

26.03.2019

Appellant absent. Learned counsel for the appellant absent. Security not deposited. Adjourn. To come up for written reply/comments on 25.04.2019 before S.B.



Member

25.04.2019

Neither appellant/counsel for the appellant is present nor security and process fee have been deposited by the appellant therefore, notice be issued to appellant as well as his counsel for attendance for 18.06.2019 before S.B.

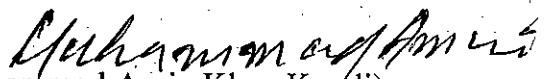

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

18.06.2019

None present on behalf of the appellant. Mr. Kabirullah Khattak, Additional AG for the respondents present. Called several times till 4:00 PM but no one appeared on behalf of the appellant nor he was present in person. Therefore, the appeal in hand is dismissed in default. File be consigned to the record room.

ANNOUNCED

18.06.2019


(Muhammad Amin Khan Kundi)
Member

Service Appeal No. 793/2018

30.01.2019

Counsel for the appellant Nawaz Ahmad present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Police Department. He was dismissed from service vide order dated 12.03.2018 by the competent authority on the allegation of absence from duty, the said order was communicated to the appellant on 18.03.2018 . It was further contended that the appellant filed departmental appeal on 20.03.2018 which was rejected on 27.04.2018 hence, the present service appeal on 28.05.2018. Learned counsel for the appellant further contended that neither charge sheet, statement of allegation was served upon the appellant nor proper inquiry was conducted. It was further contended that the appellant was ill and it was beyond the control of the appellant to attend the duty. It was further contended that due to non-conducting of proper inquiry the impugned order is illegal and liable to be set-aside.

The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notice be issued to the respondents for written reply/comments for 26.03.2019 before S.B.


(Muhammad Amin Khan Kundi)
Member

07.08.2018

Neither appellant nor his counsel present. Case to come up for preliminary hearing on 27.09.2018 before S.B.


Chairman


27.09.2018

Father of the appellant 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.


Chairman

01.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 19.12.2018.


READER

19.12.2018

Appellant absent. Learned counsel for the absent. Adjourn. To come up for preliminary hearing on 31.01.2019 before S.B.





Member

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 793/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	12/06/2018	<p>The appeal of Mr. Nawaz Ahmad resubmitted today by Mr. Muhammad Alam Zeb 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</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>9/7/18</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
09.07.2018		<p>Counsel for the appellant Mr. Muhammad Alamzaib Khan, Advocate present and made a request for adjournment. Granted. To come up for preliminary hearing on 07.08.2018 before S.B.</p> <p style="text-align: right;"> Chairman</p>


The appeal of Mr. Nawaz Ahmad son of Ali Ahmad r/o Warakai Maz Dagai Ex-Constable Belt No. 514 police line Swabi received today i.e. on 28.05.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Index of the appeal may be prepared according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Annexures of the appeal may be attested.
- 3- Annexures of the appeal may be flagged.
- ④ Copy of appointment order mentioned in para- 1 of the memo of appeal is not attached with the appeal which may be placed on it.
- 5- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- ⑥ Copy of departmental appeal is not attached with the appeal which may be placed on it.
- ⑦ Address of respondent no. 4 is incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 8- Two more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal in file covers.

wahidctnana -

No. 1092 /S.T,

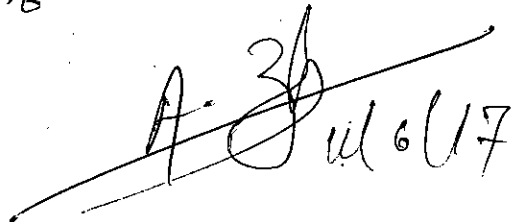
Dt. 29/05 /2018.


REGISTRAR 29/5/18
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.


Mr.M. Alam Zeb Khan Adv. Pesh.

Respected Sir,

Re-submitted after doing the
copy of departmental appeal & cc
2. departmental appeal page No 13 To 15.
= establishment please police line
copy Peshawar.


A. Zeb Khan
29/5/18

Resubmitted after doing the needful.

Moreover reply no 4 is unnecessary, hence deleted page


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

Service Appeal No. 793 of 2018

Nawaz Ahmad Petitioner

VERSUS

The Govt of Khyber Pakhtunkhwa and others
..... Respondents

INDEX

S.No.	Description of documents	Annexure	Pages
1.	Ground of Service Appeal		1-3
3.	Affidavit		4
4.	Addresses of the parties		5
5.	Copies of medical prescriptions	"A"	6-7
6.	Copy of leave application	"B"	8
7.	Copy of medical prescription	"C"	9-10
8.	Copy of leave application	"D"	11
9.	Copy of impugned order	"F"	12
10.	Copy of departmental appeal	"E"	13-16
11.	Copy of rejection order of departmental appeal	"F"	17
12.	Wakalat Nama	In original	18

Dated 11/06/2018

Muhammad
Appellant

Through:

A. Zeeshan
Alamzeb Khan

&
Muhammad Siddique

Advocates

High Court, Peshawar

1

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service appeal No 793 2018

Nawaz Ahmad S.O Ali Ahmad R/O Warakai Maz Dagai Tehsil Rajar District
Sawabi Ex-Constable Belt No 514 Police Line Sawabi

Khyber Pakhtunkhwa
Service Tribunal

Versus

Diary No. 1003

Dated 28/5/18

1. The Govt of KPK through Secretary Home KPK Peshawar.
2. The Inspector General of police KPK Peshawar.
3. The DSP head quarters Sawabi.
4. The Establishment Clerk ~~Govt Secretariate Peshawar~~ ^{P. 300} ~~Govt Secretariate Peshawar~~ ^{P. 300} ~~Govt Secretariate Peshawar~~ ^{P. 300}
5. The DPO Sawabi. Sawabi

APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974
AGAINST THE ORDER 12-03-2018 WHEREBY THE APPELLANT
WAS DISMISSED FROM SERVICE.

PRAYER

On acceptance of this appeal the order 12-03-2018 of the respondent may very graciously be set aside and the appellant be reinstated in service with all back benefits and wages. And any other relief deep^{er} fit and proper in the interest of justice may also be awarded in favor^u of the appellant.

Filed to-day

[Signature]
Registrar

28/5/18 Respectfully Sheweth,

1. That the appellant was appointed as constable in the POLICE department through order dated 30-12-2016 and posted at police line

Re-submitted to ~~Registrar~~
and filed.

[Signature]
Registrar
12/5/18

Sawbi. Ever since the appellant ^{has} have performed his duties as assigned to him with full devotion and there was no complaint what so ever regarding its performance. **(copy of appointment order as annexed A)**

2. That the appellant became seriously ill suddenly and the appellant submitted an application for 15 days leave w.e.f 18-10-2017 to 01-11-2017 but no order has been passed on the above mentioned application. **(copy of medical prescription is annexed as B)**
3. That the appellant submitted applications for the grant of leave but in vain and the appellant never absented himself from his duty but due to the above mentioned reason. **(Copy of application and medical certificates annexed as C and D)**
4. That when the appellant came to department he was informed that he has been dismissed from service. **(Copy of dismissal order 08-03-2018 is annexed as E)**
5. That the appellant filed departmental appeal against the said order of dismissal from service by the department. **(Copy of departmental appeal is annexed as F)**
6. That the departmental appeal of the appellant was also rejected vide order dated 27-04-2018. **(Copy of order dated 27-04-2018 is annexed as G)**
7. That now the appellant aggrieved from both the impugned orders mentioned above pray for the acceptance of this appeal inter alia on the following grounds.

GROUND

- A. That the appellatant has not been treated in accordance with law, hence his rights secured and guaranteed under the law are badly violated.
- B. That no proper procedure has been followed by the department and the appellatant has never been served properly with any notice.
- C. That the appellatant has not been given proper opportunity of hearing thus he has been condemned un-heard.
- D. That the appellatant is a devoted person and want to service the department how his illegal dismissal from service has restrained him to do so.
- E. That the appellatant is an honest person and also try his best to perform his duty for his country very honestly.
- F. That the appellatant have a large family depend^{ent} upon appellatant so his dismissal from service is not only suffering appellatant but also his whole family and the appellatant is still jobless.

It is therefore humbly prayed that on acceptance of this appeal the order 12-03-2018 of the respondent may very greasily be set aside and the appellatant be reinstated in service with all back benefits and wages. And any other relief deeps fit and proper in the interest of justice may also be awarded in favoru of the appellatant.

[Signature]
Appellant

Through

[Signature]
ALAMZEB KHAN
Advocate High Court

&

MUHAMMAD SADDIQ

28-5-18

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

4

Service appeal No _____ 2018

Nawaz Ahmad

Versus

The Govt of KPK

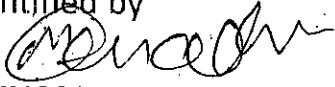
AFFIDAVIT

It is certify That I Nawaz Ahmad S.O Ali Ahmad R/O Warakai Maz Dagai Tehsil Rajar District Sawabi Ex-Constable Belt No 514 Police Line Sawabi do solemnly affirm and declare on oath that the continents of this appeal is correct to the best of my knowledge and belief nothing has been concealed from this honorable court.



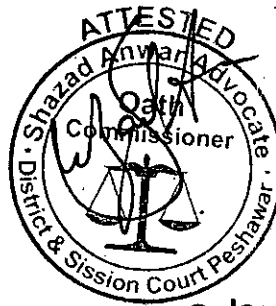
Deponent

Identified by



MUHAMMAD SADDIQ

Advocate High Court



25.05.18

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

5

Service appeal No _____ 2018

Memo of Address

APPELLANT

Nawaz Ahmad S.O Ali Ahmad R/O Warakai Maz Dagai Tehsil Rajar District
Sawabi Ex-Constable Belt No 514 Police Line Sawabi

RESPONDENTS

1. The Government of KPK through Secretary Home KPK Peshawar.
2. The Inspector General of police KPK Peshawar.
3. The DSP head quarters Sawabi.
4. The Establishment Clark Civil Secretariat Peshawar.
5. The DPO Sawabi.

ghawal
Appellant

Through

A. Z. Khan 28-5-18
ALAMZEB KHAN
Advocate High Court
&

MUHAMMAD SADDIQ
Advocate High Court

66 A 22 6

DHQ Teaching Hospital Swabi

OPD Fee Rs. 10

Name Nawaz Ahmad Age _____ Sex Male

OPD Serial No. 5148 - Date 18/10/17

UTI -
 Jaws
 SRA

TR: Lejox 500
 (1)

TE: Armin jote
121

Syp: Cosme-E.
 (2)

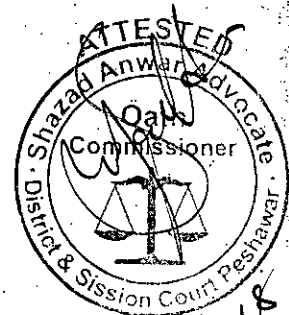
Cap: Esso 40
 w/b (1)

7: 7
cut
(w)
(w) (N/A)

137
 - 82

179
 77
 6
 2
 3

Printed by: MS DHQ Teaching Hospital Swabi



11-06-18

DHQ Teaching Hospital Swabi

OPD Fee Rs. 10

OPD 7

Name Muhammad Ahmad Age 48 Sex M

OPD Serial No. 18 Date 18/10/17

to inform you that
Mr. Muhammad Ahmad is not

feeling well so he is advised
to take rest of at least
5 days

Handwritten notes:
18-10-17
11-17

[Signature]
Medical Officer
DHQ Teaching Hospital
Swabi

بخدمت مہتابہ ڈسٹرکٹ جج عدالت سیشن پشاور

درجہ "B"

حصہ 8

گذشتہ جمعہ صبح میرا ایک سنسٹین نواز احمد نمبر 514
پولیس ضلع پشاور سے کھڑی ہو گیا ہے۔ بد دران کرینٹ میں
ہو گیا ہے۔ اور ڈاکٹر صاحب نے یہ سچ دیکھ کر اور ڈاکٹر

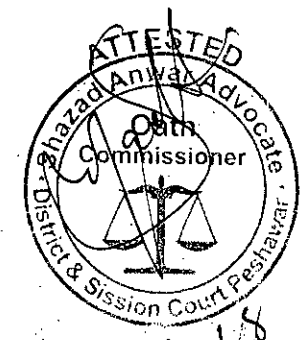
نواز احمد نمبر 514 کو ویدک وٹے بنا علی صاحب درویش
نواز احمد نمبر 514 کو ویدک وٹے بنا علی صاحب درویش
فیصلہ وزارت - 11-11-17

11-11-17

اللہ اعلم

نواز احمد نمبر 514
11-11-17
17-11-17

نواز احمد نمبر 514



11.06.17

Amir U C

DHQ Teaching Hospital Swabi

OPD Fee Rs. 10

Name: Mirza Age: _____ Sex: _____

OPD Serial No. 101921 Date 29/11/17

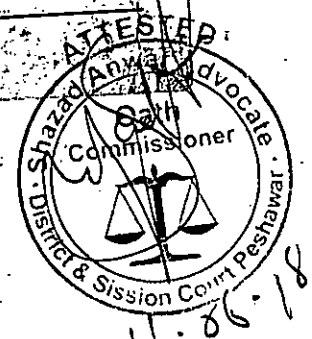
Handwritten signature and notes in Urdu

Handwritten notes on the left margin

Handwritten notes in Urdu

Handwritten medical notes in Urdu, including circled numbers 1, 2, 3, 4, 5, 6

Printed by: MS DHQ Teaching Hospital Swabi



11.06.18

Assistant Professor
Dr. Ejaz Gul
 M.B.B.S, F.C.P.S (Psy)
 Consultant Psychiatrist & Psychotherapist



~~17-01-18~~
 17-01-18
 17-02-18
 10

Chairman:
 Department of Psychiatry & DATC
 Bacha Khan Medical College
 Mardan Medical Complex &
 Teaching Hospital Mardan.

Private Practice:
 Ihsan Medical Complex
 Hospital Road, Mardan.
 Ph: 0937-873323

Name Nawaz Ahmad Ref. No. _____ Age _____ Gender _____ Date 17-01-18

Rx

Advise bed rest for
 one month
 weakness
 2

1. Tal Distalgic
 دات 1 رات 1 ددہر 1 ع
 30 سے 30 کاٹے
 30 کاٹے

2. Tal Neopro x 500
 دات 1 رات 0 ددہر 1 ع
 30 سے 30 کاٹے
 30 کاٹے

3. Tal Avil-retard 75
 دات 1 رات 0 ددہر 0 ع
 30 سے 30 کاٹے
 30 کاٹے

4. Tal Eptal x 200
 دات 1 رات 0 ددہر 0 ع
 30 سے 30 کاٹے
 30 کاٹے

5. Tal Neogram 10
 دات 0 رات 0 ددہر 1 ع
 30 سے 30 کاٹے
 30 کاٹے

6. Rutobin
 دات 1 رات 0 ددہر 0 ع
 30 سے 30 کاٹے
 30 کاٹے

Assistant Professor
DR. EJAZ GUL
 Chairman Dept. of Psychiatry
 BKMC Mardan

کلینک بروز اتوار 8 تا 2 بجے دوپہر
 مین بازار زیدہ نزد جناز گاہ

Contact: 0300-5119891
 چھٹی بروز ہفتہ اتوار
 Not For MLC

Informant

T.D. 2009

P.D.

Demographic History

PIC

THC [redacted] address

quit boy
[signature]

HOPI

Police Job

Investigation Done

Past History

Investigation Required

Personal History

Marked [signature]

MSE

Physical Examination

Summary

Management Planning

[signature]

0251

گورنمنٹ ڈپو - DPO - مع ہجرتی (م) افسانہ

LEAVE WITHOUT PAY "D" دنوں کے لئے

گورنمنٹ ڈپو اور اس کے کمبلڈ ایجنٹ پولیس کانسٹیبل کوٹ لہور میں تقریباً 9 ماہ تک رہنے کا حاصل کیا ہے۔ اسی دوران والدین کی حالت میں وفات ہو چکی ہے۔ فرزند والد کی بیماری اور خودکشی کی سبب سے صحت سے چند دنوں کے عرصے میں بیمار ہو گیا۔ پھر افسانہ کی حالت میں ان کی وفات ہو چکی ہے۔ اس دوران والدین کی حالت میں وفات ہو چکی ہے۔ فرزند والد کی بیماری اور خودکشی کی سبب سے صحت سے چند دنوں کے عرصے میں بیمار ہو گیا۔ پھر افسانہ کی حالت میں ان کی وفات ہو چکی ہے۔

امید ہے کہ یہ درخواستیں منظور کی جائیں گی۔

17/01/18
نورین بیگم
Nawaz Ahmad

انعامتہ گورنمنٹ ڈپو کانسٹیبل کے لئے
514 پولیس سٹیشن کراچی



11.06.18

JAWAB D.P.O. SWABI Dismissal Order

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI

"E"

ORDER

Constable Nawaz Ahmed Belt No. 514, while recommended for basic recruit course vide letter No. 316/EC Dated 23.10.2017 but he has deliberately absented himself at the time of departure for training to Police Training School Mansehra and thereby absented himself from duty with effect from 23.10.2017 to 23.02.2018 without any leave/prior permission of the competent authority, which is highly against the discipline and amounts to gross misconduct.

In this connection, he was served with a Show Cause Notice under the rules vide this office Endst: No. 259/PSO Dated 30.10.2017 but neither he received the show cause notice nor joined back his duty, indicating negligence, disinterest in service and disobedience towards the directions of senior officers on his part. Therefore, he was served with Charge Sheet and Summery of allegations vide this office Diary No. 40/CC/PSO Dated 05.12.2017 and SDPO Lahor was appointed as Enquiry Officer. The officer conducted proper departmental enquiry, called him to attend the office in connection with his departmental Enquiry but he did not appear. The Enquiry Officer issued several reminders vide his office Memo. Nos. 831/L Dated 07.12.2017, 845/L Dated 14.12.2017, 848/L Dated 19.12.2017 and last reminder No. 853/L, Dated 22.12.2017 but despite of that he did not appear before the enquiry officer, hence proceeded him against ex-parte action. The Enquiry Officer submitted his findings, wherein he found Constable Nawaz Ahmed Belt No. 514 guilty for the misconduct and recommended him for Major punishment. The undersigned perused the enquiry papers, findings and by agreeing with the Enquiry Officer, issued him with Final Show Cause Notice vide this office Endst: No. 302/PSO Dated 28.12.2017, who submitted his reply wherein he stated that he was seriously ill and suffered from mental shocks due to which he could not attend the enquiry proceedings and requested to exonerate him for the charges. Moreover, the delinquent official was appeared in order room held on 08.03.2018, heard him in person but his reply was found unsatisfactory which shows that he has nothing to offer in his defence and thereby recommends him for major penalty.

Therefore, I, Sohail Khalid, PSP, District Police Officer, Swabi, in exercise of the powers vested in me under Rules 5(3) of the Khyber Pakhtunkhwa Police Rules 1975, hereby award Constable Nawaz Ahmed Belt No. 514, major punishment of Dismissal from service with immediate effect while the pay for the period of his absence i.e. 23.10.2017 to 23.02.2018 is hereby deducted from his salary.

Order announced:
On 08.03.2018

O.B No. 255
Dated: 10-03-2018

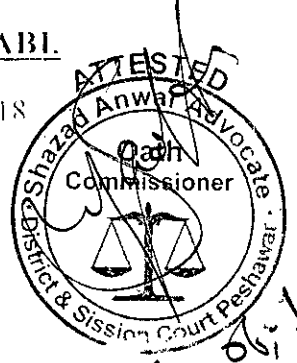
[Signature]
District Police Officer,
SWABI.

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI.

No. 210-214 PSO, dated Swabi, the 12-03-2018

Copies to the: -

1. DSP, H.Q.s, Swabi.
2. Pay Officer.
3. Establishment Clerk.
4. Fauji Missal Clerk.
5. Official Concerned



[Handwritten signature]
11-06-18

0340 2635 567

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تولیدی

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①

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APEAL TO JANAB

13

D

D-1.4. MARDAN

Which has been Rejected

ON-27-04-18-0

To,

The Deputy Inspector,
General of Police,
(Regional Police Officer),
Mardan

"F"

Subject: **DEPARTMENTAL APPEAL AGAINST THE
ORDER DATED 12.03.2018 PASSED BY
DISTRICT POLICE OFFICER, SWABI,
WHEREIN APPELLANT HAS BEEN
DISMISSED FROM SERVICE, WHICH IS
ILLEGAL AGAINST LAW AND FACTS.**

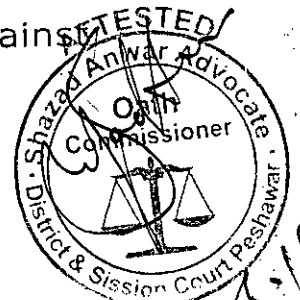
Prayer

On acceptance of this appeal, order dated 12.03.2018 of District Police Officer, Swabi may please be set-aside and appellant may please be reinstate in service with all back benefits. Any other relief deemed fit may also be graciously granted.

Sir

Appellant humbly submit as under:-

1. That appellant was appointed as Constable vide order dated 30-12-2016
2. That appellant has been dismissed for alleged absence from 23.10.2017 to 23.02.2018 vide order dated 12.03.2018, which is illegal, against law and facts on the following grounds:-



11-26-18

GROUND

A. Because appellant applied for 15 days leave w.e.f. 18.10.2017 to 01.11.2017, duly supported through an application, which is submitted to the worthy S.P Swabi, but no order has been passed over same whereas, per F.R (Fundamental Rules) leave applied for on medical grounds can't be refused and the competent authority can at must send it for medical opinion. (Copy of medical prescription dated 18.10.2017 is attached).

B. That the details of applications and medical certificates for bed rest are as under:-

i.	1 st Medical alongwith application	18.10.2017 to 01.11.2017 ✓
ii.	2 nd Medical alongwith application	02.11.2017 to 17.11.2017
iii.	3 rd Medical alongwith application	17.01.2018 to 17.02.2018

(Copies of applications and medical certificates are annexed)

C. Because the appellant joined duty on 18.02.2018 and regularly performed his duties till dismissal on 12.03.2018.

D. Because, it is strange that appellant is on duty from 18.02.2018 to 12.03.2018 and even then dismissed for absence w.e.f. 23.10.2017 to 23.02.2018.

- E. Because the worthy S.P Swabi failed to consider the applications for leave and medical certificates and law on the subject i.e. F.R, (leave applied for on medical ground can't be refused)
- F. Because neither any notice nor reminder has been served upon appellant and there is no signature of appellant fixed on summon.
- G. Because, it is not clear and under which rule appellant has been dismissed.
- H. Because punishment is very harsh.
- I. Because, it is a stigma forever, deprived appellant of further service.
- J. Because appellant is jobless, entitled for back benefits.

It is, therefore humbly prayed that, on acceptance of this appeal, the order dated 12.03.2018 of District Police Officer, Swabi may please be set-aside and appellant may please be reinstate in service with all back benefits.

Any other relief deemed fit may also be graciously granted.

Dated: 20-03-18

APPLICANT

Nawaz Ahmad
Constable Nawaz Ahmad,
Belt NO.514, Police
Lane, Swabi

16

بھنخور جناب عزت مآب جناب انسپکٹر جنرل آف پولیس صوبہ خیبر پختونخوا۔ پشاور

عنوان اپیل: برائے بحالی پولیس سروس ضلع صوابی

جناب عالی!

موردہ تہ گزارش ہے کہ سائل حافظ قرآن ہے سائل مورخہ 30-12-2016 کو ضلع صوابی پولیس میں بطور کنسٹیبل بھرتی ہوا۔ جو بعد میں کوہاٹ ٹریننگ سنٹر کوریروٹی کورس کیلئے بھیجوا یا گیا۔ سائل نے وہاں سے 9 ماہ کی بنیادی ریکروٹی کورس مکمل کی ہے۔ یہاں تک کہ پاسنگ اوٹ پریڈ بھی ہو گئی ہے۔ اسی دوران والدہ کی بیماری اور خالہ زاد بھائی کی ایکسیڈنٹ کی وجہ سے جو کہ لیڈی ریڈنگ ہسپتال پشاور میں دس دن وقت ہو چکا ہے۔ جس کی ریکارڈ LRH پشاور میں موجود ہے۔ اسی وجہ سے چند دن ڈیوٹی پر نہ جاسکا جس کا سائل نے ساتھیوں کو اطلاع دی تھی۔ اب میرے علم میں نہیں ہے کہ مجھے کن وجوہات کی بنا پر کوہاٹ ٹریننگ سنٹر سے ڈسٹس کو الیفائیڈ ضلع صوابی بھیجوا یا گیا۔ حالانکہ میں نے ٹریننگ کورس مکمل کی ہے۔ جس سے بندہ کو کافی پریشانی ہوئی ہے۔

افسران بالانے سائل کو دوبارہ ٹریننگ کیلئے ماسٹرہ ٹریننگ سنٹر کو کورس کیلئے حکم صادر فرمایا۔ لیکن سائل بیمار ہو جانے کی وجہ سے ماسٹرہ ٹریننگ سنٹر نہ جا سکا۔ جس کی میڈیکل رپورٹ لف ہے۔ جس کی تفصیل مندرجہ ذیل ہے۔

- (1) 18-10-2017 سے 1-11-2017 تک
- (2) 2-11-2017 سے 17-11-2017 تک
- (3) 17-01-2018 سے 17-02-2018 تک

دوران ڈیوٹی سائل کو تہ جناب DPO صاحب صوابی کی آفس سے شوکارڈس موصول ہوئی ہے اور انہیں بعد انکو آفیسر جناب SDPO صاحب لاہور کی آفس سے کوئی اطلاع یا بی انکو آفیسر وغیرہ موصول ہوئی ہے۔

جناب عالی! سائل نے بیمار ہونے کی وجہ سے Leave without pay لینے کی بھی درخواست کی ہے۔ ڈاکٹر کی ہدایت کے مطابق Bedrest for one month پوری ہونے کے بعد بندہ نے باقاعدہ صوابی پولیس لائن میں ڈیوٹی انجام دی ہے۔ دوران ڈیوٹی جناب DPO صاحب صوابی نے پیش ہونے کا حکم صادر فرمایا۔ جس کی تعمیل کرتے ہوئے بندہ اگلے دن جناب DPO صاحب کی خدمت میں حاضر ہوا لیکن جناب DPO صاحب صوابی نے پوری بات سننے بغیر نوکری سے برخاست ہونے کا حکم فرمایا۔ حالانکہ سائل پولیس لائن صوابی میں ڈیوٹی پر تھا۔

جناب عالی! افسران بالانے 23-10-2017 سے 23-02-2018 تک مسلسل غیر حاضر تحریر فرمایا ہے۔ حالانکہ سائل نے صحت یاب ہونے پر ڈیوٹی انجام دی ہے۔ جو ریکارڈ پر موجود ہے۔ اور ڈیوٹی کے دوران ہی 8-03-2018 کو بندہ کو ڈسٹس کیا ہے۔

جناب عالی! سائل بے روزگار ہے جس کے ضعیف العمر والدین اور چھوٹے چھوٹے بہن بھائی ہے۔ اور گھر کا واحد کفیل ہے کوئی اور زر یہ معاش نہیں ہے۔ جس کی وجہ سے والدین دکھ پریشانی اور صدمے کے شکار ہیں۔ بہت بے روزگاری کی وجہ سے بندہ نہایت تنگدستی کے دن گزار رہے ہیں۔

لہذا بندہ زر یہ اپیل ہذا جناب کی خدمت عالیہ میں استدعا ہے کہ سائل کے ضعیف العمر والدین چھوٹے چھوٹے بہن بھائیوں کی دکھ تنگدستی اور پریشانی کو مد نظر رکھتے ہوئے خصوصی دست شفقت رکھتے ہوئے پولیس کی نوکری پر دوبارہ بحال کرانے کی حکم صادر فرما کر ثواب دارین حاصل کر لیا جائے۔

بندہ اور ضعیف العمر والدین تاحیات دعا گو ہیں گے۔

اپیل کنندہ نواز احمد کنسٹیبل بلٹ نمبر 514 پولیس لائن صوابی

موبائل نمبر: 0300-9052002

0314-5955200

معصوم دوڑا کی منڈ ڈراگی کنسٹیبل نواز احمد کنسٹیبل

"G" 22

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ORDER.

This order will dispose-off the appeal preferred by Ex-Constable Nawaz Ahmad No. 514 of Swabi District Police against the order of the District Police Officer, Swabi whereby he was awarded Major Punishment of dismissed from service, vide District Police Officer, Swabi OB No. 255 dated 12.03.2018.

Brief facts of the case are that he while posted to Swabi District was denied for basic recruit course vide letter No. 316/EC, dated 23.10.2017, but he deliberately absented himself at the time of departure for training to Police Training School Manshehra and thereby absented himself from duty with effect from 23.10.2017 to 23.02.2018 without any leave/prior permission of the competent authority. On account of above misconduct, he was served with Show Cause Notice but he did not respond nor joined his duty which shows his disinterest in service. Therefore, he was served with Charge Sheet/Summary of Allegations and DSP/Lahor was appointed as Enquiry Officer. During departmental enquiry, appellat did not appear nor joined the enquiry proceedings despite of several notices issued by the Enquiry Officer which shows that he is not interested in Police service, therefore he was proceeded against ex-parte and recommended for major punishment by the Enquiry Officer. On receipt of recommendations of Enquiry Officer in order to provide appellat an opportunity of personal hearing he was served with Final Show Cause Notice and also appeared in Orderly Room. The reply of Final Show Cause Notice was found unsatisfactory nor he produced any evidence in respect of his innocence, therefore he was dismissed from service by District Police Officer, Swabi.

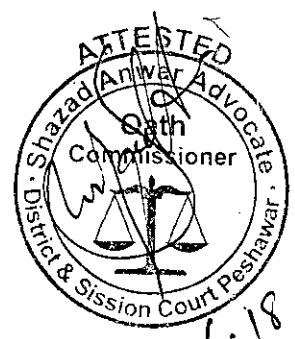
He was called in orderly room held in this office on 25.04.2018 and heard him in person, but he did not produce any substantial evidence about his absence. Therefore, I find no grounds to intervene the order passed by the District Police Officer, Swabi in exercise of the powers conferred upon me reject the appeal and do not interfere in the order passed by the competent authority. Hence Appeal is rejected.

(Muhammad Alam Shiwari)PSP
Regional Police Officer,
Mardan

No. 2819 /ES, Dated Mardan the 27-4 /2018.

Copy to District Police Officer, Swabi for information and necessary action w/r to his office Memo. No. 112/Insp: Legal dated 13.04.2018. The Service Record is returned herewith.

(*****)



11.06.18

قیمت
50 روپے



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ایڈویٹ: 2764 0300 9591566

بار کونسل ایسوسی ایشن نمبر: 2764
رابطہ نمبر:

پشاور بار ایسوسی ایشن، خیبر پختونخوا

بعدالت جناب: سر جسٹس ایسوسی ایشن خیبر پختونخواہ لیسٹ 19

مخانب: 1 بیلا رٹ	دعوی:
لورڈ رامندر	علت نمبر:
بنام	مورخہ:
KPR	جرم:
	تھانہ:

باعت تحریر آتکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
آن مقام المشاہدہ کیلئے محمد عالم احمد صاحب 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 جانب 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: 24/5/18

العواہ شد

مقام

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