

24.04.2019


SCANNED  
KPST  
Peshawar

Appellant in person present. Mr. Farhaj Sikandar learned District Attorney alongwith Khalid Nawaz Inspector present and seeks time to furnish record in compliance with the direction of the learned Chairman vide order sheet dated 23.01.2019. Adjourn. To come up for further proceedings as per preceding order sheet dated 23.01.2019 on 26.06.2019 before S.B at Camp Court, D.I.Khan. Fresh notice be issued to respondent No.4 for production of record pertaining to order dated 08.06.2018 vide No.1572-76 passed by respondent No.4 (Regional Police Officer Bannu Range, Bannu). Notice be also issued to respondent No.1 for production of record in connection with order dated 21.08.2018 vide 3543-54 passed by Additional Inspector General of Police, Headquarters Peshawar for the date fixed.



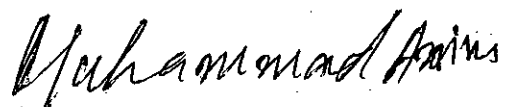
Member  
Camp Court, D.I.Khan.

Upon instruction of my client,  
I withdraw the instant appeal

 26.06.2019

Appellant alongwith his counsel Mr. Burhan Latif Khaisori and Mr. Farhaj Sikandar, District Attorney alongwith M/S Attaullah, S.I (Legal) and Amir Nawaz, Head Constable for the respondents present. Learned counsel for the appellant requested for withdrawal of the present service appeal on the ground to approach the proper forum. In this regard signature of learned counsel for the appellant was obtained at the margin of order sheet as a token of proof. Accordingly, the present service appeal is dismissed as withdrawn. The appellant is at liberty to approach proper forum subject to all legal objections. File be consigned to the record room.

ANNOUNCED  
26.06.2019



(Muhammad Amin Khan Kundi)  
Member  
Camp Court D.I.Khan

23.01.2019

Counsel for the appellant present.

Notice be issued to respondents for production of record pertaining to order dated 08.06.2018 vide No. 1572-76 passed by respondent No. 4 (Regional Police Officer Bannu Range, Bannu) and order dated 21.08.2018 vide No. 3543-54 passed by Addl. Inspector General of Police, HQrs, Peshawar, on 27.03.2019 before S.B at camp court, D.I.Khan.


  
Chairman  
Camp Court, D.I.Khan

27.03.2019

Counsel for the appellant and Mr. Farhaj Sikandar, District Attorney alongwith Khalid Nawaz, Inspector (Legal) for respondents No. 3 and 5 present. None is present on behalf of respondents No. 1, 2, 4, and 6.

Respondent No. 4 shall be given repeated notice for production of record as noted in order dated 23.01.2019 for next date of hearing.

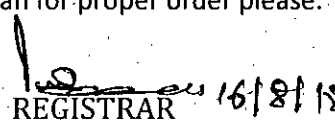
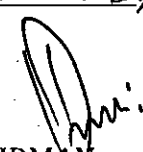

Adjourned to 24.4.2019 before S.B at camp court, D.I.Khan.

  
Chairman  
Camp Court, D.I.Khan

Form- A  
FORM OF ORDER SHEET

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

Case No. 1023/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	16/08/2018	<p>The appeal of Mr. Muhammad Umar presented today by Mr. Burhan Latif Khaisori Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 16/8/18</p>
2-	28.12.2018	<p>This case is entrusted to Touring S. Bench at D.I.Khan for preliminary hearing to be put up there on <u>28.12.2018</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Neither appellant nor his counsel present therefore, notice be issued to appellant and his counsel for attendance and preliminary hearing for 23.01.2019 before S.B at Camp Court D.I.Khan.</p> <p style="text-align: right;"> (Muhammad Amin Khan Kundi) Member Camp Court D.I. Khan</p>

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

Service Appeal No. 1023 /2018

**Muhammad Umar**      **VERSUS**      Inspector General of Police

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1	Service Appeal along with affidavit and suspension application with affidavit	--	1-10
2	Copies of the medical documents	A	1-23
3	Copy of Verification	B	24-25
4	Copy of charge sheet and its reply	C & D	26-28
5	Copy of Departmental inquiry	E	29-32
6	Copy of show cause notice and its reply	F	33
7	Copy of order dated 08/06/2018	G	34
8	Copy of the partial impugned order dated 02/08/2018	H	35-37
9	Wakalat Nama	--	38

Dated: \_\_\_/08/2018

Your humble appellant

  
**Muhammad Umar**

Through Counsel

  
**Burhan Latif Khaisori**

Advocate High Court

*D.T. Khan*

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL****PESHAWAR**Khyber Pakhtunkhwa  
Service TribunalDiary No. 1292Dated 16-8-2018Service Appeal No. 1023 /2018

**Muhammad Umar** son of Hafiz Sultan Ahmad R/o Village Muryali Tehsil & District Dera Ismail Khan. Assistant Grade Clerk (BPS-16) attached with District Police Officer Office Dera Ismail Khan.

**(Appellant)****VERSUS**

- ✓ 1. Provincial Police Officer, Khybar Pakhtunkhwa, Peshawar.
- ✓ 2. Deputy Inspector General of Police Headquarters K.P.K., Peshawar.
3. Regional Police Officer, Dera Ismail Khan.
- ✓ 4. Regional Police Officer, Bannu.
5. District Police Officer, Dera Ismail Khan.
- ✓ 6. DSP, Headquarter, Bannu.

..... **(RESPONDENTS)**

**SERVICE APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974, AGAINST THE PARTIAL IMPUGNED ORDER/OFFICE LETTER NO. 3543-54/E-V DATED 02/08/2018 ISSUED BY RESPONDENT NO. 1 WHEREBY THE RESPONDENT#1 PARTIALLY ACCEPTED THE DEPARTMENTAL APPEAL OF THE APPELLANT BUT TREATED THE ABSENT PERIOD OF THE APPELLANT AS LEAVE WITHOUT PAY WITHOUT ANY LAWFUL AUTHORITY AND COGENT REASONS ALONG WITH THE IMPUGNED ORDER#1572-76/EC DATED 08/06/2018 PASSED BY THE RESPONDENT#4**

Filed to-day

Registrar

16/8/18.

which was partially set aside by the respondent#1.

**Prayer:**

*On acceptance of the instant appeal and by setting aside the partial impugned order of respondent No. 1 to the extent of leave without pay to the appellant and by directing the respondents to not to consider the leave of the appellant as leave without pay but to consider the same as leave on the bases of medical or otherwise even the appellant is also entitled for the leave of kind due also.*

**Respectfully Sheweth;**

1. That the appellant was inducted in the police department on 16/02/1988 and was posted as junior clerk in BPS-05 in the office of District Police Officer, Dera Ismail Khan presently serving as **Assistant Grade Clerk in BPS-16**.
2. That after 6 years of an unblemished service the appellant was awarded grade BPS-07 vide order dated 06/11/1994 with effect from 18/11/1992.
3. That on 09/01/2018, upon the orders of the respondent#1 the appellant reported for his duty at Rang Office Bannu.
4. That during the services all of a sudden unfortunately the appellant's nephew met with an accident and w.e.f 24/01/2018, the appellant on emergency leave left for D.I.Khan and once again unfortunately on 28/01/2018, the appellant fallen in the washroom and resultantly the appellant was admitted in hospital due to the severe pain. Copies of the medical documents are annexed as **Annexure-A**.
5. That interestingly the medical of the appellant was duly verified by the concerned medical officer of DHQ Hospital.

Dera Ismail Khan and the same documents were sent to the respondents. Copies of verification are annexed as **Annexure-B.**

6. That despite the fact that the petitioner was charged sheeted by respondent#4. Copy of charge sheet is annexed **Annexure-C.**
7. That the appellant immediately replied to the charge sheet. Copy of the same is annexed as **Annexure-D.**
8. That as the respondent#4 was in malice with the appellant, he on personal grounds initiated departmental inquiry and appointed respondent#6 as inquiry officer who conducted the departmental inquiry. Copy of Departmental inquiry is annexed as **Annexure-E.**
9. That as both the respondents# 4 & 6 were in malice with the appellant, the appellant was served with the final show cause notice which was duly replied by the appellant. Copies of show cause notice and its reply are jointly annexed as **Annexure-F.**
10. That the respondent#4 maliciously after the reply of appellant passed the illegal order dated 08/06/2018 wherein the appellant was illegally reverted from Assistant Grade Clerk BPS-16 to the lower post of Senior Clerk of BPS-14. Copy of the illegal order passed by respondent#4 is enclosed as **Annexure-G.**
11. That feeling aggrieved with the orders of the respondent#4, the appellant preferred the departmental appeal before the learned appellate authority i.e. respondent#1 on 20/06/2018 and resultantly the respondent#1 personally heard the appellant through competent authority and partially set aside the illegal order of the respondent#4 and reinstated the service of the appellant from senior clerk to Assistant Grade

8/11/18

clerk however the leave of the appellant was directed to be illegally treated as without pay. Copy of the partial impugned order dated 02/08/2018 passed by respondent#1 is annexed as **Annexure-H**.

12. That the appellant feeling aggrieved with the partial impugned order NO. 3543-54/E-V dated 02/08/2018 the appellant is having no other remedy but to knock at the door of this Honourable Tribunal for the redressal of his grievances from the following amongst other grounds.

### **GROUND S**

- a. That the partial impugned order NO. 3543-54/E-V dated 02/08/2018 passed by the respondent#1 is against law, facts and material available on record.
- b. That the impugned order of the respondent#4 was by itself illegal because basically the appellant was in service of D.I.Khan range and his services were attached to Bannu on loan basis and according to the KPK E&D Rules 16(2) 2011, the respondent#4 was having no authority to initiate any kind of action against the appellant which shows that the inquiry from the very initial stage was groundless and was having no footings.
- c. That as the respondent#4 was having no authority to conduct any kind of inquiry, thus, the respondent#1 was only authorized to withdraw/set aside the illegal order of respondent#4 rather the partial modification.



6

- d. That interestingly the medical of the appellant was duly verified by the hospital authorities and this verification as properly made upon the directions of the respondents vide letter dated 14/05/2018 but this fact was totally not cared by the respondents while passed illegal impugned order despite respondents repeated their letters for the verification of medical.
- e. That interestingly the malice of the respondent#4 by itself is also clear from the charge sheet wherein it has been alleged that the appellant had proceeded for Umra without NOC which by itself is based on malice because initially the appellant has applied to the respondent#4 for the issuance of NOC but the respondent#4 in meeting orally said to the appellant that leave Umra and he will not issue NOC and thus the appellant was deprived to perform Umra just because of malice of the respondent#4.
- f. That the appellant was entitled to be enlarged on leave on medical grounds because the medical of the appellant was properly verified and thus the partial impugned order of the respondent#1 needs serious interference by this honourable Tribunal to this extent.
- g. That similarly even if the medical leaves of the appellant were not considered, the appellant was also entitled for the leave of kind due.

- h. That counsel for the appellant may kindly be allowed to raise additional grounds at the time of arguments.

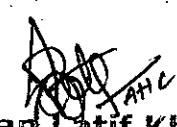
**It is therefore, humbly prayed that on acceptance of the instant appeal and by setting aside the partial impugned order of respondent No. 1 to the extent of leave without pay to the appellant and by directing the respondents to not to consider the leave of the appellant as leave without pay but to consider the same as leave on the bases of medical or otherwise even the appellant is also entitled for the leave of kind due also.**

Dated: \_\_\_/08/2018

Your humble appellant

  
**Muhammad Umar**

Through Counsel

  
**Burhan Latif Khaisori**  
Advocate High Court

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

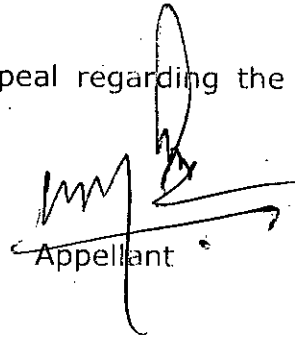
Service Appeal No. \_\_\_\_\_/2018

**Muhammad Umar** **VERSUS** Inspector General of Police

**CERTIFICATE**

Certified that appellant have not filed an appeal regarding the subject controversy, earlier in this august Tribunal.

Dated \_\_\_/08/2018

  
Appellant

**NOTE**

Appeal with annexure along-with required sets thereof are being presented in separate file covers.

Dated \_\_\_/08/2018

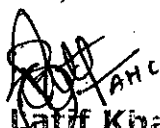
  
Appellant's counsel

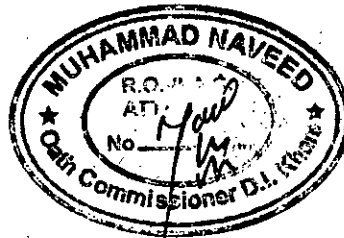
**AFFIDAVIT**

I, **Muhammad Umar**, the appellant, do hereby solemnly affirm on oath:-

1. That the accompanying appeal has been drafted by counsel following our instructions;
2. That all para-wise contents of the appeal are true and correct to the best of my knowledge, belief and information;
3. That nothing has been deliberately concealed from this Honourable Court, nor anything contained therein, based on exaggeration or distortion of facts.

Identified By:-

  
**Burhan Latif Khaisori**  
Advocate High Court,  
D.I.Khan



  
Deponent

9

8

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

Service Appeal No. \_\_\_\_\_/2018

**Muhammad Umar**      **VERSUS**      Inspector General of Police

**APPLICATION FOR THE SUSPENSION OF PARTIAL IMPUGNED ORDER DATED 02/08/2018 TO THE EXTENT OF LEAVE WITHOUT PAY TO THE APPELLANT ALONG WITH BY RESTRAINING THE RESPONDENTS TO NOT TO DEDUCT THE ARREARS OF LEAVE WITHOUT PAY FROM THE APPELLANT TILL THE FINAL DISPOSAL OF THE INSTANT APPEAL.**

Respectfully Sheweth;

The appellant humbly submits as under;

1. That the above titled service appeal is being filed before this honourable Tribunal and the instant applicant may kindly be treated as integral part of it.
2. That the appellant has prima facie case and balance of convenience also tilts in favour of the appellant.
3. That the respondents are intending to deduct the pay of the appellant by implementing the partial impugned order dated 02/08/2018 which must cause irreparable loss to the appellant and purpose of the institution of instant service appeal will become futile.
4. That this honourable Tribunal has got vast and ample powers to entertain the instant application.

8  
DATE


It is therefore, humbly prayed that the partial impugned order dated 02/08/2018 may kindly be suspended till the final disposal of the instant service appeal to meet the ends of justice.

Dated: \_\_\_/08/2018

Your humble appellant

  
Muhammad Umar

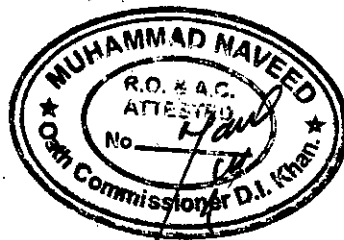
Through Counsel

  
Burhan Latif Khaisori  
Advocate High Court

**AFFIDAVIT:**

I, **Muhammad Umar**, the appellant, do hereby solemnly affirm and declare on Oath that contents of the application are true and correct to the best of my knowledge and nothing has been deliberately concealed from this Hon'ble Court.

Dated: \_\_\_/08/2018



  
Deponent

Outdoor Patients Department

3010/1208

Yearly No 6196

Name

Disease

Rs 10/-

(1)

"Annex A"

(11)

Re  
-  
-  
- Diet

H/Scientific  
for 1

Dr. P. H. Khan  
1/12/61  
Dr. A. Khan  
1/12/61  
cap. Muscular  
1/12/61

Advised Bed  
Rest for Five  
days  
D.I.Khan

Medical Officer  
D.H.Q. Teaching Hospital  
D.I.Khan

D.H.Q TEACHING HOSPITAL D.I.KHAN

Out Door Patient's Department

Date 18/12/68

Yearly No

Name

Disease

Rs 10/-

23

12

Handwritten scribbles

H/3 Scabies

Handwritten notes

Tab. Tetracycline

Handwritten notes

Advised BR for five days

Handwritten notes

Medical Officer  
D.H.Q. Teaching Hospital  
D.I.Khan

D.H.O TEACHING HOSPITAL D.I.KHAN.

Out Door Patients Department

3

Name \_\_\_\_\_  
Yearly No. 7536 Rs. 10/-  
Date 10/10/20 18 Disease \_\_\_\_\_



13

Ro  
- Proton 4/1 Scatole  
- Nethosid 4/1 Pen

4 2/3 @ 1/1 per

- Bidon 1/2 1/2 per

Actual  
75w / 100  
care





# J.H.Q TEACHING HOSPITAL, D.I.KHAN

## TREATMENT CHART

(4)

Name 121 Ullah 3/0/83 Ad. No 7629/1129

Bed No. 2-25A Address 36/3 Disease \_\_\_\_\_

		Investigations	
inj. Tramal/bravonate 10 i stat	Date		<p style="text-align: center; font-size: 2em;">14</p>
inj ceftriaxone 1g i.v stat	Date		
inj Zantac i.v stat	Date		
4 Rible 4mg	Date		
4 RLD 300mg	Date		
inj Diclofenac 1m stat	Date		
	Date		
	Date		
	Date		
	Date		

7/6  
Lumbar  
Pain

*Admission*

*4/5*

INVESTIGATION / TREATMENT IN HOSPITAL

(ہسپتال میں ٹیسٹ اور علاج)

Ray of spine  
AP view

OPERATION NOTES

(آپریشن کی نوٹس)

TREATMENT AT HOME

(گھر میں علاج)

- Tab Felden 20mg of 100mg
- Tab Toflexin 400mg
- Tab Mafinal 50mg of 100mg
- Tab ~~...~~ 800mg

SPECIAL INSTRUCTION

- (1) ضروری ہدایات
- (2) ...
- (3) ...

Cap Lecap

16

Follow UP  
(دوبارہ معائنہ)

FIRST FOLLOW UP 12/1/2018  
Dr. Muhammad Ali Shah  
MBBS, FCPS (ORTHO)

SECOND FOLLOW UP \_\_\_\_\_

THIRD FOLLOW UP \_\_\_\_\_

FOURTH FOLLOW UP \_\_\_\_\_

**DISCHARGE SLIP**  
(ORTHOPADIC DEPTT:)

**DHQ Teaching Hospital (MTI) D.I.Khan**

<p>Incharge Professor <b>Dr. Muhammad Ali Shah</b> <i>MBBS, FCPS (ORTHO)</i></p> <p>Assistant Professor <b>Dr. Muhammad Shafique</b> <i>MBBS, FCPS (ORTHO)</i></p> <p><b>Dr. Yousaf Gul</b> <i>MBBS, FCPS (ORTHO)</i></p>	<p>Associate Professor <b>Dr. Shakeel Ahmad Shah</b> <i>MBBS, FCPS (ORTHO)</i></p> <p><b>Dr. Irfan Aziz Khan</b> <i>Senior Registrar MBBS, M.S (Ortho) District Specialist</i></p> <p><b>Dr. Saad Akbar Shah</b> <i>MBBS, MO</i></p>
---	--

Pt's Name S. S Fath/Hasb: Name Sultana Akmal

Age / Sex 71 / M Bed No. 4

Address 16/7

Admission no. 273/38 Date of admission 1/08/2018

Date of Operation - Date of Discharge 4/7/2018

Diagnosis Low back pain

Operation -

Condition Discharge Stable

Discharge Card Made by Doctor (Name) Ali

آپ کی ناکارآمدی کے لیے کارڈ ضروری ہے۔



Yearly No 6176 (53)

Date 15/20/08  
Name S. E. 7189  
Disease

18

H/Scientific  
H/Scientific

H/Scientific  
H/Scientific

Advised Best  
Rest for Five  
days

Advised  
Best Rest  
for Five days

Medical Officer  
D.H.O Teaching Hospital  
D.I.Khan

Medical Officer  
D.H.O Teaching Hospital  
D.I.Khan

Date 03/02/18

OPD No - 7189

M. Syed J. J.

Signature

M. Syed J. J.

15/5/18

Date

Date 30/11/2018 OPD No

6176

Signature  
M. Syed J. J.

15/5/18

Sign  
E.O

54

19

Yearly No. 7536 Rs. 10/-

Date 06/02/2018 Disease

Ro  
- Proximal H/ Scintiscan  
- Metastatic  
- Bone

of M/S (D) /  
- Proximal H/ Scintiscan  
- Metastatic  
- Bone  
7536 /  
care

date 06-02-2018.

no. 7536

Advised by

verified by

M. Sajid Jai (MP)

15/05/2018

Seen.  
EO

(14)

(54)

(20)

Yearly No. 7536 Rs. 10/-

Date 15/10/2018 Disease

Ro  
in Terminal H/ Serotype  
in Multimer for Rm

of 1/3 (10) / 1/100

in Pituitary gland

Admitted  
75W / 1st  
/ 1st

15/10/2018

NO 7536

Address

verified by

M. Sajid Jai (MP)

15/10/2018

Seen  
EO





28

D.H.Q. TEACHING HOSPITAL D.I. KHAN.

Out Door Patients Department

22

Name \_\_\_\_\_ 38415

Yearly No. \_\_\_\_\_ Rs. 10/-

Date 27/3/68 /20 Disease \_\_\_\_\_

H/H Sec Area  
 P. off - 60  
 Capt. Masud  
 1/2/68  
 57  
 Take 100mg P  
 1/2/68

Advised  
 For 300  
 Medical Officer  
 D.H.Q. Teaching Hospital  
 D.I. Khan

D.H.O TEACHING HOSPITAL D.I.KHAN.

Out Door Patient's Department

Name \_\_\_\_\_ 42663

Yearly No. \_\_\_\_\_ Rs. 10/-

Date 01/2/2018 Disease \_\_\_\_\_

23

R/L  
 H/Sciatic  
 R  
 J.S. Speedicom 2ml  
 CP Mural 1ml  
 M. Pons 1ml  
 1ml  
 BR for  
 scan day 1/2  
 /am



OFFICE OF THE  
ASST. SUPERINTENDENT OF POLICE  
BANNU.

24

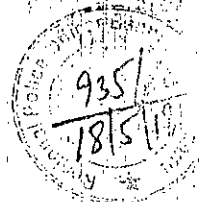
"Anex B"

Phone No: 0928-9270074.

Fax No: 0928-9270045

No. /Dated. 14.05.2018.

To:- The Medical Superintendent,  
D.H.Q Teaching Hospital (M.T.I),  
D.I.Khan.



Subject :- VERIFICATION OF MEDICAL DOCUMENTS.

Memo:-

It is submitted that a departmental enquiry against Asstt. Grade Clerk Mohammad Umer is under process with the undersigned. During the enquiry proceedings the accused official produced the attached discharge slip along with Medical documents.

These Medical documents may be verified und sent a report to this office on the above Fax number please.

(photo copies are enclosed).

Dy. Superintendent of Police,  
HQrs. Bannu.

No. 523-HQ/

Copy submitted to Regional Police Officer, Bannu Region, Bannu for favour of information with reference to his Order No. 1182-83/EC dated 27.04.2018 please.

Ee

Dy. Superintendent of Police,  
HQrs. Bannu.

RPo/BTV

15/5/18

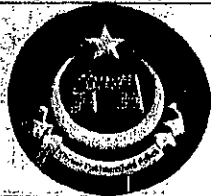
No. 1442 /Bc

Dated 22/5/2018

DSP/HQ

the case be expedited

RPo/Bannu  
15/5/18



(17)

OFFICE OF THE  
ADDITIONAL SUPERINTENDENT OF POLICE,  
BANNU

25

No. 112/ASP  
Dated 12/03/2018

Ph: 0928-9270027  
Fax: 09289270045

To, The Medical Officer Teaching Hospital,  
D.I.Khan.

Subject: DEPARTMENTAL INQUIRY AGAINST MOHAMMAD UMER.

It is submitted that an enquiry against Assistant Grade Clerk  
Mohammad Umer is under process with undersigned.

In order to unearth the real facts, the attached Medical  
documents are submitted here with for verification and report please.

Additional Superintendent of Police,  
Bannu.

*Refer in  
original  
study report for*

*[Signature]*  
Medical Officer  
D.H.Q. Teaching Hospital  
D.I.Khan 14/3/2018

*Seen  
[Signature]  
EO*

"Anex C"

26


STATEMENT OF ALLEGATIONS:

I, Dar Ali Khan Khattak, Regional Police Officer, Bannu Region, Bannu as competent authority, am of the opinion that Muhammad Umer, Assistant Grade Clerk has rendered himself liable to be proceeded against as he has committed the following misconduct within the meaning of Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules, 2011 vide Notification No.SO(REG-VI)E&AD/2-6/2010, dated 16<sup>th</sup> September, 2011 while exercising powers delegated vide Khyber Pakhtunkhwa Gazette Notification Endst: No.8511-8615/E-V, dated 28.12.2015 2015 (amended vide CPO Peshawar addendum Notification No.4740-4850/E-V, dated 29.08.2017).

SUMMARY OF ALLEGATIONS:

- That he while posted as a General Clerk RPO Office, Bannu left the station of duty willfully as well as without any permission from the competent authority and so far he has not joined the duty and is still at large.
- That reportedly, he has proceeded abroad i.e Saudi Arabia for performance of UMRAH without getting NOC from the department.
- That he has concealed the fact of his proceeding abroad from the department.

1. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations Hasan Afzal Add SP Bannu is appointed as Enquiry Officer.
2. The Enquiry Officer shall provide reasonable opportunity of hearing to the accused, record statements etc and findings within the targeted days after the receipt of this order.
3. The accused shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

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

No. 358-60 /EC, dated Bannu the 02/02/2018

Copy to:-

1. The Provincial Police Officer, Khyber Pakhtunkhwa Peshawar for favor of information please.
2. The Enquiry Officer for necessary action.
3. The Accused Official.

CHARGE SHEET

27

I, Dar Ali Khan Khattak, Regional Police Officer, Bannu Region, Bannu as competent authority, hereby charge you, Muhammad Umer, Assistant Grade Clerk as follows:-

- That you while posted as a General Clerk RPO Office, Bannu left the station of duty willfully as well as without any permission from the competent authority and so far you have not joined the duty and are still at large.
- That reportedly, you have proceeded abroad i.e Saudi Arabia for performance of UMRAH without getting NOC from the department.
- That you have concealed the fact of your proceeding abroad from the department.

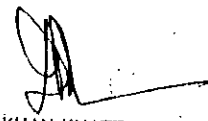
1. By reason of the above you appear to be guilty of misconduct under the Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules, 2011 vide Notification No.SO(REG-VI)E&AD/2-6/2010, dated 16<sup>th</sup> September, 2011 while exercising powers delegated vide Khyber Pakhtunkhwa Gazette Notification Endst: No.8511-8615/E-V, dated 28.12.2015 (amended vide CPO Peshawar addendum Notification No.4740-4850/E-V, dated 29.08.2017) and have rendered yourself liable to all or any of the penalties specified in the said rules.

2. You are therefore, directed to submit your defense within 07 days of the receipt of this Charge Sheet to the enquiry officer.

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

4. You are directed to intimate whether you desire to be heard in person.

5. A statement of allegation is enclosed.

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

To

The Deputy Inspector General of Police,  
Bannu Range, Bannu.

*Ammeared*

Subject: **CHARGE SHEET/STATEMENT OF ALLEGATIONS**

Respectfully Sheweth;

Kindly refer to the subject charge sheet/Statement of Allegations convey vide No. 358/60/EC dated 02/02/2018. I beg to submit following reply for favour of consideration please.

**1. Reply to Allegation no. 1**

Admitted not correct. The applicant on receipt of transfer order immediately reported arrival in range police office Bannu. The applicant fell ill severely for which after preliminary treatment, the applicant was admitted in DHQ Hospital Dera Ismail Khan and remained under treatment from 06/02/2018 to 11/02/2018. The Doctor advised complete bed rest w.e.f 15/02/2018 to 02/03/2018 after considering the ailment of the applicant. The applicant suffering with severe "Sciatica". MEDICAL DOCUMENTS ARE ENCLOSED.

**2. Reply to Allegation no. 2**

Admitted not correct. The applicant applied for NOC which was refused, hence, not departed abroad.

**3. Reply to allegation no. 3**

Admitted no correct. Reply as per para-II refers.

**Prayer:**

It is humbly prayed that on acceptance of this reply and on the basis of the medical documents, your honour may consider my case very sympathically and graciously file the charge sheet/statement of allegation.

The applicant assures to join duty as soon as declared fit by medical officer.

I wish to appear in person please.

Yours Obedient Servant

*Mohammad Umar*

**Mohammad Umar**  
Assistant Grade Clerk  
Range Office Bannu

سایں اڈاں محمد عمران خیرل کرب متفقہ RPO صاحب آفس نیوں نے درج ذیل

بیان دیا کہ 23/18 کو دفتر رنج آفس نیوں میں موجود تھا۔ نہ جیسے گھر سے اطلاع ملی

کہ میرا سنگھ اٹھا پھر 13/18 سال قبل گیا۔ اور اس کی حالت خراب ہے اس نے نوم

المحبتی میں دن رخصت الفانہ آفس سپرنٹنڈنٹ صاحب کو حوالہ کیا اور سبیا امینی

صالح روانہ ہوا۔ بعد میں میں میرا کھیلا اللہ کو بیمار ہو گیا۔ حورم 28/13 کو میں باجو

روم سہیل پور گرا جو کہ ڈسٹرکٹ ہسپتال DIK میں ٹیک اب رانا تو کافی

تھوکت ہویم ہے باج دن کل سیدرسید دیا کھیر 3/18 کو آفتاب کیم

نہ پوید دوارہ ٹیک اب دیا تو ڈاکٹر صاحب نے مزید باج تو م سیدرسید

دیا۔ حورم 6/18 کو دوارہ ٹیک رائے ڈاکٹر صاحب نے DHR ڈیرہ

میں داخل ردیا میں پیرس توڑیا جو تو م زیر علاج رہا۔ حورم 11/18

کو میں سہیل سے ڈسچارج ہوا۔ پھر ڈاکٹر شکیل احمد مدنی نے مجھے مزید

ڈاکٹر صاحب سے کھل لیا 2/3 تک دیا۔ بعد میں مجھے معلوم ہوا کہ

ایکویٹر حاضر کیا ہے۔ میں نصیحت میں بیمار تھا۔ نہ عمرہ میر گیا۔ اور نہ ہی

جان لوگو میر جاوی گی ہے۔ میں کا ٹیوٹ میرا سوٹ سے لگائے میں

میں نہ ان اور نہ اورنگ کا میر ٹیوٹ ہے۔ چونکہ کافی ماسیوٹ میرا

صاحب عالی  
مدیرین انور ادریس  
محمد عمران خیرل

محمد عمران خیرل

Sign  
EO

محمد عمران خیرل  
08-05-18





OFFICE OF THE  
DY. SUPERINTENDENT OF POLICE,  
HQRS. BANNU.

"Anex E"

29

Phone No: 0928-9270078.

Fax No: 0928-9270045

No. 554 /HQ, Dated. 23.05.2018.

DEPARTMENTAL ENQUIRY.

- Reference. i. Charge sheet No. 358-00/EC dated 02.02.2018, issued by the Regional Police Officer, Bannu Region, Bannu.
- ii Ref: Order No.1182-83/EC dated 27.04.2018 issued by Regional Police Officer, Bannu Region, Bannu.
1. Accused. Mohammad Umer Asstt: Grade Clerk R.P.O Office, Bannu.
2. Allegations. Allegations conveyed to him in shape of charge sheet were as follow :-
- \* That you while posted as a General Clerk RPO Office, Bannu left the station of duty willfully as well as without any permission from the competent authority and so far you have not joined the duty and are still at large.
  - \* That reportedly, you have proceeded abroad i.e. Saudi Arabia for performance " UMRAH" without getting NOC from the department.
  - \* That you have concealed the fact of your proceeding abroad from the department. Page-7-10

Order sheet. Order sheet maintained. Page-5

Reply. Reply to charge sheet / statement of allegations has been submitted by Mohammad Umer Asstt: Grade Clerk, Regional Office, Bannu.

Self defence. Opportunity for self defence given to the accused official Asstt: Grade Clerk Mohammad Umer.

Statement: Statement of the accused official recorded. Page-44

Questions/Answers between the E.O & accused official Asstt: Grade Clerk Mohammad Umer.

The undersigned asked questions and the accused Official Asstt: Grade Clerk Mohammad Umer replied that:-

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- 30
- Reply-1. he remained absent from 24.01.2018 up to 15.3.2018 from his official duty.
- Reply-2. he was in D.I.Khan ,therefore he did not get referred himself for Medical treatment through officers.
- Reply-3. he remained admitted in D.H.Q Hospital, D.I.Khan from 06.02.2018 up to 11.2.2018 due to trauma in his back bone.
- Reply-4. the Doctor had advised him two weeks Medical Rest ( 14 days ) w.e.f 15.02.2018.
- Reply-5. he has given an application on 24.01.2018 for three days casual leave because his nephew Sifat Ali was burnt, who succumbed to his injuries later on .
- Reply-6. he was not proceeded to Saudi Arabia, and got refunded the payment of his ticket because leave was not granted to him.

**8. Report.**

The statement of Mohammad Tariq Supdt. of Region Office, Bannu shows that Mohammad Umer General Clerk was absent since 24,01.2018. Page-45

**9. Cancellation of Ticket**

The Air Ticket meant for travel to Saudi Arabia on 29th January 2018 has been cancelled on the request of accused Clerk by Khalid Mehmood Awan, District sales Manager, PIA, D.I.Khan . Page-47

**10. Attendance register.**

Three copies of the attendance register of the Region Office, Bannu are attached herewith which show that Mohammad Umer Asstt. Grade Clerk remained absent from his official duty , w.e.f 24.01.2018 up to 14.03.2018 ( 50 days ). Page- 48-50

**11. Verification.**

A letter was issued to Medical Superintendent, DHQ Teaching (MTI) D.I.Khan for verification of the Discharge slip and other Medical documents vide this office letter No.522/HQr, dated 14.5.2018, which has been verified vide page- 52-57

ED

Asstt: Grade Clerk Mohammad Umer of Regional Office, Bannu remained admitted w.e.f 07.02.2018 up to 11.2.2018, verified by Asstt: Professor DHQ Teaching Hospital, D.I.Khan. Page-57

Original Discharge slip vide admission No.273/38 is attached herewith, which carries D.O.A 06.02.2018. Page- 17

12. Medical Rest.

The following bed rest were advised by the M.O to the accused Clerk.

- a. On 03.02.2018, 05 days. Page-53
- b. On 30.01.2018, 05 days. Page-53
- c. On 15.02.2018, 02 weeks. Page- 58 ( unverified / un-official)

13. FITNESS CERTIFICATE.

Accused Official failed to provide Medical Fitness certificate.

14. Copies of Passport.

The said Clerk has submitted copies of Passport No.C5744413, which show that the said Mohammad Umer was proceeded to Saudi Arabia in 2015 and in 2017 and not in 2018, original passport examined in such entries exist. Page-18-36:

Conclusion :-

1. Mohammad Umer Asstt: Grade Clerk remained absent from his official duty , w.e.f 24.01.2018 up to 14.03.2018 ( 50 days ).
  2. a. In reply to charge sheet, he has mentioned his ailment "Sciatica", whereas in original Discharge slip such illness has been diagnosed/described low back pain.
  - b. In another Medical prescription dated 03.02.2018, it was diagnosed/described "Sciatica".
  - c. Whereas in answer-3, the accused official has replied that he remained admitted in D.H.Q Hospital, D.I.Khan from 06.02.2018 to 11.2.2018 due to trauma in his back bone.
- THE CONTRADICTIONS ABOVE CREATE DOUBT IN THE PLEA OF THE ACCUSED OFFICIAL.
3. a. Similarly the original discharge slip of Mohammad Umer shows the date of admission 06.08.018 & date of discharge 11.02.2018.
  - b. Where as on verification, the date of admission 06.08.2018 has been altered by 07.02.2018 by the Asstt: Professor DHQ Teaching Hospital, D.I.Khan (unverified / un-official).

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THE CONTRADICTIONS ABOVE CREATE DOUBT IN THE PLEA OF THE ACCUSED OFFICIAL.

4. If his Medical rest for 24 days advised by the M.O is sanctioned, than his 36 days absence from his official duty also goes in his disfavor and out of the above 24 days, 2 weeks rest has not been verified by the Medical officer of DHQ Teaching Hospital ( MTI) D.I.Khan.
5. He was not proceeded to Saudi Arabia for performance of "UMRAH" in 2018 as per his passport record.
6. He was alive with a sound and responsible mind, he could pass information to his immediate officer about his illness but he failed to do so and he did willfully absence from his duty without any permission from the competent authority, therefore he has been guilty of the charges i.e of absence excluding going to Saudi Arabia for performance of UMRAH please.

Every page signed & numbered.

Encl: ( 59 )

(AQIQ HUSSAIN, E.O)  
DSP/HQ, BANNU.

FINAL SHOW CAUSE NOTICE

"Anex F"

33

I Dar Ali Khan Khattak, Regional Police Officer, Bannu as competent authority, within the meaning of Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules, 2011 vide Notification No.SO(REG-VI)E&AD/2-6/2010, dated 16<sup>th</sup> September, 2011 while exercising powers delegated to me under Article 31 of Police Order 2002 vide Khyber Pakhtunkhwa gazette Notification Endst: No.8512-8615/E-V, dated 28.12.2015 hereby serve you Assistant Grade Clerk Muhammad Umer, General Clerk RPO Office, Bannu with this final show cause notice for committing the following misconduct as well as proved by the Enquiry Officer.


- I. That you have willfully absented yourself from official duty w.e.f 24-01-2018 to 14.03.2018 without any authorized permission/ sanctioned leave.
- II. That your plea for defence has been proved as confound by the enquiry officer because in your reply to the charge sheet "sciatica ailment" was cited whereas, in original discharge slip "low back pain" has been diagnosed. Similarly, in medical prescription offered by you on 03.02.2018 it was diagnosed as "sciatica" while in answer No.3, you have replied that due to trauma in your back bone, you have remained admitted at DHQ Hospital D.I.Khan from 06.02.2018 to 11.02.2018.
- III. That original discharge slip offered by you shows the date of admission as 06.02.2018 and date of discharge 11.02.2018, whereas, verification depicts that date of admission 06.08.2018 has been altered by 07.02.2018 by the Assistant Professor DHQ Hospital D.I.Khan.
- IV. That if your medical rest for 24 days advised by the M.O is sanctioned then your 36 days absence from your official duty is also goes in your disfavor and out of the above 24 days two weeks rest has not been verified by the medical office of DHQ Hospital D.I.Khan.
- V. That there is no doubt that you have willfully absented yourself without unauthorized permission for the period of 50 days w.e.f 24.01.2018 upto 14.03.2018.

That consequent upon the completion of inquiry conducted through inquiry officer Aqiq Hussain, DSP/HQR: Bannu for which you were given opportunity of hearing and on going through the findings and recommendations of Inquiry Officer, the material on record and other connected papers, I am satisfied that you have committed gross misconduct by proving the allegations quoted above.

As a result, I, as competent authority, have tentatively decided to impose upon you one or more punishments including dismissal as specified in the rules.

You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you.

If no reply to this notice is received within seven days of its delivery, it shall be presumed that you have no defense to put in and in that case an exparte action shall be taken against you.

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

## بخدمت جناب ڈپٹی انسپکٹر جنرل آف پولیس

بنوں ریجن، بنوں

جواب فائل شوکا زٹولس

جناب عالی :-

سائل پر بعد از انکوائری، فائنل شوکا زٹولس سرو کیا گیا ہے جس کا جواب بالترتیب زیل دیا جاتا ہے

- 1- یہ کہ سائل مورخہ 23-01-2018 کو دفتر بنوں ریجن میں موجود تھا کہ گھر سے اطلاع آئی کہ آپکا بھتیجا عمر 13/14 سال آگ سے جل گیا ہے میں نے فوراً تین یوم رھتیں اتفاقیہ کی درخواست مورخہ 24-25-26 جنوری 2018 (بدھ، جمعرات، جمعہ) حوالہ آفس سپرنٹنڈنٹ صاحب کی اور ڈیرہ اسماعیل خان روانہ ہو گیا۔ بچہ کو ملتان برن سنٹر شفٹ کیا اور بروز اتوار مورخہ 28 جنوری 2018 کو واپس ڈیرہ اسماعیل خان پہنچ گیا۔ تاکہ بروز سوموار دفتر حاضری کر سکو۔ غسل کے دوران غسل خانہ میں سلپ ہونے کی وجہ سے کمر اور نچلے حصے میں سخت تکلیف شروع ہوئی جسکی وجہ سے میں دفتر حاضر نہ ہو۔ کا اور سول ہسپتال ڈیرہ اسماعیل خان جا کر چیک اپ علاج معالجہ کرایا۔ اتفاقاً نہ ہو اور دوسرے روز ڈاکٹر صاحب نے بیڈریسٹ تجویز کیا۔ جناب عالی میں نے بوجہ بیماری رخصت لی جسکا ثبوت میں دوران انکوائری دے چکا ہوں۔ الزام نمبر 1 ہرگز تسلیم نہیں ہے
- 2- مجھے کمر کے نچلے حصے میں درد کی شکایت پر ہسپتال جانا پڑا۔ اور ڈاکٹر نے بعد مکمل تحقیق مجھے داخل ہسپتال بھی کیا۔ اور بیڈریسٹ بھی دیا، جس کا ثبوت دوران انکوائری دے چکا ہوں۔ مجھے میڈیکل ٹرمنز کا علم نہیں۔ جو کچھ ڈاکٹر نے لکھا تھا وہ پیش کر چکا ہوں۔ الزام نمبر 2 ہرگز تسلیم نہیں ہے۔
- 3- ڈسپانچر سلپ پر کٹنگ ڈاکٹر نے کی ہے۔ میرا اس سے کوئی تعلق نہیں ہے جو میڈیکل کاغذات مجھے ملے میں نے وہ دوران انکوائری پیش کئے، لہذا الزام نمبر 4۔ ہرگز تسلیم نہیں ہے۔
- 4- میڈیکل رسیٹ و دیگر کاغذات دوران انکوائری پیش کر چکا ہوں۔ میں نے جان بوجھ کر کوئی رخصت نہیں لی۔ یہ امر مجبور ریسٹ کرنا پڑا۔ الزام نمبر 4 تسلیم نہیں ہے۔
- 5- میں نے قطعاً جان بوجھ کر مورخہ 24-01-2018 تا 14-03-2018 رخصت نہیں لی۔ بلکہ میڈیکل صورتحال کی بنا پر اور ڈاکٹر کے کہنے پر رخصت کی۔ ورنہ میری جان کو سخت خطرہ ہو سکتا تھا۔ کوئی امر انکوائری افسر سے پوشیدہ نہیں

رکھا۔ الزام نمبر 5 تسلیم نہیں ہے۔

6. میں نے ٹرانسفر حکم کی فوری تعمیل کرتے ہوئے بنوں ریجن حاضری کی۔ کوئی لیت وعل نہیں کیا۔ قدرتی طور پر بیماری کا شکار ہوا۔ بروقت علاج نہ کرانا تو سخت جانی و مالی خطرہ لاحق ہو سکتا تھا۔ میڈیکل ٹیوٹ موجود برٹشل انکوائری ہیں۔ اپنی 30 سالہ لمبی سروس میں ایسی کوئی دانستہ حرکت نہیں کی جس سے افسران بالا کو شکایت کا موقع ملے۔ یا میرے فرائض میں کوتاہی ہو۔

7. صورت بالا میں مجھے انصاف کی توقع ہے۔ آپ جناب والا شان لمیری دست ری فرما کر کوئی بھی حکمانہ سزا تجویز نہ کریں۔

8. میں بذات خود پیش ہو کر اضافی بات بھی کرنا چاہتا ہوں۔

استدعا:


جناب عالی: بوجہ شدید بیماری رخصت کی گئی جس میں میرا کوئی ذاتی عمل دخل نہیں ہے۔ میڈیکل کاغذات پہلے سے ہی پیش کر چکا ہوں۔ اس لئے آپ جناب سے درخواست ہے کہ میرے خلاف فائل شو کو نوٹس واپس لیا جا کر انکوائری ہذا فائل فرمائی جائے۔  
عین نوازش ہوگی

مورخہ

ارض



محمد عمر جنرل کلرک دفتر RPO بنوں ریجن بنوں

  
4/6/18

ORDER

My this order will dispose of the departmental proceedings initiated, against Assistant Grade Clerk Mohammad Umer, under Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules, 2011 vide Notification No.50(REG-VI)E&AD/2-6/2010, dated 16<sup>th</sup> September, 2011 and delegation of power under article 31 of Police Order 2002 vide Khyber Pakhtunkhwa gazette Notification Endst: No.8512-8615/E-V, dated 28.12.2015. The accused Assistant Grade Clerk had committed the following omissions and commissions:-

- That he while posted as a General Clerk RPO Office, Bannu left the station of duty willfully as well as without any permission from the competent authority and was still at large.
- That reportedly, he had proceeded abroad i.e Saudi Arabia for performance of UMRAH without getting NOC from the department.
- That he had concealed the fact of his proceeding abroad from the department.

Mr. Sadiq Hussain, DPO Bannu conducted inquiry into the above allegations and submitted his findings, vide his office letter No.4533/EC dated 12.04.2018, wherein, the accused officer was found guilty of the charge of willful absence w.e.f 24.01.2018 to 14.03.2018 (50 days) except proceeding abroad. Subsequently, the accused officer was served with final show cause notice. His reply to the final show cause notice, submitted on 04.06.2018, was found implausible and unsatisfactory. The accused officer was also provided opportunity of personal hearing in orderly room held on 05.06.2018 but he failed to rebut the charges. In view of the above, the undersigned has decided to impose one of the major punishments upon the appellant.

I, Dar Ali Khan Khattak, Regional Police Officer, Bannu Region Bannu, in exercise of the powers vested in me under article 31 of Police Order 2002 vide Khyber Pakhtunkhwa gazette Notification Endst: No.8512-8615/E-V, dated 28.12.2015 and KP Government Servants (Efficiency & Disciplinary Rules) 2011, hereby reduce the accused officer from the post of Assistant Grade Clerk to the lower post of Senior clerk (BPS-14) and the absence period is treated as unauthorized absence without pay.

Order announced

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

No. 1572-76 /EC, dated Bannu the 08/06/2018

Copies to:

1. The Provincial Police Officer, Khyber Pakhtunkhwa Peslawar for information.
2. The Regional Police Officer, D.I.Khan Region for further due proceedings.
3. The District Police Officers, Bannu & Lakki Marwat for information.
4. The District Accounts Officer, D.I.Khan.

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



خدمت جناب پراونشل پولیس آفیسر صوبہ خیبرپختونخوا پشاور  
(ایپلیٹ انہارٹی)

تھر وپر اپر چینل

عنوان :- حکمانہ اپیل برخلاف حکم ریجنل پولیس آفیسر بنوں مورخہ 08-06-2018 جسکے تحت من مسائل کو عہدہ

اسٹنٹ گریڈ کلرک سے تزل کر کے سینئر کلرک کیا گیا ہے۔

جناب عالی!

مسائل ذیل عرض رساں ہے :-

1- عذارات ابتدائی :-

- (i) یہ کہ مسائل کو بحوالہ انگریزی چٹھی نمبر: 7543-50/E-V مورخہ 19-12-2017 کو ذریعہ رٹ سے بنوں رٹج ٹرانسفر کیا گیا اور یہ کہ مسائل کی تنخواہ اب بھی ذریعہ رٹج (شعبہ تفتیش) سے منساک ہے۔ "ایسی صورت میں RPO صاحب بنوں کو بروئے KPK E & D 2011 Rules (2) کے سزا دینے کا اختیار نہیں ہے۔ لہذا سزا ہلالا قانونی نقطہ نظر میں Quaram Non Judice ہے۔"
- (ii) یہ کہ حکم تزل عہدہ مورخہ 08-06-2018 کے دوسرے پیرا گراف میں DPO بنوں صادق بلوچ صاحب کو انکو انگریزی آفیسر لکھا گیا ہے۔ چونکہ درست نہیں بلکہ انکو انگریزی (ASP) صاحب بنوں نے بحوالہ لیٹر نمبر 358/60/EC مورخہ 02-02-2018 شروع کی اور بعد تبادلہ ASP صاحب بنوں انکو انگریزی DSP ہیڈ کوارٹر بڈریج RPO صاحب مارک ہوئی جو کہ DSP صاحب ہیڈ کوارٹر نے انکو انگریزی مکمل کر کے فائنل رپورٹ پیش کی۔
- (iii) حکم تزل مورخہ 08-06-2018 کو آخری پیرا گراف میں آرٹیکل 31 پولیس آرڈر 2002 کا حوالہ دیا گیا ہے جبکہ اب پولیس ایکٹ 2017 لاگو ہے۔ لہذا حکم میں صریحاً قانونی غلطی کی گئی ہے بدین وجہ حکم ناقابل عمل قرار دیا جا کر منسوخ فرمایا جاوے۔

2- حالات و واقعات :-

جناب عالی!

- (i) یہ کہ مسائل مورخہ 23-01-2018 بروز منگل دفتر RPO صاحب بنوں موجود تھا کہ گھر سے بذریعہ فون میرے بھیجے کے آگ سے جھلس جانے اور انتہائی خراب حالت کی اطلاع آئی جس پر میں نے مورخہ 24-01-2018 سے 03 یوم رخصت اتفاقاً بروز بدھ، جمعرات اور جمعہ کی درخواست آفس سپرنٹنڈنٹ صاحب کے حوالے کی اور انکو حالات بتا کر ڈیرہ اسماعیل خان روانہ ہو گیا۔ مورخہ 28-01-2018 بروز اتوار کو میں گھر کو میں دوران غسل باتھ روم میں پھسل گیا جسکی وجہ سے میری کمر پر شدیدہ چوٹ آئی۔ ٹان گاؤں میں مقامی ڈاکٹر صاحب کے پاس گیا انھوں نے علاج معالجہ کے بعد ریست کا مشورہ دیا۔ دوسرے دن دوبارہ چیک اپ کرایا مگر درد میں افاق نہ ہوا۔ میں مورخہ 30-01-2018 کو ڈسٹرکٹ ہسپتال ڈیرہ میں گیا ڈاکٹر صاحب نے کمر کی چوٹ کے ساتھ ہی ساتھ شیاہ کا کا مرض بھی تشخیص کیا اور مکمل بیڈ ریست کا مشورہ دیا۔ (ثبوت ہمراہ لف ہے)۔ (F/A) مورخہ 03-02-2018 کو دوبارہ ہسپتال سے چیک اپ کرایا اور مورخہ 06-02-2018 کو درونا قابل برداشت ہونے پر دوبارہ ہسپتال گیا جس پر ڈاکٹر صاحب نے آرٹھرو پیڈک وارڈ سول ہسپتال داخل کر دیا اور مورخہ 11-02-2018 کو ہسپتال سے ڈسچارج ہوا۔ ڈاکٹر صاحب نے گھر کا علاج دیا اور مکمل بیڈ ریست اور سفر نہ کرنے کی ہدایت کی۔ (ثبوت ہمراہ لف ہے)۔ (F/B)
- (ii) جناب والا انکو انگریزی آفیسر نے جہاں میڈیکل ریکارڈ کو ریپبلیکیشن کے لیے بحوالہ لیٹر نمبر 522/HQ مورخہ 14-05-2018 میڈیکل سپرنٹنڈنٹ DHQ ڈیرہ ہسپتال ڈیرہ اسماعیل خان بھجوایا جس پر متعلقہ ڈاکٹر صاحب نے مورخہ 15-05-2018 کو ریپبلیکیشن کر کے واپس دفتر DPO صاحب بنوں کو بھجوایا۔ (ثبوت ہمراہ لف ہے)۔ (F/C)

جناب عالی واضح رہے کہ DSP/HQrs صاحب نے جو ریٹیکشن کیلئے میڈیکل کاغذات ٹچنگ ہسپتال ڈیرہ بھوائے ان میں صفحہ نمبر 6 پر انچارج ارتھو پیڈک وارڈ سرجن ٹچنگ ہسپتال ڈی ائی خان ڈاکٹر شکیل احمد شاہ مدنی نے جو دو ہفتے میڈیکل ریست بعد ڈسچارج مجھے دیا تھا اس کی دیر ریٹیکشن کی ہے۔ حالانکہ اسی دو ہفتے میڈیکل ریست کی دیر ریٹیکشن جناب ASP صاحب بنوں پہلے ہی کرا چکے تھے جس پر ڈاکٹر صاحب نے اپنی مہر لگا کر دستخط کر دئے تھے۔ علاوہ ازیں DSP/HQrs نے مزید دو میڈیکل ریست نمبر 38415 مورخہ 02.03.2018 صفحہ نمبر 28 اور میڈیکل ریست نمبر 42663 مورخہ 08.03.2018 صفحہ نمبر 29 دیر ریٹیکشن کیلئے بھوائے ہی نہیں تو دیر ریٹیکشن کس طرح ہو سکتی تھی۔ آپ جناب کے پاس وسیع اختیارات ہیں جو کہ کسی بھی طرح سے ان کی دوبارہ دیر ریٹیکشن کرا سکتے ہیں۔

(iii) جملہ میڈیکل کاغذات دوران انکوآری آفیسر نے جملہ میڈیکل ریکارڈز کو بذریعہ لیٹر نمبر 112/ASP مورخہ 12.03.2018 کو ڈسٹرکٹ ہیڈ کوارٹر ہسپتال ڈیرہ اسماعیل خان بذریعہ Special Messenger دیر ریٹیکشن کیلئے بھجوا یا جس پر میڈیکل آفیسر DHQ ٹچنگ ہسپتال ڈیرہ اسماعیل خان نے مورخہ 14.03.2018 کو مذکورہ لیٹر کے اوپر Return in Original Duly verified لکھ کر نیچے سرکاری مہر لگائی اور اوپر دستخط ثبت کئے۔

(ثبوت ہمراہ لف ہے)۔ (F/D)

(iv) مجھ پر الزام یہ بھی تاکہ میں بغیر اجازت عمرہ پر گیا تھا جو کہ میرے فراہم کردہ کاغذات/پاسپورٹ کی بناء پر انکوآری آفیسر نے تسلیم کیا کہ بوجود کنفرم ٹکٹ کے میں یہ تعین حکم RPO صاحب بنوں عمرہ کی سعادت سے محروم رہا اور اس ضمن میں مبلغ 9500 روپے ٹکٹ سے کٹوتی برداشت کی اور مبلغ PIA ڈیرہ اسماعیل خان کی ٹھیکیت بمع ریفرنڈ ٹکٹ ریکارڈ موجود ہے۔ (ثبوت ہمراہ لف ہے)۔ (F/E)

(v) میں نے قطعاً جان بوجھ کر کوئی غیر حاضری نہیں کی۔ انسانی جان کا معاملہ تھا اور ڈیرہ اسماعیل خان اور بنوں ڈسٹرکٹ کے درمیان 150 کلومیٹر کا فاصلہ ہے جو کہ ڈاکٹر صاحبان نے سختی سے سفر کرنے سے منع کیا۔ جملہ میڈیکل کاغذات جو کہ MS/MO ڈیرہ سیوریہ یفائیڈ شدہ ہیں (ثبوت ہمراہ لف ہے)۔ (F/F)

(vi) یہ مورخہ 24.01.2018 تا 14.03.2018 کی رخصت صرف اور صرف میڈیکل کی بنیاد پر ہوئی جس میں میرا کوئی عمل دخل نہیں ہے۔

(vii) یہ کہ جناب RPO صاحب بنوں کو دوران پرسنل Hearing اپنی روداد سنانے کی کوشش کی مگر انہوں نے مجھے اپنی صفائی کو کافی موقع فراہم نہ کیا اور مجھے اپنے عہدہ سے تنزیلی اور میڈیکل لیوکو بغیر تنخواہ کہ کر، اپنا فیصلہ سنا کر مجھے کمرے سے نکل جانے کا حکم دیا۔

(viii) یہ کہ جملہ کاروائی میرے خلاف عذرات ابتدائی کی تناظر میں مناسب طور پر نہیں ہوئی اور انتہائی قانونی اور وکیل کی خلاف ورزی کی گئی جسکی رو سے حکم مورخہ 08.06.2018 تا قابل عمل قرار پاتا ہے۔

**استدعا ہے کہ:**

- (i) سائل کی 30 سالہ سروس اور پروموشن کے چانسز کو مد نظر رکھتے ہوئے اور جملہ کاغذات منسلک بالا کی رو سے انتہائی مودبانہ گزارش ہے کہ حکم مورخہ 08.06.2018 کو منسوخ فرمایا جاوے۔
- (ii) سائل خود بھی پیش ہو کر عرض و معروض کرنا چاہتا ہے۔

عین ماتحت پروری ہوگی

مورخہ 20 جون سال 2018

عارض

سائل محمد سید کلرک ریجنل پولیس آفس ضلع بنوں

شناختی کارڈ نمبر 5-12101-5886537

موبائل نمبر: 0345-9834593, 0333-9952776

*(Handwritten signature)*



OFFICE OF THE INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA, CENTRAL POLICE OFFICE  
PESHAWAR

Ph: 091-9210545 Fax: 091-9210927 Email: [OSEstabV@gmail.com](mailto:OSEstabV@gmail.com)

37

No. 3543-59/E-V, dated, Peshawar the 21 .08.2018.

ORDER.

This Order will dispose of the departmental appeal submitted by Senior Clerk Muhammad Umar of RPO Office Bannu against the major punishment of reversion from Assistant Grade-Clerk to lower rank of Senior Clerk by RPO/Bannu vide Order No.1572-76/EC, dated 08.06.2018. The brief, yet relevant facts of the case are that he while posted as a General Clerk RPO Office Bannu, left the station of duty willfully without any permission from the competent authority. Secondly, he has proceeded abroad i.e Saudi Arabia for performance of UMRAH without getting NOC from the department and also he had concealed the fact of his proceeding abroad from the department.

In this regard, Charge Sheet and statement of allegations were issued to him. After conducting proper departmental enquiry the RPO/Bannu awarded him major punishment of reversion from the upper post of Assistant Grade Clerk to lower rank of Senior Clerk.

After awarding the punishment of his reversion, the appellant submitted departmental appeal to the next appellate authority to set aside punishment awarded to him. He was called in Orderly Room held on 01.08.2018 at CPO Peshawar, wherein the appellant was heard in person in detail by the competent authority. The perusal of enquiry report transpires that allegation of proceeding abroad is not proved. Whereas, the punishment awarded for absence seems harsh.

Keeping in view the position explained above, the appellant is hereby re-instated in his original rank of Assistant Grade Clerk from the date of his reduction and the period he remained absent to be treated as leave without pay. On re-instatement into his original rank of Assistant Grade Clerk, his pay as Senior Clerk (BPS-14) is hereby detached from CPO Peshawar and attached with DPO Office D.I Khan against the vacant post of Assistant-Grade Clerk (BPS-16). However, he will perform his duty at RPO/Bannu Office.

Order announced.

Sd/-

Add: Inspector General of Police,  
HQrs, Khyber Pakhtunkhwa, Peshawar.

Endst: No. & date even.

Copy forwarded to the: -

1. Addl: Inspector General of Police HQrs: Khyber Pakhtunkhwa, Peshawar.
2. Accountant General Khyber Pakhtunkhwa.
3. Deputy Inspector General of Police HQrs, Khyber Pakhtunkhwa, Peshawar.
4. Regional Police Officer Bannu.
5. PA to Assistant Inspector General of Police: Estt: CPO Peshawar.
6. District Police Officer, D.I Khan.
7. District Accounts Officer, D. Khan.
8. Registrar, CPO Peshawar.
9. Office Suptt: Secret & Incharge Central Registry Cell.
10. Accountant CPO Peshawar.

Seen

Regional Police Officer  
Bannu Region Bannu

6/8/2018

(IRFAN ULLAH KHAN) PSP  
AIG/Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

21/8/18



OFFICE OF THE INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA, CENTRAL POLICE OFFICE  
PESHAWAR

Ph: 091-9210545 Fax: 091-9210927 Email: [QSEstabV@gmail.com](mailto:QSEstabV@gmail.com)

37

No. 3543-54/E-V, dated, Peshawar the, 21 .08.2018.

ORDER.

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10. Accountant CPO Peshawar.

Seen

Regional Police Officer  
Bannu Region Bannu

6/8/2018

(IRFAN ULLAH KHAN) PSP  
AIG/Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.



BURHAN LATIF

Advocate  
bc-09-0933

Date of Issue: September 2017  
Valid upto: September 2020



Add. Secretary  
KP Bar Council

ONLY FOR VAKALATNAMA

کورٹ  
فیس

Before the K.P Services Tribunal, Peshawar  
From Appellant  
M- Umar vs P. P. O + others  
Services Appeal  
دعویٰ یا جرم

تفصیل دعویٰ یا جرم

باعث تحریر آنکہ

BURHAN LATIF KHAISORI ADVOCATE HIGH COURT

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیرونی وجوہات کی برائے پیشی یا تصفیہ مقدمہ بنام  
کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا بذریعہ رو برو عدالت حاضر ہونا رہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب  
موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ بیرونی غیر حاضری کی وجہ سے کسی طرز میرے خلاف ہو گیا تو صاحب  
موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پشوری کے علاوہ یا پشوری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل  
بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر پشوری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پشوری کے اوقات کے آگے یا پیچھے پیش ہونے  
پر مظہر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا عنت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھے  
کو کس ساختہ پر داخست صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراء آسمائے ڈگری  
نظر ثانی اپیل نگرانی و ہر قسم درخواست، ہر قسم کے بیان دینے اور پر غامضی یا ماضی نامہ و فیصلہ برحلف کرنے اقبال دعویٰ کا بھی اختیار ہوگا اور بصورت مقرر ہونے  
تاریخ پیشی مقدمہ مقرر بیرون از پشوری صدر بیرونی مقدمہ مقرر نظر ثانی اپیل و نگرانی و برآمدگی مقدمہ یا منسوخی ڈگری یک طرفہ یا درخواست حکم استغاثہ یا ترقی  
یا گرفتاری قبل از فیصلہ اجراء ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ مقرر پشوری کا اختیار ہوگا اور تمام ساختہ پر داخست صاحب موصوف مثل کردہ  
از خود منظور و قبول ہوگا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مقررہ یا اس کے کسی جزوی کارروائی یا بصورت درخواست نظر ثانی  
اپیل نگرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا بیرسٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ویسے  
اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا وہ صاحب موصوف کا حق ہوگا مگر  
صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پردی نہ کریں اور ایسی صورت  
میں میرا کوئی مطالبہ کسی قسم کو صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے

مورخہ \_\_\_\_\_ ماہ \_\_\_\_\_

مضمون وکالت نامہ کن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

Accepted

BURHAN LATIF

BURHAN LATIF KHAISORI  
ADVOCATE HIGH COURT  
DERA ISMAIL KHAN  
0360-579-1108

Muhammad Umar

Muhammad Umar  
Appellant