06.07.2018

None present on behalf of the appellant. Adjourned. To come up for preliminary hearing on 26.07.2018 before S.B.

(Muhammad Amin Khan Kundi) Member

26.07.2018

Neither appellant nor his counsel present.

It merits mention here that the appellant was dismissed from service on 30.09.2013 and thereafter, his departmental appeal and review petition were also dismissed on 08.09.2015 and 12.05.2016 respectively whereas the present appeal was filed on 02.01.2018.

The case was fixed for preliminary hearing on 12.01.2018 but on that day, neither appellant nor his counsel was present so the case was adjourned to 27.02.2018. On this day, the learned counsel for the appellant put appearance and sought adjournment, so the case was again adjourned to 27.03.2017 for preliminary hearing. On the said date i.e 27.03.2017, again neither appellant nor his counsel was present, so the case was adjourned to 18.04.2018 on which date, the learned counsel for the appellant again sought adjournment. On previous date i.e 06.07.2018 neither the appellant nor his counsel was present. Today is the same position.

From the previous conduct of the appellant, one thing becomes clear that he is not serious in pursuing his case, as such, no further chance of hearing is given to him. Hence, the appellant in hand stands dismissed in default. No order as to costs. File be consigned to the record room.

Announced: 26.07.2018

Chairman

Counsel for the appellant present and seeks adjournment.

Adjourned. To come up for preliminary hearing on 27.2.2018

(Ahmad Hassan) Member(E)

27.02.2018

Counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 27.03.2017.

(Ahmad Hassan) Member (E)

27.03.2018

No one present on behalf of the appellant. Adjourn. To come up for preliminary hearing on 18.04.2018 before S.B

Member

18.04.2018

Counsel for the appellant present and seeks adjournment.

To come up for preliminary hearing on 09.05.2018 before S.B.

(Ahmad Hassan) Member

09,05.2018

The Tribunal is non functional due to retirement of the Honorable Chairman. Therefore, the case is adjourned. To come up for the same on *06.07.2018* before S.B.

Reader

Form-A

FORMOF ORDERSHEET

Court of		 	 ·
· · ·	•	 ,	
Case No		10/2018	

•	Case No.	10/2018
S.Ņo.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	2/1/2018	The appeal of Mr. Iqbal Hussain presented today by Mr.
	· ·	Farooq Ahmad Seemab Advocate, may be entered in the
		Institution Register and put up to Worthy Chairman for proper
	1	order please.
		REGISTRAR -11/18
!-	04/01/18.	This case is entrusted to S. Bench for preliminary hearing
		to be put up there on 12/01/18.
:	. (CHATRMAN
		CHAIRMAN
	12.01.2018	None present on behalf of the appellant. Notice
		issued to appellant and his counsel for attendance a
:		preliminary hearing for 31.01.2018 before S.B.
		MA
		(Muhammad Amin Khan Kundi Member
	* [*] :	
	1. Sec. 3.	
•		

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Iqbal Hussain Ex-Constable, Belt No.1936, Swat Police, Khyber PakhtunKhwa, **R/o** Village Thana, Mahalah Khawar Gharhe, Butkhela, District Malakanad.

...APPELLANT

Versus

- 1. Inspector General of police Khyber Pakhtunkhwa, Central Police Office, Peshawar.
- 2. District Police Officer, Swat.
- 3. Regional Police Officer, Malakand Region, Saidu Sharif Swat.

...RESPONDENTS

APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT 1974

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For the Appellant

(FAROOQ AHMAD SEEMAB)

Advocate High Court, Office No 5-B, Mezzanine Floor Sama Plaza, Blue Area, Islamabad. 0333-5173073

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. 10 1/0 3/2018

Iqbal Hussain Ex-Constable, Belt No.1936, Swat Police, Khyber PakhtunKhwa, **R/o** Village Thana, Mahalah Khawar Gharhe, Butkhela, District Malakanad.

...APPELLANT

Versus

- 1. Inspector General of Police Khyber Pakhtunkhwa, Central Police Khyber Pakhtukhwa Office, Peshawar.
- 2. District Police Officer, Swat.

Dated 02-01-2010

Diary No. 07

3. Regional Police Officer, Malakand Region, Saidu Sharif Swat.

...RESPONDENTS

APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT 1974

Respectfully Sheweth,

APPEAL: AGAINST THE IMPUGNED ORIGINAL ORDER DATED
30-09-2013 WHEREBY THE APPELLANT WAS IMPOSED MAJOR
PENALTY OF DISMISSAL FROM SERVICE, THE APPELLANT
SUBMITTED HIS DEPARTMENTAL APPEAL, (COPY IS NOT
AVAILABLE) WHICH WAS REJCTED VIDE ORDER DATED 25-082015, THE APPELLANT FILED HIS REVIEW DEPARTMENTAL APPEAL DATED 08-09-2015 WHICH WAS REJECTED VIDE THE
FINAL APPELLATE REJECTION ORDER DATED 12-05-2016,
HENCE THIS APPEAL BEFORE THIS HONORABLE TRIBUNAL
FOR ANAPPROPRIATE REMEDY....

PRAYER IN APPEAL

It is humbly prayed before this Honourable Court to accept this appeal and set aside the impugned penalty order of Dismissal from Service dated 30-09-2013, the respondents may be directed to reinstate the Appellant in service with all back benefits. It is further prayed that the Hon'ble Tribunal has ample power to modify the harshest Dismissal penalty into some minor penalty on humanitarian ground as the appellant is not involved in some corruption charges.

Any other relief which this Honorable Tribunal deems fit for the Appellant may also be granted in the interest of justice

FACTS

- 1. That the Appellant performed his service at the department of about three years with complete honesty and devotion. The appellant has clean and unblemished track of his service record.
- 2. That the appellant's child with the will of Allah Almighty suffered heart diseases and the appellant was mentally up-set and due to these unavoidable circumstance absented himself from duty. The absence was not willingly and intentionally.
- 3. That during the treatment of his child could not inform the department properly.
- 4. That during this period the appellant was issued with the show cause notice which unfortunately not received to the appellant. In the absence of the appellant a fact finding inquiry was held and the enquiry officer recommended major punishment on the charge of misconduct.
- 5. That after inquiry the appellant was imposed major penalty of Dismissal from Service. The Impugned Major Penalty Order dated 30-09-2013 is ANNEX A.
- 6. That the appellant being unaware of the penalty order came to know by some of his colleague that he has been dismissed from service. The appellant visited to his department and collected the penalty order

and filed his first departmental appeal to his appellate authority and represented all medical certificates of treatment of his child. The copies of Medical Certificates of the whole period are **ANNEX B.**

- 7. That the departmental appeal of the appellant was rejected vide order dated 25-08-2015 without consideration of the medical certificates. The copy of rejection order dated 25-08-2015 is **ANNEX C.**
- 8. That the appellant preferred his review appeal with request of his reinstatement into service as his absence was not willing but it was under unavoidable circumstances of his child's treatment. The appellant further submitted that he did not receive any show cause notice nor he knew the departmental proceedings conducted against him. The copy of his repeated review appeal dated 08-09-2015 is **ANNEX D.**
- 9. That the review of the appellant was considered and he was called for personal hearing, during personal hearing by the appellate authority he submitted all medical certificates which were not given sympathetic consideration and finally the impugned original order of dismissal from service was upheld and the appellant was rejected vide final rejection order dated 12-05-2016 is **ANNEX E.**
- 0. That the appellant has preferred the instant service appeal for an appropriate remedy on the following:-

GROUNDS:

- 1. That the leave record of the appellant would show the factual poison that the appellant has neither availed any casual leave nor earned leave. That would be a sufficient proof that appellant was very regular in service who did not avail a single day of casual or earned leave. The respondent did not consider this most important factor in mind and imposed the harshest penalty of dismissal from service.
- 2. That for all practical purposes the appellant was condemn unheard.

 The action of body or corporation in violation to the principles of

natural justice is without lawful authority and without legal effect. (Reliance is placed on 2002 TD (Service). 370).

Æ,

- 3. That as per leave rules provided in EstaCode, 2000, Chapter VII, Page 811, Rule20 (2), Leave applied on medical certificate shall not be refused: Provided that the authority competent to sanction leave may, at its discretion, secure a second medical opinion by requesting the Civil Surgeon or Medical Board, as the case may be, to have the applicant medically examined. The authority in the case of the appellant had no locus standi to refuse leave to the appellant on medical certificate.
- 4. That the copy of fact finding inquiry report was not supplied to the appellant, which prejudiced his right of defence. It has been held in the case of Syed Mir Muhammad V. NWFP Government through Chief Secretary reported as PLD 1981 Supreme Court 176, that, 'Inquiry report should be furnished along with the Show Cause Notice. Such inquiry report not supplied, the proceedings were brushed aside".
- 5. That the appellant was imposed a major penalty of Dismissal from Service without conducting a regular inquiry. It has been consistent view of the Superior Courts that major penalty cannot be imposed without a regular inquiry. Reliance is placed on the following judements, 2005 PLC (CS) 256 & 263.
- 6. That the appellant has only 3 years of his service record and as per law he would be disqualified for any government job in future and such the penalty of Dismissal from Service is harsh and does not commensurate with the gravity of offence and such it is against the dictum of the Apex Court of Pakistan. It is a settled law that the penalty must commensurate with gravity of the offence. [Reliance is placed on 2003 TD (Service) 177 & 2005 UC 577
- 7. That the representation of the appellant has been rejected without assigning any reason in a mechanical manner. It has been held in 2001 SCMR 256, that, "Appellate forum is required to examine each and every aspect of matter in depth and only thereafter, conclusion

should be drawn in accordance with record, evidence, prevailing laws, rules, therein principles of natural justice and settled norms of justice".

8. That the rejection order dated 29-03-2006 is a non speaking order in violation to Section 24-A of the General Clauses Act 1897, where it has been clearly stipulated that all such orders are to be speaking order supported by reasons. The appellant would like to quote the following judgments in support of his contention:- 2001 SCMR 256.

Appellant

Through

(FAROOQ AHMAD SEEMAB)

Advocate High Court, Office No 5-B, Mezzanine Floor, Sama Plaza, Blue Area, Islamabad

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Iqbal Hussain Ex-Constable, Belt No.1936, Swat Police, Khyber PakhtunKhwa, **R/o** Village Thana, Mahalah Khawar Gharhe, Butkhela, District Malakanad.

...APPELLANT

Versus

- 1. Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, Peshawar.
- 2. District Police Officer, Swat.
- 3. Regional Police Officer, Malakand Region, Saidu Sharif Swat.

...RESPONDENTS

APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT 1974

MEMO OF ADDRESSES

- 1. **Iqbal Hussain** Ex-Constable, Belt No.1936, Swat Police, Khyber PakhtunKhwa, **R/o** Village Thana, Mahalah Khawar Gharhe, Butkhela, District Malakanad Inspector General of Police, Islamabad.
- 2. Inspector General of police Khyber Pakhtunkhwa, Central Police Office, Peshawar.
- 3. District Police Officer, Swat.
- 4. Regional Police Officer, Malakand Region, Saidu Sharif Swat

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. ____/(CS)/201**3**

Iqbal Hussain Ex-Constable, Belt No.1936, Swat Police, Khyber PakhtunKhwa, **R/o** Village Thana, Mahalah Khawar Gharhe, Butkhela, District Malakanad.

...APPELLANT

Versus

- 1. Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, Peshawar.
- 2. District Police Officer, Swat.
- 3. Regional Police Officer, Malakand Region, Saidu Sharif Swat.

...RESPONDENTS

<u>APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT 1974</u>

AFFIDAVIT

I, **Iqbal Hussain** Ex-Constable, Belt No.1936, Swat Police, Khyber PakhtunKhwa, CNIC No. 15402-3319426-1, **R/o** Village Thana, Mahalah Khawar Gharhe, Butkhela, District Malakanad, do hereby solemnly affirm and declare that the contents of my accompanying appeal are true and correct to the best of my knowledge and belief. I further declare that I have not filed any other appeal on the subject in any other tribunal in Pakistan.

Place: Islamabad

Deponent

The above affidavit is verified and attested by me at Islamabad.

ORDER

ANNEX. A

This order will dispose off the departmental enquiry against Constable Iqba: Hussain No.1936 who absented himself from his lawful duties will will prior permission or leave vide D.D. No.09 w.e.f. 06-12-2012 up till now.

Allegations and DSP/Madyan, Swat was deputed as Enquiry Officer. The Enquiry Officer conducted proper departmental enquiry against the delinquent Officer and recorded the statements of all concerned officers. He provided ample apportunity to the delinquent officer to present justification for his absence from the lawful duties. After conducting coper departmental enquiry, the Enquiry Officer submitted his findings wherein he recommended the delinquent officer for Major Punishment. Consequently he was issued final Show Cause Notice with the direction to submit his reply within seven days of the receipt of Final Show Cause Notice. He was called in Orderly Room on 26-08-2013, 09-09-2013, 16-09-2013, 23-09-2013 and on 30-09-2013. However, he did not appear.

Having perused his Service Record, it was patently evident that the delinquent officer Constable Iqba! Hussain No.1936 is addicted to habitual absenteer mand is not interested to continue his service. For his unlawful absence from duties he has been dismissed from service vide O.B. No.158, dated 30-09-2012. Foregoing in view the undersigned is of considered opinion that there are no chances that Constable labal Hussain No.1936 can become an efficient Police Officer. His further retention in the service is bound to affect the discipline of the entire force. In exercise of the powers vested in the undersigned in Rules 2 (iii) of Police Disciplinary Rules-1975, I, Sher Akbar S.St. P.S.P. District Police Officer. Swat as a competent authority am constrained to award him the punishment of dismissal from service from the date of his absence.

O.B. No. 158 Daled 30-9 /2013. District Police Officer, Swaf.

duties.

CARDIAC DIAGNOSTIC CENTRE

Modern Medical centre Opposite Central Hospital Swat

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Dr Fazli Rabbi MBBS Dip Card Cardiology Cardiologist Chambrogist Shifa Center Saidu Sharif Swat

Islam Badshah Severe TR Cardiac Technologist DPE (Burwin Canada) Cardiac diagnostic center

Raham Bacha Cardiac Technologist BSc(Hon) Cardiology PGPI LRH PESHAWAR

ڈاکٹر گیان پرکاش ڈاکٹر روی کمار الدوانس نبر لين كيلئ الم إلى إلى الس، وي الح ايم كي بالياس، آرايم إ 0343-1297408 بررابط کریں۔ المراكم المراكب المالية كلينك:عقب جزل بس شيندُ شامدره (وتك) مينكوره Name. Age. 0512c 201V Temp. Nocel Svoir 1/1/4 Weight. Add. owokin Ziem stati C/o.

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DIAGNOSTIC WING

The Capt. Ali Children Hospital Saidu Sharif, Swat. Phone: 0946-721573

								
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Signature

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/HPF



Tuberculosis

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DIAGNOSTIC WING The Capt. Ali Children Hospital Saidu Sharif, Swat. Phone: 0946-721573

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Tuberculosis	IgM	lgG

ΙgΜ

AG

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Cholestrol	mg /dl	Upto : 200 mg /dl
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Bilirubine Direct	mg /dl	0.25 mg /dl
ALT (SGPT)	U/L	Upto : 40 U/L
Alk.Phospatase	U/L	Children: 80-645
Albumin	G /dl	4.5-5.0 G /dl
Urea:	mg /dl	10-50 mg/dl
Ceratinine	mg /dl	M; 0.9-1.3 mg/di F; 0.6-1.1 mg/dl
Calcium	mg /dl	8.1-10.4 mg/dl

P.F/PAN

Signature

ڈاکٹر روی کھا۔

المُم لِي إِلَى إِلَى السِيرِ اللهِ

ایڈوانس نمبر لینے کیلئے 0343-1297408 0946 - 815830 پررابطہ کریں۔ ڈاکٹرگیان پرکاش

Date 18/10/14

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Clo.

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نو ي تقطيل بروز جمعه بعداز دو پهر

Arat sus 9/12/14 condict six Sup SIP Macis

سلطانه چلڈرن ہیلتھنٹر

Not Valid For Medicolegal Use

وْاكْرُ كُلْكُونُ كُلْكُ (آزِاد)

هوالثاني

ایم بی بی ایس (خیرمیڈیکل کالج پٹادر) ایم سی پی ایس (ٹی) آرایم بی - پی ایکی ایس میڈیکل آفیسر (ماہرامراض اطفال) ڈسٹر کٹ ہیڈ کوارٹر ہیتال بٹ جیلہ

Name Yahya Age Wt Sex M Date 12 5/14

Clinical Record

Syp masnett woma 15 p

ا کی درنے ۔

Aced Cough

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Gr Bremon

(14)

Sr.

men dir-of

چھٹی پروز جمعہ موسم سرماندو پہر 4 بجے ہے شام 5:30 بجائک اوقات کار موسم گرماندو پہر 5 بجے ہے رات 8:30 کک الوقار: 4 بجے ہے 30:قل بجائک اوقات کار کے بعد کوئی پرائیریٹ مریض نہیں دیکھتے شکر میں

ز د وینر نیری همپتال نل رود تھانہ

نوف : (دوباره معائمينه كيلئ ----دن بعد تشريف لائي -

3p. Viphos-B oble 3p. Calcium-P

30 212 CAT-OD

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iI.

Dr. M. Kalim

MBBS, RiMP,MPCH (Europe)

MEFIM (Europe)

Blue-H-W-Org

MD

Salama Foundation

Medical Officer

Ex-Children & Adult Speciality

(PIMS Islamabad)



ڈاکٹرا میم کلیم

ايم بي بي الس، ارايم بي، ايم بي سايج

سابقه چلڈرن اینڈ ایڈلٹ سپیکشلٹی (پیزاسلام آباد)

Mob:0313-9572098

E-mail:drkalim2003@gmail.com

Name: Yah	49 Age: 10 Sex: 00 Date: 10-2-14
Clinical Record	R SSP Carricop
Cough	2 -1
	SOP Costa p000
<u>B.P</u> <u>Temp</u> <u>Puls</u> <u>Adv:</u>	Syp Ackedio
	SSP Udylin-on
en fra tild. Ve distance	ووباره معائنه کیلئے۔۔۔۔۔تشریف لائیں

غريب مريضون كامعائنه فرى كى جاتى بين

Mob:0345-3434488

كلينك: چيف ميڙيكل ڈائيكنا سٹك سنٹر تخصيل روڈ چكدرہ اسک سنٹر تخصيل روڈ چكدرہ اسک سنٹر تخصيل روڈ چكدرہ

Sop permaded O

سلطانه چلڈرن ہیلتھ سنٹر

Not Valid For Medicolegal Use

ڈاکٹر سی کا کے (آزاد)

هوالثاني

ایم بی بی ایس (خیرمیڈیکل کالج پٹاور) ایم می پی ایس (ٹی) آرایم پی- پی ایچ ایس میڈیکل آفیسر (ماہرامراض اطفال) ڈسٹر کٹ ہیڈ کو ارٹر ہینتال بٹ حیلہ

Name Yohys

Age ____Wt 1616 Sex Na ___ Date 29 6.

Clinical Record

3p. Cefpran nongløme e. unb

Ri Venle exo

چھٹی بروز جمعہ موسم سرما: دو پہر 4 ہج سے شام 5:30 ہج تک اوقات کار موسم گرما: دو پہر 5 ہج سے دات 7:30 تک اتوار: 5 ہج سے 7:30 ہج تک اوقات کار کے بعد کوئی پرائیویٹ مریض نہیں دیکھتے شکر میہ

نُوٹ: (دوبارہ معامینہ کیلئے۔۔۔۔دن بعد تشریف لائیں۔

ب زدویٹر نیری ہیپتال فل روڈ تھانہ

ot Valid For Medicolegal Use

ڈ اکٹر سیری کالگ (آزاد) هوالشانی

ايم بي بي اليس (نيبرميدُ يكل كالح بثاور) ايم ي پي ايس (ئي) آرايم لي- پي ايچايس ميدُ يكل آفيسر (مابرامراض اطفال) وْسْرُكْتْ مِيْدُكُوارْرْمِينْتال بْتْ حْيلْم

Wt for Sex_ n____ Date_21166

Clinical Record

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Ruseri-

31.

0

پھٹی بروز جمعہ موسم سرما: دو پېر4 بج سے شام 5:30 بج تك اوقات کار:موسم گرما: دو پہر 5 بجے سے رات 7:30 تک اتوار: 5 بجے ہے 7:30 بج تک اوقات کار کے بعد کوئی پرائیویٹ مریض نیس و کھتے شکر ہے

نوك: (دوباره معائمينه سليخ ----دن بغيرتشريف لائيس -

کلینک: ﴿ نزدویٹر نیری سپتال نل روڈ تھانہ

maltofa. zr.

2:4 CA+
) (

سلطانه چلڈرن ہیا پیسنٹر Valid For Modicalaga

Not Valid For Medicolegal Use

واكر المسركي هاك (آزاد)

هوالشاني

ایم بی بی ایس (خیرمیڈیکل کالج پیاور) ایم می پی ایس (ٹی) آرایم پی - پی ایچ ایس میڈیکل آفیسر (ماہرامراض اطفال) ڈسٹر کٹ ہیڈکوارٹر سپتال بٹ خیلہ

Name Jahya

Age Wt MCGsex m Date 1917/15

Clinical Record

3. Calamox-Ds

Bremax

۲۰۰۹ ۲۰۰۹ ودېر پاسه پ

(14)

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نوك: (دوباره معائينه كيك ----دن بعي تشريف لائين -

Mar

چھٹی بروز جمعہ موسم مرہا: دوپہر 4 بجے سے شام 5:30 ببجے تک اوقات کار: موسم گرہا: دوپہر 5 ببجے سے رات 7:30 تک اتوار: 5 بجے سے 7:30 بجے تک اوقات کار کے بعد کوئی پرائیویٹ مریض نہیں دیکھتے شکر رہے

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بر نزدوینرنیری همپتال نل رود تھانہ

كلينك:

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سلطانه چلڈرن ہیلتھ سنٹر 🔻

Not Valid For Medicolegal Use

هوالشافي

(J)

واكثر مسراح خاك (آزاد)

ایم بی بی ایس (خیر میڈیکل کالج بیثاور) ایم سی بی ایس (ٹی) آرایم پی- پی ایس ایس میڈیکل آفیسر (ماہرامراض اطفال) ڈسٹر کٹ ہیڈ کوارٹر ہیتال بٹ حیلہ

Name Yahys

Age 8 TV Wt INKgsex m Date 116 11-

Clinical Record

High grade fen Vom Hing

Ten 103°f

نوط: (دوباره معائينه كيلئ ----دن أبعيد تشريف لاعم

Pt. needs Ample Hvestiget

of hypenpy

- Syp. cefspan 100mg/5mf
- - -

3p. pelt--

Syr Aced (Not)

31 Melagon . vier 51 v v 3.5

> چھٹی بروز جمعہ موسم سریا: دو پہر 4 بجے سے شام 5:30 ببج تک " ہے کار: موسم گرما: دو پہر 5 بجے سے راٹ 7:30 تک اقدار: 5 بجے سے 7:30 ببج تک - ،کار کے بعد کوئی پرائیویٹ مریض نہیں دیکھتے شکر ہے

نز د ویثر نیری همپتال نل رود تھانہ

82 h -21.

M.B.B.S (K.M.C.Peshwar) M.C.P.S (Children) R.M.P.P.H.S







Medical Officer Children Specialist

Civil Hospital Thana Tel:0932-710123,

Not Valid For Medicolegal Use

ايم بي بي اليس (فيبرميذ يكل كالج پشاور)

ايم ي بي ايس (چلڈرن)

آرايم يي- يمايج ايس

ميدُ يكل آفيسر (چلدُرن سپشلست) سول سپتال تعانه

<u>Age 5</u> .

Sex____Date¶_||

Clinical Record

ليهشى بروز جمعه

موسم سرما وو ببر 3 بح سے شام 5:30 بح تک اوقات کار موسم گرما: دو پهر4 کے سےرات 8:30 تک الوار: 3 کے سے رات 7 کے تک

ز د ویثر نیری هیتال نل رود تھانہ

ووباره معامكينه كيليخ -----دن بغد تشريف لا تين -

تۇن كىر: 721573-0946 The Capt. Ali LOREN HOSA ایم دی (رون) ، ایم ایس پیژز (بوکرائن) ائم. ني. ني ايس، ذي بي انكا (آئيرليند) ليا تي ذي يدر (يوكراس) ایم آری کی پیڈز (آئیرلینڈ) مبجرن دى كينين على جلارن سيتال سيدوثريف محران دى كينن على جازرن ميتال سيدوشريف Age: 24~ 29/6/4 Height/Length: دی ایم آر تی الم في بل السماعي آمك في (1) رجىرار : دى كينن كل جلارن سيدال سيدو تريف from the lungs -Sty-Breman X-Royaw VOSC 1 ce 1/2 - Clinet -18 00 - Typomelor 3 The Symmid Cardette La 20 6 8 1/2 3 Panadal Sp -32 732 332 In - I ward 126 Reces 3 -124 . Ankey 120 f

Dr. Siraj Khalid (Azad)

M.B.B.S (K.M.C.Peshwar) M.C.P.S (Children) R.M.P.P.H.S



وْاكْرْ سَرِيلَ كَالْكُو (آزاد)

Not Valid For Medicolegal Use

ايم لي لي اليس (نحيرميذ يكل كالج پيتاور)

ايم ي بي ايس (چلدرن)

آرايم پي- پيايجالي

ميذيكل آفيسر (چلڈرن پيثلسٹ) سول سپتال تھانہ

Medical Officer Children Specialist

Civil Hospital Thana Tel:0932-710123

Age.

Wt 199 Sex 1 Date 2111113

Clinical Record

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011/11

نوم: دوباره معائمینه کیلئے۔۔۔۔

Actidit

حجيهثي بروزجمعه موسم سرما: دو بير 3 بج سے شام 5:30 بج تك اوقات كار موسم كرما: وويبر 4 يج برات8:30 تك الوار: 3 بج سرات 7 بج تك

کلین (نز د ویٹر نیری ہیپتال فل روڈ تھانہ

J. plans

Dr. Siraj Khalid (Azad) والثاني الم





M.B.B.S (K.M.C.Peshwar) M.C.P.S (Children) R.M.P-P.H.S



ايم بي بي اليس (خيبرمية يكل كالج يثاور)

Medical Officer Not Valid For Medicolegal Use Children Specialist

ایم سی بی ایس (چلڈرن) آرائم پی-پیانچالیں

ميڈيکل آفيسر (چلڈرن سپشلسٹ) سول ہيٽال تھانہ

Wt IICS Sex my Date 911113 Age

Clinical Record

Civil Hospital Thana

Tel:0932-710123

Accyl

1052204

فجهتي بروز جمعه موسم سرما دو پیر 3 بجے سے شام 5:30 بجے تک اوقات كار موم كرما: دو يبر4 بيك سارات 8:30 تك الوار 3 بج سرات 7 بج تك

نز د ویٹر نیری ہیتال فل روڈ تھانہ

دوباره معائينه کيلئے ۔۔.

Si 1) ζ

R.M.P. (Pak) P.G.P.H (England)



Reg. No 11587.N

ڈاکٹر امیر زیس

ايم بي بي الس، ايم وي ،آر ايم بي (ياك) يى جى لى ایچ (انگلینڈ)

جنرل فزيش

General Pysician

Medical Officer **Civil Hospital Thana**

Age 125 Sex Date 16:04.924 Name Add: (Not valid for court) Clinical Record

روزانہ سہ پہر 3 بجے تا شام اوقات كار كلينك: نزد ليويز يوسك تفانه

Hi- Tech Lab. Aman Hospital Dabgri Gardens Peshawar. Ph: 091-2570321-8



Name	5		
Referred By	14	Age	_
		Sex. 19	_
BLOOD COMPLETE+MP+ESR		SMEAR + RETIC COUNT	_
UREA	~-		_
ELECTROLYTE		HBS AG BY I.C.T.	-
ALKALINE PHOPSPHATES	-	ANTI HCV By I.C.T	
CALCIUM TOTAL	_	T3, T4, TSH	
	_	B. SUGAR. R	
CALCIUM IONIZED	_]	S. PROTEIN	_
CALCIUM UNIONIZED]	SGPT	-
PHOSPHORUS	7	T. BILIRUBIN D/I	_
ASO TITER	1		
WIDAL + MP + ANF		СРК	
URINE RIE / URINE C/S		CHOLESTEROL	
S. ALBUMIN		S, AMYLASE	t
URINE FOR B/SALT, B/PIG	4	MONTOX	1
	1.	P.T. APTT	İ
STOOL R/E / PH /REDUCING SUGAR		CREATININE	l
STOOL FOR OCCULT BLOOD		TRIGLYCERIDE	
G6PD		LIPID PROFILE	3
BLOOD C/S	1 1	T. SWAB C/S	
B.T.C.T		STOOL C/S	•
HBS By ELISA	-		
		ANTI HCV BY ELISA	



Pathologist

Dr. Nisar Ahmad



Patient Name **YAHYA**

Sex

Male

Age

1 Y

Referred By

DR.ABDUL HAMEED

Patient Id:

1719

Sampling Date

08-May-2013 6:01 pm

Result Date Specimen

08-May-2013 6:24 pm

Urine

U.R/E

Physical Examination

Quantity

20 ml

Color

Pale Yellow

Chemical Examination

PH

6.5

S.Garvity

1.015

Älbumin

Nil

Sugar

Nil

Microscopic Examination

Pus Cells

02 ---- 03

Red Cells

01 --- 02

Amorphus Urates

Amorphus Phosphal Nil

/HPF

/HPF

/HPF

11,1 EU

URO

∍RO

neg

15/gal .0

1.015 neg

13801) 10) LOT(000000)

Laborstory Incharge

tch Lab.

MAN HOSPITAL

Pathologist





امان ہسپتال ڈیگری گارڈن بیٹاور

Dr. Nisar Ahmad

Patient Name

YAHYA

Male

Sex Age

1 Y

Referred By

1 Y

DR.ABDUL HAMEED

Patient Id:

1728

28

Sampling Date

08-May-2013 6:22 pm

Result Date

08-May-2013 6:41 pm

Specimen

Stool

FAECES EXAMINATION

Physical Examination

Colour

Brown

Consistency

Loose

Mucus

Nif

Blood

Nil

Microscopic Examination

Red Cells

ΝI

Pus Cells

10 --- 12

/HPF

Helminths

Asc.Lumbricoides o Not Seen

Trich.trichuria ova

Not Seen

H.nana ova

Not Seen

Protozoa

Cysts of Ent.amoeba Not Seen

Veg. of Ent.amoeba Not Seen

Cysts of Ent.amoeba Not Seen

Cysts of Giardia lam Not Seen

рΗ

Acidic

Reducing Sugar

Nil

A Laboratory Incharge

مامر امر اض اطفال - 9 هـ و اکشر عبد الحمید ایمانی ایس، دی پیدز این آدی پی (آئرلینده کاسکو) Dr.Abdul Hameed Patient Name Johya. Age 9 2 ro Sex 12 Date 6 : 3 : 13 Ref: By. Visit History:- RICF Complaints:-Ros ettak of Conga N. Br Fr SV) Hurs Vinty 9/ Wt. 7.274 Temp. ~ () Perise - Ly OFC. Ht. PEFR. -125 - 15 Findings: Pulma / G. with the e retail Sp Catify Sentre - high + Eng Rank Estable 16 - 14 } a Caffron yp. Lab = 2 = 1 = 1 = 1 = 1 = 1 = 1 Mr Line Ry N Dx:- 78 - 124 (y 4 m/27, 2 Keer voor Paulon ? (4 h. lit) or rooms (1-11, 20) & L. C.

جهل مفته اتوار کلینک: امان سپتال دیگری گاردن پیاور فون: 8-2570321-091 لاقات کاونت ماصل کرنے کیلئے لائے دو پراستقبالیہ سے روع کریں فوٹ: فون پر نمبر نہیں دیاجات

INVESTIGATION		للمبيث
47 mm	to the professor.	
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	and him	
Juse C		
Follow up/Revie	· · · · · · · · · · · · · · · · · · ·	 دوباره معائنه

Dr. Abdul H M.B.B.S, D.PEAD, F.R			ماہر امر اض اطفال بر ایم لی ایس، ڈی پیڈز ایف آرس پی (آئرلینڈ و کلاسکو)	ڈاکٹرعبدالح <u>ہ</u>
Patient Name	nt Peadiatrician	1551 Ago 18	آیعت آرسی کی (آئرلینڈ وگلاسکو)	
Add:	~ (of	4	Sex D . Date	\sim
History:- Bur P	Complaints:			
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W t. 7 - 355 Temp.	k .	Por cu		· · · .
OFC. B.P.		•		
Ht. PEFR.	(actible syp		
				· -
Findings:- Porker	J - 2	1,1 (2)		les
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No meta ()	2505-15	ilm T	Alle Alle	3
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Wr B+ Steel and	i C	r		
10 m	Z,	Keturn Ty		
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L' Giar dieses		*/	1. 3 1.	
	-vp	5 - 12) —	

تعلیل ہفتہ اتوار کلینک: امان **ہمیتال ڈیگری گارڈن پشاور فون:8-2570321-091** ملاقات کاوقت حاصل کرنے کیلئے 2 ہجے دو پہراستقبالیہ سے رو*ع کریں* نوٹ: فون پرنمبر نہیں دیا جاتا

INVESTIGATION

للبيرك

OKJAN AJN PC. 2.3 Keiliz Stock AJN PC. 10-12

Follow up/Review

دوباره معائنه

DIAGNOSTIC WING The Cant Ali Children Hospital

SAIDUSHAR	All Children Hos F SWAT, PHONE: 0946	spital
No. 3527	Date	7-
Serial No. of Patient	23	28/6/13
Received with thanks fron	1	R
sum of Rupees [12]	1200 - 300	30 - 600 160
	Shor	on account of
J-132 2	LRayOLET3	Chapt
AMO	6.	
8	Typhola	t (F)
•		Signuture

ADU GROUP OF TEACHING HOSPITALS

Discharge Slip CH.A.W

Saidu Sharif Swat

DEPARTMENT OF PEDIATRIC

Y. No 8003

Name Yaya Bacha Age	27m W1 7.5kg
iddiess is	
10/4 28-12-12 D/O/D 0 - 0	1-48.
Magnosis Preumonica /UTi	
TREATMENT IN HOSP	
my elatoran 250mg M TBs / Sy	P Bosteny 1/2 OSFa Bos
by Amphus 25 mg 1/1 Do/148	Surben 1/2 MF act.
Ment Nebuliz - Tos / syp onle	
Pomadol drops 1/2 dropper Sos./inj 1	Ay Zonate looney 1/2 / 16
TREATMENT IT HON	
My Claforen 250mg 1/4 Pla	(2) the of centre is
Hukond looms (C)38)	اعً على مذات
	Sign

1800 801 Evel dr. Johne

3-14-

C.H. W.A

Y. No. _____
Date____

Bed No.____

Syle Edward

P

if wit B 1/2 mg

OPD Medicine Requisition Slip Medicine Requisition from dispensary Monthly OPD Serial No... 160ahim

Phone#: 091 Result Tir		Dabgari Gard	Hospital	hawar :	Daily No.	
Patient Id	1728	Sex	Male	Age 1	Υ	
Name Y	ΆΗΥΑ				-	
Sample D	ate: 08-May	/-2013 6:22 pn	n	٠		
	By DR.A	BDUL HAME	ED		Amount	
1		XAMINATIO	N		60	
2		PH P/Sugar			100	
ني . ي			ا المارية المارية الماري	er Telak	100	

Signatur

خررمير يكاسنه

Ry (1) Jup. Bfm 2 plant (3) fyr Magina

Opp: Central Hospital Near Allah-o-Akbar Masjid Saidu Sharif Swat Ph # 0946-729940-729944-722587

Cardiplogist

Dr. Iftikhar Ahmad

MBBS (Pesti) MCPS, FCPS (Cardiology) MRCP I (UK)



ا يم ل في الحس (بطادر) المرى في الحس سايف كي المس (كارؤ يالورى) المجرآرى في الروح ـ كــــ)

Patient's Name Local House (Halya) Sex Age 212 Date

ECHO:

Sins Solitus Levo Carcha

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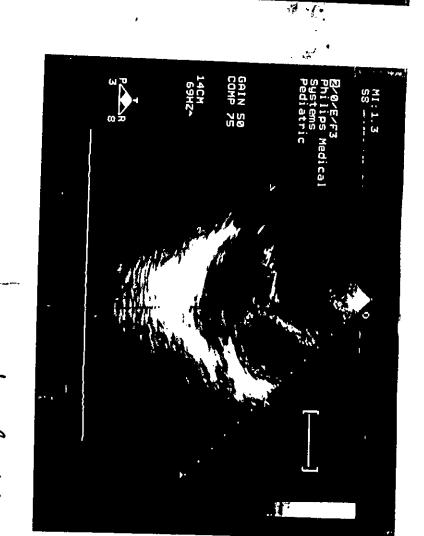
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OFFICE OF THE REGIONAL POLICE OFFICER, MALAKAND REGION, AT SAIDU SHARIF SWAT

ORDER:

This order will dispose off appeal of Ex-Constable Iqbal Hussain No. 1936 of Swat District for reinstatement in service.

Brief of the case is that the Ex-Constable Iqbal Hussain No. 1936 while posted to Police Station Kalam absented himself from his lawful duties without prior permission or leave vide DD No. 09 with effect from 06/12/2012 to 30/09/2013.

He was issued Charge Sheet alongwith statement of allegations and DSP/Madyan Swat was deputed as Enquiry Officer. The enquiry Officer conducted proper departmental enquiry against the delinquent officer and recorded the statements of all concerned officers. He was provided ample opportunity to present justification for his absence from lawful duties. After conducting proper departmental enquiry, the enquiry officer submitted his findings wherein he recommended the delinquent officer for major punishment. Consequently, he was issued final Show Cause Notice with the direction to submit his reply within seven days. He was called in Orderly Room on 26/08/2013, 09/09/2013, 16/09/2013, 23/09/2013 and on 30/09/2013, but he did not appear. Having perused his service record, it was crystal clear that the delinquenc Constable Iqbal Hussain No. 1936 is habitual absentee and is not interested to continue his service. For his unlawful and deliberate absence from duties, he has been dismissed from service vide OB No. 158, dated 30/09/2012.

He was called in Orderly Room on 21/08/2015 and heard him in person. The appellant did not produce any substantive materials in his defense. Therefore I uphold the order of District Police Officer, Swat, whereby the appellant has been awarded punishment of dismissal from service. The appeal being time barred too, is rejected.

Order announced

(AZAD KHAN) TSt, PSP Regional Police Officer, Malakand, at Saidu Sharif Swat

No. 6636 /E,

Dated 25 - 8 - /2015.

Copy to the District Police Officer, Swat with reference to his

office Memo: No. 4098/E, dated 16/03/2015.

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To

THE INSPECTOR GENERAL OF FOLICE KHYBER PUKHTUNKHWA PESHAWAR

IQBAL HUSSAIN S/O SHERGUL BADSHAH (sepahi/constable), Belt

No:1936, Swat Police (K.P)(Appelant).

Versus

1. D.P.O Swat District Swat . . (Respondent).

Appeal against the order of D.P.O Swat O.B-158 dated 30-09-2013, according to which.\ constable Iqbai Hussain, Belt # 1936, has been dismissed from service on account of prolong absentia.

Respectfully Shewith:

- That he applicant names above, is resident of Thana District Malakand. (1)
- (2) That the appellant was appointed as constable through a notification dated 22-H-2009.
- That the applicant has been dismissed from the police service vide order O.B. (3)No-158 dated 30-09-2013, on the ground of frequent absenting.
- (4)That the applicant is now requesting on the following grounds for reinstatement.
 - a. That the applicant under his belt number 1936, was serving at Chowki Matiltan, Kalam
 - b. That the applicant has been dismissed by D.P.O Swat from Police Service.
 - c. That the charges of being remaining absent from service in the dismissal order are leveled against the applicant by the enquiry officer are based on malafide, because, the applicant has neither been given any notice, which is against the Principles of natural Justice.

- d. That absenting from service was not intentional, because, his child was suffering from heart diseases (Medical record is annexed).
- e. That the applicant is the only male member of his family to each belong to a poor family of the vicinity.
- f. That the applicant be given last and final chance and be reinstated at his post in the interest of Public Service.

Prayers:

It is therefore, requested in your esteemed honour, that on acceptance of this appeal, that the applicant Iqbal Hussain, Constable belt number 1936 may kindly be reinstated in the in good interest of Public Service.

Dated: 08-09-2015

Your Sinceceiv.

Iqbal Hussain

S/O Shergul Badshah

R/O Thana District Malakand

Affidavit:

It is stated on oath that all the contents of this appeal are correct and true to the best of my knowledge and belief and nothing has been concealed.

Executant

Constable Iqbal Hussain, Belt Number 1936, Swat Police K.P.

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

_/16, dated Peshawar the 12 105/201

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber debunktiwa Police Rule-1975 submitted by Ex-Constable Igbal Hussain No. 1936. The then was awarded punishment of dismissal from service by DPO Swat vide OB No. 158, and a control 2013, on charges of absence for a period of 09 months and 24 days.

He preferred appeal before the RPO, Malakand which was examined and filed / rejected vide Oxder No. 6636/E. dated 25.08.2015.

Meeting of Appeal Board was held on 07.04.2016, wherein the appellant was heard in Has enquiry papers were also examined. On examination of record, it revealed that the Former absented himself for a period of 09 months and 24 days. His service length is 03 years iddrys. The impugned order of dismissal was passed in the year 2013 and he submitted report in the year 2015. His appeal is badly time barred. Therefore, the petition of the petitioner Negret by law and limitation and worth rejection.

This order is issued with approval by the Competent Authority.

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

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Copy of above is forwarded for information and necessary action to the:-

Regional Police Officer, Malakand Region Swa!

Diariet Police Officer, Swat.

PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.

PRO to IGP/Khyher Pakhtunkhyva, CPO Peshawar.

UA to Addl: IGP/IIQrs: Klayber Pakhtunkhwa, Peshawar.

155 to DIG/HQrs: Khyber Pakhtimkhwa, Peshawar.

Office Supdt: E-IV, CPO, Peshawar,

LC Central Registry Cell, (CRC), CPO.

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

APPEAL NO.	/(CS)/201 8
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Iqbal Hussain Ex-Constable, Belt No.1936, Swat Police, Khyber PakhtunKhwa, **R/o** Village Thana, Mahalah Khawar Gharhe, Butkhela, District Malakanad.

...APPELLANT

Versus

- 1. Inspector General of police Khyber Pakhtunkhwa, Central Police Office, Peshawar.
- 2. District Police Officer, Swat.
- 3. Regional Police Officer, Malakand Region, Saidu Sharif Swat.

...RESPONDENTS

APPLICATION FOR THE CONDONATION OF DELAY

Respectfully Sheweth,

- 1. That the Appellant/ Appellant has filed the instant petition for the condonation of delay, the contents of which may kindly be read as integral part of the accompanied appeal.
- 2. That the Appellant has a strong case on merit and therefore, the delay in filing the appeal can be condoned by this Tribunal in the interest of justice. Decision of cases on merit to be always encouraged instead of non suiting the litigants for technical reasons including limitation. [Reliance is placed on PLD 2003 SC 724, 2003 PLC (CS) 796 & 2002 PLC (CS) 1487].
- 3. That the Appellant/Appellant has been pursuing the remedy as per E&D Rules allow the appellant to file review appeal before the appellate authority in good faith being a poor person vigorously. Therefore, this Court may condone the delay in the interest of substantial justice.
- 4. That the appeal of the appellant has been rejected finally on merit.

PRAYER

It is humbly prayed before this Honourable Court to condone the delay in filing the accompanied appeal in the interest of justice.

Appellant/Petitioner

Through

(FAROOQ AHMAD SEEMAB)

Advocate High Court

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. ____/(CS)/2018

Iqbal Hussain Ex-Constable, Belt No.1936, Swat Police, Khyber PakhtunKhwa, **R/o** Village Thana, Mahalah Khawar Gharhe, Butkhela, District Malakanad.

...APPELLANT

Versus

- 1. Inspector General of police Khyber Pakhtunkhwa, Central Police Office, Peshawar
- 2. District Police Officer, Swat.
- 3. Regional Police Officer, Malakand Region, Saidu Sharif Swat.

...RESPONDENTS

APPLICATION FOR THE CONDONATION OF DELAY

AFFIDAVIT

I, Iqbal Hussain Ex-Constable, Belt No.1936, Swat Police, Khyber PakhtunKhwa, CNIC No. 15402-3319426-1, R/o Village Thana, Mahalah Khawar Gharhe, Butkhela, District Malakanad, do hereby solemnly affirm and declare that the contents of my M.P. for the condonation of delay are true and correct to the best of knowledge and belief.

Place: Islamabad

Deponent

The above affidavit is verified and attested today by me at Islamabad.

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مشر کروں گا۔ آگر بھی میٹی پر مظمر حاضر نہ ہوااور العرووس ما سعون شرط دليل مقرر كيا ب حاضر او تار اول گا اور یونت بیارے جانے و کیل صاحب موصوف کو اطلاع دے کر غیر عاضری کی وجہ سے سمی طور پر مقدمہ میرے خلاف ہو سمیا تو ساخب موصوف اس سے سمی طرح زمہ داریہ ہول کے۔ نیزو کیل ساخب موصوف صدر مقام پیری کے علاوہ کی اور جگہ یا بچری کے مقررہ او قات سے پہلے یاروز تعطیل بیروی کریج مجازت وں کے اگر مقد م کچری کے کمی اور جکہ ساعت ہونے پر یابروز کچری کے او قات کے آجے یا بچھے ہونے پر مظر کو کی نقصال بھتے تو زمد داریاس کے واسطے کی معاوضہ اواکرنے مخارنامہ والین کرنے کے میں صاحب موصوف ذمہ وارنہ آول کے۔ مجھے کل ساختہ پرواختہ صاحب مثل کروہ ذات خود منظور د قبول ہو گا اور صاحب موصوف کو عرضی د عوی اور در خواست اجرائے ڈکری و نظر نانی ایل تکر الی دائر کرنے نیز ہر متم ک ور خواست پر دستخط تصدیق کرنے کا می اختیار ہوگا۔ اور کسی علم یاؤگری کے اجرائے اور ہر قتم کاروپیہ وصول کرنے اور رسد دینے المرد وائن كرنے كا ہر قسم كا ميان دہے اور سرد تالتی وراضی نامہ زفيلہ پر خلاف كرنے و اقبال وعوى كا افتيار ہو گا اور بسورت ايل و برآمدگی مقدمه یا منسونی اگری یک طرف در خواست حکم اتما می یا ذکری یا ذکری قبل از فیعله اجرائے ذکری جی صاحب وصوف کو افرط اوالیکی علیدہ بیرون مخار نام کرنے کا مجاز ہوگا اور اجورت خرورت الیل یا ایل کے واسلے کی دوسرے وکی یا پر سر کو عاے اپ امراہ مقرر کریں اور ایسے مشیر قانونی کو مھی اس اسر میں وہی افقیارات حاصل وول کے جیسے ساخب مؤصوف کو بوری قیس تاری پیٹی سے پہلے ادانہ کروں گا تو صاحب کو پورااختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور الی عالت میں میرا مطالبہ صاحب موصوف کے مرخلاف نئیں ہوگا۔ لرزامخار نامہ لکھ دیاہے کہ سندرہے۔ مفرن مخارنا مسرس لیا ہے اور اسمی طرح سمجھ لیا ہے اور منظور ہے۔

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-d Accepted

FAROOQ AHMAD SEEMAB M.A.LL.B (Hons) Advocate High Court 6333 +0321 5173 073

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