.



#### VERSUS

The Deputy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and 2 other. (Respondents)

MR. UZMA SYED, Advocate

1.

MR. MUHAMMAD RIAZ PAINDA KHEL, Assistant Advocate General

MR. AHMAD HASSAN, MR. MUHAMMAD HAMID MUGHAL For appellant.

For respondents.

MEMBER(Executive) MEMBER(Judicial)

JUDGMENT

<u>AHMAD HASSAN, MEMBER.</u> Arguments of the learned counsel for the parties heard and record perused.

#### **FACTS**

2. The brief facts are that the appellant was serving as Constable. Disciplinary proceedings were initiated against the appellant and upon culmination major penalty of dismissal was imposed on him vide impugned order dated 28.05.2011. That he preferred departmental appeal which was rejected on 26.06.2011 and was not communicated to the appellant. When he got the knowledge preferred petition under Rule-11-A of Police Rules which was also rejected on 21.02.2017, hence, the instant service appeal on 20.30.2017.

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#### **ARGUMENTS**

3. Learned counsel for the appellant argued that on account of absence from duty disciplinary proceedings were initiated and upon culmination major penalty of dismissal from service was imposed vide impugned order dated 26.06.2011. Prescribed procedure laid down in the rules was not followed in the appeal in hand and as such the appellant was condemned unheard. Absence from duty was not deliberate and intentional but co-cumstances were beyond his control. Statements of witnesses were not recorded nor the appellant was afforded an opportunity to cross examining the witnesses. Impugned order was passed with retrospective effect which is void ab-initio.

4. On the other hand learned Deputy District Attorney General argued that all codal formalities were observed before passing the impugned order. He was treated according to law and rules, hence, there is no illegality in the said order. The appeal is not maintainable and be dismissed.

#### CONCLUSION.

5. Without touching the merits of the case the impugned order was passed with  $^{Pcs}$  retrospective effect, hence, the ame is illegal, void ab-initio and not sustainable in the eyes of law.

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6. As a sequel to above, the appeal is accepted and the impugned order is set aside. The intervening period may be treated as leave without pay. However, the respondents are at liberty to conduct de-novo enquiry within a period of 90 days after receipt of this Judgment. In case the de-novo enquiry is conducted then the issue of payment of back benefits shall be subject to outcome of the de-novo

3 proceedings. Parties are left to bear their own costs. File be consigned to the record room. Ah ad Hassan Minte M. Hamid Mughiel Alenter Cc 'a Survise Jaily mul, Peshawar 7 - K Date of Presentation of 1200 Nur<sup>4</sup>/or e Copying D. .... . K. Urgent\_\_\_\_\_ Total\_\_\_\_\_/.0= Ii. 19: Name of Con. 1 Date of Complex calls any Date of Delivery of Copy\_ 1 1 1  $\mathcal{L}$ 

# DENOVO ENQUIRY CHARGE\_SHEET.

- 1 -

Annex

I, <u>MR. MUHAMMAD ASIF GOHAR, D.P.O, HANGU</u> as competent authority, hereby charge you <u>Ex-Recruit Constable Muhammad Umar No.</u> <u>273 while undergoing Basic Recruit Course at PTC, Hangu</u> committed the following irregularities:-

a). In the light of Hon'ble Service Tribunal, Peshawar Order Announced on 08.01.2018 and directions issued by worthy Deputy Inspector General of Police, E&I, Khyber Pakhtunkhwa, Peshawar w/r to his office Memo: No. 353/E&I, dated 27.02.2018, Ex-Constable Umar No. 273 re-instated in service vide OB No. 109, dated 02.03.2018 about the reinstatement/Denovo departmental enquiry on the basis of allegations that you had absented yourself from official duty with effect from 21.05.2011 till now without any leave or prior permission vide DD No. 04, dated 21.05.2011 of Police Lines Hangu.

b). <u>Your absentee shows your negligence</u>, disinterest and also amount to gross misconduct on your part.

2. By reasons of the above, you appear to be guilty of misconduct Under Police Disciplinary Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in the above rules.

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

4. Your written defence, if any, should reach to the Enquiry Officer/Committees within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.

DISTRICT POLICE OFFICER,

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

6. A statement of allegation is enclosed.

Dated 6/ 3/2018.

#### **DISCIPLINARY ACTION.**

- 2 -

I, <u>MR. MUHAMMAD ASIF GOHAR, D.P.O, HANGU</u> as competent authority, am of the opinion that <u>Ex-Recruit Constable Muhammad Umar No. 273</u> has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meaning Under Police Disciplinary Rules, 1975:

#### STATEMENT OF ALLEGATIONS,

a). In the light of Hon'ble Service Tribunal, Peshawar Order Announced on 08.01.2018 and directions issued by worthy Deputy Inspector General of Police, E&I, Khyber Pakhtunkhwa, Peshawar w/r to his office Memo: No. 353/E&I, dated 27.02.2018, Ex-Constable Umar No. 273 re-instated in service vide OB No. 109, dated 02.03.2018 about the reinstatement/Denovo departmental enquiry on the basis of allegations that you had absented yourself from official duty with effect from 21.05.2011 till now without any leave or prior permission vide DD No. 04, dated 21.05.2011 of Police Lines Hangu.

b). <u>Your absentee shows your negligence, disinterest and also amount to</u> 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 Officer consisting of the following is constituted in the above rules: -

Mr. Arshid Mehmood, SP, Investigation, Hangu.

3. The Enquiry Officer shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused, record its findings and make, within twenty five days of the receipt of this order, recommendations 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 fixed by the Enquiry Officer.

DISTRICT POLICE OFFICER,

A copy of the above is forwarded to : -

1. <u>Mr. Arshid Mehmood, SP, Investigation, Hangu.</u> The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Disciplinary Rules, 1975.

2. <u>Ex-Recruit Constable Muhammad Umar No. 273</u>. The concerned officer with the directions to appear before the Enquiry Officer, on the date, time and place fixed by the Officer, for the purpose of the enquiry proceedings.



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بیان اذان ریکروٹ کنسٹیبل محمد عمرنمبر 47

بیان اذان ریکرون تسلیم تو می معلی تح تر نبر کردار ما بند تسلیل کر مر نبر 273) حال متعینہ پولیس لائن شلیم سنگو نے آج حسب طبی نبست ڈیز انکوائری حاضر دفتر آکر بیان کیا۔ کر سائل کو FA تعلیم ہے۔ کہ میں مورنہ 22.11.2010 کو تحکمہ پولیس شلیم مسکور قواعد دوضوا اولا کوالیا فائیل کر نے اور میڈیکل فلس کے بعد بطور ریکرد یک شلیل تجرتی ہو کر من سائل کو اُس وقت کنٹ میلری نبر 273 لا ٹ ہوا۔ جنوبا ۔ کو کہ پولیس کے مرفر من ال 2010 میں برائے دیکرد ف ٹرینگ کور منتخب ہو کر من سائل کو ضلیم بنگو کردیکر تعرف مرزیل کو اُس وقت کنٹ میلری نبر 273 لا ٹ ہوا۔ جنوبی سال 2011 میں برائے دیکرد ف ٹرینگ کور منتخب ہو کر من سائل کو ضلیم بنگو کردیکر تی شدہ ریکر دلس کے ہمراہ آری سے شل سنٹر کو پا ٹ میں ٹرینگ کیلیے ، جبحوایا ۔ کو کھر پولیس کے ٹرینگ سنٹر ز میں جگہ نہیں تقلی ہو روز میں سائل کو ضلیم بنگو کردیکر دلس نے ہمراہ آری سے شاف کے ذریعے اپنے ریکرد کو کو کر پینگ دین شروع کی ۔ جہاں ہنگو میں جگہ نہیں تقلی ہو روز کی اضلیم بنگو کرد ولی تری میں پولیس کے شاف کے ذریعے اپنے ریکرد کو کو ٹرینگ دین شروع کی ۔ ک میں جو تکھ پولیس کا از در انسٹر کٹر ہو ضلیم بنوں کے تقلے میں سائل کور کرد ولی کپنی نہ مروع کی ۔ بھی رکھا گیا۔ فریک کرد کی گے ا میکواڈ میں رومان کا از در انسٹر کٹر ہو صلیم بنوں کے تقلے کر زیک شروع کی ۔ جو تقریباً تی ماہ ٹرینگ کیلے کھ کی کی کے ک میکواڈ میں رومان کا اند کر کار بو صلیم بنوں کے تقلے کر زیل میں مربوع کی ۔ بو کو کو ہی کو کی روما گیا۔ فریک کو ک کے ایک کر ای انسٹر کر یک کیلے ۔ تو کی میں رومان سائی کی ک میں دوران میں کو دوران دیک اینڈ گھر خور آیا۔ جہاں ڈاکٹر صاحب سے چیک ایک رایا۔ معلوم ہوا کہ ماکل کو کالا یوان دالا والا میں مال جنوبی میں میں کو کا کو جال میں منگر کی منٹر کی کے میں کر میں میں میں میں میں میں کو کو میں کر میں کر میں کر میں کر میں کو میں میں میں کر ما حوال سے کی موال ہے ۔ میں مال 20 میں میں میں میں کر میں میں کر میں کر میں کر میں می می کر می میں کر می کر میں کر ایں میں میں کر کی کر ایں میں کر میں کر میں میں کر میں کر میں کر میں کر میں کر کر کر کر ایں میں کر کی کر می کر می میں میں کر کر میں کر میں میں می کی کر می میں می کر کی میں می کر کی کر میں می کر کی کر کر می میں می

بدوران ثرینگ بوجه غیر حاضری 94 یوم پر جناب کمانڈنٹ صاحب PTC جاتس کو کی چھی نمبر C 20/44-488 ا ۲ مورند 2011.05.01 من ساکل کور یکروٹ کورس سے اکوالیفائیڈ واپس ضلع منگو کردیا گیا۔ گر ساکل نے واپس ضلع منگو پولیس لاکن دغیرہ میں اپنی حاضری کی ۲ ۲ رپورٹ نہ کی۔ جس پر بحوالہ OB نمبر 298 مورند 2011.25.02 من ساکل کو جناب OP صاحب منگو نے بحوالہ پولیس رولز 21-15 بحکہ پولیس میگو سے برخاست کر دیا۔ من ساکل نے OP صاحب منگو کے تکم 298 مورند 2011.25.20 من ساکل کو جناب OP صاحب منگو نے بحوالہ پولیس رولز 21-15 بحکہ پولیس مورند 2011.20 کو اپس نامنظور ہوئی۔ جو بعدہ من ساکل دوبارہ ضلع منگو میں بطور کلاس فو رجوالہ OB نمبر OF مورند 2011.20 بحر تی مورند 2011.20 کو اپس نامنظور ہوئی۔ جو بعدہ من ساکل دوبارہ ضلع منگو میں بطور کلاس فو رجوالہ OB نمبر S10.2010 مورند 2015.20 بحر تی ک مورند 2011.20 کو اپس نامنظور ہوئی۔ جو بعدہ من ساکل دوبارہ ضلع منگو میں بطور کلاس فو رجوالہ OB نمبر S10.2010 مورند 2010.20 مورند 2010.2010 مورند 2010.2010 مورند 2010.2010 مورند 2010.2011 مورند 2010.2010 مورند 2010.2011 مورند 2010.2011 مورند 2010.2011 مورند 2010.2011 مورند 2010.2011 مورند 2010.2011 مورند 2010.2010 مورند 2010.2011 مورند 2010.2011 مورند 2010.2011 مورند 2010.2011 مورند 2010.2010 مورند 2010.2010 مورند 2010 مو

من سائل کومور خد 002.2018 کوسروس ٹریونل کے عظم کی مصدقہ تقل ملی ۔ جو میں نے لاکر بعدہ دفتر OPO صاحب منگو پیش کی ۔ جس پر من سائل کو بحکم OPO صاحب ضلع منگو کن سیلری نمبر 47 مور خد 007.03.2018 کوالا ٹ کر کے نوکری پر بحال کیا گیا۔ اور ساتھ دی من سائل کو OPO صاحب منگو نے ڈینوا نکوائری میں چارج شیٹ کر دیا۔ جو من سائل نے اپنا انگریز تی تحریری بیان معہ میڈ یکل ریسٹ ، لیوس میڈیک ( نوٹو سٹیٹ ) سائل کو OPO صاحب منگو نے ڈینوا نکوائری میں چارج شیٹ کر دیا۔ جو من سائل نے اپنا انگریز تی تحریری بیان معہ میڈ یکل ریسٹ ، لیوس میڈیک ( نوٹو سٹیٹ ) سائل کو OPO صاحب منگو نے ڈینوا نکوائری میں چارج شیٹ کر دیا۔ جو من سائل نے اپنا انگریز تی تحریری بیان معہ میڈ یکل ریسٹ ، لیوس میڈیک ( نوٹو سٹیٹ ) سال 2011 تا سال 2016 کل 27 عدد OPO چٹ بائے OPO جپ تال KDA کو باٹ لا کر جناب SP صاحب انوٹی گیشن منگو نے میڈ کرک صاحب کو مور خد 10 2 0 1 0 2 0 1 کو حوالہ کئے۔ ای طرح مر OPO چٹ کے ہمراہ میڈیکل لیو فارم جس پر میرا ادر ڈاکٹر صاحب، OPO صاحب OPO میڈی کو بالہ کے دستخط اور ڈاکٹری مہر شیت شدہ میں ،کل 27 عدد کی نوٹو سٹیٹ کا پی لف شدہ حوالہ کی ہے ک میں - OPO میں کے میڈی کی لو نے میں جانے OPO میں ہے کر میں میڈیکل لیو فارم جس پر میرا ادر ڈاکٹر صاحب، OPO میں کی کو فارم جس پر میرا اور ڈاکٹر صاحب، OPO میں میں میں میں میں میں کو نوٹر میں کا پی لف شدہ حوالہ کے دیکھ میں میں میں میں میں میں کو نوٹو سٹیٹ کا پی لف شدہ حوالہ کی میں دیکس امروز حسب طلی آب انگوائری افسر صاحب کے میں نے اصل میڈیکل لیوسر فیکیٹس عطا کردہ ڈاکٹر صاحب معد OPD چٹ کل 27عدد (DHQ سپتال KDA کوہاٹ سال 2011 تا سال 2016) برائے وریفیکیٹن روبرو HC محد شعیب ، HC انجم جمیل آپ کو پیش کردی ہیں۔ ساکل نے دوران ریکروٹ کورش سال 2011 سے تا حال غیر حاضری بوجہ بیاری کی تھی۔ اور با قاعدہ سرکاری DHQ سپتال KDA کوہاٹ سے اِس کا نہ صرف علاج معالجہ کرا تا رہا۔ بلکہ سرکاری ڈاکٹر صاحب کی عطا کردہ میڈیکل لیواریٹ گزارتا رہا۔ جو جملہ ریکارڈ آخ م

آپ کو پیش کر دیاہے۔من سائل نے اپنی اپیل 266/2017 سرو*ن ٹریبونل* KPK پیناور برخلاف تحکم ڈسمسل میں بھی انہی میڈیکل لیوسر فیکیٹس کی فوٹو کا پیان پیش کیں تھیں۔جو کہ اپیل فائل کا حصہ ہیں۔

حاوے

اب سائل تندرست ہے۔اور سائل نوکری پر بھی بحال ہو چکا ہے۔لہذا استدعا ہے کہ Denovo انکوائر کی داخل دفتر فرمائی

ہیان ہذامیں نے دیکھاور پڑھلیا ہے۔درست ہے۔کسی کمی بیشی کی ضرورت نہیں ہے۔ یہی میر ابیان ہے۔

M.D رىكرد ئىسىيل محمة تمرنمبر 47،سابقە كىسىيلرى نمبر 273 حال متعينه يوليس لائن منگو -30-4.2018

#### OKDER

HENON

This is order of mine will dispose of the Denove departmental enquiry against Ex-Constable Umar No. 273 while undergoing recruit course at Signal Training, Centre Kohat under Commandant Police Training College, District vide Commandant PTC Hangu letter No. 1834-44/GC, dated 16.06.2011 Policet vide Commandant PTC Hangu letter No. 1834-44/GC, dated 16.06.2011 Polation in the light of Judgment of Service Tribunal, Khyber Pakhtunkhwa Peshawar with reference to his Office Memo: No. 353/E&I dated 27.02.2018, Ex-Constable Umar No.273 office Memo: No. 353/E&I dated 27.03.2018, Ex-Constable Umar No.273 reinstated in service vide OB No. 109 dated 02.03.2018. His above act show reinstated in service vide OB No. 109 dated 02.03.2018. His above act show corrections is the light of Umar No.273 reinstated in service vide OB No. 109 dated 02.03.2018. His above act show corrections is the light of Umar No.273 reinstated in service vide OB No. 109 dated 02.03.2018. His above act show corrections is the light of the light

Fie was served with charge sheet and statement of allegations under Police Disciplinary Rules 1975 vide No. 27/PA, dated 06.03.2018. Mr. Arshid Mchmood, S.P Investigation Hangu was appointed as Enquiry Officer to initiate departmental Denovo enquiry against him. After completion of enquiry, the Finquiry Officer submitted his findings disclosed that in view of the available record, going through enquiry proceeding, the undersigned concludes that all the available witnesses' statements and record go against the recruit constable. Further it was noted that ;-,

1. The alleged official was dismissed from service comprising whole 180 days under Police Rules 12-21 vide DPO Hangu OB No. 298 dated 28.05.2011 indicated his service tenure was not mature at the time of

2. The preferred mercy petition before Worthy Provincial Police Officer by the recruit constable almost after six years of rejection of departmental appeal by RPO Kohat badly time barred. Only it was to revive the time lactor for his appeal before learned Service Tribunal, KP Peshawan: District Hangu and was appointed on the existing vacancy of Class IV by the DPO Hangu vide OB No. 567 dated 05.10.2015. His order however, instantly later was revoked vide OB No. 568 dated 07.10.2015 due to the fact that the official was already dismissed under Police Rules 12.

All the medical documents produced by the recruit constable in defence during instant enquiry have been declared as fake/bogus by the concerned Hospital. It was noted that by producing fake/bogus record, he has misguided different forums i.e worthy Provincial Police Officer and Learned Service Tribunal. The misconduct on behalf of the alleged Keeping in view the above and also previous track record of the recruit constable the enquiry officer opined that neither he has shown become a good Police Officer in past nor has any chance become in future too. Hence he is recommended for dismissal and legal action for producing fake/bogus record.

The De-nove enquiry of the said defaulter Constable was send to W/DIG Enquiry & Inspection, Khyber Pakhtunkhwa, Peshawar for favour of kind perusal & further orders vide this office letter No. 1515/PA, dated 21.05.2018 upon which the worthy DIG/Enquiry & Inspection Khyber Pakhtunkhwa Peshawar issued directions that proceed further in the light of recommendations of the enquiry officer for perusal of worthy IGP vide Memo: No. 806/E&I, dated 31.05.2018.

Keeping in view of above and after going through available record, the undersigned has come to the conclusion that he was dismissed by the DPO under Police Rule 12-21, who produced fake/bogus medical documents to the enquiry officer and also misguide the forums i.e Worthy Provincial Police Officer and learned Service Tribunal. The misconduct on behalf of the alleged official highlights his clever/fraudulent mindset. Hence, he is recommended for dismissal from service taking and legal action for producing fake documents. Since, his retention in Police Department is burden on public exchequer, therefore, I, Muhammad Asif Gohar, District Police Officer, Hangu in exercise of the powers conferred upon me, awarded him major punishment of Dismissal from Service w.e.f his reinstatement i.e 02.03.2018.

Order Announced.

OB No. R/C Dated <u>21 12/</u>2018.

DISTRIC CE OFFICER, HANGU

#### OFFICE OF THE DISTRICT POLICE OFFICER, HANGU

No.<u>1864-68</u>/PA, dated Hangu, the 22 /06/2018.

Copy of above is submitted for favour of information to the:-

- 1. D.I.G Enquiry & Inspection Khyber Pakhtunkhwa Peshawar w/r to his office Memo: No. quoted above.
- 2. Regional Police Officer, Kohat.
- 3. SHO Police Station City Hangu is directed to take legal action in the light of Denvo departmental enquiry.
- 3. All concerned for information and necessary action.

ICÉ OPEICER, DISTRICT P HANGU

بخدمت جناب انسبَمْر جنزل آف بوليس صاحب خيبر بختونخواه بيتا دردام اقباليه محكماز اببل برخلاف تحكم مورجه 21/06/2018

105-10

د دباره برخاست کردیا۔ لہذا آپ صاحبان سے التجاء ہے کہ سائل کودوبارہ نوکری پر بیحالی کرنے کے احکامات صادر قرما کر مشکور قرما سمیں۔ NO 7577 /EL dl 5-7 1018 سائل تاعمردعا كورب كا-مورخه: 05/07/2018

DPO Hongy محمة عمر سابقة كمنستيبل نمبر 273 دُسٹر كٹ پوليس منگو For commants allongwills S. rall, Fampinonissal & complete engning fils with in a week please.

during instant enquiry have been declared as hind, edges concerned Hospital. It was noted that by producing fake/bogus reco he has misguided different forums i.e worthy Provincial Police Offi and Learned Service Tribunal. The misconduct on behalf of the aller

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**KOHAT** 5/7/2018 POLICE DEPTT:

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#### KOHAT REGION

#### ORDER.

This order will dispose of a departmental appeal, moved by Ex-Constable Muhammad Umar No. 273 of Hangu district Police, against the punishment order, passed by DPO Hangu vide OB No. 270, dated 21.06.208 whereby he was awarded major punishment of dismissal from service.

Facts are that the appellant was detailed for basic recruit course at Police Training College Hangu from where he was returned as unqualified due to his willful absence vide Commandant PTC Hangu Letter No. 1834-44, dated 16.05.2011. The appellant did not make his arrival at Police Lines Hangu and reported absent vide DD No. 04 dated 21.05.2011. He was dealt with departmentally and awarded major punishment of dismissal from service. The appellant approached next appellate authorities i.e. RPO & IGP for reinstatement into service but his appeal was rejected by both the authorities. The appellant lodged service appeal in Service Tribunal against the punishment order, which was partially accepted and ordered for denove enquiry. During denove proceedings, he produced medical documents, which were verified by concerned Medical Superintendent and found fake / bogus. The denove enquiry culminated in his dismissal from service again.

He preferred the instant appeal before the undersigned, upon which comments were obtained from DPO Hangu and his service record was perused. He was also heard in person in orderly room held in this office on 01.08.2018 and crossly? examined but he did not advance any plausible explanation in his defense.  $\mathcal{I}$ 

Record indicates that the appellant absented himself from official duty in very initial stages of service and was also returned as unqualified from training. The allegations leveled against him are proved and his appeal is hereby rejected.

Order Announced 01.08.2018

No. 8439 /EC,

(MUHAMMAD/DAZ KHAN) PSP Region Polid Afficer. Kollat Re 06/08 /2018.

Region Po

HAN) PSP

Copy for information and necessary action to the District Police Officer, Hangu w/r to his office Memo: No, 6281/LB, dated 27.07.2018. His Service Roll alongwith Fauji Missal / Enquiry File is returned herewith.



dated Kohat the

vouredes Jeshansen [مر: 1º 2013 - 2102. لريما Acce greed - بېرىيى توسى تورى تەرىپى لادا يابل-رىيى كەنكەر لايد المرحف مدينية بسيم لمركبة بالمراجب مولي مديره ماي القدائية فخر الألال -لايد، جه بسبين سينان في ايتان لويد، بن يزيم المشهدين الماي، لايد الميد المحالية بينا ايد PIG 10 - 9 سینی لے کور سایل ک میں ک<sup>س</sup>اب کے ایک لینو ال ان می**کن کی کڑی گڑی کڑی کٹ**ی کشب کے میں الے گڑی . A يديقالا بمالح لجز خيداله المدخيد المرابع المالع ولكشما كمالك لألما لالالم تدلكك بيد يسه مقدمة به بعض بعده بالمراقية بالأنسي (لا، ية بالألاب كما يق المراية المسير ترا، بنذ ركىب، بالأيمايز لكريك السناكية لاركى لالالاي المعت بعده بذله لام بالتعالات المكتبة برلالدا لتل يعقل لوسم مسساني بريالا يعدي لكوم اليبيد ورواي لي معد والمالية المسب لا لم تحت روسا ی الایق لراز ارداردی ب ایج خیب سفاه مرسلهیم و منسال کیم خب کر از کنول مکر بست له ورکینه ، بين فاندار الألاران لاركال متعدين بعد بسب ليسرجه لالولين اتحال لايس Toring - menodist in stal we we cale release لمقاص ركاي الأركل الاريب اعتدين الديدية كملتنا المتشال المواليا بالمتعيم بعنه سديقه سن إمركيت وأ لويز 5,87 bailat is ~1<u>7</u> <u>۾ ر</u>ور شر انجبه کی roundes Corridiat Service \*\*\* J /\*\*

#### Service Appeal No. 1103/2018 Muhammad Umar Ex-Const: No. 273

..... Appellant.

#### VERSUS

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and other

..... Respondents.

#### PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

#### Respectively Sheweth:-

Parawise comments are submitted as under:-

#### Preliminary Objections:-

- a. That the appellant has got no cause of action.
- b. That the appellant has got no locus standi.
- c. That the appeal is not maintainable in the present form.
- d. That the appellant has not come to this Hon: Tribunal with clean hands.
- e. That the appeal is time barred.

#### FACTS:-

- 1. The appellant was enlisted as constable on 22.11.2010. The appellant was detailed for basic recruit course at PTC Hangu from where he willful absented himself from training and resultantly returned unqualified to the district vide PTC Hangu Signal No. 1834-44 dated 16.05.2011. Copy is annexure.
- 2. The appellant did not report after his repatriation from PTC. His total length of service was 180 days. Hence he was found inefficient and proceeded under Police Rules 1934, Rules 12-21, for which no need of proper departmental proceedings.
- 3. The Honorable Tribunal accepted his service appeal and ordered for de-novo inquiry against the appellant within 90 days.
- 4. In compliance with the judgment of Honorable Tribunal, the appellant was proceeded with departmental inquiry in accordance with law & rules.
- 5. The charge levelled against him were established beyond any shadow of doubt in the de-novo inquiry. It is added that the appellant produced medical documents during course of inquiry which were found fake / bogus, hence the appellant has also committed a criminal act. The appellant was provided ample opportunity of defense during course of de-novo inquiry. Furthermore, the departmental appeal of the appellant was without any substance and correctly rejected by the respondent No. 2.

#### **GROUNDS:-**

A. Incorrect, the orders of respondents No. 1 & 2 are legal, speaking and based on facts / record.

- Incorrect, the appellant was proceeded with de-novo inquiry in accordance with law & rules.
- C.

B

Incorrect, the appellant during his initial stage of service absented himself from lawful duty / basic recruit training and found inefficient official. Furthermore, the appellant was awarded punishment for his own willful conduct.

- D. Incorrect, as evident from the de-novo proceedings, the appellant as associated in inquiry proceedings by the inquiry officer, heard in person by the respondents 2 & 3. Hence all codal formalities have been fulfilled the entire de-novo inquiry proceedings.
- E. The charge levelled against him was proved beyond any shadow of doubt. Furthermore, the appellant produced fake medical documents during the course of inquiry. The service of appellant was less than three years. Hence correctly awarded punishment of dismissal from service and rejection of his departmental appeal. It is added that retention of the appellant will be burden on public exchequer.

Keeping in view of the above, it is submitted that the appeal is devoid of merit, without any substantiated. It is, therefore, prayed that the appeal may kindly be dismissed with cost please.

Regional Police Officer, Kohat Region Kohat (Respondent No. 2)

Inspector General of Police, Khyber Pakhtunkhwa, (Respondent No. 1)

District Police Officer, Hangu (Respondent No. 3)

#### BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No.1103 /2018

Muhammad Umar Ex-Constable No. 273

..... Appellant.

#### VERSUS

Inspector General of Police, Khyber Pakhtunkhwa and other

.....Respondents.

#### COUNTER AFFIDAVIT

We, the below mentioned respondents, do hereby solemnly affirm and declare on oath that contents of parawise comments are correct and true to the best of our knowledge and belief. Nothing has been concealed from this Hon: Tribunal.

Regional Police Officer, Kohat Region Kohat

(Respondent:No. 2)

Inspector General of Police,

(Respondent No. 1)

District Police Officer, Hangu (Respondent No. 3)

W.

#### SIGVAL.

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.:	COMADT: PTC HANGU(.)
Ņ	COM DT: FRP/HQ PESH(.)
•	CCP (PESH(.)
	DPOn:BANNU.DIR/U.BUNIR(.)
	DPO:HANGU(BY HAND)(.)
	SP:PRP D.I.KHAN(.)
(11)	P/R'TH KOHAT(.)
	RI/HTC CENTRE KOHAT(.)
	ASC CENTRE NOWSHERA(.)
	RI/AKC MANSER CAMP ATTOCK(_)

NO. 1819-99/GC, DT: 16.5./2011(.)SUB(.)UNQUALIFIED(.) THE FOLLOWING RECRUITS OF YOUR DISTT/UNITS HAVE BELS. RETURNED TO DISTT AS UNQUALIFIE VIDE OB NO & REASON SQUERE NOTED AGAINST EACH(.)

<u>s/:1</u>	D. NAME & NO.	DISTI.	RHAJON	<u>OB &amp; DT</u> .
1.	J/RECT.SYLD FARHAGALAL 1167.	FRP/HQ PESH	ABSENCE 32 <b>Days</b>	347 14.5.11
2.	" SHAH PAHAD.4825	CCP PESH	I LLNESS	,:00 344 13.5.11
3.	RECT:SAJID LUBHAN. 112	BANNU \	ABSENCE 49 DAYS	253 14•4•11
4.	" MOHAMMAD UMAR. 273	HANGU	94	41
5.	" ZUBAIR KHAN. 1087	BUNIR	ABSENCE 46 DAYS	341 13.5.11
6.	" MOHAMAD ISMAIL. 1229	DIR/U	ABSENCE 19 Days	341 <del>1</del> 3.5.11
7•	" FARMAN ULLAH. 1463	12	ABSENCE 28 DAYS.	ŧ

8. " MOHAMMAD LMRAN. 7350.

OB./E. Des n OASI 00/

District Police Officer Hangu

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ABSENCE 27 DAYS

VCOLUUT: PTC HANGU(.) 0/0 8

# VAKALATNAMA

# <u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>PESHAWAR</u>

OF 2021

(APPELLANT) Autommand Umar (PLAINTIFF) (PETITIONER)

# VERSUS

14/07/21 Police Deptt:

(RESPONDENT) \_(DEFENDANT)

I/We <u>Muhammad</u> umar Do hereby appoint and constitute **MIR ZAMAN SAFI**, **Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated.\_\_\_\_/2021

MIR ZAMAN SAFI ADVOCATE

*OFFICE: Room No.6-E, 5<sup>th</sup> Floor, Rahim Medical Centre, G.T Road, Hashtnagri, Peshawar. Mobile No.0323-9295295*  بيان اذان ريكروٹ كنسٹيبل محمد عمر نمبر 47

 $\binom{2}{2}$ (30) امروز حسب طلی آپ انکوائر کی افسر صاحب کے میں نے اصل میڈیکل لیوسر فیکیٹس عطا کردہ ڈاکٹر ہوئے۔ کل 27عدد (DHQ ہیبتال KDA کوہاٹ سال 2011 تا سال 2016) برائے وریفیکیشن روبر وHC محد شعیب ،HC انج سیل کے سائل نے دوران ریکروٹ کورس سال 2011 سے تا حال غیر حاضری ہوجہ بیاری کی تھی۔ اور با قاعدہ سرکالگالط ہپتال KDA کو ہاٹ سے اِس کا نہ صرف علاج معالجہ کرا تار ہا۔ بلکہ سرکاری ڈاکٹر صاحب کی عطا کردہ میڈیکل لیواریٹ گرارتار ہا۔ جو جملہ ریکار*ڈان کما* آپ کو پیش کر دیا ہے۔ من سائل نے اپنی اپیل 266/2017 سروں ٹریونل KPK پیٹا در برخلاف حکم ڈسمسل میں بھی انہی میڈیکل لیوسر فیفیکیٹس کارز کاییان پیش کیس تھیں۔جو کہ اپیل فائل کا حصہ ہیں۔ اب سائل تندرست ہے۔اور سائل نوکری پڑبھی بحال ہو چکا ہے۔لہذا استدعا ہے کہ Denovo انگوائری داخل دفتر فرمائی بیان ہذامیں نے دیکھادر پڑھلیا ہے۔درست ہے کسی کمی بیشی کی ضرورت نہیں ہے۔ یہی میرابیان ہے۔ Allos wind wills AT. Her ريكروٹ كنسٹيبل محد عمرنمبر 47، سابقہ کنسٹیبلری نمبر 273 ا محال متعينه يوليس لائن منگو -30.4.2018 موال :- أيت حر حد فول عنزات من فرا لرمن OHO في المحسال AL فرط OAD من لور مدال :- أيت حر حد فول عنزات من فرا لرمن OHO في المحسال فرط OAD من لور مدالعل فرسونس ل لي- دو نبول الحسال في مد روم من من مربر مرا نوب من انها مرم المرح من روم من من من المراجع من المراجع من الما مرم المراح من 2016 من مباركا اور طرى همال من ط عام عند حالج فرا رم سوال : آتے ہر میرائی سرفانی رام من دمان کال کے سرام کی . جرب بر متن مبرران عداد وقداً فونداً اسی منالی OHO سال محلی اسی مبرران عداد ماری حاد وقداً فونداً اسی منالی (اور منالی مرابع از از امر انگیستاده کارها معلی همال عرب می مل

RHO TEA IT TICKET OPD NO // 00 Facuny 2 - 7 nar Univer Name\_/\_\_\_ <u>HOSPITAL KDA KOHAT</u> Father's/Husband's Name Date **Clinical Fi** allshi SG pf. Hev. HbsA, Sertificate ase hereby certify Mr./Mrs an stable whose signature is given ....and I advised Conficer 68168 nealth. AN CAME Medical Officer District Headquarter Hospital Kohat 5/19 Pr 1 Rections of these Devis Barry School (1990)

## Medical Leave Certificate

Signature of Patient.....

After careful personal examination of the case hereby certify Mr./Mrs Mohammed Limen Desiantion Constable Department.....Pelice ......whose signature is given above is suffering from Nanal hepatilis-c and I advised absolutely necessary for the restoration of his/her health.

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And Medical Officer Medical Onico, ADistrict Headquarter Hospital

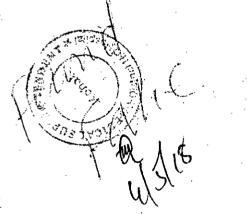
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INSPITAL OUT DOOR PATIENT TICKET OPD NO 1013 Wincis\_Age\_ 2 ma Sex 4 R HOSPITAL KDA KOHA Muchaines Name Date **Clinical Fin** nos / Investigati ed/ Test Findings 6/11. ve Certificate ie month of the case hereby certify Mr./Mrs siantion Constase. ......whose signature is given T. s.....and I advised .a.-6-11....to...19.7.11....is ownauon of his/her health. Medical Officer District Headquarter Hospital Kohat Redess Orders Divis Dig Co. - Co. Kolado

## Medical Leave Certificate

Signature of Patient......

After careful personal examination of the case hereby certify Mr./Mrs Minemal Umiter Desiantion Constant -Department No lice whose signature is given above is suffering from Vernal Lepart Tr.S and I advised rest of A. Week S - w.e.f. 2a-6-11...to 19.7.11 is absolutely necessary for the restoration of his/her health.



Medical Officer District Headquarter Hospital Kohat

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## **Medical Leave Certificate**

Signature of Patient...

After careful personal examination of the case hereby certify Mr./Mrs <u>Museul Muse</u> Desiantion <u>Cansilo</u> Department. <u>Define</u> whose signature is given above is suffering from <u>Vurul he puti</u> 7 and I advised rest of <u>Vurul heputils</u> wet <u>II-7-2011</u> to <u>IR-8-11</u> is absolutely necessary for the restoration of his/her health.

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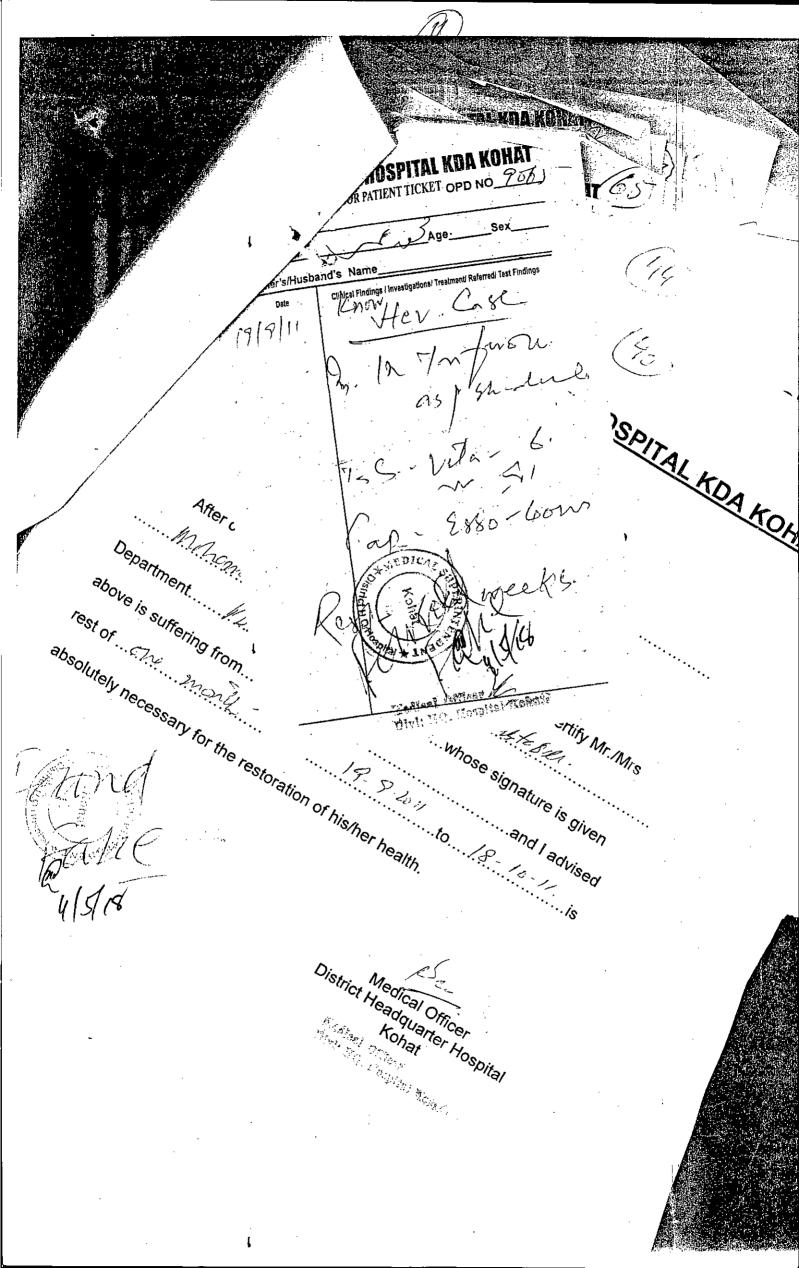
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## **Medical Leave Certificate**

Signature of Patient...

After careful personal examination of the case hereby certify Mr./Mrs Millamad Umar Desiantion Constable. Astrice .....whose signature is given Department. rest of one month we f. 20 -8.11 to 19-9.11 is absolutely necessary for the restoration of his/her health.



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## Medical Leave Certificate

Signature of Patient.....

After careful personal examination	on of the case hereby certify Mr./Mrs
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Department	whose signature is given
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absolutely necessary for the restoration of his/her health.

Medical Officer

District Headquarter Hospital Kohat

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ATIENT TICKET OPD NO//O Se) in s/Husband's ER HOSPITAL KDA KO Clinic Date 11 10 £ Certificate [4] se hereby certify Mr./Mrs L Centra ab Ċ rest <sup>lose</sup> signature is given absoli .....and I advised Myl, EQ. Maples Zougli 10110-11 .....to........................is vestoration of his/her health. Sa Medical Officer District Headquarter Hospital Menters Consen USAN - Econolist Manuel

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## **Medical Leave Certificate**

Signature of Patient.

After careful personal examination of the case hereby certify Mr./Mrs MMamuel Umm Desiantion Complex Department Mului whose signature is given above is suffering from Metu w.e.f. 18-10-11 to 12-11-11 is

absolutely necessary for the restoration of his/her health.

Medical Officer District Headquarter Hospital Kohat

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## Medical Leave Certificate

Signature of Patient...

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After careful personal examination of the case hereby certify Mr./Mrs

absolutely necessary for the restoration of his/her health.

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TICKET OPD NO 7 960 Sex Mugge mac TER HOSPITAL KDA KOH Husband's ment/Referred/Test Findings Vonew n <u>eave Certificate</u> Ducht Fe of the case hereby certify Mr./Mrs antion Couster 6 ......whose signature is given and I advised -12-11 to 15-1-12 Bivi: RO. (Sonalin) 'So ....e restoration of his/her health. Medical Officer District Headquarter Hospital Kohat

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# Medical Leave Certificate

Signature of Patient....

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absolutely necessary for the restoration of his/her health.

49 " HOSPITAL KDA KOHAT DKO TErnu IA KOHAT OR PAT OPD NO 80 3 Name /V <u>**Certificate**</u> Father's/Husband's Name Date Clinical Ex ings / investigations/ Treatm n of the case hereby certify Mr./Mrs e Jesiantion..... .....whose signature is given du - hep-C and I advise 15/1/12 to 14-2-12 ation of his/her health. ANT: En. Es tiel Robat. Medical Officer District Headquarter H Kohat n An Saint i de la composition d Esta de la composition de la composition

2 STRICT HEADQUARTER HOSPITAL KDA KOHAT Medical Leave Certificate Signature of Patient..... After careful personal examination of the case hereby certify Mr./Mrs Myhammed Uhmer Desiantion Coustble whose signature is given Department.. rest of ... and would absolutely necessary for the restoration of his/her health. Medical Officer District Headquarter Hospital Kohat Martina Chille AMPA 11 11 11 11 11 11 11 11 11 11 11

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CKET OPD NO 2600 mor // Mulinkge d's Name Clinical F <u>RTER HOSPITAL KDA KO</u> eave Certificate the case hereby certify Mr./Mrs ion Contrable ····..whose signature is given عروب المعرفي ا معرفي المعرفي ال ..... ausolutely necessary for the restoration of his/her health. e M Medical Officer District Headquarter Hospital Ronar Brog I.A. Louise Colem Kohat

Medical Leave Certificate

Signature of Patient.......

After careful personal examination of the case hereby certify Mr /Mrs Manuma Umin Desiantion Contrable. .....and I advised rest of . Ene - Thronk w.e.f. 4 2-12 to 15-3-12 is absolutely necessary for the restoration of his/her health.

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Médical Officer District Headquarter Hospital Kohat Wey BE. Coople: Thees

SPITAL KDA KOHAT <u>//371</u> TAL KDA KCHAT DUT LOOR PATIENT TICKET OPD NO 9130 Sent Facility mail ertificate Name Sex Age Father's/Husband's Name Date Clinical Findings Anvestigations/ Treat 3/1.2 nu. Zu, r le des he case hereby certify Mr./Mrs ition Consta ......whose signature is given 414 ....and I advised 14-6-12 is 3.: to. his/her health. Wedlack Oil 107 121 owi; EQ. Medical Officer District Headquarter Hos Kohat Right of the 

Medical Leave Certificate

Signature of Patient.....

After careful personal examination of the case hereby certify Mr./Mrs Manund Uman Desiantion Constable ......whose signature is given above is suffering from line he parties C. and I advised rest of One month wef 15 3-12 to 14-6-12 is

absolutely necessary for the restoration of his/her health.

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Medical Officer District Headquarter Hospital Kohat

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NUT NO 5 00 2 SPITAL KDA KOHAT **RQ TEACHING HOSPITAL** Sent To: LOUT DOOR PATIENT TICKET OPD NO KDA KGWAT Facility Name\_\_\_\_ Name S۵ rtificate Father's/Husband's Name Date Clinical Findings./ Investigations/ Treatment/ Referred/ Test Find Vita: 16, Fi Ceptoden Sh tor. 400 441/2 Innt he the case hereby certify Mr./Mrs mitable. .ntion.. lu. .....whose signature is given Cf. (C) and I advised G-12 to 20-5-12 is of his/her health. Medical Officer District Headquarter, Hos Kohat · Rodden – Débenn Digt 20. Meisigne Meise

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## Medical Leave Certificate

Signature of Patient...

After careful personal examination of the case hereby certify Mr /Mrs M.A. Amand Uman Desiantion Control La Volue Department ......whose signature is given above is suffering from Manual Acp (C) and I advised rest of File Weeks w.e.f./4-12 to 20-5-12 is absolutely necessary for the restoration of his/her health.



Medical-Officer District Headquarter, Hospital

Kohat Medio / Office-Mri: 30, Nospital Robust.

NG HOSPITAL KDA KOHAT T-DOOR PATIENT TICKET OPD NO 1000 Ime ast of He, OSPITAL KDA KOH Name thei'slHusband's WN 12 ficate 48m 15000 у certify Mr./Mrs Departm isnlh ble. above is s. nature is given Adri rest of ....(c .and I advised absolutely nec **U**Y uon of his/her health. Calling Medical Officer District Headquarter Hospital Madian orm Kohat Brusse, Harris Borge 

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#### **Medical Leave Certificate**

Signature of Patient.....

After careful personal examination of the case hereby certify Mr./Mrs MANAMANAN Unnar Designition Constable above is suffering from. Mry. M. C. M. C. and I advised rest of ... (03) Month 3 w.e.f. 205-12 to 16-3 2012 is absolutely necessary for the restoration of his/her health.

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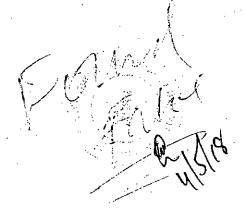
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Medical Leave Certificate

Signature of Patient...

After careful personal examination of the case hereby certify Mr./Mrs	
MMamuel Unner Desiantion Constable	
Department Police whose signature is given	
above is suffering from	
rest of $(0.3)$ mon the w.e.f. $16 - 8 - 2012$ to $13 - 11 - 2012$ is	
absolutely necessary for the rectoration of his/her health.	



AING HOSPITAL KDA KOHAT UT DOOR PATIENT TICKET OPD NO\_\_\_\_\_\_ 60 slHusband's Name <u>)SPITAL KDA KO</u> Findings ! in Date 11/12 <u>ficate</u> Aul- Three worth? eby certify Mr./Mrs stable Deŗ ignature is given abov OF IC vital Rober <u>"Rið</u>sl .....and I advise Mint I rest of .11. 2072 to 10.2-2013 absoluti ior the restoration of his/her health. 1°C Médical Officer District Headquarter Hosp Kohat -推制信用于公司403 上的时候,这些"时候"了这种意义。 第1991年1月1日,这些问题的 ÷۲

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## Medical Leave Certificate

Signature of Patient...

After careful personal examination of the case hereby certify Mr./Mrs Maria med Uman Desiantion Constable .....whose signature is given rest of (02) Mon/45 w.e.f. 13 - 11. 2072. to 10.2 - 2073 is absolutely necessary for the restoration of his/her health.

CUMP -

Médical Officer District Headquarter Hospital Kohat

> - Benisci Occes Bivi: Di Licopici Mebaif.

OD . TEACHING HOSPITAL KDA KOHAT Sent To: V: OUT DOOR PATIENT TICKET OPD NO-2 Facility NOT 1 DSPITAL KDA KOF anti Referredi Test Findings Father's/Husband's Name Name Clinical Findings / Investigations Treatm in the Smil Date 16/2/18. Lon ficate 2man this eby certify Mr./Mrs 5 stepts Dep ignature is given above 4 ....and I advised rest of t absolute Medical Officer District Headquarter Hospital Kohat.

## Medical Leave Certificate

Signature of Patient.

After careful personal examination of the case hereby certify Mr./Mrs Mangmach limmer Desiantion Censtable Department...... rest of (03) months w.e.f. 1a-2-13 to 7:5-2073 is absolutely necessary for the restoration of his/her health.

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Medical Officer District Headquarter Hospital Kohat

Madisel (17106) Myli 2010 (2019) Adalai

64 a kohat NO CC Name HOSPITAL KDA KOHAT ther's/Husband's Name Clinical Findings / Investigations/ Treatment Re Clinical Findings / Investigations/ Treatment Re J. AL 5/13 **Certificate** AQ in e case hereby certify Mr./Mrs on Constable 1No5 .....whose signature is given .....and I advised ¢7.3. to 7/10/ 2073 is CROBENI Dirl; E.Q. HAND namer health. Medical Officer. District Headquarter Hospital The Bo, track Kohat

64 STRICT HEADQUARTER HOSPITAL KDA KOHAT Medical Leave Certificate Signature of Patient..... After careful personal examination of the case hereby certify Mr./Mrs MMManmad Umler Desiantion Constable Department......Pullice .....whose signature is given rest of Three hrenths......w.e.f. 7.5. 2013.....to. 7/10/ 2013...is absolutely necessary for the restoration of his/her health. édical Officer . ma District Headquarter Hospital Kohat. K,

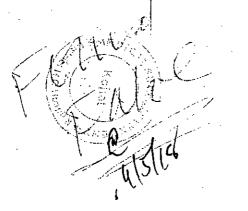
165 IG HOSPI OUT DOOR PATIENT TICKET Name ather's/Husband's Name Clinical Mongs / Investigati 41 X-Mysichint. Date SPITAL KDA KOHA 7/10/13 66 ate M worlds Departm, ertify Mr./Mrs above is s 2 rest of Mrrz Zerpital Konsi. ure is given absolutely nec Firl R.C. Finite 10: 2013 ..... to 5-1-2074 ... is ب....and I advised or the restoration of his/her health. Médical Officer District Headquarter Hospital Kohat .

### Medical Leave Certificate

Signature of Patient.....

After careful personal examination of the case hereby certify Mr./Mrs Manamed Uman Desiantion Censtoble Whee. ......whose signature is given Department. rest of three months w.e.f. 7- 10-2013 to 5-1-2014 is

absolutely necessary for the restoration of his/her health.



L KDA KOH OUT DOOR PATIENT TICKET OPD NO 4114 Facility Name Sex 4 Name Father's/Husband's Name . Clinical Findings / investigations/ Treatment/ Referred/ Test Finding Hep. G. Date OSPITAL KDA KC 54-19 My. ficate m. ang -510-۲ , montes Depart, <sup>above</sup> is Certify Mr./Mrs rest of ....(. ° Le absolutely ne ure is given 1 Pai - anali restoration of his/her health. ····and <sub>!</sub> ad<sub>vised</sub> 产任此 District Headquarter Hospital Medical Officer . 6 8

DISTRICT HEADQUARTER HOSPITAL KDA KOHAT

Medical Leave Certificate

Signature of Patient...

After careful personal examination of the case hereby certify Mr./Mrs Mr. S. umad Uman Desiantion Contable. Department..... .....whose signature is given absolutely necessary for the restoration of his/her health.

Medical Officer District Headquarter Hospital Kohat

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KDA K g Hospital Kda Kohàt OUT DOOR PATIENT TICKET OPD NO 4037 Sex ZAge. R HOSPITAL KDA KO ther's/Husband's Name nt/ Referred/ Test Findings ndings ( Investigations) Trea Clinical Fi Date ĺν t <u>Certificate</u> Vyrvas 2 sik' inthe 3 Rey ase hereby certify Mr./Mrs Conde 5 ĉ whose signature is given re .....and I advised Roop tel Bollet. ab: -uon of his/her health. Medical Officer District Headquarter Hospital Kohat 14 ACHINE COLUMN U

DIVISIONAL HQ:KDA KOHAT Office Tele: MEDICAL LEAVE CERTIFICATE 0925-6 ffice Fax: - 0925-6; vail:spinvestigationhau Faxeed Algreed after careful personal examination of the case Hereby certify that Mr/AArs; M, Unputering Design Of Mule Comstant, de la company de l ignature of patient. It No. 27. w.e.f. 5-2-2016. to 2018 2016 is absolutely necessary for the restoration of his/her Deptt\_ No. 4 ζohε. 49 Ċ, er Medical Officer health. DHQ:Hospital KDA Kohat to a constant of the second slice the will be an hat . NDA Kohat de جوبطور وجبتروت اور برائے دیریفیکیشن نسبت انکوائر کی ہذاقہ سے جا کر گواہ Jie Blind State He wind

DISTRICT HEADQUARTER HOSPITAL KDA KOHAT Offic Affic ហរា MEDICAL FITTNESS CERTIFICATE SIO, DIO\_Banaras /ilian Sex NEU 23 8 2016 Certified that Milliamad Unar RIO KSELVI Raijan Age: 28 Has been examined by me in DHQ Hospital KDA Kohat today on He/She is Physically & Medically Fit for general purpose. A-W Medical Officer DHQ Hospital KDA Kohat Medical Officer Medical Officer DHQidlospital KDA Kohat ,03 جوبطور دجه نتبوت ادر برائے ویریفیکیش نسبت انگوائر کی ہزاقیف کئے جا کر گواہان موجود گان سے بچ سب 4127 05.02.2016 ,103 ,106 L in the line of the side of the

# ADQUARTER HOSPITAL KDA KOHAT DISTRIC

# MEDICAL FITTNESS CERTIFICATE

Certified that Muanmall Uman S/O,D/O Banavas Whan KSELVi Rayan Age: 28 Sex MG/I R/O <u>KET Wayan</u> Age: <u>28</u> Sex: <u>MFI</u> Has been examined by me in DHQ Hospital KDA Kohat today on <u>23/8/2016</u>

He/She is Physically & Medically Fit for general purpose.

Micer Hugild Medical Officer

DHOLHospital KDA Kohat

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			$\uparrow - \uparrow$	,103	16.08.2012	9025	14

جوبطوروجتوت اور برائر در التقرير التحاري في الجنب كتاب كركوابان موجودگان - يحيل فرد كرانى-جوبطوروجتوت اور برائر در التقرير المحاري في الجنب كتاب كل المحال المحال المحل المح

N. P. S. S. M. 11 (1. 2000)

**فر دمقبوسگی** (مدڈیکل ریٹ الیو OPD/27 چٹ 127 سر<sup>میفیکی</sup>ٹس)

دفتر انوٹی گیشر.

بحوالہ ڈینوائلوائر کی اذان ریکروٹ کنٹیل محمد عمرنمبر 47 سابقہ نمبر 273 متعینہ پولیس لائن ہنگو۔

روبرو گواہان ذیل ریکروٹ تحد عرغمبر 47نے امروز بدوران انگوائری خود باتفصیل ذیل میڈیکل لیوا میڈیکل ر پورٹ عطا کردہ ڈاکٹر صاحبان DHQ ہپتال KDA کوہاٹ معہ OPD چٹ ہا ےDHQ ہپتال KDA کوہاٹ کل 27 عدد پیش کیں ۔ کہ ندکورہ سال 1<u>201</u>4 متی سے سال <u>2016</u> تک بوجہ بیاری اورعلاج معالجہ غیر حاضر رہا۔ برائے مزید تصدیق وسلی میرے پیش کیں ۔ جنگی تفصیل ذیل ہے۔

ريسنت اليوعطا كرده	تاريخ	OPD چٹ نمبر	نمبرثار	ريسٹ اليوعطا كردہ	تاريخ	OPD چٹ نمبر	نمبرشار
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جوبطور وجہ ثبوت اور برائے وریفیکیٹن نسبت انکوائر کی ہٰداقیف کئے جا کر گواہان موجود گان ہے تکمیل فر دکرائی۔

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# SUPERINTENDENT OF POLICE INVESTIGATION.

HANGU

Office Fax: 0925-622887 Office Tele: 0925-623887 Email: spinvestigationhangu@yahoo.com

Medical superintendent The District Head Quarter Hospital, KDA, Kohat.

5 /2018. 18 3/ /Inv: dated \_ No

Subject:

#### VERIFICATION OF ORIGINAL OPD CHITS/MEDICAL LEAVE **CERTIFICATES**

#### Memo:

It is submitted that proceeding with the enquiry entrusted to the undersigned by learned Service Tribunal Khyber Pakhtunkhwa, Peshawar, verification of medical documents was earlier requested from your Hospital and vide your good office letter No. 2070/F-5A dated 30.04.2018, the OPD chit Nos. had been verified and found fake/bogus.

Now the original OPD chits (No=27) along with original medical leave certificates (No=27), Photocopy of Medical fitness Certificate dated 23.08.2016 all issued by the DHQ Hospital, KDA, Kohat are hereby sent for furnishing the following opinion.

- 1. Whether the signatures and stamps on each OPD chit and medical leave certificates are genuine or fake?
- 72. If found fake, every document may be cancelled by your good office and also submit a separate report so that the legal formalities in the enquiry
- could be completed.
  - Your cooperation in this regard shall be highly appreciated.

O/C Superintendent of Police, Investigation, Hangu





Dy. No Gol Dt. od/S/19 Ht. HANDUR

OFFICE OF THE MEDICAL SUPERINTENDENT DHQ TEACHING HOSPITAL KDA; KOHAT

3023 /F-5A No

Dated Kohat the <u>0</u> <u>4</u> /05/2018

The Superintendent of Police, Investigation Hangu.

#### Subject:- <u>VERIFICATION OF ORIGINAL OPD CHITS / MEDICAL LEAVE</u> <u>CERTIFICATES</u>

Memo:

To

Reference your office No.1918/Inv: dated 03.05.2018 on the subject cited above and the parawise comments are as follows:-

- All the signatures and stamps of the Medical Officer on the OPD Chits.
   Medical Leave Certificates and Medical Fitness Certificate are BOGUS / FAKE as per record of this office.
  - 2. All the enclosed OPD Chits, Medical Leave Certificates and Medical Fitness Certificate are returned herewith (in original) so may be treated as Cancelled.

Report is submitted for further necessary action.

MEDICAL SUPERINTENDENT DHQ TEACHING HOSPITAL

Encl: As Above.

63 (90) بیان از ان عمر زمان - مدن رفس شو مردور جون کہ نمبل فی غرب 47 فرزے <u>30</u> کا سے العرى لك من إذا حاجز في - زنر المواليرى في - العارد ، . معاق فاتوره اود ع حافری مدوران رسرول ترسن مله مرا Entirons y crisis crisis and enterio - A C/h /ml - 65 40' 

63 0 12,3 H in Cept (1) Cli r حالحالى ير الفارد مع مذكور كنشل يرب روز بالجر جا چیک کرے مذکورہ کسیل خوالہ بھی انگریزی بنہا w Jug de PIT-C busilde 1834-44 ملح واپس مواقا<sup>(ر</sup> چر پولیس) (من مرکومیں موں ر. روال میں کی جس کی حاصری میں کی تھی چر کوالہ قرب (1,1)أقسران الاحامان توكررال موجلي حكى وج مركوري كنيش بركامة مي جامع أ-منكور ولنبيش توالم تحقي الكرميري عند <u>353/EQI</u> 27-2-18 محارب المسيكر جميرال متاور دومان مال مومر خواله في 9 روزناچر 3 کولچیس) لائن منگومیں جامری ہے۔ Legnien a classical MHC-Line 05-55-83

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(43) بيان اذان معمراديد سالغ ISI بيلن كرما بون كم من سال 100 مي . حشت ١٢٥ تفنات تما . مير تفناي کے دوران شہیر ولیر بنادس خان سکنہ کو تکی مایان مورخ<u>رہ 7</u>22 کو مام روشن كهطابي بحشيت مرتكروس بحورتي بوا مسول سيترال في أوسى صدر يكل تسكي تحقي - جمر ڈاکٹر صاف نے فیٹ فرار دیا تھا۔ مرز م الم 20 کو بھرض ریکر قرحی کورس محريات سيكن سنم ديگر مريكر ويس مساقط بحرض ديگروڪ تورس تفتر ارا گرا جمال سے فرہ تنبیر خاکم بھو کر فور خرم 17 کا کو جناب کا نڈنٹ جماعب PTC نے قصی انگریز میں جاجب PTC نے قصی انگریز میں جاجب PTC نے قصی انگریز کی ماج کی فی کو کھنا کہ مرکز کا کو کھنا کہ معلق ریگروٹ OPC جاجب کا ک مرارسال كما . ص بيرس iso ir vi sim كو مراج المحد مروان العله الج معبوا ما مر را مروث ور کوره نو کس ۲ ش ۶ جانے خان هو حل کساخط جب سر قرر ۲ ش ج را مروث که خلوف را مردث علی خان درج روز او کی بر مرز ج 23 کو قرر ایش : منذاب 3 مرد مرد مرد و رو رو رو رو ا ن منحول بندش سالم در خواسی قر بر کر جرب بر RI حمام ۷ ش ن معارش قریم می تی - منا - DPO جام جنگر کر جب در حراست بیش کنگی توجا - DPO جاعب با در خواست در لنولس مولز <u>12:21</u> کر جب دسم مس مس کمان تقصیل آرژر مر برای 298 مرز 5 28 كو طارى كما - أس ومت كما رمكروش ما توره ن كوفى مدين كاغدات متن من كما قما . بر مدر مل في الماليول A SHO P3 Thall 08-05-18

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THE SUPERINTENDENT OF POLICE INVESTIGATION, HANGU Office Tele: 0925-623887 Office Fax: 0925-622887 Email:spinvestigationhangu@yahoo.com

#### **DE NOVO ENQUIRY**

### AGAINST RECRUIT CONSTABLE MUHAMMAD UMER NO: 47 (old belt No. 273)

#### **BRIEF FACTS:-**

Brief facts of the enquiry are that Recruit Constable Muhammad Umer No. 47 (old belt No.273) while undergoing recruit course at Signal Training, Centre, Kohat under Commandant Police Training College, Hangu got absent and on account of 49-days absence was returned unqualified to district Hangu vide Commandant PTC letter No. 1834-44/GC dated 16.06.2011. (Copy enclosed)

After being sent unqualified to district Hangu, he continuously remained absent vide DD No. 04 dated 21.05.2017 and was dismissed from service under Police Rules 12-21 vide DPO Hangu OB No 298 dated 21.05.2011. (Copy enclosed)

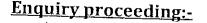
He preferred departmental appeal before Regional Police Officer, Kohat against the above mentioned dismissal order of DPO Hangu which was rejected vide RPO, Kohat good office Endst: No. 8735/EC dated 26.10.2011. (Copy enclosed)

In the year 2015, he also applied for the post of Cook (Class-IV) of Police department District Hangu and so he was appointed as Cook Class -IV by DPO Hangu vide OB NO. 567 dated 05.10.2015. However, the same Order Book was cancelled by DPO Hangu due to the fact that he was already dismissed from District Police under Police Rules 12-21 vide his OB No. 298 dated 28.05.2011. (Copy enclosed) *)* 

'After lapse of almost **06-years** of his dismissal and rejection of departmental appeal, his mercy petition before W/ Provincial Police Officer Khyber Pakhtunkhwa was also dismissed being badly time-barred vide Order No. S/918/17 dated 21.02.2017. (Copy enclosed)

He filed appeal No. 266/2017 before learned Service Tribunal, KP, Peshawar and recently, in pursuance of learned Service Tribunal, Khyber Pakhtunkhwa judgement dated 08.01.2018, he has been reinstated vide District Police Officer, Hangu OB No. 109 dated 02.03.2018 for purpose of de-novo proceedings. (Copy of order enclosed)

Charge sheet along with summary of allegations was issued to him vide District Police Officer Hangu letter No. 29/PA dated 06.03.2018 and de-novo enquiry entrusted to the undersigned late on 07.03.2018. For sake of verification of documents and over burden of this office job, additional time was requested from the concerned authorities through DPO, Hangu vide this office memo No. 1671 dated 16.04.2018. (Copy of letter enclosed)



Record against constable Muhammad Umer No. 47(old No.273) was collected, statements of concerned personnel as witnesses were taken. Relevant record was also duly verified.

#### 1 <u>Reply of Charge Sheet of recruit Const: Muhammad Umer No: 47 (old belt No.</u> 273)during enquiry:-

In his written reply to charge sheet issued vide DPO, Hangu No. 27/ PA dated 06.03.2018, he stated that he was seriously ill and his absence was unintentional. He also produced photo copies of OPD chits and medical leave certificates for period w.e.f.

#### 2 <u>Statement of recruit Const: Muhammad Umer No: 47 (old belt No. 273)during</u> enquiry:-

In his written statement, he stated that he got absent due to his serious illness i.e. hepatitis. Producing documents of his medical treatment (OPD chits & medical leave certificates) for period 21.05.2011 to 16.02.2016 citing as a cause/proof for his absences during training and onward, he stated that he was under persistent treatment at DHQ hospital, KDA, Kohat till the time he got his fitness certificate in February, 2016 (All the original OPD chits and medical leave certificates are enclosed). The recruit constable was also provided every opportunity of defence during examination.

2 Statement of HC ASIF RASHEED Muharrar Police Line, Hangu:-

In his written statement, he stated that he is posted as Moharrar Police Line Hangu. He checked old daily diaries and found that the constable Muhammad Umer No.47 (old belt No.273) was returned unqualified from recruit course vide Commandant PTC letter No. 1834-44/GC dated 16.06.2011 due to his 49 days absence. However, he did not appear for his arrival in district Hangu and continuously remained absent vide DD No. 04 dated 21.05.2011 Police Line Hangu. Subsequently, he was dismissed from service under Police Rules 12-21. After reinstatement from learned Service Tribunal, Khyber Pakhtunkhwa, the recruit constable has been allotted new belt No. 47. He has made arrival in Police line Hangu vide DD No. 39 dated 06.03.2018 and presently posted in Police Line Hangu, he is under enquiry.

3 Statement of SI MEER ZAMAN Line Officer Police Line, Hangu:-

In his written statement, he stated that he is posted as Line Officer Police Line, Hangu. The recruit Constable Muhammad Umer No. 47(old belt No.273) was dismissed due to absence. Now after reinstatement from learned Service Tribunal, Khyber Pakhtunkhwa, he had made arrival in Police Line, Hangu vide DD No. 39 dated 06.03.2018 Police Line Hangu. He also stated that he had directed MHC Police Line HC Asif Rashid to check the record of the said recruit constable.

# 4 Statement of SI Nasrullah khan ASHO PS, Tall then OASI DPO OFFICE HANGU:-

In his written statement, he stated that during his posting as OASI, Constable Muhammad Umer No. 273 was enlisted as recruit constable on 22.11.2010 after completion of procedure in place and being declared medically fit. On 02.01.2011, he was nominated for recruit course at Signal Training Centre, Kohat under Commandant Police Training College, Hangu. During training, the said recruit constable was returned unqualified to district Hangu due to absence for 49-days vide Commandant PTC, Hangu letter No 1834-44/ GC dated 16.05.2011. On the said signal, he had sent a **Parwana** to Muharrar line for information. The said recruit constable however, could not appear for his arrival at Police Line Hangu. Consequent upon the application of then MHC Police Line for pay stoppage and the RI recommendations that the recruit constable continuously remained absent during his first three years probationary service, he was dismissed from service by DPO Hangu under Police Rules 12-21. In this regard proper OB No. 298 dated 21.05.2011 had been furnished and legal formalities had been carried out.

## 5 Statement of HC Tariq Aziz I/C Malkhana then MHC Line, Hangu:-

In his written statement, he stated that he was posted as MHC police Line, Hangu when Constable Muhammad Umer No. 273 was enlisted as recruit constable. A **Parwana** was received from the office of OASI about returning unqualified of the said recruit constable from recruit training to district Hangu. After 02-days waiting for arrival of the said recruit during which he did not appear, he was marked absent vide DD NO. 04 dated 21.05.2011 Police Line, Hangu. Afterwards, he furnished application to senior officers for his pay stoppage and upon the recommendation of then RI Hangu, the said recruit constable was dismissed by DPO, Hangu under Police Rules 12-21 vide OB No 298 dated 21.05.2011. After dismissal of the said recruit constable, he fulfilled the legal formalities. (The absence DD report No. 4 dated 21.05.2011 is enclosed).

#### Previous service record:-

Service record of Recruit Constable Muhammad Umer No. 47(old belt No. 273) was also requested from District Police Officer, Hangu office vide this office memo No. 1883 dated 02.02.2018. On perusal of service record, the following was noted:

#### 1. constabulary Record as per Service Role:-

	Dated of enlistment	Date of	Total length of	· · · · · · · · · · · · · · · · · · ·	Remaining	
		dismissal	service	Absence	service	
:	22.11.2010	21.05.2011	180 days	54 days	126 days	

#### 2. Cook (class IV) Record :-

	Dated of	Date of withdrawal of the Total	I length of Absence Remaining
	appointment	appointment order servi	
	05.10.2015	07.10.2015	_

Similarly, record was procured from PTC, Hangu requested vide this office memo No.1630 dated 11.04.2018 (enclosed).

#### Medical Record:-

Along reply to the charge sheet, the recruit constable provided Photo copies of OPD chits and medical leave certificates. During enquiry, on request of the recruit constable, all the provided medical documents were forwarded to Medical Superintendent DHQ, Hospital KDA, Kohat for verification vide this office letter memo No. 1634 dated 11.04.2018 from where these were declared fake/bogus and in this regard, a report was sent to this office vide MS, DHQ Hospital KDA, Kohat letter No. 2070 dated 30.04.2018. (Copy of letter enclosed)

In continuation to the concerned hospital's sent report declaring OPD chits/medical leave certificates as fake/bogus, the original OPD chits and medical leave certificates were sent to the Medical Superintendent DHQ, Hospital KDA, Kohat for cancellation vide this office letter No.1918 dated 03.05.2018.

The office of MS DHQ hospital KDA Kohat cancelled every original OPD chit and medical leave certificate submitting a separate report vide letter No. 3023 dated 04.05.2018. (Copy of letters enclosed)

Pertinent to mention is that the provided medical documents do not support 54-days absence period of recruit constable on which basis he was dismissed. Also the recruit constable had been cross examined regarding the genuineness of the provided medical documents in which reply he had asserted with confidence that these are genuine, emphasized about medical documents to be verified though he had knowledge that the documents he was providing are fake. On the insistence of the recruit constable, the Medical documents have been verified and reported to be fake/bogus by the concerned hospital leading to another misconduct / crime on behalf of the said official.

#### **Conclusion:-**

1

All the medical documents produced by the recruit constable before worthy provincial Police officer KP, Peshawar and learned Service Tribunal, KP, Peshawar for his reinstatement and in defence during instant enquiry have been declared fake/ bogus by the concerned Hospital.

The alleged official thus by producing fake/bogus record for purpose of his reinstatement in service flouted not only Police Officers but also the learned court (Service Tribunal). Proved against him during enquiry, he obtained fake Medical certificates/documents for his disease/medical leave which is a cognizable offense (crime).

The dismissal order of the said constable vide OB No. 298 dated 28.05.2011 under Police Rules 12-21 stands absolutely correct and according to procedure as the recruit constable continuously remained absent in the very beginning of his service comprising total **180 days**.

The alleged official re-admitted in service developing negative inclinations during period of dismissal from **2011 to 2018** with one attempt to get enlisted on vacancy of Class-IV as Cook of Police Department District Hangu in year 2015 too though Police Rules 12-21 are clear officials removed from service during probationary period are not entitled for rejoining Govt: service.

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The alleged official's total tenure of service at the time c

2012 180 days amongst which include his 54-days absence lacking that we set -l or any proof. The procurement of fake medical leave certificates and its possible sources need to be enquired as part of legal action/investigation, if any, against him.

#### Findings:-

Keeping in view the available record, going through enquiry proceeding, the undersigned concludes that all the available witnesses' statements and record go against the recruit constable. Further it was noted that:-

1. The alleged official was dismissed from service comprising whole 180 days under Police Rules 12-21 vide DPO Hangu OB No. 298 dated 28.05.2011 indicated his service tenure was not mature at the time of dismissal which in itself validates dismissal under relevant rules.

2. The preferred mercy petition before Worthy Provincial Police Officer by the recruit cconstable almost after six years of rejection of departmental appeal by RPO Kohat was badly time barred. Only it was to revive the time factor for his appeal before Learned Service Tribunal, KP, Peshawar. Before the mercy petition, in the year 2015, once he had also approached for the vacancy of Class-IV as cook of Police Department District Hangu and was appointed on the existing vacancy of Class-IV by the DPO Hangu vide OB No. 567 dated 05.10.2015. His order, however, instantly later was revoked vide DPO Hangu OB No. 568 dated 07.10.2015 due to the fact that the official was already dismissed under Police Rules 12-12 vide his OB NO. 298 dated 28.05.2011.

3. All the medical documents produced by the recruit constable in defence during instant enquiry have been declared fake/ bogus by the concerned Hospital. It was noted that by producing fake/bogus record, he has misguided different forums i.e Worthy Provincial Police Officer and Learned Service Tribunal. The misconduct on behalf of the alleged official highlights his clever / criminal mindset.

Therefore, keeping in view the above and also previous track record of the recruit constable, it is opined that neither he has shown become a good Police Officer in past nor has any chance become in future too. Hence, he is recommended for dismissal and legal action for producing fake/ bogus record.

Submitted, please.

Superintendent of Police Investigation Hangu.



KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR No. <u>19.52</u>/st Dated: <u>30/09</u>/2021 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, Hangu.

Subject:

То

#### JUDGMENT IN APPEAL NO. 1103/2018, MR. MUHAMMAD UMAR.

I am directed to forward herewith a certified copy of Judgement dated 15.09.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

REGISTRAR
 KHYBER PAKHTUNKHWA
 SERVICE TRIBUNAL
 PESHAWAR

**FRICT HEADQUARTER HOSPITAL KDA KOHAT** 

#### Medical Leave Certificate

Signature of Patient.....

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After careful personal examination of the case hereby certify Mr./Mrs MMramula IMMer. Desiantion ConstantsDepartment No Lock $above is suffering from <math>\frac{11ep - 1C}{2}$  and I advised rest of  $\frac{0.3}{2}$  Month S. w.e.f.  $\frac{5.9}{4}$ .  $\frac{14}{14}$  to  $\frac{5-8}{2}$  and  $\frac{1}{6}$  is

absolutely necessary for the restoration of his/her health.



Medical Officer District Headquarter Hospital Kohat

Divi, III. Cospital Zobar.

ŧ INNA I רמו OUT DOOR PATIENT TICKET OPD NO 150 Age Sex Father's/Husband's Name Date Clinical Findings / Investigations/ Treatment/ Refer OSPITAL KDA KOHAT 1/3/2014 ns - 0 tificate , 600 D <sup>∋</sup>reby certify Mr./Mrs ab( V 2ngle C rest ³ signature is given absol AFAR Other The SO. Tropics Tobas , , the restoration of his/her health. and I advised ....to Medical Officer District Headquarter Hospital £. . . . and a second ţ

DISTRICT HEADQUARTER HOSPITAL KDA KOHAT

Medical Leave Certificate

Signature of Patient...

After careful personal examination of the case hereby certify Mr /Mrs Marymmed Univer Desiantion Constable, Department. .....whose signature is given above is suffering from larow hop ic, .....and I advised rest of \_\_\_\_\_ months \_\_\_\_w.e.f. ] - 8 - 2214 to \_\_\_\_\_ to \_\_\_\_\_ 1-11-2014 is

absolutely necessary for the restoration of his/her health.

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Medical Officer Districtiteadquarter Hospital Kohat

Wedlorf Officer Civit RC, Harrich Robert,

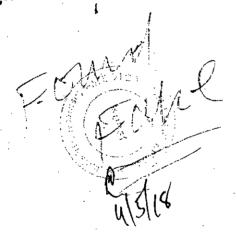
HOSPITAL NUM " OPD NO 2 OUT DOOR PATIENT ather's/Husband's Name Hev. Pastwe Clinical Findings | Investigation Notile clotlin, denter 1811 ?? J. SPITAL KDA KO 301 SWP Afi M Department.... above is suffering rest of ... O.J. Mon !! S. 157. 18 1 r Mr. Mrs absolutely necessary for the restoration of his/her health. whose signature is given AND IC ..... and I advised ٢ 415/18 District Headquarter Hospital

**<u>CASTRICT HEADQUARTER HOSPITAL</u> KDA KOHAT** 

Medical Leave Certificate

Signature of Patient.....

After careful personal examination of the case hereby certify Mr./Mrs Mannul Unnur Desiantion Contable above is suffering from I. I. w. he part 775 1C, and I advised rest of ...03 Months w.e.f. 1-11-2014 to 3.2-2015 is absolutely necessary for the restoration of his/her health.



Medical Officer . District Headquarter Hospital Kohat -

DOOR PATIENT TICKET OPD NO <u>HOSPITAL KDA KOHAT</u> 's/Husband's Name Clinical Findings | In 2,2 oati '<u>ificate</u> 12 12 alch certify Mr./Mrs 4.9 MA Forbles OFARON L Depar above is ire is given 1:201004 and Ladvised rest of ....(. Berg OX 75.....to...<u>3.5-15</u>.....is absolutely ne Joration of his/her health. FCUNIT Dz Medical Officer District Headquarter Hospital Kohat Reflect Biller Mivit 50. Coupling Makad,

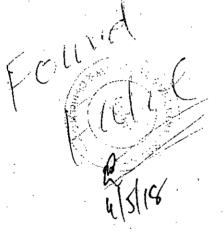
# DISTRICT HEADQUARTER HOSPITAL KDA KOHAT

#### Medical Leave Certificate

Signature of Patient..

After careful personal examination of the case hereby certify Mr./Mrs Molannal Univer Desiantion Constable Department folloce whose signature is given above is suffering from Viral pett Chand I advised rest of (A2) weeks week 3-2-15 to 3-5-15 is

absolutely necessary for the restoration of his/her health.



Medical Officer District Headquarter Hospital Kohat Refleat Officer Divis Bo Tombiat Takes

C111 AL KDA KOHA OUT DOOR PATIENT TICKET OPD NO OSPITAL KDA KOHAT Father's/Husband's Name Clinical Find Date Phale X. Isplox C. Hugg 3/5/15 M rtificate W/ AN oly Mean Rest hereby certify Mr./Mrs auster C. a se signature is given motioni' altrean diri: RQ. Isonsisi Coden res .....and I advised 10. 9-8-2075 is absi φωration of his/her health. Medical Officer District Headquarter Hospital 4/5/18 Kohat. 16 og 20 1 4 A.

STRICT HEADQUARTER HOSPITAL KDA KOHAT

## Medical Leave Certificate

Signature of Patient.

After careful personal examination of the case hereby certify Mr./Mrs MMMmancel Umm. Desiantion. Constable Department. Notice whose signature is given above is suffering from. New Market Constable and I advised rest of December 13 5-15 to 3-8.2015 is absolutely necessary for the restoration of his/her health.

> Medical Officer District Headquarter Hospital Kohat Stafflant Officer Birth Control to Math

1 No. IENT TICKET OPD NO2 HOSPITAL KDA KOHAT and's Name est Findu Clinical Findings / Investigat Certificate Ŵ case hereby certify Mr./Mrs 1. Constepl. ....whose signature is given C....and I advised Rodies: Officer Divi: EQ: Honpital Robert 1 ..... health. لم بالم ب . Medical Officer District Headquarter Hospital 0 Kohat wattal office. Their Eq. Forther Suit. 1 •

STRICT HEADQUARTER HOSPITAL KDA KOHAT

#### Medical Leave Certificate

Signature of Patient....

After careful personal examination of the case hereby certify Mr./Mrs MANG manad Unnar Desiantion Constable ......whose signature is given Department... above is suffering from Un all her it, and I advised rest of 03 non 14 w.e.f. 3 - 8-15 to 3-11-15 is absolutely necessary for the restoration of his/her health. Medical Officer District Headquarter Hospital Kohat Realited States VIN: RO. 1-199112 20201.

I KDA KO SPI ່ນ Et opd NO  $\mathscr{A}$ ŝ PITAL KDA KOHAT Se) s/Husband's <u>'icate</u> 0 + hereby certify Mr /Mrs Constable month hose signature is given .....and I advised alth. 1 Médical Officer 0 District Headquarter Hospital Kohat Hou. · .... .

# CT HEADQUARTER HOSPITAL KDA KOHAT

Medical Leave Certificate

Signature of Patient..

After careful personal examination of the case hereby certify Mr./Mrs Manamarce Uniter Desiantion Constable .....whose signature is given rest of (03) Mon 12, w.e.f. 3-11-15 to 5-2-16 is

absolutely necessary for the restoration of his/her health.

10 Juffeld

Médical Officer District Headquarter Hospital Kohat

HOSPITAL KDA KOHAT-DOOR PATIENT TICKET OPD NO 4127 A KOHAT ICATE Findings | Investigations/ Treatment/ Referredi Test Find siHusband's Name ful personal examination of the case Desig: Volue Constact Er en above is suffering from <u>Hep (C)</u> ed rest for <u>ab moniks</u> necessary for the restoration of his/her ~onthy LEGT W ŧ Hical Officer Q:Hospital KDA Kohat i i ingele Higu .... they 22. 49 etter Ufficer 2 | 9025 Kohat 16.08.2012 جوبطور وجرثبوت اور برائے وریفیکیشن نسبت انکوائر کی ہذاقصہ کئے جا کر کواہان موجود