

4.5.2015

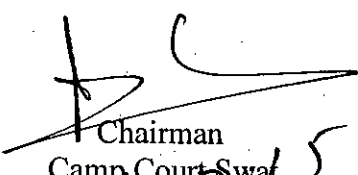
None present for appellant. Since the case has been transferred to this Bench as such it is deemed appropriate to issue notice to appellant and his counsel for 6.7.2015 at camp court Swat.

  
Chairman  
Camp Court Swat

6.7.2015

None present for appellant. Record perused according to which security not deposited as such the appeal is dismissed under the provisions of Rule-10 of KPK Service Tribunal Rules, 1974. File be consigned to the record.

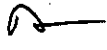
ANNOUNCED  
6.7.2015

  
Chairman  
Camp Court Swat

06.07.15

21.10.2014

Clerk of counsel for the appellant present and requested for adjournment. Request accepted. To come up for preliminary hearing on 30.12.2014.

  
Member

Reader Note:

30.12.2014

Clerk of counsel for the appellant present. Since the Tribunal is incomplete, therefore, case is adjourned 09.03.2015 for the same.

  
Reader

09.03.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was discharged from service on the ground of willful absence vide order dated 06.09.2012 against which departmental appeal was rejected vide order dated 07.03.2014 which was communicated to the appellant on 15.04.2014, and, where-after, the appellant has preferred the instant service appeal on 14.05.2014.

That no opportunity of hearing was afforded to the appellant nor the enquiry was conducted in the prescribed manners.


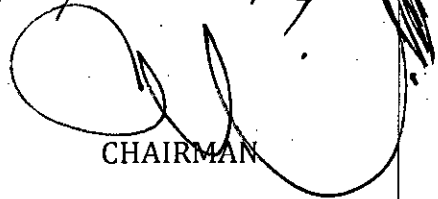
Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments. Since the appeal pertains to territorial limits of Malakand Division as such to be heard at Mingora Swat. To come up for written reply/comments on 04.05.2015 before S.B at camp court Swat.

  
Chairman

Form- A  
FORM OF ORDER SHEET

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

Case No. 1010/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	06/08/2014	<p>The appeal of Mr. Muhammad Yaseen resubmitted today by Mr. Sajid Amin 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	8-8-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>21-10-2014</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The present appeal was returned to the counsel for the appellant for completion and resubmission within 15 days. Today he has resubmitted the same without removing the objection which is returned again to the counsel for the appellant with the following remarks:-

i-copy of order dated 6.8.2012 mentioned in the heading of the appeal is not attached with the appeal which may be placed on it.

ii-copy of departmental appeal is not attached with the appeal which may be placed on it.

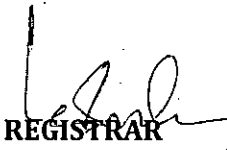
iii-copy of rejection order of departmental appeal dated 19.9.2013 mentioned in para-6 of the memo of appeal is not attached with the appeal which may be placed on it.

iv-copy of mercy petition mentioned in the memo of appeal is not attached with the appeal which may be placed on it.

The same may be resubmitted within 15 days.

No. 1145 /S.T,


Dt. 25/7 /2014.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Ijaz Anwar Adv. Pesh.

The date 6.8.2012 mentioned in the heading of appeal was a typographical mistake the same is corrected and be read as 7-9-2012. moreover, no separate penalty order was issued the appellant was discharged from service vide O.B. No. 1361 dated 7-9-2012 noted on the inquiry Report which is annexure "B". The rejection order dated 19-9-2013 was also not conveyed to the appellant. moreover the departmental Appeal and mercy petition can be requisitioned from the respondents as the appellant has not retained the copy of the same.

Re-submitted


  
APPellate Authority

The appeal of Mr. Muhammad Yaseen Ex-Constable No.1508 received today i.e. on 14.05.2014 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Copy of Impugn order dated 6.8.2012 mentioned in the heading of the appeal is not attached with the appeal which may be placed on it.
- 3- Copies of departmental appeal and its rejection order are not attached with the appeal which may be placed on it.
- 4- Copies of revision/mercy petition and letter dated 04.01.2014 mentioned in para-7 of the memo of appeal are not attached with the appeal which may be placed on it
- 5- Annexures of the appeal may be annexed serial wise as mentioned in the memo of appeal.
- 6- Annexures of the appeal may be attested
- 7- Five more more spare copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 731 /S.T,

Dt. 14/05 /2014.

  
**REGISTRAR**  
**SERVICE TRIBUNAL**  
**KHYBER PAKHTUNKHWA**  
**PESHAWAR.**

Mr. Ijaz Anwar adv. Pesh.

S/o.

Re Submitted after Complaint



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

Appeal No. 1010 /2014

Muhammad Yaseen Ex- Constable No.1508 District Police  
Dir Lower.

(Appellant)

**VERSUS**

The Provincial Police Officer, Khyber Pakhtunkhwa,  
Peshawar and others.

(Respondents)

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4	Inquiry Report	B	10
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Through

*M. Yaseen*  
Appellant  
*[Signature]*

**IJAZ ANWAR**  
Advocate Peshawar

*[Signature]*  
**SAJID AMIN**  
Advocate, Peshawar.

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

Appeal No 10/0 /2014

708  
14-5-2014

Muhammad Yaseen Ex- Constable No.1508 District Police  
Dir Lower.

(Appellant)

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer Malakand at Saidu Sharif Swat.
3. District Police Officer, Dir Lower.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the order dated 07.09.2012, whereby the appellant has been discharged from service, against which the Departmental Appeal and mercy petition of the appellant have also been rejected vide orders dated 19.09.2013 and 07.03.2014, copy of the which was, however, communicated to the appellant on 15.04.2014.

Prayer in Appeal: -

On acceptance of this appeal the order dated 06.08.2012, order dated 19.09.2013 and 07.03.2014, may please be set-aside and the appellant may be re-instated in service with full back wages and benefits of service.

Re-submitted to the  
and filed.

6/8/14

Respectfully Submitted:

1. That the appellant was enlisted as Constable in the Police Department in the year 2010, ever since his enlistment the appellant performed his duties as assigned to him with zeal and devotion.
2. That as the appellant became the psychiatric patient in the year 2012, resultantly he went under medical treatment, he was also brought to LRH Peshawar for treatment from time to time, therefore due to his continuous illness he remained absent for the periods he remained under treatment.
3. That despite having the knowledge about the illness of the appellant, the respondent No.1 issued charge sheet and statement of allegations containing the allegation ***“that you while posted at Nambatae PS Lal Qila absented yourself from your lawful duty with effect from 21/05/2012 to 28/05/2012 7 days, 31/05/2012 to 07/06/2012 07 days, 08/06/2012 to 10/06/2012 02 days, 16/06/2012 to 21/06/2012 5 days total 21 days and 23/06/2012 to date without any leave or permission from superiors...”*** it is pertinent to mention that copy of the Charge Sheet was not communicated to the appellant. (Copy of the Charge Sheet and statement of allegations is attached as Annexure A)
4. That without making any endeavour to associate the appellant with the enquiry proceedings, an ex-party enquiry was conducted and the enquiry officer recommended the appellant for discharge from service. ( Copy of the Inquiry Report is attached as Annexure B)
5. That thereafter, the competent authority without serving any Show Cause Notice upon him, discharged the appellant from service and his absence period was also treated as Leave without pay vide a note on the inquiry report dated ~~07~~ 09.2012. It is pertinent to mentioned that no proper penalty order was issued.
6. That the appellant submitted his departmental appeal against the order dated 06.09.2012, to the Respondent No. 02. Accordingly the Respondent No. 2 referred the case of the appellant to the Standing Medical Board vide letter dated 02.04.2013 for medical opinion. The medical Board after having examined the case of the appellant gave its report which was forwarded to the respondent No.2 wherein it was stated that ***“the appellant was suffering from depressive disorder with behavioural problems and since December 2012 he remained off medication. Currently mental status revealed that he is having normal variation and don't***



*exhibit any abnormal behaviour.*” It is pertinent to mention that the fact that the appellant received treatment during the period when he was absent from duty was also confirmed by the Standing medical Board from Lady Reading Hospital, however, the appellate authority while ignoring the report of the Standing Medical Board, rejected the departmental appeal of the appellant vide order dated **19/09/2013**. Unfortunately the appellant did not retained the copies of his departmental appeal. (Copies of the Letter dated 02.04.2013, letter dated 03.06.2013, decision of medical board dated 13.06.2013 and letter dated 02.07.2013 are attached as Annexure C, D, E & F)

7. That after rejection of his appeal, the appellant also submitted his Revision/mercy petition which remained under consideration, the respondents No. 2 & 3 also forwarded comments vide letters dated 04.01.2014 and 14.04.2014, lastly the petition of the appellant was also rejected /filed vide order dated 07.03.2014, communicated to the appellant on 15.04.2014. (Copies of the ~~Revision~~ ~~mercy petition~~ Letters dated 04.01.2014, 14.04.2014 & Order dated 07.03.2014 are attached as Annexure G, H, I & J)
8. That the impugned orders are illegal unlawful against the law and facts hence liable to be set aside inter alia on the following grounds:

**GROUND OF APPEAL:**

- A. That the appellant 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 before discharging the appellant from service, neither has he been served with any charge sheet / statement of allegations or any absence notice nor has he been associated with the enquiry proceedings. Moreover no endeavor was made to associate the appellant with the inquiry, the whole proceedings were conducted ex-parte, the appellant has not been allowed opportunity to defend himself thus proceedings so conducted are liable to be set aside.
- C. That the appellant has not been allowed opportunity of personal hearing before discharge of his service, thus he has been condemned unheard.

- D.** That the appellant has not been served with Show Cause Notice, nor has he been provided copy of enquiry report, before the imposition of penalty upon him, which is mandatory in case of awarding major Penalty.
- E.** That no proper penalty order is issued the appellant has only been discharged vide a note on the inquiry report. The order is thus not a speaking order and as such liable to be struck down on this score alone.
- F.** That no endeavor has ever been made to associate the appellant with the inquiry proceedings the inquiry officer conducted an ex party inquiry and gave his findings on surmises and conjunctures.
- G.** That while awarding the penalty of discharge from service to the appellant, the period for which he remained allegedly absent has also been regularized by treating it as leave without pay, thus the vary ground on which the appellant was proceeded against had vanished and no penalty could lawfully be imposed upon him.
- H.** That the case of the appellant is complete misapplication of law as he has been preceded under the wrong law, thus the whole proceedings are void abinatio.
- I.** That the charges leveled against the appellant were never proved in the enquiry, the enquiry officer gave his findings on surmises and conjunctures.
- J.** That the appellant never committed an act or omission which could be termed as misconduct, the absence of the appellant was not willful but was due to his illness, even from the report of the medical board it is conformed that the appellant was ill and was undergoing medical treatment during the period he allegedly remained absent.
- K.** That since the appellant is jobless since his illegal dismissal from service he has a large family dependant upon him, due to his illegal discharge from service his whole family is suffering.
- L.** That the appellant has more then 3 years spotless service career, the penalty imposed upon him is too harsh and liable to be set aside.

M. That the appellant seeks permission of this Honourable Tribunal to rely on additional grounds at the hearing of the appeal.

*It is, therefore, humbly prayed that On acceptance of this appeal the order dated 06.08.2012, order dated 19.09.2013 and 07.03.2014, may please be set-aside and the appellant may be re-instated in service with full back wages and benefits of service.*

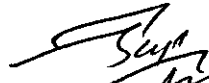
Through

*M. Zahid*  
**Appellant**



**IJAZ ANWAR**  
Advocate Peshawar

&



**SAJID AMIN**  
Advocate, Peshawar.

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

Appeal No. \_\_\_\_\_/2014

Muhammad Yaseen Ex- Constable No.1508 District Police  
Dir Lower.

(Appellant)

**VERSUS**

The Provincial Police Officer, Khyber Pakhtunkhwa,  
Peshawar and others.

(Respondents)

**APPLICATION FOR CONDONATION OF DELAY,**  
**IF ANY IN FILING THE TITLED APPEAL**

*Respectfully submitted:*

1. That the appellant has today filed the accompanied appeal before this honorable tribunal in which no date of hearing is fixed so far.
2. That the applicant prays for condonation of delay if any in filing the instant appeal inter alia on the following grounds:-

**GROUND OF APPLICATION**

- A. That the appellant throughout agitated the matter before the departmental authority and never remained negligent in perusing his remedy. The departmental appeal of the appellant was rejection on 19.09.2013, thereafter he with bonafide belief submitted mercy petition which was also rejected vide order dated 07.03.2014, the order was however, conveyed to the appellant on 15.04.2014, thus the delay if any in filing the instant appeal is not willful.
- B. That no proper procedure has been followed before the discharge of the service of the appellant, neither he has been served with charge sheet, statement of allegations or any absence notice nor any endeavor has been made to associated him with the enquiry proceedings. All the proceedings were conducted ex-party. Moreover no proper penalty order is issued, thus the whole proceedings as well as the order of penalty is illegal and void and no period of limitation is applicable against a void order.

- C. That the absence period of the appellant has been regularized by treating it as leave without pay as such no penalty could be imposed upon him the order of penalty is thus nullity in the eye of law.
- D. That valuable rights of the appellant are involved in the instant case in the instant case, hence the delay if any in filing the instant case deserves to be condoned.
- E. That the delay if any in filing the instant appeal was not willful hence deserves to be condoned.
- F. That it has been the consistent view of the Superior Courts that causes should be decided on merit rather than technicalities including limitation. The same is reported in 2014 PLC ( CS) 1014 2003 PLC.(CS) 769.

*It is therefore humbly prayed that on acceptance of this application the delay if any in filing the instant appeal may please be condoned.*

*M. Yaseen*  
Applicant

Through

*Ijaz Anwar*  
IJAZ ANWAR

Advocate Peshawar

&

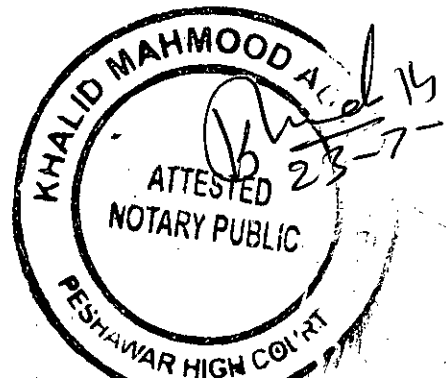
*Sajid Amin*  
SAJID AMIN

Advocate, Peshawar

**AFFIDAVIT**

**I, Muhammad Yaseen Ex- Constable No.1508 District Police Dir Lower,** do hereby solemnly affirm and declare on oath that the contents of the above noted appeal as well as accompanied application for condonation of delay are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.

*M. Yaseen*  
Deponent



(8)

Armed: - A.

Enquiry No. 1370 /EC,

Dated 30/07 /2012.

CHARGE SHEET.

I Muhammad Saleem (PSP) District Police Officer, Dir Lower at Timergara as competent authority, hereby charge you Constable Muhammad Yaseen Khan No. 1508, while posted to Post Nambatai PS Lal Qilla as follows: -

That while you posted at Post Nambatai PS Lal Qilla absented yourself from your lawful duty with effect from 21.05.2012 to 28.05.2012 07 days, 31.05.2012 to 07.06.2012 07 days, 08.06.2012 to 10.06.2012 02 days, 16.06.2012 to 21.06.2012 05 days total 21 days and 23.06.2012 to date without any leave or permission from your superior officer, as defined in Rule-2 (iii) of Police Disciplinary Rules, 1975.


2- By reason of above, you appear to be guilty of miss-conduct and have rendered your-self liable to all or any of the penalties specified in Rule-4 of the Disciplinary Rules, 1975.

3- You are; therefore, required to submit your written reply within 07 days of the receipt of this charge sheet to the enquiry officer.

4- Your written reply, if any, should reach the enquiry officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-part action shall follow against you.

5- Intimate to whether you desire to be heard in person or not?

6- A statement of allegation is enclosed.

  
District Police Officer,  
Dir Lower at Timergara.



9

No - 161  
SA-P

DISCIPLINARY ACTION.

I Muhammad Saleem (PSP) District Police Officer, Dir Lower at Timergara as competent authority, as of the opinion that you Constable Muhammad Yaseen Khan No. 1508, have rendered your self liable to be proceeded against departmentally as you have committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975.

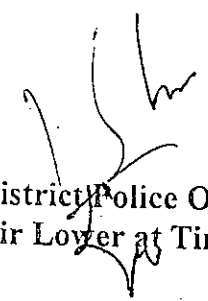
STATEMENT OF ALLEGATION.

That while he posted at Post Nambatai PS Lal Qilla absented himself from his lawful duty with effect from 21/05/2012 to 28.05.2012 07 days, 31.05.2012 to 07.06.2012 07 days, 08.06.2012 to 10.06.2012 02 days, 16.06.2012 to 21.06.2012 05 days total 21 days and 23.06.2012 to date without any leave or permission from his superior officer, as defined in Rule-2 (iii) of Police Rules, 1975.

2- For the purpose of scrutinizing the conduct of said officer with reference to the above allegations Mr. Sher Zada Khan Acting SDPO Maidan is appointed as enquiry officer.

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

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

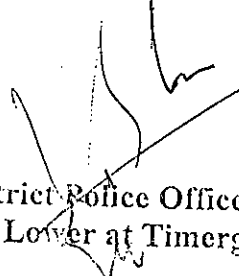
  
District Police Officer,  
Dir Lower at Timergara.

No. 17164-66 /EC,

dated \_\_\_\_\_ /2012.

1- Mr. Sher Zada Khan Acting SDPO Maidan (Enquiry Officer) for initiating proceeding against the accused officer namely Constable Muhammad Yaseen Khan No. 1508 under Police Rules 1975.

2- ✓ Constable Muhammad Yaseen Khan No. 1508

  
District Police Officer,  
Dir Lower at Timergara.



جناب عالی

حوالہ آمدہ انڈوسٹری مینری No. 17164.66/EC  
 01/08/12  
 پین 1508/FC معروض خدمت ہوں کہ کنٹریل مذکورہ 11/10 کا  
 بھرتی شدہ ہے۔ مورخ 19/05/12 پر فٹنہ بلاسٹ سے فٹنہ لٹل فٹلج  
 تبدیل ہو کر مورخہ 21/05/12 تا 28/05/12 سات یوم 31/05/12 تا 07/06/12  
 سات یوم 08/06/12 تا 15/06/12 سات یوم 16/06/12 تا 21/06/12 باج یوم  
 23/06/12 تا 28/06/12 چالیس یوم یعنی کل 61 یوم غیر حاضر ہو چکا ہے۔

FMC

Please

11/8/12

AB

رنگین

جبکہ حوالہ شدہ 6/8 سے بدستور غیر حاضر ہے  
 کنٹریل پین 1508/FC کی طالی/پستی کیلئے پروانہ جات بوساطت 30  
 فٹنہ لٹل فٹلج جاری کیے گئے۔ مگر کنٹریل مذکورہ اطلاعاتی کے باوجود  
 نہ ہو سکا۔ عدوہ آزیں مذکورہ کو بذریعہ حوائیل بجر 301-8049629  
 پر بھی مطلع کیا گیا تھا۔ اور ان کے بجائی محمد شریف ولد حاضر  
 سکنہ تورہ سید کو بھی مذکورہ کی اطلاعاتی کے خاطر اطلاع بخشی  
 تھی۔ لیکن کنٹریل مذکورہ تا حال پین میں ہوا۔

Agreed with findings of the enquiry officer and the defaulter  
 Comd. Jasin No. 1508  
 is hereby discharged from service w.e.f. 08.08.2012 i.e. date of  
 his continuous absence. The remaining period of 61 days is also  
 treated as leave  
 mark-out pay.

اسی طرح بغیر کنٹریل 1508/FC دفعہ الحق 517 کا بیان اور شہر عبدالروف  
 فٹنہ لٹل فٹلج کا بیان بھی مندرجہ ذیل کنٹریل کی ہے۔ شہر صاحب  
 فٹنہ لٹل فٹلج نے اپنے بیان میں واضح کیا ہے کہ کنٹریل مذکورہ استیفاء  
 غیر حاضر رہا ہے۔

بعد انڈوسٹری من SDPO اس نتیجہ پر پہنچا کہ کنٹریل  
 استیفاء غیر حاضر رہا اور مزید نوکری کا خواہشمند ہیں۔  
 کنٹریل مذکورہ کا کل 61 یوم غیر حاضر اور مورخ 6/8  
 بدستور غیر حاضر رہنے پر فٹنہ لٹل فٹلج سے کوئس روک  
 کے تحت درخواست کرنٹری سفارش کی جاتی ہے۔

District Police Officer, Dir Lower at Timergara.

5/9/12

AB NO 1361 / 7.09.2012

08  
10. Maidan. 17/12

Handwritten signature



11

1

APPROVED: [Signature]

6812

3/4/13

The Regional Police Officer,  
Malakand, at Saidu Sharif, Swat.

The Director General Health Services,  
Khyber Pukhtoonkhwa Peshawar.

1768

/E, dated Saidu Sharif, the 2/4/2013.

Subject:

MEDICAL BOARD.

Memorandum

Ex-Constable Muhammad Yaseen Khan No. 1508 of Dir Lower District, who was discharged from service on account of his prolonged absence from duty vide OB No. 1761 dated 07/09/2012, has appeared before the undersigned in Orderly Room and disclosed that he had reminded absence from duty due to his illness.

It is therefore, requested that a standing Medical Board may kindly be constituted to examine the above named Ex-Constable and offer opinion regarding his physical, Medical and mental fitness for further necessary action.

[Signature]

Regional Police Officer,  
Malakand, at Saidu Sharif, Swat.

No. 1769

Copy to the District Police Officer, Dir Lower for information with reference to his office Memo: No. 4862/EB, dated 15/03/2012.

Approved S.M.B. [Signature]

Regional Police Officer,  
Malakand, at Saidu Sharif Swat.  
\*\*Bacha\*\*

[Signature] 08/04/2013

[Signature]



(12) ANNEX: - E D

OFFICE OF THE MEDICAL SUPERINTENDANT  
POLICE AND SERVICES HOSPITAL, PESHAWAR  
GOVT. OF KHYBER PAKHTUNKHWA.  
Phone: 091 9210509 Exchange: 091 9223472 Fax: 091 9210543

No. 1754-52 MS/SMB/2012-13

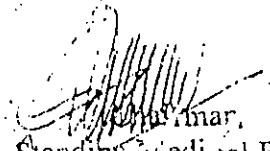
Dated 03/05/2013.

The Regional Police Officer  
Malakand at Saidu Sharif Swat.

Subject: - STANDING MEDICAL BOARD.

Memo:-

Muhammad Yasceen Khan Ex- Constable No. 1508 was examined by the Standing Medical Board held in this office on 30/05/2013. The Standing Medical Board of the opinion that he had received treatment from Psychiatrist Govt: Lady Reading Hospital, Peshawar. He is referred to Assistant Prof: Dr. Mukhtar Azimi to give his expert opinion regarding nature of the illness gravity and severity of the illness at the time of examination and treatment and further prognosis.

  
Chairman,  
Standing Medical Board  
Medical Superintendent  
Police/Service Hospital  
Peshawar

Cc,

1. Director General Health Services, Khyber Pakhtunkhwa Peshawar for information.
2. Medical Superintendent Govt: LRH, Peshawar for information and necessary action.
3. Dr. Mukhtar Azimi Assistant Prof: of Psychiatry Govt:LRH, Peshawar for information



(13) ANNEX: E

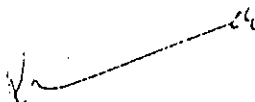
OFFICE OF THE CHAIRMAN STANDING MEDICAL BOARD / MEDICAL SUPERINTENDENT POLICE / SERVICES, HOSPITAL, PESHAWAR

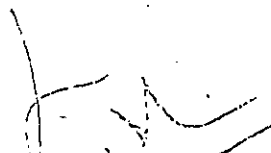
The Standing Medical Board comprising the following members assembled in the office of the Medical Superintendent Police/Services, Hospital, Peshawar to examine, Mr. Yaseen Khan Constable No. 1508.

The Standing Medical Board is of the opinion that the constable Muhammad Yaseen Khan who was referred to Govt; Lady Reading Hospital, Peshawar Psychiatry Department for further assessment. According to the opinion submitted by department of Psychiatrist Govt; LKH, Peshawar the concerned constable was suffering from depressive disorder with behavioral problems precipitated by THC. Since December 2012, he remained off medication. Current mental state revealed that he is having normal mood variation and don't exhibit any abnormal behaviour.

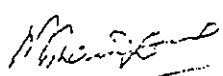
The Standing Medical Board agrees with the opinion of Psychiatry Department of Govt; Lady Reading Hospital, Peshawar that at the moment he has no Psychiatric illness.

Station Peshawar:-  
Dated: -13/06/2013.

  
(Dr. Hidayat-ur-Rehman)  
Chairman  
Standing Medical Board  
Medical Superintendent  
Police/Services, Hospital,  
Peshawar.

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

(Dr. Muhammad Idress)  
Psychiatrist  
Khyber Teaching Hospital  
Peshawar....Member.....

  
(Dr. Muhammad Tariq)  
Psychiatrist Govt; Sarhad Hospital  
Peshawar....Member

(Dr. Intekhab Alam)  
Prof: of Medicine  
Govt; Lady Reading, Hospital  
Peshawar...Member...





OFFICE OF THE MEDICAL SUPERINTENDENT  
POLICE AND SERVICES HOSPITAL PESHAWAR  
GOVERNMENT OF KHYBER PAKTUNKHWA  
Phone 091-9210509 Exchange 091-9223472 Fax: 091-9210543

No. 2447-48 /MS/SMB/2012-13

Dated

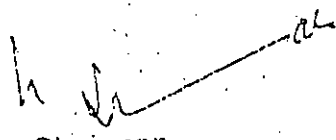
02/07/2013.

The Regional Police Officer  
Malakand at Saidu Sharif Swat.

Subject: - STANDING MEDICAL BOARD.

Memo:

Ex- Constable Muhammad Yaseen Khan No. 1508 was examined the Standing Medical Board held in this office 13/06/2013. The proceedings of the Standing Medical Board are sent herewith for further necessary action.

  
Chairman,  
Standing Medical Board,  
Medical Superintendent  
Police/Services, Hospital,  
Peshawar.

CC:-

- Director General Health Service Khyber Pakhtunkhwa Peshawar for information.



(15)

Approved: F

DEPARTMENT OF PSYCHIATRY PGMI/LRH, PESHAWAR

No. 71 / Psych.

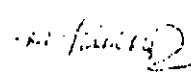
Dated. 12 / 6 / 2013


To  
The Chairman  
Standing Medical Board  
Medical Superintendent  
Police/Service Hospital  
Peshawar

Subject:- STANDING MEDICAL BOARD

Reference to your letter No. 2854-57/MS/SMB/2012-13 Dated. 03-06-013, Mr. Muhammad Yaseen Khan Ex-constable No. 1508 remained under my treatment in September 2012. At that time he was suffering from Depressive Disorder with behavioral problems precipitated by THC. Since Dec 2012 he remained off the treatment till date.

On current assessment he is having normal mood variation and don't have any behavioral problems.

  
Dr. Anwarul Haq Azeemi  
Assistant Professor Psychiatry Deptt.  
PGMI/LRH, Peshawar



(16)

ARRIVED: 13

From: The District Police Officer,  
Dir Lower at Timergara

To: The Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar.

No. 1160 /EB dated Timergara the 28-01-2014

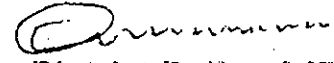
Subject: DEPARTMENTAL APPEAL

Memorandum: Kindly refer to CPO Peshawar Memo: No.148/Legal  
dated 13/01/2014.

Comments on the appeal of Ex Constable Muhammad Yaseen No 1508 of this district Police is submitted herewith as under please:-

Ex-Constable Muhammad Yaseen, No.1508 while posted to Police Station Balambat absented himself from duty on different occasion i.e 21/05/2012 to 28/05/2012(07-days), from 31/05/2012 to 07/06/2012 (07-days), from 08/06/2012 to 10/06/2012(05-days), from 16/06/2012 to 21/06/2012 (05-days), from 23/06/2012 to 02/08/2012 (40 days) total 61 days and from 06/08/2012 to 07/09/2012 (31 days) without any leave or prior permission. He was issued charge sheet coupled with statement of allegations and SDPO Maidan, was appointed as Enquiry Officer to probe into the allegations and submit his findings. The Enquiry Officer conducted proper departmental enquiry, recorded the statements of all concerned and submitted his finding. The Enquiry Officer in his finding established the charge leveled against the appellant without any shadow of doubt and recommended the defaulter Ex-Constable for dismissal from service under Police Rules 12-21 and the period he remained out of service for counting as leave without pay, therefore the then District Police Officer, Dir Lower agreed with the finding of the Enquiry Officer and dismissed the Ex-Constable / appellant from service from the date of absence i.e 06/08/2012 date of his continuous absence with counting the absence period of 61 days as leave without pay vide this office OB No.1361, dated 07/09/2012.

The appellant is no more interested in his service and his application for re-instatement into service has already been filed by the Regional Police Officer, Malakand at Saidu Sharif, Swat vide Region Officer, Swat Memo: No.8498/E, dated 19/09/2013 please

  
District Police Officer,  
Dir Lower at Timergara



From

The District Police Officer  
Dir Lower at Timergara

(17)

Approved H

To

The Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar

No

7487

/EB, Dated Timergara the 3-4 /2014

Subject

APPLICATION FOR RE-INSTATEMENT IN SERVICE

Memorandum

Kindly refer to CPO Peshawar Memo: No.1082/E-IV, dated

31/03/2014.

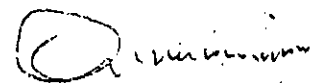
It is submitted that Ex-Constable / applicant Muhammad Yaseen No.1508, while posted at Police Station Balamabat absented himself from duty on following different occasion without leave or permission from his superiors:-

S#	Period of absence	No of days
1.	21/05/2012 - 28/05/2012	07 days.
2.	31/05/2012 - 07/06/2012	07 days.
3.	08/06/2012 - 10/06/2012	05 days.
4.	16/06/2012 - 21/06/2012	05 days.
5.	23/06/2013 - 02/08/2012	40 days.
6.	06/08/2012 - 07/09/2012	31 days.
7.	Total	95 days.

He was issued charge sheet coupled with statement of allegations and SDPO Maidan was appointed as Enquiry Officer to probe into the allegations and submit his findings. The Enquiry Officer conducted proper departmental enquiry, recorded the statements of all concerned and submitted his finding. The Enquiry Officer in his finding established the charges leveled against the Ex-Constable / applicant without any shadow of doubt and recommended the defaulter Ex-Constable for dismissal from service under Police Rules 12.21 and the period he remained out of service for counting as leave without pay, therefore, the then District Police Officer Dir Lower agreed with the finding of the Enquiry Officer and dismissed the Ex-Constable / applicant from service from the date of absence i.e 06/06/2013 date of his continuous absence without counting the absence period of 95 days as leave without pay vide this office OS No.1361, dated 07/08/2012. His service roll along-with Fauji Missal is submitted herewith as desired and the same when no longer required may kindly be returned to this office for record.

Application of applicant is re-submitted please.

Encls - Service Roll, Fauji Missal  
and Application.



District Police Officer,  
Dir Lower at Timergara

Dy No - 866/E-IV

Date: 7/4/2014



ANNEX-I

18

From : The Regional Police Officer,  
Malakand, at Saidu Sharif, Swat.

To : The Provincial Police Officer,  
Khyber Pukhtunkhwa, Peshawar.

No. 2963 /E, dated Saidu Sharif, the 14/4/ /2014.

Subject: APPLICATION FOR RE-INSTATEMENT IN SERVICE.

Memorandum:

Kindly refer to CPO/Peshawar memo: No.1302/E-IV, dated 08/04/2014 on the subject.

Comments on the application of Ex-Constable Muhammad Yaseen Khan No.1508 of this District Police is submitted herewith as under, please.

Ex-Constable Muhammad Yaseen Khan No.1508 while posted Police Station Balambat absented himself from duty with effect from deferent accession i.e 21/05/2012 to 28/05/2012 07 days 31/05/2012 to 07/06/2012 07 days 08/06/2012 to 10/06/2012 05 days 16/06/2012 21/06/2012, 23/06/2012 to 02/08/2012 40 days total 61 days and 06/08/2012 to 07/09/2012 without any leave or prior permission. He has issued charge sheet and statement of allegation of Mr.Gul Noor Khan SDPO Maidan was appointed as enquiry officer probed into the allegation and submitted his findings. The enquiry officer conducted proper departmental enquiry, recorded the statement of all concerned and submitted his finding. The enquiry officer in his finding established the charge leveled against him without any shadow of doubt and recommended the defaulter Constable Muhammad Yaseen Khan No.1508 for Discharge from service under Police rules 12-21 and the period of out service counted as leave without pay, therefore, he was discharge from service with effect from 06/08/2012 i.e date to his continuous absence. The remaining period of 61 days absence was also treated as leave without pay vide this office OB No.1361 dated 07/09/2012.

His application for re-instatement in service was examined and filed vides this office memo: No.8498/E, dated 19/09/2013 please.

No. 2964 /E,

*[Signature]*  
Regional Police Officer,  
Malakand, at Saidu Sharif, Swat.

Copy to the District Police Officer, Dir Lower for information with reference to his office memo: No.8216/EB, dated 10/04/2014.

*[Signature]*  
Regional Police Officer,  
Malakand, at Saidu Sharif, Swat.

*[Handwritten mark]*



19 ANNEX J

138-SA  
PST.

2721

From: - The Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar.

15-4-14

To: - The District Police Officer,  
Dir-Lower at Timergara.

No. 1795 / Legal, Dated Peshawar the: 07-03 /2014.

Subject:- APPLICATION FOR RE-INSTATEMENT IN SERVICE

Memo:-

Please refer to your memo No: 7497/E.B dated 03.04.2014.

The applicant was discharged from service under Police Rules 12.21 (under three year service) as well as he has made 95 days absence in 2012 and also his petition time-barred.

He may please be informed accordingly.

~~AKG/LEGL 7/4~~

~~For Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar.~~

Be

Muhammad

DDO Timergara  
14/4/2014

No 8575 IE,

dt 15-4-2014

copy to SDPO Timergara

to inform Ex-Capt. Mohammad Yousaf - 1502

to Hazir Mohammad Toorai Tegera

PS Timergara accordingly.

Muhammad

MS

1504014

**POWER OF ATTORNEY**

In the Court of

12 PE Service Tribunal Peshawar

Muhammad Yaseen

} For  
} Plaintiff  
} Appellant  
} Petitioner  
} Complainant

**VERSUS**

Government Police Officer  
and others

} Defendant  
} Respondent  
} Accused  
}

Appeal/Revision/Suit/Application/Petition/Case No. \_\_\_\_\_ of \_\_\_\_\_

Fixed for \_\_\_\_\_

I/We, the undersigned, do hereby nominate and appoint

**IJAZ ANWAR ADVOCATE, SUPREME COURT OF PAKISTAN**

Sajid Amin Advocate

my true and lawful attorney, for me in my same and on my behalf to appear at PE to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects. whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at PE the \_\_\_\_\_ day to \_\_\_\_\_ the year \_\_\_\_\_

Executant/Executants \_\_\_\_\_

Accepted subject to the terms regarding fee M. Yaseen

Attested copy

**SAJID AMIN**  
**ADVOCATE HIGH COURT**

Legal Advisor Services & Labour Laws Consultants  
FR-3-4, Fourth Floor, Bilour Plaza Peshawar Cantt.  
Ph: 091-5272154 Mob: 0333-4584986/0333-186956

Ijaz Anwar

Advocate High Courts & Supreme Court of Pakistan

ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT  
FR-3 & 4, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantt  
Ph 091-5272154 Mobile-0333-9107225

Inspector of Legal

مستند ذیل کے تحت یہ ہے کہ اس کے لئے کوئی دوسرا نام نہیں ہے۔  
اس کے بارے میں کوئی اور نام نہیں ہے۔  
اس کے بارے میں کوئی اور نام نہیں ہے۔

اس کے بارے میں کوئی اور نام نہیں ہے۔

*Signature*

مستند کے بارے میں کوئی اور نام نہیں ہے۔  
اس کے بارے میں کوئی اور نام نہیں ہے۔

15302-5559588-5  
0341-5662244

15302-4340885-5  
0344-1964194-

مستند کے بارے میں کوئی اور نام نہیں ہے۔  
اس کے بارے میں کوئی اور نام نہیں ہے۔

*Signature*

مستند کے بارے میں کوئی اور نام نہیں ہے۔  
اس کے بارے میں کوئی اور نام نہیں ہے۔  
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مستند کے بارے میں کوئی اور نام نہیں ہے۔  
اس کے بارے میں کوئی اور نام نہیں ہے۔

03-07-15  
03-07-15  
03-07-15

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03-07-15

"A"

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

FB  
Swat

No.

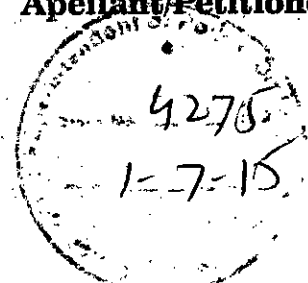
APPEAL No.....1010..... of 2014.

Muhammad Yaseen

Appellant/Petitioner

Versus

P.P.O KPK



RESPONDENT(S)

Notice to Appellant/Petitioner

Muhammad Yaseen,

Ex-constable No. 1508, District Police  
Dix Lower

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 6-7-2015 at 8:00AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

(at Camp Court Swat)

Inspector Legal

for Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

MSW  
Process the same as soon as possible, before due date.  
02-06-15

No 464/MSW  
2-7-15

D.P.O. KPK  
30/6/2015