

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Appeal No. 14/2018

Date of Institution ... 27.12.2017

Date of Decision ... 26.02.2019

Amir Zeb Ex-Constable No. 918 Mardan District. ... (Appellant)

VERSUS

The AIG Establishment for Inspector General of Police, Khyber
Pakhtunkhwa, Peshawar and two others. ... (Respondents)

Present.

Miss Uzma Syed,
Advocate.

... For appellant

Mr. Usman Ghani,
District Attorney

... For respondents.

MR. HAMID FAROOQ DURRANI,
MR. AHMAD HASSAN,

... CHAIRMAN
... MEMBER

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-

The appellant while posted as Constable at Police Lines Mardan, was proceeded against departmentally on account of his absence from duty and was dismissed from service through order dated 12.11.2014. His absence period was counted as leave without pay. The departmental appeal of appellant also could not find favour and was rejected on 29.12.2014. Further appeal/review petition was submitted before the Inspector General of Police,

Khyber Pakhtunkhwa Peshawar which was decided on 13.04.2016 and was rejected on the ground of limitation as well as on merit.

2. We have heard learned counsel for the appellant and learned District Attorney on behalf of the respondents and have also gone through the available record.

At the outset, learned District Attorney raised preliminary objection regarding the delay in submission of appeal in hand as well as the review petition of appellant before the departmental authority.

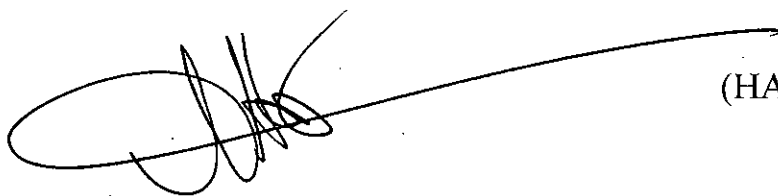
On the other hand, learned counsel for the appellant contended that the impugned order dated 12.11.2014 was void ab-initio, therefore, no period of limitation could run against the same. In the said regard she stated that while passing the impugned order the period of absence attributable to the appellant was converted into leave without pay, thereby, the alleged absence was tacitly condoned. It was also argued that the absence of appellant was not willful but was due to his ailment, therefore, was beyond his control. She relied on judgments reported as 2006-SCMR-434 and 2015-PLC(C.S)117.

3. We have considered the preliminary objection as well as arguments of learned counsel for the appellant and are of the view that the appeal in hand is patently barred by time. The departmental review petition of the appellant was rejected on 13.04.2016, where-after, he was obligated to have preferred a service appeal before this Tribunal within a period of 30 days which was not done so. The appeal in hand was filed on 27.12.2017 with enormous delay of about 20 months. An application for condonation of delay was also preferred

alongwith the memorandum of appeal, however, no good ground was noted therein for requisite condonation.

4. Adverting to the arguments of learned counsel regarding the impugned order being void, we must observe that portion of order, requiring the conversion of absence period as leave without pay, contained error but the same being curable would not render the entire proceedings against the appellant as void. Reliance is placed on a judgment of Larger Bench of this Tribunal handed down in Service appeal No. 332/2017, wherein, it was noted that the illegality in conversion of the absence period into leave would not enlarge the period of limitation unless the order was held to be void as a whole.

5. In the interest of justice, we hereby modify the impugned order to exclude the portion, wherein, the period of absence of appellant was counted as leave without pay. The appeal is, therefore, disposed of with the noted modification of impugned order. Parties are left to bear their respective costs. File be consigned to the record room.

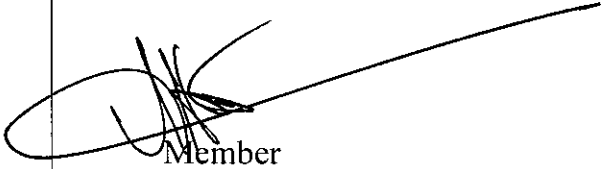



(AHMAD HASSAN)
MEMBER




(HAMID FAROOQ DURRANI)
CHAIRMAN

ANNOUNCED
26.02.2019

S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	26.2.2019	<p><u>Present.</u></p> <p>Miss Uzma Syed, .. For appellant Advocate Mr. Usman Ghani, ... For respondents District Attorney.</p> <p>Vide our detailed judgment of today, the appeal is disposed of. Parties are left to bear their respective costs. File be consigned to the record room.</p> <p> Member</p> <p> Chairman</p> <p><u>ANNOUNCED</u> 26.2.2019</p>

12.10.2018


Counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Atta-ur-Rehman, S.I (Legal) for the respondents present. Counsel for the appellant seeks adjournment. Granted. Case to come up for arguments on 23.11.2018 before D.B.

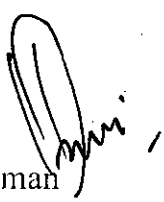

(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

23.11.2018

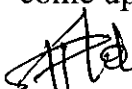
Counsel for the appellant and Addl. AG alongwith Attaur Rahman, Sub Inspector for the respondents present. Counsel for the appellant requests for adjournment. Other side has no objection. Adjourned to 24.01.2019 for arguments before D.B.


Member


Chairman

24.01.2019


Learned counsel for the appellant and Mr. Usman Ghani learned District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 26.02.2019 before D.B


Member


Member

05.03.2018

Clerk of the counsel for appellant and Assistant AG for the respondent present. Written reply not submitted. Learned Assistant AG requested for further time adjournment. Request accepted. To come up for written reply/comments on 20.03.2018 before S.B.


(Gul Zeb Khan)
Member

20.03.2018

Appellant alongwith counsel present. Mr. Kabir Ullah Khattak Additional AG alongwith Mr. Atta-ur-Rahman, S.I (Legal) for the respondent present. Written reply submitted. To come up for rejoinder and arguments on 28.05.2018 before D.B.


Member

28.05.2018

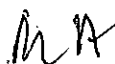
Appellant Amir Zeb, alongwith Miss. Uzma Syed, Advocate present. Mr. Usman Ghani, District Attorney alongwith Mr. Khalid Mehmood, Head Constable for the respondents present. Rejoinder submitted. Case to come up for arguments on 04.09.2018 before the D.B.

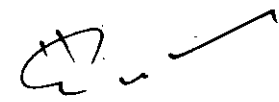

Member


Chairman

04.09.2018

Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney alongwith Mr. Atta Ur Rehman S.I legal for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 12.10.2018 before D.B.


(Muhammad Amin Kundi)
MEMBER



(Muhammad Hamid Mughal)
MEMBER

15.01.2018

Counsel for the appellant present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Police Department however, he was dismissed from service on the allegation of his absence from duty vide impugned order dated 11.11.2014. It was further contended that the competent authority has also considered his absence period as leave without pay therefore, the absence period has been regularized by the competent authority. It was further contended that the appellant also filed departmental appeal but the same was rejected vide order dated 29.12.2014. It was further contended that the appellant further filed mercy petition which was also dismissed on 13.04.2016 which was communicated to the appellant on 27.11.2017. It was further contended that the appellant thereafter filed instant service appeal within time. It was further contended that the appellant has also filed application for condonation of delay and since the absence period of the appellant has been regularized by the competent authority therefore, the impugned order is illegal and liable to be set-aside.



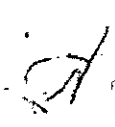
The contentions raised by learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to limitation and all legal exceptions. The appellant is directed to deposit and security and process fee within 10 days, thereafter notice be issued to the respondents for written reply/comments for 05.03.2018 before S.B.

Appellant Deposited
Security & Process Fee


(Muhammad Amin Khan Kundi)
Member

Form-A
FORM OF ORDERSHEET

Court of _____
Case No. 14/2018


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	3/1/2018	<p>The appeal of Mr. Aamir Zeb resubmitted today by Syed Nouman Ali Bukhari Advocate, may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p> REGISTRAR 3/1/18</p>
2-	04/01/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>15/01/18.</u></p> <p> CHAIRMAN</p> <p></p>

The appeal of Mr. Aamir Zeb Ex-Constable No. 918 Mardan District Police received today i.e. on 27.12.2017 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of departmental appeal and revision petition mentioned in the memo of appeal are not attached with the appeal which may be placed on it.
- 2- Annexures B & D of the appeal are illegible which may be replaced by legible/better one.

No. 2766 /S.T,

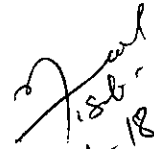
Dt. 28/12 /2017


REGISTRAR 28/12/17
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Uzma Syed Adv. Pesh.

Sir,

Objection were removed & file re-submitted.


3-1-18

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 14 /2018

Amir Zeb

V/S

Police Deptt:

INDEX

S.No.	Documents	Annexure	Page No.
1.	Memo of Appeal	-----	1-4
2.	Application for condonation of delay	-----	05-06
3.	Copy of medical prescription	-A-	07-26
4.	copy of impugned order	-B -	27
5.	Copy of rejection order dated	-C-	28
6.	Copy of order dated 18-04-2016	-D-	29
7.	Vakalat Nama	-----	30


APPELLANT

THROUGH:


(UZMA SYED)


SYED NOMAN ALI BUKHARI
(ADVOCATES, PESHAWAR)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 14 /2017

Khyber Pakhtukhwa
Service Tribunal

Diary No. 1457

Dated 27/12/2017

Amir Zeb , EX- Constable, No.918
Mardan District.

.....(Appellant)

VERSUS

1. The AIG Establishment for Inspector General of Police, KPK, Peshawar.
2. The Deputy Inspector General of Police, Mardan Region-I, Mardan.
3. The District Police officer Mardan.

.....(Respondents)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE REJECTION ORDER DATED 29.12.2014 OF RESPONDENT NO. 2 WHEREBY THE DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 12.11.2014 HAS BEEN REJECTED AND AGAINST THE ORDER DATED 18.04.2016 RECEIVED BY APPELLANT ON 27.11.2017 WHEREBY, THE REVIEW PETITION UNDER 11-A OF THE APPELLANT HAS BEEN REJECTED FOR NO GOOD GROUNDS.

Filed to-day

Registrar

27/12/17

PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDERS DATED 12.11.2014, 29.12.2014 AND 18.04.2016 RECEIVED BY APPELLANT ON 27.11.2017 MAY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED IN TO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

Re-submitted to -day
and filed.

Registrar

3/11/17

RESPECTFULLY SHEWETH:

FACTS:

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

1. That the appellant was appointed as Constable in Police and the appelland was performed his duties with entire satisfaction of his superiors and also has good service record throughout.
2. That the appellant had been seriously ill due to which appellant didn't performed his duties so the abscentia of the appellant was not willing full but due to serious illness. **The copy of medical prescription is attached as Annexur-A**
3. That, thereafter, the appellant was departmentally proceeded, without charge sheet, statement of allegation, regular inquiry and even without showcause notice, the impugned order dated 12.11.2014 was passed against the appellant whereby the appellant was dismissed from service while treating the absence period as leave without pay. The appellant been agrrieved from the impugned dismissal order preffered departmental appeal but the copy of the departmental appeal was not availiable with the appellant so the same will may be requisite from the department. **Copy of impugned order is attached as Annexure-B.**
4. That the departmental appeal of the appellant was rejected vide order dated 29.12.2014 for no good ground. Thereafter, the appellant filed review petition which was also rejected vide order dated 18.04.2016. The same was recived by appellant on 27.11.2017 **(Copy of rejection order and order dated 18.0o4.2016 is attached as Annexure-C & D).**
5. That now the appellant come to this august Tribunal on the following grounds amongst others.

GROUND:

- A) That the impugned orders dated 12.11.2014, 29.12.2014 and 18.04.2016 are against the law, facts, norms of justice and void-ab-initio as the period of absentia already condoned as leave without pay there is no more ground remained to punished appellant. So material on record, therefore not tenable and liable to be set aside.

- B) That the absence has already been condoned by treating the period as leave without pay and as such after that there remained no action to penalize the appellant.
- C) That no regular enquiry has been conducted nor the enquiry office is rebutted the plea of illness of the appellant because as medical prescription have not been cross examined from the concerned Doctor, and in case of any doubt the authority was required to refer the matter to Medical Board for their opinion. therefore, without adopting that procedure the impugned penalty order has been passed which is not sustainable in the eyes of law.
- D) That there is no order in black and white form to dispense with the regular inquiry which is violation of law and rules and without charge sheet, statement of allegation and proper inquiry the appellant was dismissed from the service vide order dated 12.11.2014 without given personal hearing which is necessary and mandatory in law and rules before imposing major penalty. So the whole procedure conducted has nullity in the eye of law. So the impugned order is liable to be set aside.
- E) That the appellant has been condemned unheard and has not been treated according to law and rules.
- F) That neither charge sheet, statement of allegation, show cause notice was served upon the appellant nor inquiry was conducted against the appellant, which was necessary and mandatory in law before imposing major punishment which is violation of law, rules and norms of justice.
- G) That the appellant has not been treated under proper law despite he was a civil servant of the province, therefore, the impugned order is liable to be set aside on this score alone.
- H) That the absent of the appellant was not intentionally but due to some domestic problem. So the penalty imposed upon the appellant was so harshed.
- I) That the appellant's guilt has not been proved beyond the shadow of doubt and the appellant has been punished on the basis of conjecture and surmises.
- J) That no chance of personal hearing was provided to the appellant and as such the appellant has been condemned unheard throughout.
- K) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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

اعظم زيب
APPELLANT
Amir Zeb

THROUGH:


(UZMA SYED)


(SYED NOMAN ALI BUKHARI)
ADVOCATES, PESHAWAR

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/201

Amir Zeb

V/S

Police Deptt

.....

**APPLICATION FOR CONDONATION
OF DELAY IN THE INSTANT APPEAL**

RESPECTFULLY SHEWETH:

1. That the instant appeal is pending before this Honourable Tribunal in which no date has been fixed..
2. That according to Superior Court Judgment there is no limitation run against the void order. So there is in interst of justice the limitation may be condoned.
3. That the august Supreme Court of Pakistan has held that decision on merit should be encouraged rather than knocking-out the litigants on technicalities including limitation. Therefore, appeal needs to be decided on merit (2003, PLD (SC) 724.
4. That, the appeal of the appellant on merit is good enough to be decided on merits.

It is therefore most humbly prayed that the instant appeal may be decided on merit by condoning the delay to meet the ends of justice.

امیر ذیب
APPELLANT

Amir Zeb

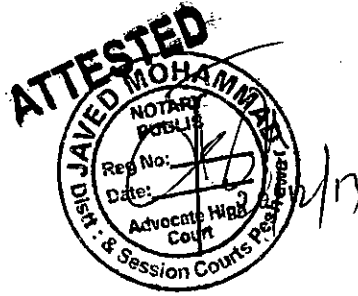
THROUGH:

UZMA SYED
(UZMA SYED)

SYED NOMAN ALI BUKHARI
(ADVOCATES, PESHAWAR)

AFFIDAVIT

It is affirmed and declared that the contents of appeal and application are true and correct to the best of my knowledge and belief and nothing has been concealed from Hon'able tribunal.




DEPONENT



هو الشافی

22

Ref: W-01

Date: 25-12-13

To Whom it May Concern

Mr. Ameer Zaib Khan S/O Hashim Gul is admitted here for the treatment of "Mental & Behavior Disorder due to Cannabinoid."

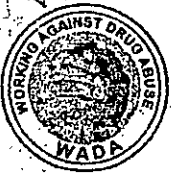
Pt is discharged on 25th Dec 2013.

- check up after 1 week is necessary (Free of cost consultancy)

(این سے کہہ کر لیں اور ایسی جگہاں کے لیے لائیں)

ATTESTED





وعدہ آرگنائزیشن

هو الشافی

23

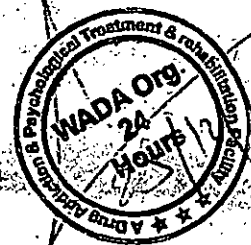
Ref. U D

Date. 25/12/13

TO WHOM IT MAY CONCERN

This is to certify that Mr. Ameer zaib S/O Hashim Gull has been under my care for the last four monts. He had been suffering from long-term Psychiatric illness, which is remitting and relapsing in nature. Currently he is in remission and have recovered from the illness. He is now fit to resume duties in Government / private service with effect from Dec 25th 2013. It is further advised that Mr. Ameer Zaib should remain in follow up with a specialist/consultant psychiatrist, so if there is any relapse of the illness it should be identified and treated timely as well as fitness to work could be re-evaluated. For any relevant query kindly refer to undersigned.

ATTESTED



051-2566057-224 1650 0333-5433822

www.wada.pk wada4life@gmail.com

وعدہ آرگنائزیشن

24

WADA CLINIC ISLAMABAD (Registered)

A Drug Addiction & Psychological Treatment & Rehabilitation Facility

contact us: 0333-5433822

Psychological Test Report Final

Ph: 051-2241650/4834530

AMEER ZAIB KHAN

TEST REPORT RISB:

RESULTS

weights

P3	<u>0</u>	P3	<u>0</u>
P2	<u>9</u>	P2	<u>1</u>
P1	<u>6</u>	P1	<u>2</u>
C1	<u>52</u>	C1	<u>4</u>
C2	<u>20</u>	C2	<u>5</u>
C3	<u>48</u>	C3	<u>6</u>
N	<u>0</u>	N	<u>3</u>
O	<u>nil</u>		<u>40/40-C</u>

Mild 135
 Moderate 140 - 145
 Severe 165 - 175

CONCLUSION

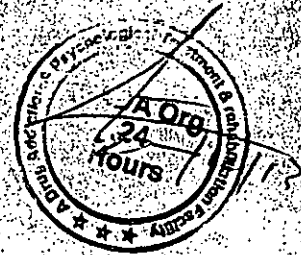
Obtain score 141

Mild

Moderate

Severe

Impression: Maladjustment



Signature

ATTESTED

From: The District Police Officer,
Mardan

To:

The *Accountant General*

of Khuzdar, Pakistan Khuzdar Peshawar

No. *975*

IA. Dated: Mardan the

15/1/2014

Subject:

TRANSFER OF GP FUND BALANCE IN R/O

Control AMER 2EB No 243

P No 38386 S. V. No. M 2 2655/2013

Memo:

The above named Officer was remained posted under your audit jurisdiction for the period noted as under:

Name of District

Period

Elite Peshawar 30/11/2010 to 30/9/12

Now he has applied for the transfer of his GP Fund Balance to District Account Office Mardan

It is therefore requested that his GP Fund balance may please be transferred to the District Account Office Mardan under intimation to all concerned at an early date.

[Signature]
District Police Officer,
Mardan

No. *IA*

Copy of above is forwarded for information and necessary

action to the:-

1-
2-

Commandant Elite Force Peshawar

They are requested to send necessary information regarding L.F.D. and No advance Certificate may please be furnished to DAO for further necessary action.

District Police Officer,
Mardan

[Signature]
ATTESTED

3

KAMRAN KHAN CLINIC UMERZAI

Registration#3384,Lic#906-n

Registration#11487-N

Dr. Muhammad Yunas Khan

M.B.B.S

F.R.M.P(U.K)

Phone#091-6610427

Cell:0315-9544207

Dr. Muhammad Kamran Khan

M.B.B.S

Date: 10/11/12

12780

Q Risperidol
2

Q bupropion
57

Q
57

Q Dosepin
57

Q
57

Q
57

Q
57

ATTESTED

تاریخ روز اتوار

26



WADA CLINIC ISLAMABAD (Registered)

A Drug Addiction & Psychological Treatment & Rehabilitation Facility

contact us: 0333-5433822

Psychological Test Report Final

Ph: 051-2241650/4834530

AMEER ZAIB KHAN

TEST REPORT BDI:

RESULTS

7

Range of Depression

0 - 10 (nil)

11 - 16 (mild)

17 - 16 (Border line)

31 - 40 (severe)

40 - on words (extreme)

Impression

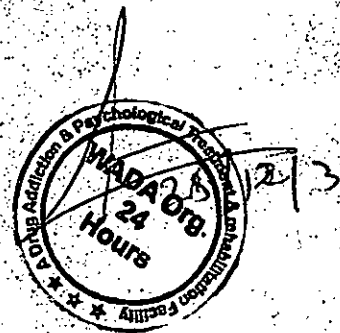
No depressions found

TEST REPORT SDS:

Results 5.5

Impression:

Showing Moderate Range of Intensity of Drug Dependence Level



ATTESTED

Signature

ATTESTED

Annex B
27

ORDER

Constable Amir Zeb No. 918, while posted at Police Lines Mardan committed the following act, which is gross misconduct on his part as defined in Rules 02 (iii) Police Rules 1975.

Brief facts are that Constable Amir Zeb No. 918, posted at Police Lines Mardan, deliberately absented himself from the lawful duty vide DD No. 60 dated 04.02.2014 to-date.

In this connection, Constable Amir Zeb No. 918, was charged sheeted vide this office No. 496/R, dated 24.02.2014 and he was also proceeded against departmentally through Mr: Sajjad Khan DSP/Talhi Bhar Mardan, who after fulfilling necessary process, submitted his findings to the undersigned vide his office endorsement No. 473/S dated 30.10.2014, in which the allegations have been established against him.

After going through inquiry file the undersigned agree with the findings of enquiry officer and the alleged Constable Amir Zeb No. 918, is hereby dismissed from service while his absence period counted as leave without pay, in exercise of the power vested in me under Police Rules 1975.

Order announced

O.B No. 52829

Dated 11/11/2014

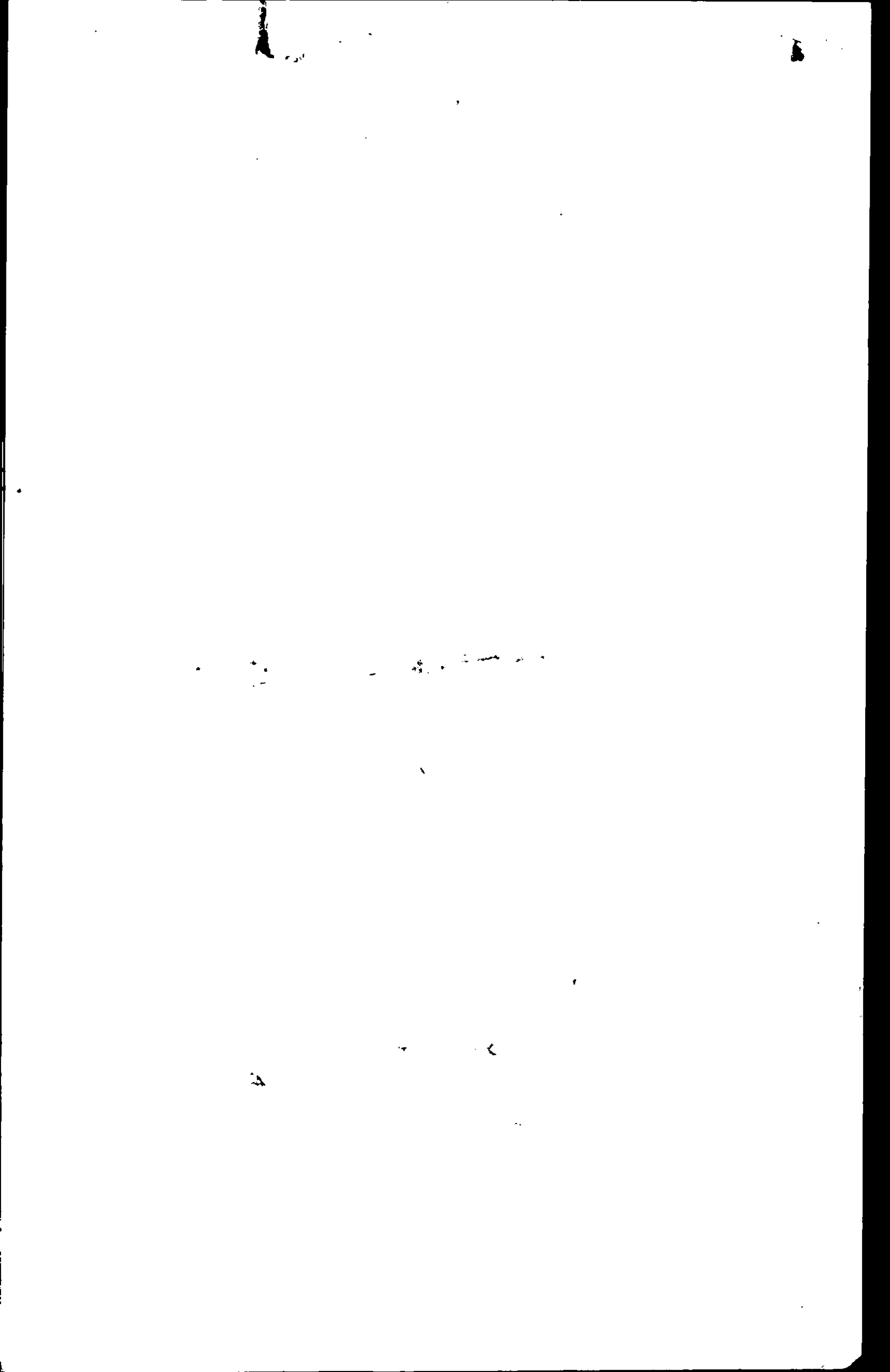
(Signature)
(G. Afzal Mughal)
District Police Officer,
Mardan.

No. 11254-SP R dated Mardan the 12/11/2014

Copy for information and necessary action to:-

1. The Deputy Inspector General of Police Mardan Region-1, Mardan.
2. The S.P Operations, Mardan.
3. The DSP/HQrs Mardan.
4. The Pay Officer (DFO) Mardan.
5. The E.C (DPO) Mardan.
6. The OASI (DPO) Mardan.

ATTESTED



ORDER

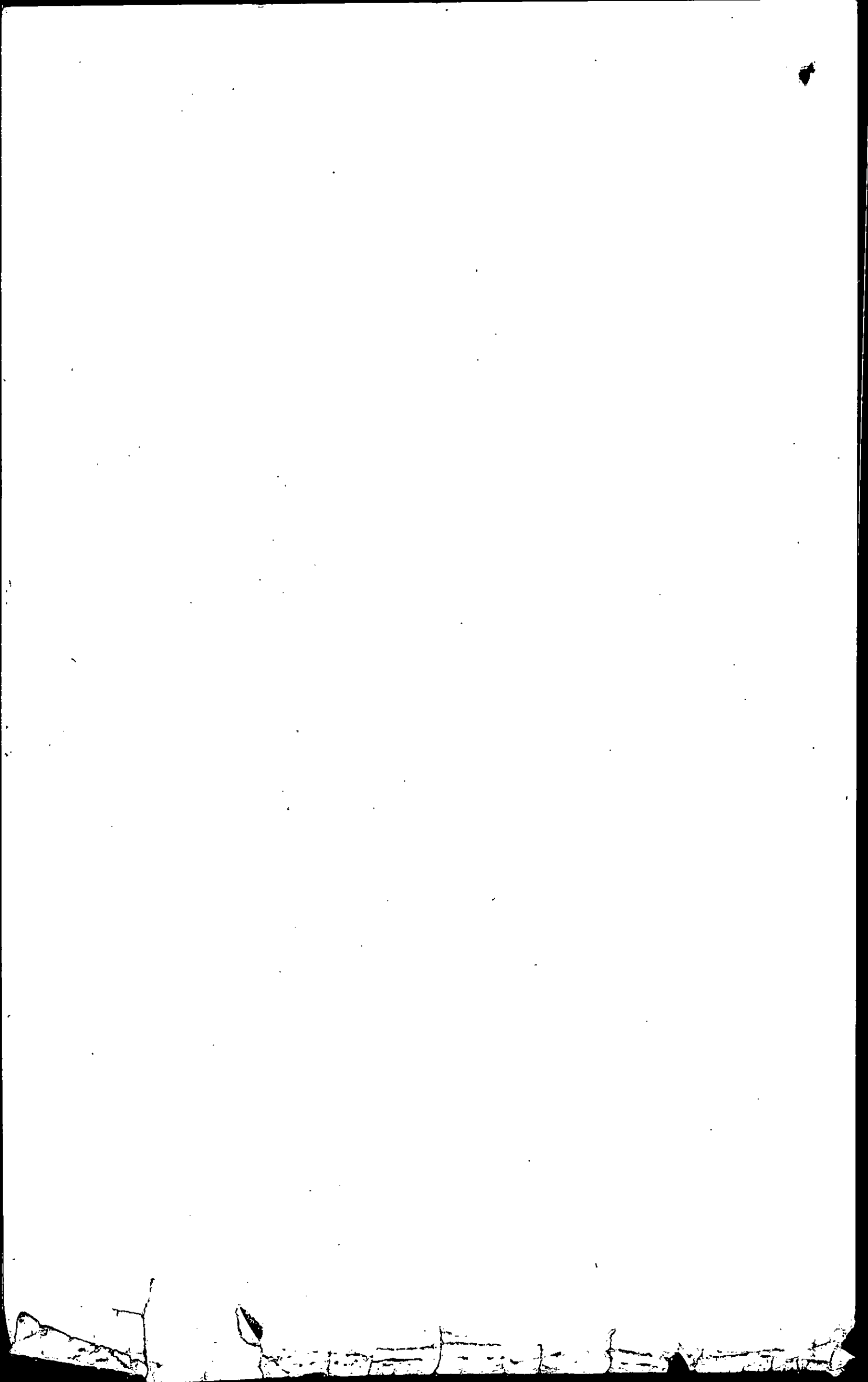
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Brief fact are that Constable Amir Zeb No. 918, are posted at Police Lines Mardan, deliberately absented himself from the lawful duty vide DD No. 60 dated 04.02.2014 to date.

In this connection, constable Amir Zeb No.918, was charge sheeted vide this office No. 496/R, Dated 24.02.2014 and he was also proceeded against departmentally through Mr. Sajjad Khan DSP/Takht Bhai Mardan, who after fulfilling necessary process submitted his findings to the undersigned vide his office endorsement NO, 473/s dated 30.10.2014, in which the allegations have been establishment against him.

After going through inquiry file the undersigned agree with the findings of enquiry officer and the alleged constable Amir Zeb No, 918 is hereby dismissed from service while his absence period is counted as leave without pay in exercise of power vested in me under Police Rules 1975.

DISTRICT POLICE OFFICER
Mardan.



28
Amir - C

ORDER.

This order will dispose-off the appeal preferred by Ex-Constable Amir Zeb No. 918 of Mardan District Police against the order of District Police Officer, Mardan wherein he was dismissed from service vide District Police Officer, Mardan OB No. 2239 dated 11.11.2014.

Brief facts of the case are that, he while posted at Police Lines, Mardan, deliberately absented himself from the lawful duty vide daily diary No. 60 dated 04.02.2014 to the date of dismissal. In this connection he was charge sheeted and was also proceeded against departmentally through Deputy Superintendent of Police, Takht Bhai Mardan, who after fulfilling necessary process submitted his findings to District Police Officer, Mardan, in which the allegations were established against him. After going through inquiry file, District Police Officer, Mardan agreed with the findings of enquiry Officer and the alleged Constable was dismissed from service.

It is further added that there is nothing on record to show that appellant had proceeded to Islamabad "WADA" Hospital/Organization for his treatment rather he should have to produce Medical Prescriptions pertaining to his treatment of "WADA" Hospital. While the appellant has produced only medical prescriptions which are issued by a Medical Officer of District Headquarter, Hospital Mardan on 03.02.2014, 13.02.2014, 03.03.2014, 17.03.2014 respectively. Vide those prescriptions, he was advised 2/2 weeks rest while he remained absent from 04.02.2014 to 09.09.2014. On one hand he has taken the plea that he had proceeded to Islamabad WADA Hospital but on the other hand he has produced medical prescriptions of medical Officer at District Headquarter, Hospital Mardan. It clearly indicates that he has got those medical prescriptions from a Doctor only to cover his absence period from 04.02.2014 to 17.03.2014 which is also not countersigned by concerned Medical Superintendent. It is also worth mentioning here that vide certificate dated 24.12.2013, the appellant was issued medical fitness certificate by "WADA" organization as he was found fit to resume his duty with effect from 25.12.2013.

I have perused the record and also heard the appellant in Orderly Room held in this office on 24.12.2014, but he failed to justify his absence period and could not produce any cogent reason about his absence. Therefore, I MUHAMMAD SAEED Deputy Inspector General of Police, Mardan Region-I, Mardan in exercise of the powers conferred upon me reject the appeal and do not interfere in the order passed by the competent authority, thus the appeal is filed.

ORDER ANNOUNCED.

ATTESTED

(Signature)
(MUHAMMAD SAEED)PSP
Deputy Inspector General of Police,
Mardan Region-I, Mardan.

No. 8561 /ES, Dated Mardan the 27 - 12 - /2014.

Copy to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No. 991/LB dated 02.12.2014. His service record is returned herewith.



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

No. S: 2934 /16, dated Peshawar the 18 /04/2016.

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-Constable Amir Zeb No. 918. The appellant was awarded punishment of **dismissal** from service by DPO Mardan vide OB No. 2239 / EC, dated 11.11.2014, on charges that he absented himself for a period of 07 months and 05 days.

He was also **dismissed** from service on the charges of absence vide OB 684, dated 02.03.2013.

He preferred appeal before the RPO Mardan which was accepted and he was re-instated into service due to his poor family circumstances and the period he remained out of service was treated as leave without pay vide order No. 343 ES, dated 17.01.2014.

His next appeal was filed by DIG / Mardan vide Order No. 8561 ES, dated 29.12.2014.

Meeting of Appeal Board was held on **06.10.2015**, wherein the appellant was heard in person. The enquiry papers were also examined. On examination of record, it revealed that he absented himself for a long period of 07 months and 05 days. He has also 14 bad entries on his record. He is habitual absentee and previously was awarded major punishment on the charges of absence. His appeal is also time barred. Therefore, the board is of the opinion that instant review petition of the appellant was rejected on grounds of limitation and merit as well.

This order is issued with approval by the Competent Authority.

Najeeb
(NAJEEB-UR-RAHMAN)

AIG Establishment.

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

No. S: 2935-42 /16.

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

1. Regional Police Officer, Mardan Region Mardan.
2. District Police Officer, Mardan.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PRO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV, CPO, Peshawar.
8. IC Central Registry Cell, (CRC), CPO.

received
on 27 /11
2017

ATTESTED

RECEIVED

VAKALAT NAMA

NO. _____/20 .

IN THE COURT OF K.Pok Service Tribunal, Peshawar

Amir Zeb

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Police Deptt

(Respondent)
(Defendant)

I/~~We~~, Amir Zeb

Do hereby appoint and constitute **Syed Noman Ali Bukhari and Uzma Syed, Advocates Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20

Amir Zeb
(CLIENT)

ACCEPTED

Syed Noman Ali Bukhari
SYED NOMAN ALI BUKHARI
Advocate, Peshawar.

Uzma Syed
&
UZMA SYED
Advocate, Peshawar.

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.

Service Appeal No. 14/2018.

Ameer Zeb (Ex-Constable No. 2643).....Appellant.

VERSUS.

District Police Officer, Mardan & others.....Respondents.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:-

1. That the appellant has not come to this Honourable Tribunal with clean hands.
2. That the appellant has got no cause of action.
3. That the appellant has concealed material facts from this Honourable Tribunal.
4. That the appellant is estopped by his own conduct, by law to bring the instant appeal.
5. That the present appeal is bad in its present form hence not maintainable and liable to be dismissed.
6. That the appeal is bad due to non-joinder of necessary parties and mis-joinder of unnecessary parties.
7. That the instant appeal is badly barred by law & limitation.

REPLY ON FACTS.

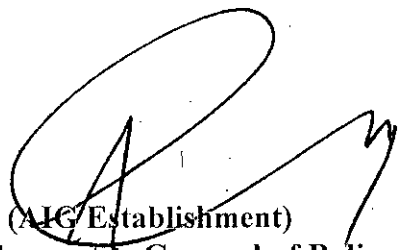
1. Correct to the extent of appointment as constable, however, his service record speaks otherwise to the later part of this Para. **(Copies of red/bad entries are attached as annexure-A).**
2. Incorrect. The appellant had deliberately absented himself. The medical prescriptions annexed with the instant petition are fake and could not be relied upon at this belated stage. The rules/law provide proper procedure for earning leave, medical or otherwise, from the competent authority which the appellant did not adopt.
3. Incorrect. The appellant was issued Charge Sheet No. 496/R, dated 24.02.2014 and proceeded against departmentally through the then DSP/Takht Bhai Mr. Sajjad Khan who after fulfillment of all codal formalities, recommended the appellant for major penalty. **Besides**, he was also heard in Orderly Room on 24.12.2014 by the respondent No. 2, being appellate authority, but the appellant could not present cogent reasons in his defence, consequently, the appellant's appeal was rejected. **(Copies of Charge Sheet, statement of allegations and Dismissal order are attached as Annexure- B & C).**
4. Incorrect. The appellant's departmental appeal, while after being heard in Orderly Room on 24.12.2014 and his failure to defend himself plausibly, was rejected vide order No. 8561/ES dated 29.12.2014 by the respondent No. 02. **Besides**, the appellant's review petition to the W/IGP (respondent No. 01) was also rejected on legal grounds. **(Copies of departmental appeals rejection by W/DIG Mardan and W/IGP KPK are attached as Annexure-D & E).**
5. Incorrect. The appellant holds no grounds, legal or moral, to stand hereon in this Honourable Tribunal.

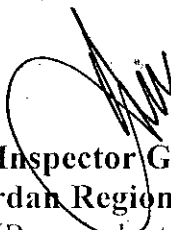
REPLY ON GROUNDS:-

- A. Incorrect. The impugned orders are just, legal, in accordance with facts & material on record, hence, tenable in the eye of law.
- B. Incorrect. The penalty of treating appellant's absence period as leave without pay is based on the principle of "No Work No Pay".
- C. Incorrect and is already replied Para-2 above.
- D. Incorrect. The appellant has been treated as per rules/law which is cited in Para-3 & 4 above.
- E. Incorrect. The appellant was found guilty of grievous misconduct, hence, called upon in Orderly Room by respondent No. 02 but appellant had failed to defend himself and punished as he deserved.
- F. Incorrect. This Para is already replied in preceding Para-3 above.
- G. Incorrect. The appellant, being Police officer was dealt under Special Law i.e Police Rules, 1975.
- H. Incorrect & baseless, hence, denied.
- I. Incorrect. Appellant has committed gross misconduct and punished as per rules/law.
- J. Incorrect. The appellant was provided all opportunities of defence & dealt in accordance with rules/ law.
- K. The respondents also seek permission to raise additional grounds, if any, at the time of arguments.

PRAYER:-

It is, therefore, prayed that the instant appeal, being badly time-barred & devoid of merits, is worth dismissal.


(AIG Establishment)
**For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.**
(Respondent No. 01)


**Deputy Inspector General of Police,
Mardan Region-I, Mardan**
(Respondent No. 02)


**District Police Officer,
Mardan**
(Respondent No. 03)

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

Service Appeal No. 14/2018.

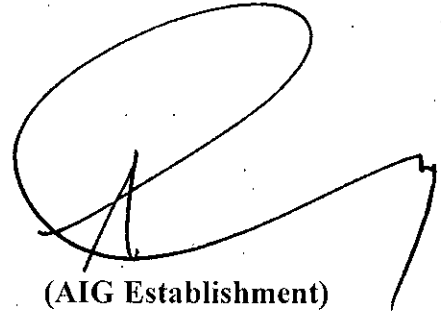
Ameer Zeb (Ex-Constable No. 2643).....Appellant.

VERSUS.

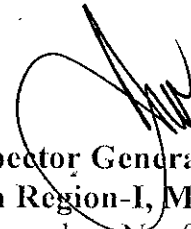
District Police Officer, Mardan
& others.....Respondents.

AUTHORITY LETTER.

Mr. Atta-ur-Rahman Sub-Inspector Legal, (Police) Mardan is hereby authorized to appear before the Honourable Service Tribunal, Khyber Pakhtunkhwa, Peshawar in the above captioned service appeal on behalf of the respondents. He is also authorized to submit all required documents and replies etc. as representative of the respondents through the Addl: Advocate General/Govt. Pleader, Khyber Pakhtunkhwa Service Tribunal, Peshawar.



**(AIG Establishment)
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 01)**



**Deputy Inspector General of Police,
Mardan Region-I, Mardan
(Respondent No. 02)**



**District Police Officer,
Mardan
(Respondent No. 03)**

RECOMMENDATORY ENTRIES

Serial No.

Dismissal order

Awarded a Major punishment

of dismissal from Police Force

with effect from 27-12-2012

with immediate effect

OB No: 684

2-3-013

AW
For DPO/MR

ORDER

He is re-instated in service

with immediate effect. Period he remained

out of duty is treated as leave w/o pay. He

may be posted with unarmed duty till

he recovered in full. vide DIG Mardan

Endst. no. 343/es, dt. 17-1-2014

and pay fixed Rs. 6700=1pm.

OB No. 196

DI- 21-1-14.

[Signature]
District Police Officer
Mardan

⑩

16. LEAVE, ABSENCE AND BREAKS IN SERVICE

All periods not counting as "approved service" to be entered in red ink.

Sham P. 22
 SUPERINTENDENT ELITE FORCE
 KHYBER PAKHTUNKHWA

1 DATE		2 EXTENT			3	4
From	To	Years	Months	Days	No. of District Order	Description of leave i. e. privilege, hospital, sick leave, or furlough, or of absence, or forfeiture of approved service. All entries to be initialled, by Superintendent of Police.
				①	807 23-2-10	Leave w/o pay DPo/MR
				③①	1427 28-4-10	F/Leave DPo/MR
				③	1877 22-5-10	Leave w/o pay DPo/MR
				①	1843 2-6-10	do DPo/MR
				③	3270 26-8-10	do DPo/MR
				②	3286 27-8-10	do DPo/MR
				①	3303 27-8-10	do DPo/MR
				②①	4008 14-10-10	do DPo/MR
				②①	4066 14-7-10	do DPo/MR
				③	4205 28-7-10	do DPo/MR
				②	4443 22-11-10	do DPo/MR
				①	4650 7-12-10	do DPo/MR
				③	4961 30-12-10	do DPo/MR
				⑤②	35 2-1-13	do DPo/MR


CHARGE SHEET UNDER NWFP POLICE RULES 1975

I, **Gul Afzal Khan** District Police Officer, Mardan as competent authority hereby charge you **Constable Amir Zeb No. 918**, as follows.

That you constable, while posted at Police Lines Mardan, deliberately absented himself from the lawful duty vide DD No. 60 dated 04.02.2014 to-date without any leave / permission of the competent authority. You are recommended for departmental action by DSP/HQrs, Mardan vide his office letter No. 161, dated 18.02.2014.

This amounts to grave misconduct on your part, warranting departmental action against you, as defined in section - 6 (1) (a) of the NWFP Police Rules 1975.

1. By reason of the above, you appear to be guilty of misconduct under section - 02 (iii) of the NWFP Police Rules 1975 and has rendered yourself liable to all or any of the penalties as specified in section - 04 (i) a & b of the said Rules.
2. You are therefore, directed to submit your written defense **within seven days** of the receipt of this charge sheet to the enquiry officer.
3. Your written defence 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, an ex-parte action shall follow against you.
4. Intimate whether you desired to be heard in persons.


(GUL AFZAL KHAN)
District Police Officer,
Mardan.

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

No. 496 /R/D.A-P.R-1975.

Dated 24-02- /2014

DISCIPLINARY ACTION UNDER NWFP POLICE RULES - 1975

I, Gul Afzal Khan District Police Officer, Mardan as competent authority am of the opinion that Constable Amir Zeb No. 918, rendered himself liable to be proceeded against as he committed the following acts/omission within the meaning of section-02 of NWFP Police Rules 1975.

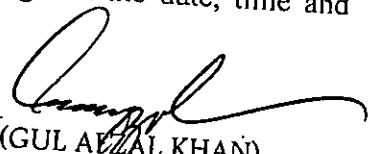
STATEMENT OF ALLEGATIONS

That Constable Amir Zeb No. 918, while posted at Police Lines Mardan, deliberately absented himself from the lawful duty vide DD No.60 dated 04.02.2014 to-date without any leave / permission of the competent authority. He is recommended for departmental action by DSP/HQrs, Mardan vide his office letter No. 161, dated 18.02.2014.

2. For the purpose of scrutinizing the conduct of the said official with reference to the above allegations Sajjad Khan DSP/TBI Mardan is appointed as Enquiry Officer.

3. The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record its findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

4. The accused officer shall join the proceedings on the date, time and place fixed by the Enquiry Officer.


(GUL AFZAL KHAN)
District Police Officer,
Mardan

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

No. 496 /R, dated Mardan the 24-02- /2014.

Copy of above is forwarded to the:

1. DSP/TBI Mardan for initiating proceedings against the, accused official / Officer namely Constable Amir Zeb No. 918, under Police Rules, 1975.
2. Constable Amir Zeb No. 918, with the directions to appear before the Enquiry Officer on the date, time and place fixed by the enquiry officer for the purpose of enquiry proceedings.

***** !!! *****

DEPARTMENTAL ENQUIRY AGAINST CONSTABLE AMIR ZEB NO.918 THEN POSTED AT POLICE LINES MARDAN.

This Departmental enquiry was initiated against constable Amir Zeb No.918, while posted at Police Lines Mardan, absented himself from his duty vide DD No.60 dated 4.2.2014, without any leave/ permission of the competent authority. Thus he was recommended for departmental action by DSP/HQrs: Mardan vide his office letter No.161/R, dated 18.2.2014. Subsequently he was served with charge sheet along with statement of allegation by DPO/Mardan vide No.496/R, dated 24.2.2014 and the undersigned was appointed as enquiry officer.

PROCEEDINGS:-

From the perusal of enquiry papers the defaulter Constable Amir Zeb No.918 was summoned time and again to the office, but he failed to appear before the undersigned. At last his father appeared instead of him, before the undersigned.

The father of defaulter constable Amir Zeb stated that his son Amir Zeb suffering from a chronic disease and has remained under treatment during his absence period. He produced medical prescriptions regarding his son illness. He further added that he has also met with the Worthy DIG/Mardan and told the hole story to him as well. According to him Worthy DIG/Mardan re-instated his son Constable Amir Zeb No.918 in service.

It is pertinent to mention here that according to the list of constables Re-instated in service received to this office, Constable Amir Zeb No.918 has been re-instated in service at serial No.20 (attached). His absence period according to that list was 562 days.

FINDINGS:-

Keeping in view the above circumstances the enquiry papers is submitted herewith for your kind perusal please.

No. 473 /S.
Dt: 30/10/2014.


(SAJJAD AHMAD)
(Deputy Superintendent of Police,
Takin Bhai Sub-Division,

o.P.H.
put up his previous record
Ok
5.11

He is dismissed from
service Ok
7.11

ORDER

Constable Amir Zeb No. 918, while posted at Police Lines Mardan committed the following act, which is gross misconduct on his part as defined in Rules 02 (iii) Police Rules 1975.

Brief facts are that Constable Amir Zeb No. 918, are posted at Police Lines Mardan, deliberately absented himself from the lawful duty vide DD No. 60 dated 04.02.2014 to date.

In this connection, Constable Amir Zeb No. 918, was charged sheeted vide this office No. 496/R, dated 24.02.2014 and he was also proceeded against departmentally through Mr: Sajjad Khan DSP/Takht Bhai Mardan, who after fulfilling necessary process, submitted his findings to the undersigned vide his office endorsement No. 473/S dated 30.10.2014, in which the allegations have been established against him.


After going through inquiry file the undersigned agree with the findings of enquiry officer and the alleged Constable Amir Zeb No. 918, is hereby dismissed from service while his absence period counted as leave without pay, in exercise of the power vested in me vide Police Rules 1975.

Order announced

O.B No. 2239

Dated 11 / 11 / 2014

No. 1254-SP dated Mardan the 12 / 11 / 2014


(Gazi Afzal Khattak)
District Police Officer,
Mardan.

Copy for information and necessary action to:-

1. The Deputy Inspector General of Police Mardan Region- I, Mardan.
2. The S.P Operations, Mardan.
3. The DSP/HQ's Mardan.
4. The Pay Officer (DPO) Mardan.
5. The E.C (DPO) Mardan.
6. The OASI (DPO) Mardan.

ORDER.


This order will dispose-off the appeal preferred by Ex-Constable Amir Zeb No. 918 of Mardan District Police against the order of District Police Officer, Mardan wherein he was dismissed from service vide District Police Officer, Mardan OB No. 2239 dated 11.11.2014.

Brief facts of the case are that, he while posted at Police Lines, Mardan, deliberately absented himself from the lawful duty vide daily diary No. 60 dated 04.02.2014 to the date of dismissal. In this connection he was charge sheeted and was also proceeded against departmentally through Deputy Superintendent of Police, Takht Bhai Mardan, who after fulfilling necessary process submitted his findings to District Police Officer, Mardan, in which the allegations were established against him. After going through inquiry file, District Police Officer, Mardan agreed with the findings of enquiry Officer and the alleged Constable was dismissed from service.

It is further added that there is nothing on record to show that appellant had proceeded to Islamabad "WADA" Hospital/Organization for his treatment rather he should have to produce Medical Prescriptions pertaining to his treatment of "WADA" Hospital. While the appellant has produced only medical prescriptions which are issued by a Medical Officer of District Headquarter, Hospital Mardan on 03.02.2014, 18.02.2014, 03.03.2014, 17.03.2014 respectively. Vide those prescriptions, he was advised 2/2 weeks rest while he remained absent from 04.02.2014 to 09.09.2014. On one hand he has taken the plea that he had proceeded to Islamabad WADA Hospital but on the other hand he has produced medical prescriptions of medical Officer at District Headquarter, Hospital Mardan. It clearly indicates that he has got those medical prescriptions from a Doctor only to cover his absence period from 04.02.2014 to 17.03.2014 which is also not countersigned by concerned Medical Superintendent. It is also worth mentioning here that vide certificate dated 24.12.2013, the appellant was issued medical fitness certificate by "WADA" organization as he was found fit to resume his duty with effect from 25.12.2013.

I have perused the record and also heard the appellant in Orderly Room held in this office on 24.12.2014, but he failed to justify his absence period and could not produce any cogent reason about his absence. Therefore, I MUHAMMAD SAEED Deputy Inspector General of Police, Mardan Region-I, Mardan in exercise of the powers conferred upon me reject the appeal and do not interfere in the order passed by the competent authority, thus the appeal is filed.

ORDER ANNOUNCED.


(MUHAMMAD SAEED) PSP
Deputy Inspector General of Police,
Mardan Region-I, Mardan.

OB
DSP/ Legal
D.O./ E.C./ A.P.S.
J. m's
D.P./ Mardan No. 8561 /ES, Dated Mardan the 29 - 12 - /2014.

Copy to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No. 991/LB dated 02.12.2014. His service record is returned herewith.



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

No. S/ 2834 /16, dated Peshawar the 13/04/2016.

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-Constable Amir Zeb No. 918. The appellant was awarded punishment of dismissal from service by DPO Mardan vide OB No. 2239 / EC, dated 11.11.2014, on charges that he absented himself for a period of 07 months and 05 days.

He was also dismissed from service on the charges of absence vide OB 684, dated 02.03.2013.

He preferred appeal before the RPO Mardan which was accepted and he was re-instated into service due to his poor family circumstances and the period he remained out of service was treated as leave without pay vide order No. 343/ES, dated 17.01.2014.

His next appeal was filed by DIG / Mardan vide Order No. 8561/ES, dated 29.12.2014.

Meeting of Appeal Board was held on 06.10.2015, wherein the appellant was heard in person. The enquiry papers were also examined. On examination of record, it revealed that he absented himself for a long period of 07 months and 05 days. He has also 14 bad entries on his record. He is habitual absentee and previously was awarded major punishment on the charges of absence. His appeal is also time barred. Therefore, the board is of the opinion that instant review petition of the appellant was rejected on grounds of limitation and merit as well.

This order is issued with approval by the Competent Authority.

Najeeb
(NAJEEB-UR-RAHMAN)
AIG Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

No. S/ 2835-42 /16.

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

1. Regional Police Officer, Mardan Region Mardan.
2. District Police Officer, Mardan.
3. PSO to IGP, Khyber Pakhtunkhwa, CPO Peshawar.
4. PRO to IGP, Khyber Pakhtunkhwa, CPO Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG-HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: I-IV, CPO, Peshawar.
8. I.C. Central Registry Cell. (CRC), CPO.

received on 27-11-2017

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

Service Appeal No. 14/2018.

Ameer Zeb (Ex-Constable No. 2643).....Appellant.

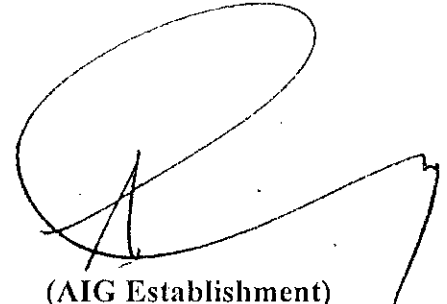
VERSUS.

District Police Officer, Mardan

& others.....Respondents.

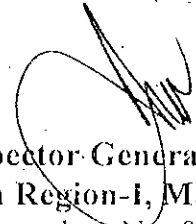
AUTHORITY LETTER.

Mr. Atta-ur-Rahman Sub-Inspector Legal, (Police) Mardan is hereby authorized to appear before the Honourable Service Tribunal, Khyber Pakhtunkhwa, Peshawar in the above captioned service appeal on behalf of the respondents. He is also authorized to submit all required documents and replies etc. as representative of the respondents through the Addl: Advocate General/Govt. Pleader, Khyber Pakhtunkhwa Service Tribunal, Peshawar.



**(AIG Establishment)
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.**

(Respondent No. 01)



**Deputy Inspector General of Police,
Mardan Region-I, Mardan
(Respondent No. 02)**

BEFORE THE KPK, SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 14/2018

Ameer Zeb

VS

Police Deptt:

.....

REJOINDER ON BEHALF OF APPELLANT

.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

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

FACTS:

- 1 Admitted correct by the respondents as the service record is laying in the custody of the respondents.
- 2 Incorrect. While para-2 of the appeal is correct as mentioned in the main appeal of the appellant. Moreover, the procedure for the examination of the medical prescription is that the enquiry was conducted and medical board examine the medical prescription and then decided the truthfulness of the medical prescription. In case of the appellant no procedure has been followed.
- 3 Incorrect. No Final show cause notice was not served to the appellant and also not annexed with the reply.
- 4 Incorrect. While para-4 of the appeal is correct as mentioned in the main appeal of the appellant. Moreover, the impugned orders were never communicated to the appellant.

*Plan m file.
9/5/18*

5 The appellant has good cause of action to file the instant appeal which is liable to be accepted on the following grounds.

GROUND:

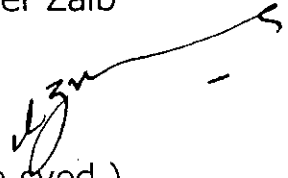
- A) Incorrect. The orders of the respondents are against the law, rules and norms of justice therefore not tenable and liable to be set aside.
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- C) Incorrect. Incorrect. While para-C of the appeal is correct as mentioned in the main appeal of the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

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

امیر ذبیح
APPELLANT
Ameer Zaib

Through:


(uzma syed)
ADVOCATE, PESHAWAR.

AFFIDAVIT

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

امیر ذبیح
DEPONENT

BEFORE THE KPK, SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 14/2018

Ameer Zeb

VS

Police Deptt:

.....
REJOINDER ON BEHALF OF APPELLANT
.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

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

FACTS:

1. Admitted correct by the respondents as the service record is laying in the custody of the respondents.
2. Incorrect. While para-2 of the appeal is correct as mentioned in the main appeal of the appellant. Moreover, the procedure for the examination of the medical prescription is that the enquiry was conducted and medical board examine the medical prescription and then decided the truthfulness of the medical prescription. In case of the appellant no procedure has been followed.
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2

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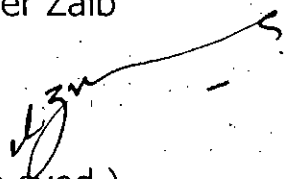
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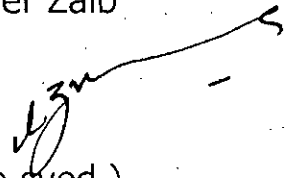
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امیر ذیب
APPELLANT
Ameer Zaib

Through:


(uzma syed)
ADVOCATE, PESHAWAR.

AFFIDAVIT

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

امیر ذیب
DEPONENT

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

No. 370 /ST

Dated 6 - 3 - / 2019

To


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

Subject: -

JUDGMENT IN APPEAL NO. 14/2018, MR. AMIR ZEB.

I am directed to forward herewith a certified copy of Judgement dated 26.02.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

14

DISCHARGE CARD

PSYCHIATRY & DATC WARD
DISTRICT HEADQUARTER HOSPITAL
MARDAN

Psychiatry Incharge

Dr. Syed Ashfaq Ali
M.B.B.S.,
D.P.M. (Gold Medalist)
Ph.D. (Psychiatry)

Medical Officers

Dr. Khurshid
M.B.B.S.
Dr. Alamgir
M.B.B.S.

Pt's Name Amir Zeb Age 23

Address Katlung

Date of Admission 24/10/2011 Admission No. 422/35

Date of Discharge 31/10/2011

Disease Manic

ATTESTED
[Signature]

SHORT HISTORY

- Headache
- Body aches
- Irritability
- Aggression

INVESTIGATIONS

- Advu - mP - 4 ECT's
- RBC
- urine

TREATMENT AT HOSPITAL

- 5 Valium Tab Colect
- 7 Serenace 4 Trinitalab
- R. D. D. ---
- 7 Amit ---
- 7 Benidox ---

Tab Nerulate SR

ADMITTED

CONDITION AT DISCHARGE

unwell

TREATMENT AT HOME

✓ - 200 Paracetamol 200mg (1 Box)
100

✓ - 200 Ampicillin 500mg - 20
100

✓ - 200 Valium 5mg - 20
100

- 200 Tegretol 200mg
100

ATTESTED
✓

unwell & 10

355-

100

دوائی ڈاکٹر کے مشورے کے بغیر بند نہ کریں۔
7 دن بعد دوبارہ معائنے کے لئے بروز منگل اور جمعرات تشریف لائیں۔

دوا

دوائی ڈاکٹر کے مشورے کے بغیر بند نہ کریں۔
7 دن بعد دوبارہ معائنے کیلئے بروز منگل اور جمعرات تشریف لائیں۔

نسخہ

ATTESTED

CONDITION AT DISCHARGE

Good R ✓

TREATMENT AT HOME

2/4/11

Tab Valium 50

1 - 1

Tab Kamprid 50

1 - 1

Tab Espidone 20

1 - 1

✓ Tab Sedicit 100 8 +

11 - 11 - 11

Tab Neralth 50

1 - 1

Trinilabol

11 - 11 - 11

CAZANTIA

Handwritten signature

to Toggel room

17

SHORT HISTORY

well in the

of your

under

at the

INVESTIGATIONS

WBC

AS (1/2)

Uk

TREATMENT AT HOSPITAL

will be

of Serenax

Dr. D. W. ...

Dr. ...

Dr. ...

Dr. ...

ATTESTED

DISCHARGE CARD

PSYCHIATRY & DATC WARD
DISTRICT HEADQUARTER HOSPITAL
MARDAN

Psychiatry Incharge

Dr. Syed Ashfaq Ali
M.B.B.S
D.P.M. (Gold Medalist)
Ph.D. (Psychiatry)

Medical Officer

Dr. Khurshid
M.B.B.S
Dr. Alamgir
M.B.B.S

Pt's Name Amir Zeb Age 23

Address Katlang, Mardan

Date of Admission 25/5/24 Admission No. 221-30

Date of Discharge 01/6/24

Disease mania

18

DATE.....

No.

No. 67

DEPARTMENT OF SAVINGS

YEARAD NO. 2-5-82

DATE 3-2-14

DISCHARGE Insomniac - program

VALUE BURNED & SAC

Adv
p. Inflation
100 to
TRs. Assoc. 150, my

Adv
Cap. Pusew 200
Medical team (2)
The weekly my
3/27/14

ATTESTED

100

ALLEGED

19

DATE.....

No.

No. 67

OUT-PATIENTS DEPARTMENT.

NAME 7918 J. J. ...

WARD NO 33 87

DATE 18-2-14

DISEASE Mental disorder

THE VALUE RETURNED FOR

Insomnia / Dyspepsia

Rx

- Kss Ascolol 10 mg
- 5-10
- Kk Stribos T.
- Kss Nite time
- Sup Nite time

ATTESTED

Medical Team Koc
2 18/2/14

St. Mary's Hospital, Alderham

TRAIN NO. _____
DATE _____

20

PAGE NUMBER & PAGE

No. _____ No. 84

OUT-PATIENTS DEPARTMENT.

NAME W. J. ...

YEAR NO. 2514

DATE 3-3-14

DISEASE Insomnia / Depression

R.

Tab. Sulfur T

Cap. Quinine 200

Tab. Nalox 100

Actv

Medical leave

② two weeks w/ 237.8712 am. may be resumed ins. day 3/3/14

ATTESTED



ATTESTED

DATE

DA
RUPES &
YADA YADA

No.

No. 67

OUTPATIENTS DEPARTMENT.

NAME 918 - 31 - 1

YEARS AGO 89 1/2

DATE 17-3-14

DIAGNOSIS Mental disorder

Insomnia / Myopia

P
T

Tx: Libria

Tx: Motillium

Tx: Intilam

Syp. Gaviscon

Adv.

Medical leave 2
(two) weeks

Head of Dept
D. H. J. G. S.

ATTESTED

17/3/14

P1 اسپیڈ

40 = ڈسٹریکشن
 40 x 1000
 40-000 = ڈسٹریکشن
 2000 = ڈسٹریکشن

4970
 ڈسٹریکشن = 2000 x
 ڈسٹریکشن x ڈسٹریکشن

46770 = ڈسٹریکشن
 20-000 = وصول رقم
 26770 = ڈسٹریکشن
 20,000 = وصول

3-5-13

46770
 ڈسٹریکشن
 ڈسٹریکشن

ATTESTED

11

ATTESTED

ATTESTED

25-3-13

Robt

Two hundred and twenty thousand only

RS 200000
23 MAR 2013

06/03/13

18

ALLEGED

1.

(11)

روزی

PAID
RS 20,000/-
03 MAY 2013

Two twenty thousand only

Rozine

3-5-13

WZM
ATTESTED

ARRESTED

7

Annex A



WADA CLINIC (Registered)

Date 25 / 12 / 13

Amount Received / 152000 /

Balance

Paid by

سازیب

Name

سازیب

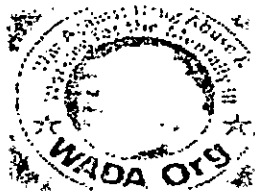
Attending Staff Signature

25 / 12 / 13

ATTESTED

ALLIED

8



WADA CLINIC

(Registered)

Date 24-10-2013

Amount Received 28,000/-

Balance _____

Paid by WADA

Pt Name _____

Attending staff Signature

Robinia

ATTEST
24 OCT 2013

ATTESTED

Handwritten notes on the right margin, including 'WADA' and '2013'.

Barcode-like graphic at the bottom right.

ALLEGED

... ..
... ..
... ..

... ..

... ..

...

9



WADA CLINIC (Registered)

Date 18 / 11 / 13

Amount Received 25/46500/

Balance _____

Paid by _____

Cash

Pt. Name _____

Chinjoo 1

Attending staff Signature _____

13

ATTESTED

18/11/13

ALLESIED

1915

1915

1915

1915

10

Cash Receipt:

Date: 5/8/2013 Patient Name: Ameer Zaib

Amount Received From: Shah zaib.

Amount Paid	10,000/only
Balance	-

Amount Received By: M. Awaiz

Signatures: M. Awaiz

13
ATTESTED

RECEIVED

THE UNIVERSITY OF CHICAGO
LIBRARY

1950

1950

THE UNIVERSITY OF CHICAGO LIBRARY

1950

1950

1950

13



WADA CLINIC

(Registered)

Date 18/9/13

Amount Received Rs 15500/-

Balance _____

Paid by 15500/- Five thousand of Name Ujjwal

Attending Staff Signature

Re
18/9/13

[Signature]
18/9/13

ATTESTED.

10/10/10

TO: [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

070