

Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	19.07.2019	<p align="center"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></p> <p align="center">Appeal No. 879/2018</p> <p align="center">Date of Institution ... 11.17.2018 Date of Decision ... 19.07.2019</p> <p align="center">-----</p> <p align="center">Shehri Yar Ex-Constable R/O Rajar, District Charsadda -----Appellant</p> <p align="center"><u>Versus</u></p> <p align="center">Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and others -----Respondent</p> <p align="center">Mr. Muhammad Hamid Mughal.....Member(J) Mr. Hussain ShahMember (E)</p> <p align="center"><u>JUDGMENT</u></p> <p><u>Mr. HUSSAIN SHAH:-</u> Mr. Habib Ullah Mohmand Advocate for the appellant and Mr. Riaz Paindakheil learned Assistant Advocate General alongwith Shah Jehan S.I (Legal) on behalf of the respondents present.</p> <p>2. The appellant was performing his duty as a Constable in the Police Department since the year 2011. Due to a road accident on 07.02.2017, which was duly reported thorough FIR No.6, dated 07.02.2017 at PS Prang, District Charsadda, he sustained serious injuries and was hospitalized for necessary treatment, therefore, could not attend his duty. Respondents proceeded against him and passed the order dated 29.08.2017 of major penalty culminating into his dismissal from service. The departmental appeal of the appellant was also rejected on 08.05.2018 hence the appellant filed the instant service appeal on 11.07.2018.</p>

Clinical Notes & Investigations

FAZ @ Twpgh
and @ Twpgh

Operation Notes

Multistyle
Under
D/D done
UA

Treatment In Hospital

2/12 RR 500. 1/2 F.D.S.
inf of Twpgh 1/2 1/2 B.D.
1/2 Twpgh 1/2 F.D.S.
1/2 Twpgh
1/2 Twpgh. 1/2
1/2 Twpgh.

Treatment For Home

10
11
12
13
14
15

~~Amelast~~
Ecasel 600
100

7m.
100

Pres: - Bonyon 40
100

[Signature]
D. K. S.

DISTRICT HEAD QUARTER HOSPITAL
CHARSADDA

F.A.I

Patient Name S. U. B. K. S. S. S. S. S. S.

Address H. B. S. S. S. S. S. S. S.

Admission No. 45

Date of Admission 29-5-77

Date of Operation /

Date of Discharge 30-5-77

Disease F.A.I. (R) Thick

Operation Curative resection
Mucosa D.D. on

Signature

To be Done
[Signature]

3. The learned counsel for the appellant argued that neither charge sheet nor statement of allegations was issued/delivered to the appellant. Further contended that an inquiry was conducted without associating the appellant to the proceedings which is in violation of fundamental right as prescribed in Article 10-A of the Constitution of Islamic Republic of Pakistan. Further contended that despite of official evidence regarding the road accident on record i.e. hospital discharge certificate and FIR No.61 dated 07.02.2017 the competent authority treated the absence of the appellant as willful absence contrary to the reality of being due to circumstantial compulsions which were beyond the control of the appellant. Further contended that the appellant belonging to a family, having good reputation in the locality, is a responsible person. In addition to the road accident, the appellant faced some family problems due to which he was in physiological trauma which further aggravated by the show cause notice issued/delivered by the competent authority. Further contended that during the entire proceedings the respondent authority could not appreciate the actual grounds of the absence of the appellant from the duty. The respondent No.3 modified the major punishment of dismissal from service into removal from service in response to the review petition which is an evidence of the fact that the procedure adopted during proceeding against the appellant was not justified. The learned counsel for the appellant relied upon the judgment of August Supreme Court of Pakistan 2017 PLD 189, 2019 PLC (C.S) 224 Peshawar High Court (Abbottabad

Bench), 2017 PLC (C.S) 98, Khyber Pakhtunkhwa Service Tribunal. The learned counsel for the appellant further pleaded that as the entire action and impugned orders of the respondents were passed in violation of the principle of the natural justice and fair trial therefore on the acceptance of the instant service appeal the Tribunal may set-aside the impugned order and direct the respondent authority to reinstate the appellant in service with all back benefits.

4. The learned Assistant Advocate General contested the facts, grounds, of the appeal and argument of learned counsel for the appellant and rebutted the arguments of the learned counsel for the appellant and stated that the appellant faced the accident on 07.02.2017 while the appellant remained absent since 14.01.2017. He further contended that before initiation of disciplinary proceedings the competent authority issued charge sheet and statement of allegations on 10.03.2017 and an inquiry officer conducted inquiry in which the appellant did not participated despite repeated communications by the inquiry officer through Moharar Police Line Charsadda. Therefore ex-parte inquiry was conducted wherein the absence of the appellant from duty since 14.01.2017 till the date of the inquiry report dated 04.04.2017. On the receipt of the inquiry report respondent No.1 issued..


5. Arguments heard. File perused.


6. The Tribunal examined the record on file, arguments and counter arguments of both the parties. It is an admitted fact that ex-part proceeding was conducted against the appellant for his

absence from 14.01.2017. The charge sheet and statement of allegations issued to the appellant on 10.03.2017 however no evidence to the effect that the same was delivered to the appellant is available on record. Similarly the inquiry conducted but the inquiry was also ex-part and no evidence placed on record which could established the fact that the inquiry officer called the appellant to attend the inquiry proceedings. The contention of the learned counsel for the appellant that the absence of the appellant from duty was not willful as the same was due to road accident which was reported in the shape of FIR No.61 dated 07.02.2017 station Prang District Charsadda. The appellant placed on record with his service appeal the documents of his admission in to hospital for the treatment of his injuries. The inquiry officer also did not mentioned any witness/evidence to the effect that the documents regarding the hospitalization of the appellant are fake or correct. Similarly the Inquiry Officer also failed to provide evidence that the appellant did not appear before the inquiry proceedings despite being informed.

7. It appears from the above analysis that the disciplinary proceeding against the appellant was not according to the form and spirit of the relevant law/rules hence this Tribunal is constraint to accept the appeal by setting aside the impugned order and direct the respondent department to re-instate the appellant for the purpose of a de-novo inquiry within sixty (60) days of the receipt of this judgment. The service back benefits may be subject to the outcome of de-novo inquiry. Parties are left to bear their own

costs. File be consigned to the record room after its completion.



(Muhammad Amin Khan Kundi)
Member


(Hussain Shah)
Member

ANNOUNCED
19.07.2019

19.07.2019

Learned counsel for the appellant present. Mr. Riaz Khan Paindakhel learned Assistant Advocate General alongwith Mr. Shah Jehan SI (Legal) for the respondents present. Vide our detail judgment of today of this Tribunal placed on file, the present service appeal is accepted setting aside the impugned order and direct the respondent department to re-instate the appellant for the purpose of a de-novo inquiry within sixty (60) days of the receipt of this judgment. The service back benefits may be subject to the outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.


(Muhammad Amin Khan Kundi)
Member


(Hussain Shah)
Member

20.05.2019

Appellant in person and Mr. Riaz Paindakhel learned Asst: AG for the respondents present.

A request for adjournment is made due to engagement of his learned counsel in many other cases today.

Adjourned to 17.06.2019 for argument before D.B.


Member


Chairman

17.06.2019

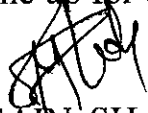
Appellant in person and Mr. Muhammad Jan learned Deputy District Attorney alongwith Mr. Shah Jehan ASI for the respondents present. Appellant seeks adjournment as his counsel is not in attendance. Adjourn. To come up for arguments on 17.07.2019 before D.B.


Member


Member

17.07.2019

Appellant alongwith his counsel Mr. Habibullah Mohmand, Advocate present and submitted fresh Vakalatnama which is placed on record. Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Shah Jehan, S.I (Legal) for the respondents also present. Arguments heard. To come up for order on 19.07.2019 before D.B.


(HUSSAIN SHAH)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

10.1.2019


Appellant alongwith his counsel and Addl. AG
for the respondents present.

Mr. Attaur Rahman, S.I (Legal) Mardan present
in connection with other cases takes notice of this
appeal and requests for time to furnish the requisite
reply on next date. Adjourned to 27.02.2019 before S.B.

Chairman 

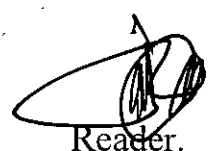
27.02.2019

None for the appellant present. Mr. Kabirullah Khattak,
Addl: AG alongwith Mr. Shah Jehan, SI for respondents present.
Written reply on behalf of respondents submitted which is placed
on file. To come up for rejoinder and arguments on 01.05.2019
before D.B. ~~4~~


Member
(Ahmad Hassan)

01.05.2019

Since 1st May has been declared as Public Holiday,
therefore the case is adjourned. To come up on ~~20-5-19~~ before
D.B.


Reader.

979/2018

26.11.2018

Appellant in person present.

Contends that while performing his duty as constable in the Police Department he met an accident on 07.02.2017 which was duly reported through FIR No. 61, dated 07.0.2017 at P.S Prang, District Charsadda. As a result of the accident, he sustained serious injuries and was hospitalized for necessary treatment, therefore, could not attend to his duty. The respondents proceeded against him and passed the order dated 29.08.2017 of major penalty culminating into dismissal from service. The departmental appeal of appellant was also rejected on 08.05.2018.

It is the claim of the appellant that no charge sheet and statement of allegations was issued to him, besides, the enquiry was conducted at his back.

Points agitated in the memorandum merit admission of appeal for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Notices be issued to the respondents No. 1 and 2 for submission of written reply/comments on 10.01.20 before S.B.




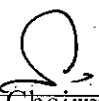
Appellant Deposited
Security and Process Fee


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 879/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/07/2018	<p>The appeal of Mr. Shehri Yar presented today by Mr. Muhammad Yousaf Orakzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 11/7/18</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>7-8-2018</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-	12-7-2018	<p>07.08.2018</p> <p>Neither appellant nor his counsel present. Case to come up for preliminary hearing on 27.09.2018 before S.B.</p> <p style="text-align: right;"> Chairman</p>
	27.09.2018	<p>Appellant Shehri Yar in person present. Due to general strike of the bar, counsel for the appellant is not in attendance. Requested for adjournment. Granted. To come up preliminary hearing on 01.11.2018 before S.B.</p> <p style="text-align: right;"> Chairman</p>

01.11.2018

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

26.11.2018

on 26.11.2018. Appellant in person present.

Contends that while performing his duty as constable in the Police Department he met an accident on 07.02.2017 which was duly reported through FIR No. 61, dated 07.0.2017 at P.S Prang, District Charsadda with the charge above. As a result of the accident, he sustained serious injuries and was hospitalized for necessary treatment, therefore, could not attend to his duty. The respondents proceeded against him and passed the order dated 29.08.2017 of major penalty culminated into dismissal from service. The departmental appeal of appellant was also rejected on 08.05.2018.

It is the claim of the appellant that no charge sheet and statement of allegations was issued to him beside the enquiry was conducted at his back.

Points agitated in the memo. of appeal merits admission for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Notices be issued to the respondents No. 1 and 2 for submission of written reply/comments on 10.01.2019 before S.B.

Chairman

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.**

Shehri Yar

Appeal No. 879/2018

Versus

DPO Charsadda and Others

INDEX

S#	Description of the Documents	Annex	Pages
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3.	Addresses of the parties		06
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5.	Copy of medical Prescription Chit	"B"	8
6.	Copy of injury sheet	"C"	9
7.	Copy of hospital discharge slip	"D"	10
8.	Copy of Final Show Cause Notice	"E"	11
9.	Copy of reply to Show Cause Notice	"F"	12
10.	Copy of Standing Medical Board	"G"	13
11.	Copy of dismissal order	"H"	14
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13.	Copy of appeal rejection order	"J"	16
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Total Pages			(20)

[Signature]
Shehri Yar (Appellant)

Through

[Signature]
Mohammad Yousaf Orakzai

[Signature]
Ghulam Ali Bangash

Advocates

Office: FF 8, 5th Floor Bilour Plaza,
Saddar Road Peshawar Cantt
0301-8808685

D

**BEFORE THE HON'ABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.**

Appeal No. 879/2018

Shehri Yar Ex-Constable
R/O Rajar, District Charsadda.

----- Appellant

Versus

Khyber Pakhtunkhwa
Service Tribunal

Discy No. 1145

Dated 11-7-2018

1. District Police Officer, Charsadda.
2. Deputy Inspector General of Police, Mardan Region, Mardan.
3. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.

----- Respondents

**SERVICE APPEAL U/S 4 OF KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT 1974; AGAINST THE ORDER
DATED 29-08-2017 OF RESPONDENT NO.1, WHEREIN THE
APPELLANT WAS DISMISSED FROM SERVICE**

PRAYER-IN-APPEAL:

By accepting this appeal, the impugned order of the Respondent No.1 may graciously be set-aside and the appellant may kindly be re-instated in his service with all back benefits alongwith grant of any other remedy deemed fit by this Hon'ble Tribunal.

Respectively Sheweth:

Facts leading the institution of the instant appeal are;

BRIEF FACTS:

- Filed to-day**
Registrar
11/7/18
- a) That the appellant joined Police Department as Constable in the year 2011 and served Police department for six years with zeal and zest.
 - b) That on 07-02-2017, the appellant sustained grievous injuries in a road accident and to that effect a case vide FIR No.61 dated 07-02-2017 U/S 279/337G PPC P.S. Prang, District Charsadda was registered.

(The copy of FIR is annexed as "A")

- c) That on the same day the appellant was taken to the hospital by the passerby where he was examined and necessary treatment was given.

(The copies of medical paper & injury sheet are annexed as "B" & "C" respectively)

d) That on 29-05-2017, the appellant was hospitalized and he kept under treatment inside the hospital.

(The copy of hospital discharge slip is annexed "D")

e) That final show cause notice was issued to the appellant on 23-08-2017 to which he replied.

(The copies of Show Cause Notice & its reply are annexed as "E" & "F" respectively)

f) That the appellant was referred to the Standing Medical Board who opined that *"at the moment he has no features of any major mental illness"*.

(The copy of Standing Medical Board is annexed as "G")

g) That on 29-08-2017, Respondent No.1 (DPO Charsadda) without heeding to the law and rules, awarded major punishment of dismissal from service to the appellant vides OB No. 537.

(The copy of dismissal order is annexed as "H")

h) That the appellant had filed a departmental appeal before respondent No.2 i.e Deputy Inspector General of Police, Mardan Region, Mardan for re-instatement in service which was rejected.

(The copy of departmental appeal and its rejected order of appellate authority are annexed as "I" & "J")

i) That the appellant had filed a departmental appeal to respondent No.3 (second appellate authority/IGP).

(The copy of second appeal is annexed as "K")

j) That on 08-05-2018, respondent No.3 modified the penalty of dismissal from service into removal from service.

(The copy of modified penalty by respondent No.3 is annexed as "L")

- 3
- k) That on receiving information with regard to disposal of case of the appellant, he submitted an application to respondent No.3 on 03-07-2018 for provision of attested copy of modified penalty order.

(The copy of application is annexed as "M")

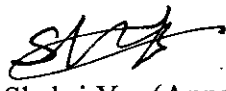
GROUNDS:

1. That the impugned order is unlawful which is controversial to the Constitution, law and rules.
2. That neither charge sheet and nor statement of allegations of whatsoever its nature it may be issued to the appellant. Furthermore, inquiry was conducted in absence of appellant and recommended him for ex-parte action.
3. That neither statement of the appellant was recorded nor cross-examination has been afforded to the appellant; and the so far inquiry as alleged by the respondents to have been conducted is ex-parte.
4. That no opportunity of personal hearing was afforded to the appellant, which is the prime requirement of natural justice and bedrock of departmental proceeding before any verdict.
5. That the undue conduct of the respondent though the appellant has a fundamental right under Article 10-A of the Constitution of Pakistan to fair trial and due process of law; has railed in appeal being no personal attention was given to the evidence provided by the appellant i.e. FIR and medical papers.
6. That, the respondent No.3 has admitted the innocence of the appellant that is why his penalty was altered just to save his career from stagnation but has not bothered to adhered the principles of justice and has not appreciate the evidence and facts as per legal parlance.
7. That the appellant being the citizen of Pakistan has inalienable right to be treated in accordance with law under Article 4 of the Constitution of Pakistan and equal protection under Article 25 of the Constitution which has been deflowered by the respondents.
8. That the absence of appellant was not intentionally or deliberately but due to compulsion of circumstances that he was injured and unable to perform his duty.

9. That the entire act, action and the impugned order of the respondents were passed against the principle of natural justice and fair trial but found biased.

PRAYER:

It is, therefore, most humbly prayed that on acceptance of this service appeal, the Hon'ble Bench may graciously be pleased to declare the impugned order of Respondent No.1 as void-ab-initio and the appellant may kindly be re-instate in service with all back benefits alongwith grant of any other remedy deemed fit by this Hon'ble Bench.


Shehri Yar (Appellant)

Through

1. Mohammad Yousaf Orakzai


2. Ghulam Ali Bangash
Advocates

Dated: 10-07-2018

NOTE:

➤ Appeal in hand is 1st one on the subject issue before the competent authority.

3

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.**

Sheri Yar

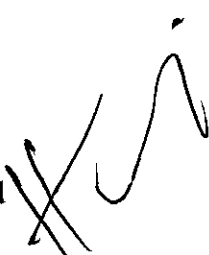
Versus

DPO Charsadda & Others.

AFFIDAVIT

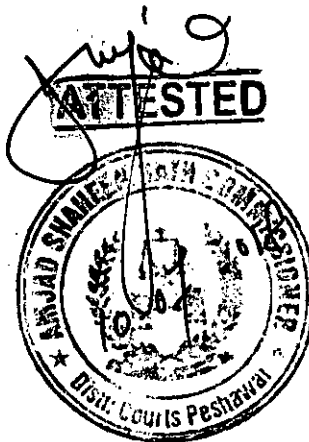
I, Sheri Yar Ex-Constable Belt No.724 R/O Rajar, District Charsadda, hereby solemnly affirm and declare on oath that contents of the accompanying service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Identified


Mohammad Yousaf Orakzai
Advocate


DEPONENT

17/01-4209231-9



(6)

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.**

Sheri Yar

Versus

DPO Charsadda & Others.

ADDRESSES OF THE PARTIES

Address of the appellant:

Shehri Yar Ex-Constable Belt No.724
R/O Rajar, District Charsadda.

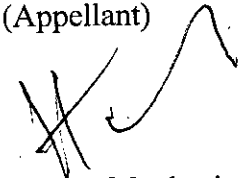
Addresses of the Respondents:

1. District Police Officer, Charsadda.
2. Deputy Inspector General of Police, Mardan Region, Mardan.
3. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.

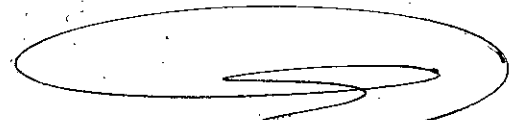


Shehri Yar (Appellant)

Through



Mohammad Yousaf Orakzai



Ghulam Ali Bangash
Advocates

7

۷۷-۷
۱۲-۸

گورنمنٹ ہسپتال پٹنجا، جہاں نمبر ۱۳۳۶۱۳-۱۰۰۰-۱۰۰۰۰
۱۰۱۱۱۱-۱۰۱۱۱۱-۱۰۱۱۱۱

قائم نمبر ۲۳-۱۵ (۱)

ابتدائی اطلاعی رپورٹ

۵-۸۷۴۳۶۱۸-۳۷۱
۰۳۳۳۹۲۵۲۹۰۷
۰۳۳۳

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۱۱۱۱ ضابطہ جدران

۱۷۱۰۱-۴۲۵۹۲۳۱-۹
۰۳۳۱۱ ۱۹۹۸۱۹۴

تاریخ وقت ۱۷/۲/۷۵ ۵:۱۵

تاریخ وقت رپورٹ	تاریخ وقت
۱۷/۲/۷۵ ۵:۱۵	۱۷/۲/۷۵ ۳:۱۵
نام و سکونت اطلاع دہندہ مستغنیٹ	شہر یادگان ولد جان محمد بن محمد صالح سائن رحمت
مختصر کیفیت جرم (معرفة) حال اگر کچھ لیا گیا ہو۔	۲۶۹/۳۳۷۴
جائے وقوع فاصلہ قحانہ سے اور سمت	کراچی نزد جونی کابل
نام و سکونت ملزم	
کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو	
قحانہ سے روانگی کی تاریخ و وقت	

ابتدائی اطلاع نیچے درج کرو۔ حضرت صدر عدالت کی جانب سے مندرجہ ذیل پر اطلاع دی گئی ہے کہ...

میں نے اطلاع دی ہے کہ ایک شخص نے میری گاڑی میں داخل ہو کر گاڑی کے اندر سے ایک ہتھیار نکال لیا۔

میں نے فوراً پولیس کو اطلاع دی اور ساتھ ساتھ گاڑی کو روک دیا۔

پولیس نے موقع پر پہنچ کر گاڑی کا باغیچہ چھانڈا اور وہاں سے ایک ہتھیار برآمد کیا۔

میں نے اپنے بیان میں کہا کہ میں نے اس شخص کو دیکھا ہے اور اس کا نام یاد ہے۔

میں نے اس شخص کو پہچاننے کی کوشش کی ہے لیکن وہ فرار ہو گیا۔

میں نے اس شخص کے بارے میں کچھ اور معلومات دیے ہیں۔

میں نے اس شخص کے ساتھ ساتھ ایک اور شخص کو بھی دیکھا ہے۔

میں نے اس شخص کو بھی پہچاننے کی کوشش کی ہے لیکن وہ فرار ہو گیا۔

میں نے اس شخص کے بارے میں کچھ اور معلومات دیے ہیں۔

میں نے اس شخص کے ساتھ ساتھ ایک اور شخص کو بھی دیکھا ہے۔

میں نے اس شخص کو بھی پہچاننے کی کوشش کی ہے لیکن وہ فرار ہو گیا۔

میں نے اس شخص کے بارے میں کچھ اور معلومات دیے ہیں۔

To be True
Hr

(8)

B

District Hospital Charsadda

OUT - PATIENTS DEPARTMENT (Rs.10/-)

Name: _____ 16/5

Yearly No: _____ 4284

Date: _____ 7.2.17

Disease: _____

Q
tall

Ho
RTA. 2 fingers Ankle
Fract

Q

Q Twd + twd
4w BD
Q R/L 4w D.

Adh
x 4w
Fwd AD
Ad AD
Wash wood

Q Abbas Ali

To be Tdwa H.S.

تفحصات
نفس
الرجل اليمنى

3 ریح - در باره حال و در حالی که 28 ساله است

3 ریح در وقت صبح و در وقت شب

کمی در وقت ظهر و در وقت عصر

در وقت صبح و در وقت شب

174
S1/DH5/CHD
7.2.17

تفحصات

در وقت صبح و در وقت شب

در وقت صبح و در وقت شب

RTA Time 3:00pm

Shahmehdi Khan 870 Khair Mahal

- Minar wound on Rt hand
- Bruise on Rt knee joint
- Lacerated deep wound

- ADIL x 7 Rt hand
- x 7 Rt knee
- any sprain
- neck
- x 7 Rt foot

To be taken on Rt foot (the first and second finger)

- first and second
- Report expect
- open for other

Dr. Farid Ahmad
CNO 0303 906648



21 8 E

FINAL SHOW CAUSE NOTICE

Whereas, the charge of absence was referred to enquiry officer for General Police Proceedings, contained u/s 5(3) Police Rules 1975.

AND

Whereas, the enquiry officer has submitted his findings, recommending you for Ex-Parte Action.

AND


Whereas, I am satisfied with the recommendation of the enquiry officer that you **Constable Shehriar No. 724**, while posted at Police Lines Charsadda. On 14.01.2017 you were closed to police lines Charsadda and were relieved vide D.D.No. 11 dated 09.01.2017 but you badly failed to report your arrival at police lines Charsadda and thus absented yourself from lawful duty w.e from 14.01.2017 till date without any leave or prior permission from your senior officers, absence report recorded vide DD No. 37, dated 14.01.2017. Beside the above you were also referred to Medical Board for Medical Check-up at Police Services Hospital Peshawar vide this office Letter No. 5776-C dated 30.05.2017. Now the Medical Board sent their reports which shows that you have no major mental illness. This shows that you are not interested to continue your job further more and deliberately avoiding your performance of duty. Thus the act amounts to gross misconduct and renders you liable for punishment, under Police Rules 1975.

Therefore, I, Sohail Khalid, District Police Officer, Charsadda in exercise of the powers vested in me under rules 5(3) (a) (b) of Police Rules 1975, call upon you to explain as to why the proposed punishment may not be awarded to you.

Your reply should reach the undersigned within 07-days of receipt of this notice, failing which ex-parte action will be taken against you.

You are at liberty to appear in person before the undersigned for personal hearing.

Dated 23/08 /2017


District Police Officer,
Charsadda

To be taken
Hr

(12) F
WRITTEN REPLY OF SHOW CAUSE NOTICE DATED 23-08-2017

ISSUED FROM THE OFFICE OF DISTRICT POLICE OFFICER

CHARSADDA.

1. That the under signed sent a show cause notice for non appearance of constable Shahriyar khan no. 724 posted at police lines Charsadda .
2. That the constable shahrayer is a well law abiding citizen and sincere towards their duty.
3. That the I belong to respectable family and has got good reputation amongst the people of locality as well as in society
4. That I respect my seniors and not involved in departmental activities which is against the rules and regulation .
5. That soon after I met to road accident and sustained injuries and remained at bed rest from 7-02-2017 FIR is attached)
6. That after meet to an accident I was remained at bet rest , due to pain in various parts of my body.

To be True
R

7. That besides this I was remained disturbed due to my family/ internal issues due to which un reluctantly I have not joined my duty.
8. That I a poor person and ready to apologize before the under signed.
9. That I am ready to join my duty and perform my duty with due diligence and will not be kept away my self from my duty . with good faith.
10. That the medical board also cleared me .

It is therefore requested that you may kindly give me permission to join my duty. Under your kind control .

Your sincerely constable

Shahriyar 724


(B) — G

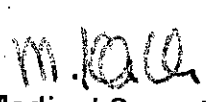
OFFICE OF THE CHAIRMAN STANDING MEDICAL BOARD/ MEDICAL
SUPERINTENDENT SERVICES, HOSPITAL, PESHAWAR

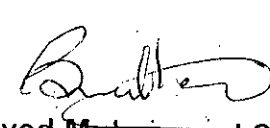
The Provincial Standing Medical Board comprising the following members assembled in the office of the Medical Superintendent, Police/Services, Hospital, Peshawar to examine, Constable Shehriar No. 724.


The Provincial Standing Medical Board is of the opinion at the moment he has no features of any major mental illness. However if he has been involved in some disciplinary issue, that may be dealt with according to the services rules and regulation.


Station Peshawar:-
Dated: -20/07/2017.


(Dr. Ashoor Khan)
Chairman
Standing Medical Board
Medical Superintendent
Police/Services, Hospital,
Peshawar.


Medical Superintendent
Govt. Sarhad Hospital for Psychiatric
Disease, Hospital,
Peshawar...Member


(Dr. Syed Muhammad Sultan)
Professor of Psychiatry
Khyber Teaching Hospital
Peshawar....Member...


(Dr. Muhammad Tariq)
Senior Consultant Psychiatrist
Govt. Sarhad Hospital Visiting
Consultant. Prison Peshawar...Member.


(Dr. Intikhab Alam)
Professor of Medicine
Lady Reading Hospital
Peshawar....Member

To be True
H.A.

8-15

H

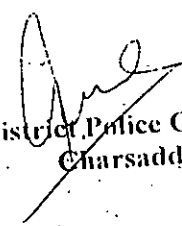
ORDER

This order will disposed off the departmental enquiry against Constable Shehriar No. 724, while posted at Police lines Charsadda. On 14.01.2017 he was closed to police lines Charsadda and was relieved vide D.D No. 11 dated 09.01.2017 but he badly failed to to report his arrival at Police Lines Charsadda and thus absented himself from his lawful duty w.e from 14.01.2017 till date without any leave or prior permission from his senior officers. absence report recorded vide D.D No. 37, dated 14.01.2017. Beside the above he was also referred to Medical Board for Medical Check-up at Police Services Hospital Peshawar vide this office letter No. 5776/EC dated 30.05.2017. Now the Medical Board sent their reports which shows that he has no major mental illness. This shows that he is not interested to continue his job further more and deliberately avoiding his performance of duty.

In the above allegation he was issued Charge Sheet together with statement of allegation under Sub Section 3, Section 5 of Police Rules 1975. Enquiry Officer Mr. Fayyaz Khan the then DSP Shabqadar was nominated for conducting departmental enquiry against him and he after conducting proper departmental enquiry submitted findings.

Subsequently, Constable Shehriar No. 724, was issued Final Show Cause Notice U/S 5(3) Police Rules 1975 reply to which was received.

After going through the enquiry papers & recommendation of the enquiry officer he is hereby awarded the Major Punishment of dismissal from service with immediate effect.


District Police Officer,
Charsadda

O.B No 537

Date 29/8 /2017

No. 6228-31 /HC, dated Charsadda the 30/08 /2017

Copy for information and necessary action to the:-

- 1. Pay Officer/OASI
- 2. EC/FMC

To be Done
H.V.

حکومت ہند
DIQ افریقہ اور مشرق وسطیٰ سردان

مذکورہ بالا

مذکورہ بالا کے بارے میں مسائل اور سوالات

(7) ماہ 14 دن جو پوری سے پورے کیے گئے ہیں

کے بارے میں مسائل ذیل کے ہیں

- ① مذکورہ بالا کے بارے میں درج ذیل امور کے بارے میں جاننا
- ② مذکورہ مسائل کو حل کرنے کے لیے کیا اقدامات کیے گئے ہیں
- ③ مذکورہ مسائل کے بارے میں حکومت کی پالیسی
- ④ مذکورہ مسائل کے بارے میں حکومت کی پالیسی

2

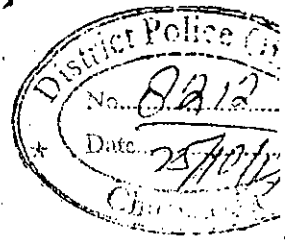
اس کے بارے میں درج ذیل امور کے بارے میں جاننا
مذکورہ مسائل کے بارے میں حکومت کی پالیسی

سابقہ سیشن کے بارے میں 729 ضلع کے بارے میں
To be done

2

16

J



ORDER

This order will dispose-off the appeal preferred by Ex-Constable Shehriaz Khan No. 724 of Charsadda District Police against the order of District Police Officer, Charsadda, whereby he was awarded Major punishment of dismissal from service vide OB No. 537 dated 29.08.2017.

Brief facts of the case are that, the appellant while closed to Police Line, Charsadda and relieved vide DD No. 11 dated 09.01.2017, he was badly failed to report his arrival to Police Lines, Charsadda and absented himself from lawful duty with effect from 14.01.2017 till the date of his dismissal. Besides the above he was also referred to Medical Board for Medical Check-up at Police Services Hospital, Peshawar. The Medical Board report revealed that, he has no major mental illness which clearly indicated that the defaulter Constable was not interested to continue his job. Consequently departmental proceeding was initiated against him and charge sheet alongwith summary of allegation was issued. The then DSP/Shabqadar was nominated as enquiry Officer with the direction to conduct proper departmental enquiry into the allegations. The Enquiry Officer after fulfilling necessary process submitted his finding, wherein the appellant was recommended for Major Punishment. Therefore he was dismissed from service by the District Police Officer, Charsadda.

He was called in orderly room held in this office on 13.10.2017 and heard him in person, but he did not produce substantial evidence about his prolong absence. Therefore, I find no grounds to intervene the order passed by District Police Officer, Charsadda. Appeal is rejected.

ORDER ANNOUNCED.

(Muhammad Alam Shinwari)PSP
Regional Police Officer,
Mardan

No. 7896 /ES, Dated Mardan the 25 - 10 - 2017.

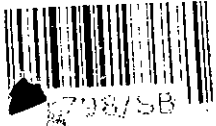
Copy to District Police Officer, Charsadda for information and necessary action w/r to h office Memo: No. 4349/EC, dated 10.10.2017. The Service Record is returned herewith.

(*****)

DSP Mardan
E. O. A. S. I.
for information
and action

copied
24-X-017

To be for
the



17

K

بخدمت جناب انسپکٹر جنرل آف پولیس خیبر پختونخواہ پشاور

جناب عالی!

مودبانہ گزارش ہے کہ سائل ضلع چارسدہ سے مورخہ 14.01.2017 کو غیر حاضر ہو کر بحوالہ آرڈر نمبر 6228-31/HC مورخہ 30.08.2017 از دفتر DPO چارسدہ محکمہ پولیس سے درخواست کیا جا چکا ہے۔ چونکہ سائل نے ضلع چارسدہ انٹر چینج موٹروے کے قریب ایک بہت بڑا ایکسیڈنٹ کر کے سائل شدید زخمی ہوا ایکسیڈنٹ کی رپورٹ تھانہ چارسدہ میں درج ہو چکی ہے۔ جس کے بعد سائل نے RPO مردان کو اپیل کر کے صاحب موصوف نے فائل کر دی۔ پھر سائل نے جناب IGP صاحب کو بعرض اپیل ایک درخواست بحوالہ ڈائری نمبر 4994/PAS مورخہ 17.11.2017 جمع کی جس کے ساتھ میڈیکل کاغذات بھی لف تھے۔ بار بار دریافت پر معلوم ہوا کہ درخواست معہ میڈیکل کاغذات کہی گم ہو چکے ہیں۔ سائل ایک نہایت عریب بندہ ہے اور اب مکمل جسمانی طور پر تندرست ہے اور محکمہ پولیس میں نوکری کرنے کا خواہشمند ہے۔ لہذا بذریعہ درخواست استدعا ہے کہ سائل محکمہ ہذا میں دوبارہ نوکری پر بحال کرنے کے احکامات صادر فرما کر مشکور فرماویں۔ سائل تاحیات دُعا گور ہے گا۔

عین نوازش ہوگی۔

العارض

Supra S

15/11/17

Signature

سابقہ کنٹیکٹ: شہریار بلٹ نمبر 724 ضلع چارسدہ
 MOB # 0333-9202907

To be done
 H.A.



(18) (12) 2
OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

No. S/ 1715 /18, dated Peshawar the 08/05/2018.

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by **Ex-FC Shehriyar No. 724**. The petitioner was dismissed from service by DPO Charsadda vide OB No. 537, dated 29.08.2017 on the charge of absence from duty for 07 months and 14 days. Beside the above he was also referred to Medical Board for Medical check-up at Police Services Hospital, Peshawar vide DPO Charsadda letter No. 5776/EC, dated 30.05.2017. The Medical Board report revealed that he had no major mental illness which showed that he was not interested to continue his job further more and deliberately avoided his performance of duty.

His appeal was rejected by Regional Police Officer, Mardan vide order Endst: No. 7886/ES, dated 23.10.2017.

Meeting of Appellate Board was held on 26.04.2018 wherein petitioner was heard in person. During hearing petitioner contended that his absence was not deliberate but he was injured in road accident and a case of incident was also registered.)

Perusal of record revealed that petitioner was dismissed from service on the charge of absence from duty for a period of 07 months and 14 days. Petitioner was heard in detail but he failed to advance any plausible explanation in rebuttal of the charges. Therefore, the Board decided that the penalty of dismissal from service is hereby modified into removal from service in the interest of his suitability for future service in any other department.

This order is issued with the approval by the Competent Authority.

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

No. S/ 1716-22 /18,

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan.
2. District Police Officer, Charsadda.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

*To be done
H/S.*

(15) (19)



بخدمت جناب انسپکٹر جنرل آف پولیس خیبر پختونخواہ پشاور۔

جناب عالی!

گزارش ہے کہ سائل نے آفران بالا کو محکمہ پولیس میں بحالی کے لئے مورخہ
15.01.2018 کو درخواست کی تھی جس پر کارروائی ہو چکی ہے اور سائل کو اس کی تصدیق شدہ کاپی

چاہیے۔

لہذا بذریعہ درخواست استدعا ہے کہ سائل کو مذکورہ تصدیق شدہ کاپی دینے کا حکم صادر فرما کر مشکور

فرمائیں۔



SS
404/7

الغرض

سابقہ کانسٹیبل شہریار نمبر 724

03/07/18

To be true

قیمت 50 روپے	 	44051
ایڈوکیٹ:	پشاور بار ایسوسی ایشن، خیبر پختونخواہ	
بار کونسل ایسوسی ایشن نمبر:	BC-12-3547	
رابطہ نمبر:	0301-8808685	

بعدالت جناب:

مخانب:	دعویٰ:
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:
باعت تحریر آگہ	

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

آن مقام سیارہ کیلئے محمد لوسن اور کرنٹی علی محمد شیخ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 5/7/18

العبد _____ واہ شد _____ العبد

مقام _____ کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

شیخ محمد لوسن اور کرنٹی علی محمد شیخ

قیمت
50 روپے

20036



ایڈویکیٹ:

بار کونسل / ایسوسی ایشن نمبر:

رابطہ نمبر:

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: *صبر علی کوٹلی*

مخاطب: <i>سید زید</i>	دعویٰ: <i>S. Appeal</i>
<i>شہر</i>	علت نمبر:
<i>بنام ڈاکٹر وکیل</i>	مورخہ:
	جرم:
	تھانہ:

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ *علی احمد*
آن مقام *علی احمد* کے لیے *علی احمد* کو وکیل مقرر

کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یا غیر ذہنی اپیل کی برآمدگی اور منسوخی، نیز
ادار کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور و قبول ہوگا
دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے
باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

Attested
Sh. Ahmad
Sh. Ahmad

الرقوم: *9-07-2024*
العنوان شد

مقام *Legal Service Tribunal* کے لیے منظور ہے۔

شہزاد علی
نوٹ: اس وکالت نامہ کی فونو کاپی ناقابل قبول ہوگی۔

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

Service Appeal No. 879/2018

Shehriyar, Ex-Constable r/o Rajjar District Charsadda

.....Appellant

VS

Inspector General of Police, Khyber Pakhtunkhwa,

.....Respondents

INDEX

S.No.	Description of documents	Annexure	Pages
1	Reply	-	1-3
2	DD report	A	4
3	Charge sheet & statement of allegation	B & C	5-6
4	Enquiry Report	D	7
5	Index on enquiry	E	8
6	Letter for Medical Board	F	9
7	Opinion of Medical Board	G	10
8	<i>Appidavit</i>		<i>11</i>

Respondents

Through:



Inspector Legal Charsadda

Shehriyar Ex-Constable r/o Rajjar District Charsadda.....Appellant

V E R S U S

IGP/KPK etc:Respondents

REPLY/PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 1 TO 3.

Respectfully Sheweth:

Preliminary Objections:

1. That appellant has not approached this Hon'ble tribunal with clean hands.
2. That appellant has suppressed actual facts/factual position from this Hon'ble tribunal.
3. That the appeal of appellant is not based on facts.
4. That the appeal of appellant is bad for non-joinder of necessary parties.
5. That the appellant is estopped by his own conduct to file the present appeal.

REPLY ON FACTS:

- a) First part of the para pertains to enlistment of the appellant in Police department, hence needs no comments while regarding rest of the para it is stated that each and every Police officers/official is under obligation to perform his duty upto the entire satisfaction of high ups.
- b) Incorrect. Appellant tried to conceal the actual facts. Appellant while posted to PS Khanmai was closed to Police Lines, hence on 09.01.2017 he was relieved from PS Khanmai to report his arrival at Police Lines Charsadda but till 14.01.2017 he remained absence without any plausible reason. A report to this effect was entered into DD No. 37 dated 14.01.2017 Police Lines **(copy of DD report is annexed as annexure A).**

Even after 14.01.2017 he remained absent, hence he was issued charge sheet and statement of allegations **(copy of charge sheet and statement of allegation are attached as annexure B&C).**

In order to probe into the conduct of defaulter official a proper departmental enquiry was initiated against him. DSP Shabqadar was entrusted with the enquiry, who during enquiry proceeding call the appellant time and again but he did not bother to appear before the enquiry office, hence Ex-parte action was recommended against the appellant **(enquiry report is attached as annexure D & copy of Index of enquiry is attached as annexure E).**

Before issuance of final show cause notice he was given proper opportunity of personal hearing, however during personal hearing he behaved in an insane manner. For which he was referred to Medical Board to examine his mental condition **(copy of letter is attached as annexure F).**

The Provincial Standing Medical Board gave its opinion that the appellant had no features of any mental illness (copy of Provincial Medical Board is attached as annexure G).

After receipt of medical board report it transpired that despite being of sound mind, he behaved with the then DPO in an insanely manner which was against the norms of disciplined force. Thus his retention in Police department would have shattered the image of its being a disciplined force.

Appellant was then issued Final Show Cause Notice to which he submitted his reply but the same was found unsatisfactory, hence he was dismissed from service.


- c) Incorrect. Appellant remained absent before the alleged incident, hence his plea regarding absence is not plausible.
- d) Para already explained.
- e) Para correct to the extent that appellant was issued Final Show Cause to which he submitted his reply but the same was found unsatisfactory, hence was awarded major punishment of dismissal from service.
- f) Para already explained.
- g) Para already explained.
- h) Para pertains to record.
- i) Para pertains to record.
- j) Para correct.
- k) Para pertains to record.

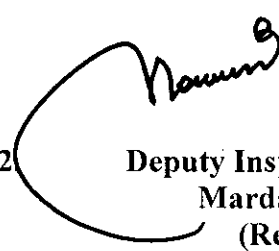
GROUNDS:

- 1. Incorrect. Orders passed by the competent authority as well as by the appellate authority are in accordance with law and rules.
- 2. Incorrect. Appellant was issued charge sheet and statement of allegations. Besides, he was also called by the enquiry officer time and again but appellant did not bother either to submit his reply or appear before the enquiry officer, hence enquiry officer was left with no other option but to recommend Ex-parte action against the appellant.
- 3. Para already explained in preceding para.
- 4. Incorrect. Appellant was provided opportunity of personal hearing, however, when appeared before the then DPO Charsadda, appellant behaved in an insane manner, for which he was referred to Medical Board. However the medical board opined that he has no mental issue which transpired that appellant intentionally was behaving in a rude and insane manner with the then DPO Charsadda.
- 5. Para already explained.

6. Incorrect. No innocence of the appellant was admitted rather on humanitarian ground his penalty of dismissal from service was modified into removal from service.
7. Incorrect. No right of the appellant has been violated rather he has been treated in accordance with law and rules.
8. Para already explained.
9. Incorrect. Orders passed by the respondents are in accordance with law, rules and principal of natural justice.

Keeping in view the facts above, it is therefore humbly prayed that the appeal of appellant being without merit and substance, may be dismissed with cost.

1. 
Inspector General of Police,
Khyber Pakhtunkhwa Peshawar
(Respondent No.3)

2. 
Deputy Inspector General of Police,
Mardan, Region-I Mardan
(Respondent No.2)

3. 
District Police Officer,
Charsadda
(Respondent No.1)

لکھنؤ 37 روزہ 14/17

س لائن

37 روزہ
 ضابطہ نمبر وقت 4:55:58 مورخہ 14/17
 درج ذیل کے سیشن ٹیپنگ 924 بصورت تیار
 گمانہ مطابق سے گواہوں 11 روزہ 14/17
 سائن ہذا کیے۔ رولہ کیا ہے لیکن مذکورہ
 تہاں سائن ہذا عام ایس آر۔ اس
 کے خلاف ایسٹ ٹیپنگ درجہ روزہ 14/17
 کے لئے لکھنؤ ٹیپنگ میں گواہوں کے لئے
 کی صورت میں ارسال ہوگی۔

76-R.D
5-6-17

ضابطہ نمبر

تقریباً 14/17

Sir, Forwarded

mm. PL-CHD
11-05-17

[Signature]

Sir,

L O - PL - CHD
11 - 5 - 17

Forwarded & recommended
for departmental proceeding

Pay stopped
GSSU Charge Sheet &
Summary of Allegation

OB No- 638
dt. 5-6-17

By: Superintendent of Police
H. C. Chavada

[Signature]
Police Officer


CHARGE SHEET UNDER KPK POLICE RULES 1975

I Sohail Khalid, District Police Officer Charsadda, as competent authority hereby charge you Constable Shehriar No. 724 as follows.

That you Constable Shehriar No. 724, while posted at Police Lines Charsadda, On 14.01.2017 you were closed to Police Lines Charsadda and were relieved vide D.D No. 11 dated 09.01.2017 but you badly failed to report your arrival at police lines Charsadda and thus absented yourself from your lawful duty w.e from 14.01.2017 till date without any leave or prior permission from your senior officers, absence report recorded vide D.D No. 37, dated 14.01.2017. Your act is highly objectionable and against the rules and regulations of the discipline force. This shows your inefficiency and lack of interest in the performance of your official duties.

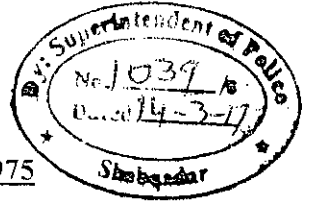
This amounts to grave misconduct on your part, warranting Departmental action against you as defined in section-6(I) (a) of the KPK Police Rules 1975.

1. By reason of the above, you appear to be guilty of misconduct under section 02(III) of the KPK Police Rules 1975 and has render your self 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 defense, if any should reach to the enquiry officer within the specified period, in case of failure, 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 person.


District Police Officer,
Charsadda

Annexure C (6) 2

Government of Khyber Pakhtunkhwa
Office of the District Police Officer
Charsadda




DISCIPLINARY ACTION UNDER KPK POLICE RULES -1975

I, Sohail Khalid, District Police Officer Charsadda, as competent authority am of the opinion that Constable Shehriar No. 724 has rendered himself liable to be proceeded against as he has committed the following acts/omissions within the meaning of section -02 (iii) of KPK Police Rules-1975.

STATEMENT OF ALLEGATIONS

That he **Constable Shehriar No. 724**, while posted at Police Lines Charsadda, On 14.01.2017 he was closed to Police Lines Charsadda and was relieved vide D.D No. 11 dated 09.01.2017 but he badly failed to report his arrival at police lines Charsadda and thus absented himself from his lawful duty w.e from 14.01.2017 till date without any leave or prior permission from his senior officers, absence report recorded vide D.D No. 37, dated 14.01.2017. His act is highly objectionable and against the rules and regulations of the discipline force. This shows his inefficiency and lack of interest in the performance of his official duties. This amounts to grave misconduct on his part, warranting Departmental action against him.

For the purpose scrutinizing the conduct of the said official **Mr. Fayyaz Khan DSP Shabqadar** is hereby deputed to conduct proper departmental enquiry against the aforesaid official, as contained in section -6 (I) (a) of the afore mentioned rules. The enquiry officer after completing all proceedings shall submit his verdict to this office within stipulated period of (10) days. Constable Shehriar No. 724, is directed to appear before the enquiry officer on the date, time and place fixed by the later (enquiry officer) a statement of charge sheet is attached herewith.



District Police Officer,
Charsadda

No. 352-S3 /HC, dated Charsadda the 10/03 2017.

Copies for Information to the:

- ✓ 1. Mr. Fayyaz Khan DSP Shabqadar
- 2. R.I Lines Charsadda

14/1/17
2017


Dist. Superintendent of Police
Charsadda
14-03-17

Amesure D

7


2176 /S,

Dated 4-4 2017.

ENQUIRY REPORT OF CONSTABLE SHAHRIYAR NO. 724 OF POLICE
LINES CHARSADEA.


Constable Shahriyar No. 724 while posted at Police Lines Charsadda, On 14-01-2017 he was closed to Police Lines Charsadda and was relieved vide DD No. 11, dated 09-01-2017 but he badly failed to report his arrival at Police Lines Charsadda and thus absented himself from his lawful duty w.e from 14-01-2017 till dated without any leave or prior permission from his senior officer, absence report recorded vide DD No. 37, dated 14-01-2017. His act is highly objectionable and against the rules and regulations of the discipline force. This shows his inefficiency and lack of interest in the performance of his official duty.

The defaulter Constable Shahriyar No. 724 was given chances so many times for hearing to join the enquiry proceedings, but he deliberately failed to do so. Therefore, he is recommended for EX-PART ACTION against him.


Dy: Superintendent of Police,
Shahqadar.

W/DPO/CHARSADEA.

Issue F.S.C.N


// DPO Chars //
04-04-2017

انڈیکس آف سبکداری (ایڈکس انڈیکس)

بنیاد: کسٹم سبکداری، 224 FC

انڈیکس آف سبکداری، 24/3/17 کو ڈیولپڈ، کراچی، پاکستان
انڈیکس آف سبکداری، 24/3/17 کو ڈیولپڈ، کراچی، پاکستان
انڈیکس آف سبکداری، 24/3/17 کو ڈیولپڈ، کراچی، پاکستان

Dy: Superintendent of Police
Shabqatlar 19/08/2017

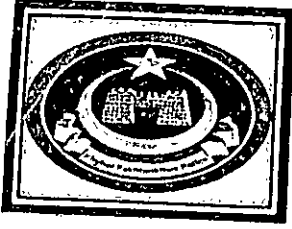
(2) آ. ج. صوفی، 24/3/17 کو ڈیولپڈ، کراچی، پاکستان

Dy: Superintendent of Police
Shabqatlar 24/03/17

انڈیکس آف سبکداری، 27/3/17 کو ڈیولپڈ، کراچی، پاکستان
انڈیکس آف سبکداری، 28/03/17 کو ڈیولپڈ، کراچی، پاکستان

Dy: Superintendent of Police
Shabqatlar 27-3-2017

Annexure P



GOVERNMENT OF KHYBER PAKHTUNKHWA,
OFFICE OF THE DISTRICT POLICE OFFICER,
CHARSADDA
PH 9220061, FAX 6514661

To,

No. 1633 /EC, dated Charsadda the 19/04/2017

The Medical Superintendent,
District Head Quarter Hospital
Charsadda

Subject: CONSTITUTION OF MEDICAL BOARD FOR MEDICAL EXAMINATION OF CONSTABLE SHEHRIAR NO. 724

Memo:

It is intimated that Constable Shehriar No. 724 of this district Police appeared before the undersigned and after hearing him in orderly room the undersigned reached to the conclusion that the official is suffering from some mental disease and not fit for police force.

It is therefore, requested that a medical board of specialist doctors may kindly be constituted for medical examination of above named official and appraise this office whether he can perform his duty or otherwise.

The opinion of the medical board may be communicated to this office for further proceeding in to the matter please.


District Police Officer,
Charsadda
cc

OFFICE OF THE MEDICAL SUPERINTENDENT DHQ HOSPITAL
CHARSADDA

STANDING MEDICAL BOARD

The standard Medical Board comprising of the following doctors

- | | | |
|-----|------------------------|----------|
| 01. | Medical Superintendent | Chairman |
| 02. | Physician | Member |
| 03. | Orthopedic Surgeon | Member |
| 04. | Surgeon | Member |

Examined Mr. Shahrayar constable No. 724 on 16/05/2017. As shown in the letter by DPO Charsadda, this constable has some mental problem. As there is no psychiatrist posted in DHQ Hospital Charsadda, this constable should be referred to Psychiatrist board to Police and Services Hospital Peshawar.

Physician
DHQ Hospital Charsadda

Surgeon
DHQ Hospital Charsadda

Orthopedic Surgeon
DHQ Hospital Charsadda

Chairman
Medical Superintendent
DHQ Hospital Charsadda

23/05/17

Service Appeal No. 879/2018

Shehriyar Ex-Constable r/o Rajjar District Charsadda.....Appellant

V E R S U S

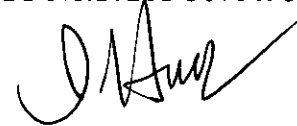
IGP/KPK etc:Respondents

AFFIDAVIT

I, Ijaz Hussain, Inspector Legal (representative of the department) do hereby solemnly affirm and declare on Oath that contents of the parawise comments are true and nothing has been concealed from this Hon'ble Tribunal.

DEPONENT:

CNIC No.17201-3070498-1



Identified by

District Attorney
Khyber Pakhtunkhwa,
Services Tribunal

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

No. 1537 /ST

Dated 4-9-2019

To


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

Subject: -

JUDGMENT IN APPEAL NO. 879/2018, MR. SHEHRI YAR.

I am directed to forward herewith a certified copy of Judgement dated 19.07.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR -
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.