

S.No	Date of order proceeding	Order or other proceedings with signature of judge or Magistrate
2	28-06-2016	3
<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>PESHAWAR.</u></p> <p style="text-align: center;">APPEAL NO. 227 of 2014</p> <p style="text-align: center;">(Sajjad Ullah-vs-Provincial Police Officer, Khyber Pakhtunkhwa Peshawar and others).</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>PIR BAKHSH SHAH, MEMBER:</u></p> <p>Appellant with counsel (Mr. Aslam Khan Khatak, Advocate) and Mr. Ihsan Ullah, ASI alongwith Mr. Muhammad Jan, GP for respondents present.</p> <p>2. According to appellant he was appointed as constable in police department in the year 2007. He was discharged from service vide order dated 14.10.2013 on the ground of absence from duty w.ef 15.08.2013 against which his departmental appeal dated 12.11.2013 was rejected on 22.01.2014, hence this appeal under section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974..</p> <p>3. Arguments heard and record perused.</p> <p>4. Learned counsel for the appellant submitted that mother of the appellant was seriously ill which <del>fitness</del> is also established from the record and that there was none else except appellant to look her after. He further submitted that no charge sheet was served on the appellant nor he was</p>		

associated in the enquiry proceedings thus no chance or defense of personal hearing was provided to the appellant. He further argued that for a total absence of about 59 days, harsh penalty of discharged from service has been imposed on the appellant who had already rendered almost 6/7 years of service and further that the penalty discharge from service has been given retrospective effect which is contrary to law. Learned counsel for the appellant prayed that the impugned orders may be set aside, this appeal may be allowed and the appellant reinstated into service with all back benefits.

5. This appeal was resisted by learned Government Pleader on the ground that charge sheet was duly served at the home address on father of the appellant and his absence was willful, therefore, he was rightly discharged from service which tantamount to removal from service. He prayed that the appeal may be dismissed.

6. After a careful perusal of the record and hearing pro & contra arguments at some length, it was noticed from the record that in this case the enquiry against the appellant was conducted by S.I Abdul Waheed. The foot note given on the charge sheet by the enquiry officer, it is mention<sup>ed</sup> that the same was personally served on the appellant by the enquiry officer which situation is contradictory when we go through the written reply of the respondents according to which the service was made on father of the appellant. This is worth mentioning that the appellant has totally denied service of the charge sheet on him. In view of the said situation, it is conveyed from record that the appellant has not been personally served on the charge sheet allegedly issued to him. It was also observed that at the relevant time, the appellant was not on probation whereas he has been discharged from service. The penalty thus imposed on the appellant is not

covered under the law. In view of the Tribunal, a fair opportunity of defense and personal hearing was a right of the appellant in accordance with the requirements of the natural justice which right thus has been denied to him. In view of foregoing reasons, the Tribunal is inclined to set aside the impugned orders. Consequently, the impugned orders are set aside. The department however is at liberty that if advised, it may initiate *de-novo* proceedings against the appellant in which full opportunity of defense be given to him. Needless to mention that for the purpose of *de-novo* proceedings, the appellant is reinstated into service. The matter of back benefits is thus also left to be decided by the respondent-department. The appeal is allowed in the above terms. Parties are left to bear their own cost. File be consigned to the record room.

  
(AHMAD HASSAN)  
MEMBER

  
(PIR BAKHSH SHAH)  
MEMBER

ANNOUNCED  
28.06.2016

02.12.2015

Counsel for the appellant and Asst: AG for respondents present. Rejoinder submitted on behalf of the appellant which is placed on file. To come up for arguments on 22.3.2016.



Member



Member

22.3.2016

Counsel for the appellant and Kabeerullah Khattak, Asstt. AG with Ihsanullah, H.C for the respondents present. Counsel for the appellant requested for adjournment. Therefore, case is adjourned to 28.6.16 for arguments.



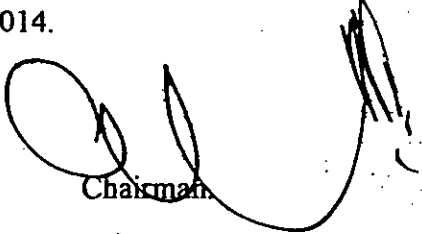
MEMBER



MEMBER

11.08.2014

Appellant with counsel present. Respondents are not present despite their service through registered post/concerned official. However, AAG is present and would be contacting the respondents for written reply/comments on 10.12.2014.

  
Chairman

10.12.2014

Appellant with counsel and Mr. Muhammad Adeel Butt, AAG for the respondents present. The Tribunal is incomplete. To come up for written reply/comments on 24.02.2015.

  
Reader

7 24.02.2015

Counsel for the appellant and Mr. Muhammad Yasin, Inspector (legal) for respondents alongwith Addl: A.G present. Comments on behalf of respondents submitted. The case is assigned to D.B for rejoinder and final hearing for 27.08.2015.

  
Chairman

27.08.2015

Counsel for the appellant and Mr. Sahil. H.C' alongwith Asstt: AG for respondents present. Arguments could not be heard due to Learned Member (Judicial) is on leave. To come up for rejoinder and Arguments on 2-12-2015.

  
Member


Appeal No. 227/2014.  
Mr. SaJJad Ullah.

3.

16.04.2014

Appellant in person present and requested for adjournment

due to general strike of the Bar. To come up for preliminary hearing on 16.05.2014.

  
Member

4.

16.05.2014

Appellant with counsel present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the original order dated 14.10.2013, he filed departmental appeal on 12.11.2013, which has been rejected on 22.01.2014, hence the present appeal on 20.02.2014. He further contended that neither any charge sheet, statement of allegation has been issued to the appellant nor any show cause notice served upon the appellant. The impugned order dated 22.01.2014, has been issued in violation of Rule-5 of the Civil Servant (Appeal) Rules 1986. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents. To come up for written reply/comments on 11.08.2014.

Appellant Deposited  
Security & Process Fee  
Rs.....180.....Bank  
Receipt is Attached with File.

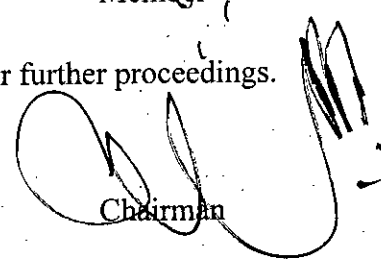


  
Member

5.

16.05.2014

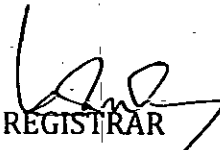

This case be put before the Final Bench 1 for further proceedings.

  
Chairman

**Form- A**  
**FORM OF ORDER SHEET**

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

Case No. 227/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	20/02/2014	<p>The appeal of Mr. Sajjad Ullah presented today by Mr. Aslam Khan Khattak Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	24-2-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>16-4-2014</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE K.P.K SERVICE TRIBUNAL, PESHAWAR.

Appeal No: 227/2014

Sajjad Ullah, Ex-constable ....v/s....Provincial Police Officer,  
KPK Peshawar and others.

I N D E X

<u>S.No</u>	<u>Description of documents</u>	<u>Annexures</u>	<u>Page No.</u>
1.	Memo of Appeal	-	<u>1-5</u>
2.	Impugned order dated 14.10.2013	A	<u>6</u>
3.	Admission of appellant's mother in hospital	B	<u>7-8</u>
4.	Departmental appeal ✓	C	<u>9-10</u>
5.	Impugned order dated 22.1.2014 ✓	D	<u>11</u>
6.	Revised Leave Rules 1980	E	<u>12</u>
7.	Vakalat Nama.....	-	<u>13</u>

Bu  
Appellant,

Through:

Aslam  
(ASLAM KHAN KHATTAK)  
Advocate, Peshawar.

Dated: 20.2.2014



BEFORE THE K.P.K SERVICE TRIBUNAL, PESHAWAR.

APPEAL NO: 227/2014

Sajjad Ullah No. 1344, Ex-constable, Frontier  
Reserve Police Kohat Range R/O Totaki, Tehsil

~~227~~ 236  
9.0/2/14

Banda Daud Snah Distc: Karak

.....APPELLANT.

Versus

1. The Provincial Police Officer, K.P.K, Peshawar.
2. Additional Inspector General of Police/  
Commandant Frontier Reserve Police,  
K.P.K Peshawar.
3. Superintendent of Police F.R.P, Kohat.

.....RESPONDENTS.

*415-4 of the service Tribunal Act 1974*  
APPEAL/ against the impugned order dated

14.10.2013 vide annexure A whereby the

appellant has been discharged from service

from 15.8.2013 and also against the final

impugned order dated 22.1.2014 vide annexure B whereby

the appellant's departmental appeal has been rejected.

~~227~~  
20/2/14

PRAYER:-

On acceptance of appeal both the impugned

orders at annexures A and <sup>D</sup>B may be set aside

and the appellant may be reinstated in service

with all back benefits.

Respectfully Sheweth:

The appellant respectfully submits as under :-

1. That the appellant having been inducted in service as constable in the year 2007 in FRP, K.P.K.
2. That the appellant throughout his whole service has performed his duties with utmost of his capabilities and to the entire satisfaction of his superiors.
3. That the mother of appellant became seriously sick and thereafter she was admitted in post Graduate Medical Institute Lady Reading Hospital Peshawar in Bed No. 05 vide annexure B and as no one was there in his home to look after her in the hospital and appellants' superiors permitted him to look after his mother in the hospital.
4. That thereafter the respondent No.3 has discharged the appellant from service with effect from 15.8.2013 vide impugned order dated 14.10.2013 at annexure A.
5. That the appellant has filed his departmental appeal dated 12.11.2013 vide annexure C against the impugned order dated 14.10.2013 and which has been rejected vide impugned order dated 22.4.2014 at annexure D and hence this appeal inter-alia on the following grounds:-

GROUNDS:

- A. That the impugned order dated 14.10.2013 at annexure A has been given retrospective effect which is patently an illegal and void order which can not be given any effect to under the law.
- B. That no regular inquiry has been conducted in the matter which led to the conclusion that the charges have not been proved against the appellant and only one side action has been taken against him which is not permissible under the law.
- C. That the appellant's mother was sick and was admitted in the hospital as revealed from annexure B and the appellant was permitted to look after her in the hospital by his superiors and thereafter his discharge from service on account of 59 days absentee from duty is highly illegal and needs interference by this Hon'able Tribunal in the matter.
- D. That the charges of absence from duty if even proved is a petty misconduct and it would not justify the imposition of major penalty of discharge

from service which is really a very harsh punishment but in such circumstances the absence period shall be treated as leave of any kind as may be due to him.

E. That as per leave rules a civil servant is entitled to 4 days leave with full pay in a month and the appellant whose service is 7 years and is entitled to lot of leave with full pay and his instant 59 days absence from duty was easily adjuatable with full pay but no consideration to this effect has been given to him and so both the impugned orders are illegal and may be set aside on this score alone.

F. That the last opportunity of personal hearing has not been given to the appellant which was necessary under the law and he has been condemned unheard and both the impugned orders are liable to be set aside.

G. That the two impugned orders at annexure A and D are illegal, malafide, without lawful authority and are not sustainable under the law.

H. That the appellant seeks leave of this Hon'able Tribunal to rely on additional grounds at the time of arguments.

It is therefore, prayed that on acceptance of appeal, the two impugned orders at annexures A and D may be set aside and the appellant may be reinstated in service with all back benefits.



Appellant,

Through:



(ASLAM KHAN KHATTAK)

Advocate, Peshawar.

Dated: 20.02.2014

ORDER

This order is passed on the departmental enquiry against Constable Sajjad Ullah No.1344 Platoon No.114 of FRP Kohat under Police Rules - 1975.

Facts of the case are that Constable Sajjad Ullah No. 1344, Platoon No. 114 of FRP while posted at FRP Police Lines, Kohat absented himself deliberately/intentionally without any leave or permission with effect from 15.08.2013 vide DD No. 22 dated 15.08.2013. He was served with show cause notice vide this office Endst: No. 311/PA dated 10.09.2013 at his home address and subsequently served with charge sheet and Summary of Allegation vide this office Endst: No. 322/PA dated 20.09.2013 and S/IPC Abdul Wahed FRP Kohat Range, Kohat was appointed as enquiry officer to proceed against him departmentally in absentia under Police Rules – 1975.

The enquiry officer in his finding has reported that as per previous record from the date of enlistment he have absented for 124 days and 18 bad entries were earned in his Service Book. It is clear cut reveled that there is no hope to become a good Police official. He is burden on the exchequer of Govt: as well as Police Department. Further more he was served with final show cause notice vide this office Endst: No. 336/PA dated 30.09.2013, but his reply was found unsatisfactory.

Keeping in view of the above facts and deliberate absence from official/Govt: duty without any leave or permission Constable Sajjad Ullah No. 1344 Platoon No. 114 is considered as unfit for the Police service. hence he is discharge from service from the date of his absence i.e 15.08.2013.

Attested

SUPERINTENDENT OF POLICE,  
FRP, KOHAT

OB No: 517

Dated: 14-10 /2013

Copy to:-

- 1. Pay Officer
- 2. ✓ PA
- 3. ✓ SRC
- 4. ✓ OSI

خصوصی ہدایات

POST GRADUATE MEDICAL INSTITUTE  
LADY READING HOSPITAL, PESHAWAR.

**DISCHARGE CARD**  
**ORTHOPAEDIC UNIT "A"**

Head of Department

Prof. Dr. Shahab-Ud-Din  
M.C.P.S. (Surgery)  
F.C.P.S. (Orthopaedic)

Associate Professor

Dr. Iqtadarullah Babar  
F.C.P.S. (Ortho)

Assistant Professor

Dr. Abdul Rehman Qureshi  
M.S. (Ortho)

Senior Registrar

Dr. Wali Muhammad Masood  
F.C.P.S. (Ortho)

Junior Registrar

Dr. Muhammad Qaseem  
M.B.B.S

Patient's Name: Naseem Jan

Computer I.D. # 2231314

Age: 50y Sex: ♂ Bed No: 05

Address: District. Karak, village  
Shawa Totaki.

Disease: neck of femur Rt

Operation Date: 12-08-2013 Operation DHS

Date of Admission: 10-08-13 Admission No: 244115

CNIC No: 142017830805-5

Date of Discharge: 30-08-2013

دن بعد ناکے کھولائیں۔ 25

دن بعد زخم کی پٹی کھولائیں۔ 25

O.P.D منگل اور جمعہ

حسب ہدایات ورزش کریں۔

Medical Officer  
Ort  
Lady  
Peshawar.

Signature of Doctor Name



Horizon Pharmaceuticals (Pvt) Ltd.

Amreante B

①

Attended  
by

Present illness

of fall which resulted

fracture of femur (RT)

History

M<sup>+</sup> HTN - Asthma

Examination

Fracture of femur (RT)

Fracture of femur

Diagnosis

Fracture of femur

### Treatment at Hospital

- Inj. Frax SOS
- Inj. Toradol SOS
- Inj. Ceftriaxone 1 x BD
- Inj. R/L IL 1 x OD
- Inj. ESO 4mg 1 x OD

### Home Treatment

- Tab. Brexino
- Tab. Nektal
- Tab. ESO
- Tab. Nektal



BEFORE THE COMMANDANT FRP

Annexure

KHYBER PAKHTUNKHAWA, PESHAWAR

(9)

SUBJECT: APPEAL AGAINST THE ORDER OF SF  
FRP KOHAT, BEARING NO. 517 dt  
14.10.2013 WHEREBY THE APPELLANT  
EX-CONSTABLE SAJJADULLAH NO. 1344  
PLATOON NO. 114 FRP KOHAT WAS  
DISCHARGED FROM SERVICE W.E.F  
15.8.2013.

Respected sir,

With great veneration, the  
appellant submits the following for  
your kind consideration.

Attested  
as

1. That the appellant joined FRP, KHYBER  
PAKHTUNKHAWA as Constable in the  
year 2007.
2. That while posted at police line  
Kohat, the mother of the appellant  
got seriously sick as such she was  
admitted in the hospital at Peshawar  
on 10.8.2013.
3. That the appellant's mother was operated  
upon on 12.8.2013 and discharged from  
the hospital on 30.8.2013.

(10) <sup>2</sup>

enclosed for perusal please

5. That due to the sickness of the appellant's mother, the appellant remained under great stress and strain and therefore could not attend to official duties.

∴ that the appellant was discharged from service by SP/FRP Kohat on 14-10-2013 (copy enclosed)

In view of the above, it is requested that by accepting this appeal, the impugned order of SP/FRP Kohat may kindly be set aside and the appellant re-instated in service from the date of discharge on Compassionate grounds.

Attached as!

I may be also be heard in person please

Yours obediently,

Ex-Constable Sajjidull No.

1344, Platoon 114 FRP Kohat

Date 12-11-2013

P. Us / سجاد الله

Annexure D  
(11)

ORDER.

This order shall dispose off on the appeal preferred by Ex-Constable Sajjad Ullah No. 1344 of FRP Kohat Range against the order of SP FRP Kohat Range.

Brief facts of the case are that he while posted at FRP Police Line, Kohat absented himself from duty with effect from 15.08.2013 till the date of discharge from service without any leave permission of the competent authority for a total period of 59 days. He was issued Show Cause notice/charge Sheet by SP FRP Kohat Range and SI Abdul Waheed of FRP Kohat Range was nominated as Enquiry Officer. The accused official deliberately and intentionally failed to put in reply. After Enquiry the EO submitted finding, wherein he recommended the defaulter constable for Major punishment. He was issued Final Show Cause Notice but his reply was found un-satisfactory. Therefore he was discharged from service by the SP FRP Kohat Range under Police Rules 1975 vide his OB No. 517 dated 14.10.2013

Attested  
as

He was heard in person, however from the perusal of record and findings of enquiry officer there is no cogent reason to interfere in the order of SP FRP Kohat Range. Therefore his appeal is rejected.

Add: IGP/Commandant  
Frontier Reserve Police  
Khyber Pakhtunkhwa, Peshawar

No. 506-07 /EC dated Peshawar the 22 / 01 / 2014. 15-1-2014

Copy of above is forwarded to the Superintendent of Police FRP SP FRP Kohat Range for information and-necessary action w/r to his M/No.2551/EC dated 13.12.2013. His service record is returned herewith.

2. Ex-Constable Sajjad Ullah S/o Muhammad Ayaz R/o Village Totaki Police station Khuram District Karak.

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

Service Appeal No. 2270/2014.

Sajjad Ullah Ex- Constable No. 1344 FRP/Kohat Range R/o Tataki Tehsil Banda  
Daud Shah District Karak.....(Respondent)

**VERSUS**

1. Provincial Police Officer K.P.K.
2. Addl:IGP/Commandant FRP/K.P.K.
3. Superintendent of Police FRP/Kohat Range .....(Respondents)

Subject:- **COMMENTS ON BEHALF OF RESPONDENTS.**

**Respectfully Sheweth!**

**Preliminary Objections:-**

1. That the appeal is badly time barred.
2. That the appellant has not come to this Honorable Tribunal with clean hands.
3. That the appeal is bad for miss-joinder and non-joinder of necessary parties.
4. That the appellant has no cause of action and locus sand.
5. That the appellant is estopped due to his own conduct to file instant Service appeal.
6. That the appellant has concealed material facts from Hon'ble Tribunal

**FACTS:-**

- 1) Incorrect the appellant was enlisted in 2008.
- 2) Incorrect, the appellant was enlisted in the year 2008, during the short length of service, he found habitual absentee and his service record is full of red/bad entries.
- 3) Incorrect, the appellant was remained absent from his law full duties w. e. from 15.08.2013 till to the date of his removal from service with out prior permission of the superiors and the appellant dealt with enquiry. Moreover, the plea mentioned by the appellant in the Para proceeding the illness of his Mother was need to have been taken before the enquiry officer, during the enquiry proceeding.
- 4) Incorrect, he was absented himself from duties with out prior permission of his superiors w. e. from 15.08.2013 till to the date of his removal from service, on the allegations of absence the competent authority conducted proper departmental enquiry and after fulfillment of all codal formalities the appellant was removed from service.

0-1-7  
24.02.14

- 5) Departmental appeal submitted by the appellant was thoroughly examined and rejected on sound ground.

**GROUNDS:-**


- (A) Incorrect, that the orders of removal from service the appellant is legally justified and in accordance with Law/Rules.
- (B) Incorrect, that Charge Sheet and summary of allegations were issued and served upon on the father Sana Ullah on his Home Address, but the appellant intentionally failed to submit reply of Charge Sheet or appeared before the enquiry officer, the enquiry officer submitted the findings/Report, wherein the appellant found guilty of the charges, after receiving the findings of enquiry officer the competent authority served upon the appellant with Final Show Cause Notice which he replied but the competent authority found it unsatisfactory.(copies annexed)
- (C) Incorrect, that the appellant was absented himself from law full duties w. e. from 15.08.2013 till to the date of his removal from service with out prior permission or leave, he remained absent from duties for a long period of (59) days and the enquiry officer found him guilty of the charges leveled against him and recommended for major punishment. The plea illness of his Mother mentioned in the Para by the appellant supposed to have been taken before the enquiry officer.
- (D) Incorrect, that the was found a habitual absentee as he previously remained absent form duties for a long period of (124) days on deferent occasion. Now he remained absent for a period of (59) days he was served with Charge Sheet through his Father, but he did not bother to submit the reply of Charge Sheet or appear before the enquiry officer, therefore, the enquiry officer recommended him for major punishment on the findings/Report. Moreover, the order of the competent authority is suitable and commensurate with the appellant grass miss-conduct.
- (E) Incorrect, that the respondents are not bound to go through with the submission of appellant and the Police Department being a discipline force, it is therefore the absence from duties is a gross miss-conduct in this department, so how can converted the period of absence of the appellant in proper leave.
- (F) Incorrect, the appellant failed to have appeared before the competent authority for personal hearing.
- (G) Incorrect, that both the orders of respondents are legally justified and in accordance with law.

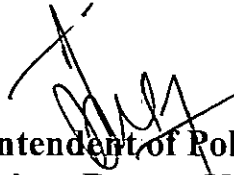
(H) The respondents may also be permitted to submit Addl: grounds at the time of arguments.

**PRAYERS:**

Keeping in view of the above mentioned facts/submission the instant appeal may very kindly be dismissed with cost.

  
**Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar.**  
(Respondent No. 1)

  
**Commandant,  
Frontier Reserve Police  
Khyber Pakhtunkhwa, Peshawar.**  
y<sup>2</sup> (Respondent No. 2)

  
**Superintendent of Police FRP,  
Kohat Range, Kohat.**  
(Respondent No. 3)

Insp: Legal  
FRP Pesh:  
HQs

105 3 1 1  
91 19

## CHARGE SHEET

WHEREAS, I am satisfied that a formal enquiry as contemplated by the Khyber Pakhtunkhwa Police Rules - 1975 necessary and expedite.


AND WHEREAS, I am of the view that the allegations if established would call for Major/Minor punishments as defined in Rules - 4 (I) of the aforesaid Rules.

NOW THEREFORE, as required by Rules - 6 (I) (a) of the aforesaid Rules, I, SYED HASHMAT ALI SHAH ZAIDI, Superintendent Of Police, Kohat Range Kohat hereby charge you Constable Sajjad Ullah No. 1344 on the bases of the statement of allegations attached to this charge sheet.

And I hereby directed you further under the Rules 6 (I) (a) of the said Rules to put in a written defence within 7 days of the receipt of this charge sheet as to why you should not be served with one or more major/minor punishment including dismissal as defined under Rules - 4 (I) (b) of the Khyber Pakhtunkhwa Police Rules- 1975 and also stating at the same time as to whether you desired to be heard in person or not.

And, in case your reply is not received within the prescribed period without sufficient cause, it shall be presumed that you have no defence to offer and ex-part action will be taken against you.

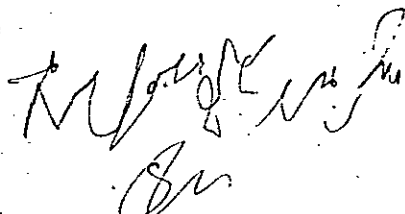
No. 322 IPA  
Dated: 29/9 /2013

  
Superintendent Of Police,  
FRP, Kohat

Note:

S/PC Abdul Waheed, FRP Kohat is appointed as enquiry officer to conduct a proper departmental enquiry and report.

صیغہ جاری  
سید ہاشم علی شاہ زیدی  
سپرٹنڈنٹ پولیس  
کوہاٹ

  
En

S/PC Abdul Waheed  
FRP Kohat  
21/9/2013

21/9/2013

105  
36-07-105  
FRP: 1344  
8  
DCI-2013

SUMMARY OF ALLEGATION

It is alleged that you Constable Saijad Ullah No. 1344 while posted at FRP Police Lines, Kohat, intentionally absented yourself from Govt. duties with effect from 15.08.2013 till to date without any leave or permission from your senior officers, which shows your negligence, carelessness and lack of interest in the discharge of Govt. duties.

Your above act amounts to a gross misconduct on your part under the Khyber Pakhtunkhwa Police Rules – 1975, hence the summary of allegations.

*[Signature]*  
Superintendent Of Police,  
FRP, Kohat

No. 322/PA  
Dt. 20/9/13

*[Signature]*  
*[Signature]*

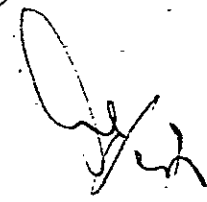
21/9/2013

مقام عالی  
آئی جی پولیس  
کوہاٹ  
مختار حسین  
1344 کو نوبل  
مقام عالی  
مدرسہ  
سید  
مدیر  
5/1/2013  
R.C.



(2) بحوالہ مشمولہ انکوائری برخلاف سجاد اللہ 1344 معروض ہوں کہ مذکورہ  
 کانسیٹل سال 2008ء کا سفری شدہ یہ بھرتی ہوتے ہی مذکورہ سے  
 غیر حاضر ہوں کا آغاز کر کے اب تک کل 124 یوم غیر حاضری کی ہے  
 جس کے بارہا میں مذکورہ کنسیٹل کو مختلف اوقات میں مختلف سزاؤں  
 دی گئی ہیں۔ مذکورہ کارڈ کیلک کر کے 18 بید انٹریاں موجود ہیں  
 جس سے صاف ظاہر ہے کہ مذکورہ غلازمت کرنے کے عود میں نہیں  
 ہے۔ افسران بالا اور دفتری اہلکاران کیلئے درد سہ بنا ہوا ہے آخری  
 بار مورخہ 15<sup>8</sup>/<sub>13</sub> کو بحوالہ درجہ 22 روزانہ 15<sup>8</sup>/<sub>13</sub> FRP لائن کوھاٹ  
 سے غیر حاضر ہو کر تاحال غیر حاضر ہے۔ مذکورہ سے شوکار ٹولس اور  
 چارج شیٹ کی حسب ضابطہ تحصیل ہو کر مگر مذکورہ کنسیٹل قصداً جواب  
 دینے سے قاصر رہا۔ انکوائری ہو کر پایا گیا کہ مذکورہ کنسیٹل سے حاضر  
 ہونے اور ڈپٹی دینے کی کوئی امید نہیں۔ حکمہ اور افسران بالا  
 کا قیمتی وقت ضائع نہ رہا ہے۔ اگر مذکورہ سے حکمہ اور افسران بالا  
 کی جان بچھرائی جائے تو بہتر ہوگا۔ رپورٹ ممبرانہ حکمہ گزارش ہے

~~U~~  
 F/O FRP  
 30/8/13

~~P.S.A~~  


Reference attached Pic

R/S/O  
 Funding Report of enquiry  
 officer u/d F/A, submitted for  
 for S/O Perusal & further order  
 If approved may issue P.S.C.N  
 to the defaulter constable.

W/SR/FRP

P. Bhatti  
 PA

164  
SKM

SHOW CAUSE NOTICE

26  
M


WHERE AS YOU Constable Sajjad Ullah No. 1344 while posted to FRP Police Lines Kohat, absented yourself from 15.08.2013 till to date without any leave or permission of the competent authority which shows your negligence, carelessness and lack of interest in the discharge of your official duties.

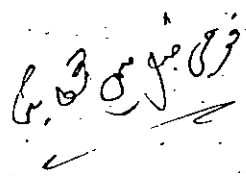
Your above this act amounts to gross misconduct under the Khyber Pakhtunkhwa Police Rules - 1975.

NOW THEREFORE, I Mr, Hameedullah Baloch, Superintendent of Police, FRP Kohat Range, Kohat in exercise of the power vested upon me under the aforesaid rules hereby call you Constable Sajjad Ullah No. 1344 to show cause as to why departmental action for major/minor punishments be not taken against you under the aforesaid rules.

Your reply to the show cause notice must reach to the office of the undersigned within seven days of the receipt of this show cause notice. In case your reply is not received within the stipulated period, it shall be presumed that you have no defence to offer and ex-parte departmental action will be taken against you and also state in writing whether you desire to be heard in person or otherwise.

No. 311 /PA  
Dated: 10/09 /2013

  
Superintendent Of Police, FRP,  
Kohat Range, Kohat

 SRE ✓

1344  
FRP

م. س. ر. ع. / 1344

1344  
FRP  
در بازار تهران  
دو دستار کتان فرم

م. س. ر. ع.

م. س. ر. ع.

1344 PS 100  
16 8-13

م. س. ر. ع. / 1344  
دو دستار کتان فرم

م. س. ر. ع. / 1344

Blas

19/9/2013

م. س. ر. ع.

م. س. ر. ع. / 1344  
دو دستار کتان فرم

1344 PS 100

19-9-13

م. س. ر. ع.  
دو دستار کتان فرم

1344 PS 100  
24 9-13

13

DIG-2013

13

13

**FINAL SHOW CAUSE NOTICE**

WHERE AS YOU Constable Sajjad Ullah No. 1344 while posted to FRP Police Lines Kohat, absented yourself from 15.08.2013 till to date without any leave or permission of the competent authority which shows your negligence, carelessness and lack of interest in the discharge of your official dutiesA.

Being habitual absentee your conduct comes for departmental action under the Khyber Pakhtunkhwa Police Rules – 1975.

During enquiry conducted by SI/PC.Abdul Waheed, FRP Kohat found you guilty of the charges leveled against you according to Show Cause Notice vide No.311/PA dated 10.09.2013, Charge Sheet and Summery of Allegations vide this office No. 322/PA dated 20.09.2013 served upon you and recommended you for punishment i.e. Dismissal from service (Copy of findings report is attached).

NOW, THEREFORE, I, Syed Hashmat Ali Shah Zaidi, Superintendent of Police, FRP Kohat Range, Kohat in exercise of the powers vested in me under the Khyber Pakhtunkhwa Police Rules – 1975 hereby call upon you Constable Sajjad Ullah No. 1344 this Final Show Cause Notice to show cause within 7 days of the receipt of this notice as to why you should not be awarded Major Punishment of dismissal. In case of non receipt of reply in time ex-parte action will be taken against you. Also state in writing if you desire to hear in person.

No - 336/PA  
Date 30/9/13

(Syed Hashmat Ali Shah Zaidi)  
Superintendent of Police, FRP,  
Kohat Range, Kohat

درد خانہ میں سرفہرہ نامہ کسٹبل نور الدین 1603  
سفر میں تفصیل آتے درجہ اولیٰ و سرفہرہ  
کسٹبل نور الدین 1603  
30/9/13

۱۶ ضاب عالم و اور خائین و کان توں مری ۳۶۶/۲۵  
30.9.13

حبابہ بنت ارتضیٰ اور اس کا بیٹا کرم بن کعبہ

حوض قدرت میں - تین سو سے زائد ۱۵۸ - ۱۳

پورا ہونے سے پہلے وہیں کا ایک ماہی مارا گیا

جو تیرہ سو سے زائد تھا - ۱۶۰

کہ تیرہ سو سے زائد تھا اور اس کے بعد

میں - جب یہ وہ کھوکھلا ہوا

کا تیرہ سو سے زائد تھا - ۱۶۰

میں - ایک سو سے زائد تھا - ۱۶۰

دیکھ جیسی تیرہ سو سے زائد تھا - ۱۶۰

میں - ۱۶۰

پہلے رندوں کے خائین و کان توں مری

کا تیرہ سو سے زائد تھا - ۱۶۰

۱۶۰۳

۱۶۰۳

Due

۱۳۴۹

date. 7/10/131

p.l. 114

ORDER

This order is passed on the departmental enquiry against Constable Sajjad Ullah No.1344 Platoon No:114 of FRP Kohat under Police Rules - 1975.


Facts of the case are that Constable Sajjad Ullah No. 1344, Platoon No. 114 of FRP while posted at FRP Police Lines, Kohat absented himself deliberately/intentionally without any leave or permission with effect from 15.08.2013 vide DD No. 22 dated 15.08.2013. He was served with show cause notice vide this office Endst: No. 311/PA dated 10.09.2013 at his home address and subsequently served with charge sheet and Summary of Allegation vide this office Endst: No. 322/PA dated 20.09.2013 and SI/PC Abdul Waheed FRP Kohat Range, Kohat was appointed as enquiry officer to proceed against him departmentally in absentia under Police Rules - 1975.

The enquiry officer in his finding has reported that as per previous record from the date of enlistment he have absented for 124 days and 18 bad entries were earned in his Service Book. It is clear cut reveled that there is no hope to become a good Police official. He is burden on the exchequer of Govt: as well as Police Department. Further more he was served with final show cause notice vide this office Endst: No. 336/PA dated 30.09.2013, but his reply was found unsatisfactory.

Keeping in view of the above facts and deliberate absence from official/Govt: duty without any leave or permission Constable Sajjad Ullah No. 1344 Platoon No. 114 is considered as unfit for the Police service, hence he is discharge from service from the date of his absence i.e 15.08.2013.

OB No. 517

Dated: 14-10 /2013

  
SUPERINTENDENT OF POLICE,  
FRP, KOHAT

Copy to:-

1. Pay Officer
2. ✓ PA
3. SRC
4. +++ OSI

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

*Appeal No.2270/2014*

*Sajjad Ullah, Ex-Constable*

**VERSUS**

*Provincial Police Officer  
KPK Peshawar and others*

**Appellant's rejoinder**

*Respectfully Sheweth:*

**Preliminary Objections:**

*The 6 Preliminary objections raised by the respondents in their reply are irrelevant to the fact of the case wrong, incorrect and are denied in every detail. The appellant has a genuine cause of action and his appeal does not suffer from any formal defect whatsoever.*

**ON FACT:**

*1- Incorrect. The appellant was enlisted in 2007.*

*2- Incorrect. Para No.2 of appeal is correct and its reply is incorrect.*

*3- Incorrect. That the appellant's mother was seriously sick and had been admitted in Lady Reading Hospital Peshawar. The appellant is the*

sole son and there was no one except him to look after her in the hospital and his superiors permitted to him look after his mother in the hospital.

4- Incorrect. That no departmental enquiry in the matter has been conducted and the charges levelled against him have not been proved and both the impugned orders dated 14/10/2013 and 22/01/2014 are liable to be set aside.

5- Incorrect. That the appellant's departmental appeal has illegally been rejected.

**Grounds:**

A to H) Incorrect. Grounds A to H of appeal are correct and its replies are incorrect.

It is, therefore, prayed that on acceptance of appeal and rejoinder, the two impugned orders at Annexure A&D may be set aside and the appellant may be reinstated in service with all back benefits.

Dated 26/08/2015

*Slur*

Appellant

Through

*Aslam*

Aslam Khan Khattak  
Advocate, Peshawar



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Appeal No.2270/2014

Sajjad Ullah, Ex-Constable

VERSUS

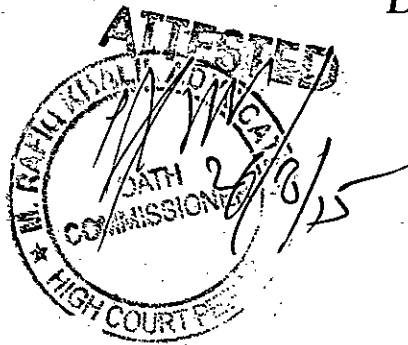
Provincial Police Officer  
KPK Peshawar and others

Affidavit

I, Sajjad Ullah, Ex-Constable do hereby solemnly affirm and state on oath that all contents of appeal and rejoinder are true and correct to the best of my knowledge and belief and nothing wrong has been stated by me in the matter.

*Suu*

DEPONENT



**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

No. 1122 /ST

Dated 4 / 7 / 2016

To

The Superintendent of Police, F.R.P,  
Kohat.

Subject: -

**JUDGMENT**

I am directed to forward herewith a certified copy of Judgement dated 28.6.2016 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.