

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**Appeal No. 903/2013**

Date of Institution ... 06.05.2013

Date of Decision ... 20.04.2018

Ihsanullah s/o Jehanzeb Khan, Ex-constable, resident of Bukhari Colony, Dalazak Road, Peshawar. ... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Home and Tribal Affairs Department, Civil Secretariat, Peshawar and another. ... (Respondents)

MR. IJAZ AHMAD MALIK,
Advocate

--- For appellant.

MR. MUHAMMAD RIAZ PAINDAKHEL,
Assistant Advocate General

--- For respondents

MR. AHMAD HASSAN,
MR. MUHAMMAD AMIN KHAN KUNDI

--- MEMBER(Executive)
--- MEMBER(Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER.- Arguments of the learned counsel for the parties heard and record perused.

FACTS

2. The brief facts are that vide impugned order dated 14.12.2012 he was discharged from service and the period of his absence was treated as leave without pay. He filed departmental appeal on 07.01.2013, which was not responded within the stipulated period, hence the instant service appeal.

ARGUMENTS

3. Learned counsel for the appellant argued that vide impugned order dated 14.12.2012 he was discharged from service and the period of his absence was

treated as leave without pay. Charge of absence leveled against the appellant was not based on facts, he was performing duty regularly. Various formalities required under the rules like cross examination of the witnesses etc were not observed during the enquiry proceedings.

4. On the other hand learned Assistant Advocate General argued that the appellant remained absent from duty w.e.f 22.12.2011 to 11.08.2012 (7 months 20 days). All codal formalities were observed before awarding him penalty of discharge from service.

CONCLUSION

5. During the scrutiny of record it was observed that the appellant was proceeded und the Khyber Pakhtunkhwa Civil Servants Removal from Service (Special Powers) Ordinance-2000, as is evident from the charge sheet and statement of allegations served on him vide endst: no. 25/E/PA dated 13.01.2012. The said Ordinance was repealed on 15.9.2011. As disciplinary proceedings were initiated against the appellant under repealed law, so the same were illegal, unlawful and not tenable in the eyes of law. Though the period of absence claimed by the respondents was seven months but perusal of charge sheet revealed that he was absent from 22.12.2011, while the statement of allegations was served on 13.01.2012, to which he replied accordingly. As such the period of his actual absence was not properly calculated by the respondents. In view of the above situation, we do not deem it necessary to touch other aspects of the case. Learned Assistant Advocate General was repeatedly confronted on this point to substantiate it through relevant record about but he was unable to give any satisfactory explanation.

6. As a sequel to the above discussion, the appeal is accepted. The penalty of discharge from service is modified and converted into stoppage of two annual increments for a period of two years. Parties are left to bear their own costs. File be consigned to the record room.



(AHMAD HASSAN)
MEMBER



(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

ANNOUNCED
20.04.2018

22.02.2018


Due to none availability of D.B the case is adjourned. To come up on ~~03~~ 04.2018 before D.B


Member

03.04.2018

Learned counsel for the appellant and Mr. Muhammad Jan, Learned Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on ~~20~~ 04.2018 before D.B


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

Order

20.04.2018

Counsel for the appellant and Asst: AG for respondents present. Arguments heard and record perused.

Vide detailed judgment of today of this Tribunal placed on file, the appeal is accepted. Parties are left to bear their own cost. File be consigned to the record room.

Announced:
20.04.2018


(AHMAD HASSAN)
Member


(MUHAMAMD AMIN KHAN KUNDI)
Member

~~03.04.2018~~

~~Learned counsel for the appellant and Mr. Usman Ghani
District Attorney present. Learned counsel for private
respondent also present. Arguments heard. Adjourn. To come up
along with other connected appeals on 05.03.2018 before D.B.~~

8/9/2017

Agent to counsel for the appellant and Mr. Khabirullah Khattak, Assistant AG for the respondents present. Arguments could not be heard due to non-availability of DB. To come up for arguments on 16/10/2017 before DB.



(Muhammad Hamid Mughal)
MEMBER

16.10.2017

Counsel for the appellant present. Mr. Kabir Ullah Khattak, Additional Advocate General for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 28.12.2017 before D.B.



(Ahmad Hassan)
Member (E)



(Muhammad Hamid Mughal)
Member (J)

28.12.2017

Counsel for the appellant and Addl: AG for respondents present. Arguments could not be heard due to incomplete bench. Adjourned. To come up for arguments on 22.02.2018 before D.B.



Member

29.12.2016

Appellant in person and Addl. AG for respondents present. Arguments could not be heard due to incomplete bench. Case adjourned to 15.05.2017 for arguments before D.B.


Chairman

15.05.2017

Counsel for the appellant and Mr. Kabirullah Khattak, Assistant AG for the respondents present. Inquiry report is not available on record. The respondents are directed to produce all the relevant record including inquiry report on the next date. To come up for record and arguments on 27.07.2017 before D.B.



(GUL ZEB KHAN)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

27.07.2017

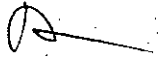
Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 08.09.2017 before D.B.


(Ahmad Hassan)
Member


(M. Hamid Mughal)
Member

20.10.2015

Counsel for the appellant and Addl: A.G for respondents present. The learned Member (Judicial) is on leave therefore, case is adjourned to 1-2-16 for arguments.



Member

01.02.2016

Counsel for the appellant and Mr. Muhammad Raziq, Head Constable alongwith Addl: A.G for respondents present. The learned Member (Executive) is on official tour to Swat, therefore, Bench is incomplete. To come up for arguments on 6-5-2016.



Member

06.05.2016

Counsel for the appellant and Mr. Ziaullah, GP for respondents present. Last opportunity given to respondent-department to produce inquiry report. To come up for inquiry report and arguments on 30.8.16 before D.B.



Member



Member

30.08.2016

Clerk to counsel for the appellant and Mr. Zakiullah, Senior Auditor alongwith Muhammad Jan, GP for respondents present. Arguments could not be heard due to incomplete bench. To come up for arguments on 29.12.2016 before D.B.



Chairman

903/13

23.09.2014

Counsel for the appellant, and Mr. Muhammad Adeel Butt, AAG with Wisal H.C for the respondents present and reply filed. Copy handed over to the learned counsel for the appellant. To come up for rejoinder on 15.12.2014.


MEMBER

15.12.2014

Clerk to counsel for the appellant and Mr. Muhammad Jan, GP with Wisal H.C for the respondents present. The Tribunal is incomplete. To come up for the same on 22.1.2015.


MEMBER

22.01.2015

Appellant in person and Mr. Muhammad Jan, GP with Iqbal Munir H.C for the respondents present. Rejoinder received on behalf of the appellant and copy whereof is handed over to the learned GP. To come up for arguments on 17.4.2015.


MEMBER


MEMBER

17.04.2015

Appellant present in person and submitted that his counsel was seriously ill and requested for adjournment. However, Addl. AG with Iqbal Munir, H.C for the respondents present. On the request of the appellant, case is adjourned to 20.10.2015 for arguments.

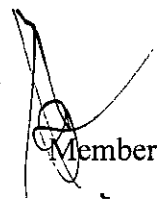

MEMBER


MEMBER

Appeal No. 903/2013,
Mr. Ghanshyam

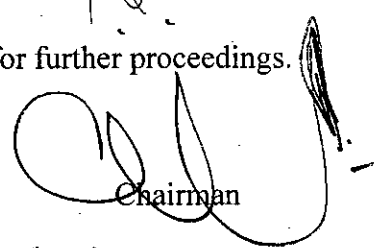
8. 10.02.2014

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 order dated 14.12.2012, he filed departmental appeal on 07.01.2013, which has not been responded within the statutory period of 90 days, hence the instant appeal on 06.05.2013. 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, Notice be issued to the respondents for submission of written reply on 30.04.2014.


Member

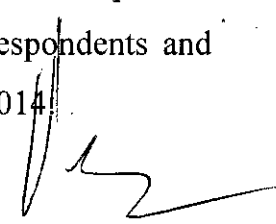
9. 10.02.2014

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


Chairman

30.04.2014

Counsel for the appellant present and requested for time to deposit security and process fee. Be deposited within 7 days. Notices be issued to the respondents and case to come up for written reply on 19.6.2014.



MEMBER

Appellant deposited
Process fee & Security
As. 2007 & Bonds Receipt
attached with file

19.6.2014

Junior to counsel for the appellant and AAG with Wisal H.C for the respondents present and needs time. To come up for written reply on 23.09.2014.


MEMBER

3.

31.07.2013

No one is present on behalf of the appellant. Case is adjourned. To come up for preliminary hearing on 30.09.2013.


Member

4.

30.09.2013


No one is present on behalf of the appellant. Case is adjourned. To come up for preliminary hearing on 01.11.2013.


Member

5.

01.10.2013


Appellant in person present and requested for adjournment. To come up for preliminary hearing on 18.12.2013.


Member

6.

18.12.2013

Appellant in person present and requested for adjournment. To come up for preliminary hearing on 22.01.2014.


Member

7.

22.01.2014

Appellant in person present and requested for adjournment. To come up for preliminary hearing on 10.02.2014.


Member

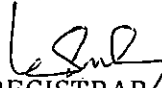

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. _____

903/2013

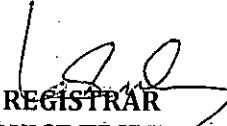
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	17/05/2013	<p>The appeal of Ihsanullah resubmitted today by Mr. Ijaz-Ahmad Malik Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	15-7-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>31-7-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Ihsanullah son of Jehazeb Khan Ex-constable Police received today i.e. on 06/05/2013 is incomplete on the following scores which is returned to the counsel for the appellānt for completion and resubmission within 15 days.

- 1- Copies of charge sheet, show cause, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- 2- Annexures of the appeal may be attested.
- 3- Three copies/sets of the appeal along with annexures i.e. complete in all respect for Tribunal and one for each respondent in each appeal may also be submitted.

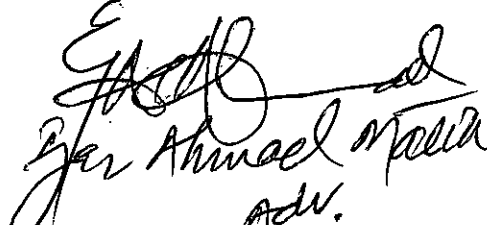
No. 748 /S.T,

Dt. 06/05 /2013.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Ijaz Ahmad Malik Adv. Pesh.

Sir, Resubmitted after necessary completion, however, so far as the charge sheet, show cause, enquiry report and concerned the same have not been served upon the appellānt, therefore, the same are not appended with the appeal.


Ijaz Ahmad Malik
Adv.
17/5/2013

File
20/30

12/2

12/2
The same have not been found after
completion, however, so far as the change
in course, ongoing report and concerns
submitted after necessary
appeared with the General.
Therefore, the same are not
apparent, therefore, the same are not
found after
completion, however, so far as the change
in course, ongoing report and concerns
submitted after necessary

12/2/2013
John Thomas
12/2/2013

BEFORE THE CHAIRMAN SERVICES TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR.

Appeal No. 903/2013

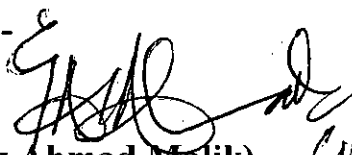
Ihsanulla.....Versus..... Govt. of KPK through
Secretary Home & T.A.
Department & others.

I N D E X .

S.No.	Particulars of documents.	Annexure.	Page No.
1.	Grounds of appeal.	-	1 to 5.
2.	Service Card	A	6
3.	Service Certificate.	B	7
4.	Impugned order	C	8
5.	Departmental appeal.	D	9

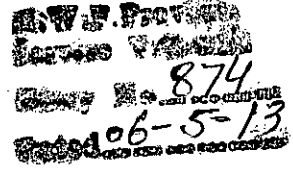
Petitioner

Through: -


(Ijaz Ahmad Malik) 6/5/13
Advocate High Court,
Peshawar.

BEFORE THE CHAIRMAN SERVICES TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR.

Appeal No. 903/2013



Ihsanullah son of Jehanzeb Khan, Ex-Constable, resident of Bukhari Colony, Dalazak Road, Peshawar..... Appellant.

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Home and Tribal Affairs Department, Civil Secretariat, Peshawar,
2. Inspector General of Police, Peshawar,
3. Chief Capital City Police Officer, Peshawar,
4. Superintendent of Police, Head Quarters, Peshawar..... Respondents.

Appeal under section 4 of the Services Tribunal Act 1973 against the impugned order No. 4398 dated 14/12/2012 of the respondent No. 4 whereby the appellant is discharged from his duties.

.....

Filed to the
 Registrar
 6/5/13

Re-submitted to the
 and filed.

Registrar
 17/5/13

Prayer in appeal.

On acceptance of this appeal, the impugned order No. 4398 dated 14/12/2012 of the respondent No.4 may very graciously be set-aside and the appellant be reinstated into service with all back benefits.

.....

Respectfully Sheweth,

1. That the appellant was appointed as constable in the District Police, of Peshawar on 24/8/2009, copy of the Service Card is enclosed as annexure "A".
2. That the appellant successfully completed his training and has been performing his duties with full zeal, dedication and devotion without any complaint from any quarter from any quarter or any adverse entry into his credit.
3. That the appellant has never remained absent while performing his duties in the District Police, rather the appellant has obtained leave from time to time and upon the information and

instruction of the Moharrir with regard to the sanction of leave, *availed leave.*

4. That, even, the services of the appellant was transferred to Gulbarg Police Station, when the appellant was informed about the inquiry. The period, he served in Police Station Gulbarg is 1/8/2012 to 19/12/2012. Copy of certificate issued from PS. Gulbarg is attached annexure "B".

5. That suddenly vide impugned order No. 4398 dated 14/12/2012 of the respondent No.4, the appellant has been discharged from his duties. Copy of the impugned order is enclosed as annexure "C".

6. That the appellant submitted Departmental appeal/ representation against the impugned before the respondent No.3 but the same has been kept without any action, hence, files this appeal after the expiry of statutory period on the following amount other grounds. Copy of Departmental appeal is enclosed as annexure "D".

GROUND.

- A. That the impugned order is illegal, against the law and facts of the case and norms of natural justice, therefore, the same is not sustainable in the eyes of law and is liable to be set-aside.
- B. That the appellant has not been remained as absent, which is evident from the fact that the appellant was performing his duties at the time of alleged inquiry as well as the impugned order, therefore, on this score alone the appellant is entitled to be reinstated.
- C. That the respondents have treated the appellant with iron hand, even, according to law, the alleged absence was required to be treated as extraordinary leave without pay as the appellant was at attendance at the time of alleged inquiry and impugned order but this aspect has been ignored illegally, malafidely and purposely.
- D. That during enquiry no chance of cross examination upon the witnesses is provided to the appellant and the

provided to the appellant and the appellant has been deprived of his due legal right of cross examination. On this score the alleged inquiry is impartial and cannot be sustained in the eyes of law.

F. That the Inquiry Officer has illegally recommended the major penalty, which cannot be sustained in the eyes of law.

G. That the alleged punishment is also not according to law and the respondents have exceeded in exercise of powers.

It is, therefore, humbly prayed that on acceptance of this appeal, the impugned order No. 4398 dated 14/12/2012 of the respondent No.4 may very graciously be set-aside and the appellant be reinstated into service with all back benefits.

Dated: - 4/5/13.

Appellant 

Through: -


(Ijaz Ahmad Malik)
Advocate, Peshawar.

Affidavit.

I Ihsanullah ex-constable do hereby solemnly affirm and declare on oath that the contents of the above appeal are true and correct and nothing has been concealed therefrom.

ATTESTED

Deponent 
(Ihsanullah)



Annex "A"

6

24/08



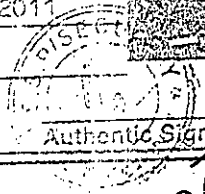
CAPITAL CITY POLICE PESHAWAR

Name: IHSAN ULLAH

Rank: FC.NO.4961

Date of Issue: 24/08/2011

Valid Upto: 03-YEAR



Issuing Authority

Authentic Signature

attested to be true copy

IDENTITY CARD

CAPITAL CITY POLICE PESHAWAR

Height: 5-8 Blood Gr: _____

C. No.:

1	7	3	0	1	5	8	0	0	9	2	9	7
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Mark: SOLE MARK ON FACE

This card is non transferable and is the Property of Government of Pakistan.
In the event of loss, report immediately to the nearest Police Station and the issuing authority giving original number of the card.
In the event of the card please give its in the nearest Police Station.

ORDER

Annex "C"
(8)

This office order relates to the disposal of formal departmental enquiry against Constable Ihsan Ullah No.4961 of Capital City Police Peshawar on the allegations that he while posted at DAR, Peshawar absented himself from lawful duty w.e.f 22.12.2011 to 11.08.2012 (07-months & 20-days) without taking permission or leave.

In this regard, he was issued charge sheet and summary of allegations vide No.25/E/PA/SP/H.Qrs, dated 13.01.2012. SDPO Faqirabad Peshawar was appointed as Enquiry Officer. He conducted the enquiry proceedings and submitted his report that the defaulter Constable is a habitual absentee. The E.O further recommended major punishment for delinquent official vides Enquiry Report No.05/E-ST dated 07.02.2012.

On receiving the findings of E.O, he was issued final show cause notice to which he received and replied. He was called & heard in person. The enquiry papers were again sent to E.O for recording statements of Moharrirs DAR & PS Gulberg.

Therefore, the E.O again conducted the enquiry and submitted report/findings the delinquent official taken the plea that his mother was ill buty could not produce medical documents of his mother. He further recommended major punishment for alleged official vide No.05/E-ST dated 31.10.2012.

✓
N light of the finding of E.O, and other metarial available on record, the undersigned came to conclusion that the alleged official found guilty of the charges. Therefore, he is hereby discharged from service under Police Rules-12.21 with immediate effect. Hence, the period he remained absent from 22.12.2011 to 11.08.2012 (07-months & 20-days) is treated without pay.

[Signature]
**SUPERINTENDENT OF POLICE
HEADQUARTERS, PESHAWAR**

OB. NO. 4398 / Dated 14 / 12 / 2012

No. 425-30 /PA/SP/dated Peshawar the 14 / 12 / 2012

Copy of above is forwarded for information & n/action to:

- ✓ Capital City Police Officer, Peshawar.
- ✓ DSP/HQrs, Peshawar.
- ✓ Pay Office/OASI/CRC & FMC along-with complete departmental file.
- ✓ Officials concerned.

Attested to be true copy
[Signature]
[Signature]
[Signature]

Annex "D"
(9)

To

The Chief Capital City Police Officer,
Peshawar.

Subject: -

Appeal/ Representation against the impugned order No.4398 dated 14/12/12 whereby the appellant has been discharged from service.

Respected Sir,

I have the honour to submit as under: -

Alleged to be
True copy
[Signature]

1.

That the appellant was appointed as constable in the District Police of Peshawar on 24/8/2009.

2.

That the appellant successfully completed his training and was performing his duties with full devotion and dedication without any complaint from his superiors.

3.

That the appellant while performing his duties in DAR, has never remained absent, rather the appellant has submitted applications from time to time for the grant of leave and upon the information and direction of the Moharrir, the appellant availed leave as the mother of the appellant was seriously ill and was about to death and there was no other person except the appellant to look after his mother.

4.

That the appellant has never been remained absent and the alleged period mentioned in the impugned order is totally incorrect and misconceived the alleged absence was in parts but the same has been planted.

5.

That the appellant is a young and energetic man and undertakes to serve the Deptt: without any complaint

10

and being a poor man and the sole earning hand of the his family, hence, deserves leniency but the appellant has been dealt with iron hand.

6.

That, even, for the last four months the appellant has performed his duties till the impugned office order without any complaint in the police station Gulbarg, Peshawar.

It is, therefore, prayed that on acceptance of this appeal the impugned order No. 4398 dated 14/12/12 may very graciously be set aside and the appellant be in-instated in service with all back benefits.

Any other remedy deemed proper and just in the circumstances may also be granted.

Yours obediently,

~~A~~
7/11/2013
(Ihsan Ullah)

s/o Jehanzeb Khan,
Ex-Constable No. 4961,
r/o Bukhari Colony,
Dalazak Rd. Peshawar.

Attested to be true
copy
E. J. Khan

11

بعدالت حوالہ لیسٹ کے اس ٹری بیول صدر حکومت

2
19

الحمد لله بنام حکومت

مورخہ

مقدمہ

دعویٰ

جرم

2 پنجاب

بنام

(سرور اسپل)

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ
آن مقام کے لئے الحجاز الہی حاکم اور وکیل

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک دروپہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت 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۔ از بصورت ضرورت
مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے
اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے
سبب سے دہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

20 6/5/2013

المرقوم Accepted ماہ

Advocate
Jawad Ahmad
Advocate

واہ الع

کے لئے منظور ہے۔

Member's copy

BEFORE THE CHAIRMAN SERVICES TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR.

Appeal no. 903/2013

Ihsanulla.....Versus..... Govt. of KPK through
Secretary Home & T.A.
Department & others.

I N D E X .

S.No.	Particulars of documents.	Annexure.	Page No.
1.	Grounds of appeal.	-	1 to 5.
2.	Service Card	A	6
3.	Service Certificate.	B	7
4.	Impugned order	C	8
5.	Departmental appeal.	D	9

Petitioner

Through: -

(Ijaz Ahmad Malik)

Advocate High Court,

Peshawar.

6/5/13

BEFORE THE CHAIRMAN SERVICES TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR.

Ihsanullah son of Jehanzeb Khan, Ex-Constable, resident of Bukhari Colony, Dalazak Road, Peshawar..... Appellant.

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Home and Tribal Affairs Department, Civil Secretariat, Peshawar,
2. Inspector General of Police, Peshawar,
3. Chief Capital City Police Officer, Peshawar,
4. Superintendent of Police, Head Quarters, Peshawar.....Respondents.

Appeal under section 4 of the Services Tribunal Act 1973 against the impugned order No. 4398 dated 14/12/2012 of the respondent No. 4 whereby the appellant is discharged from his duties.

.....

Prayer in appeal.

On acceptance of this appeal, the impugned order No. 4398 dated 14/12/2012 of the respondent No.4 may very graciously be set-aside and the appellant be reinstated into service with all back benefits.

.....

Respectfully Sheweth,

1.

That the appellant was appointed as constable in the District Police, of Peshawar on 24/8/2009, copy of the Service Card is enclosed as annexure "A".

2.

That the appellant successfully completed his training and has been performing his duties with full zeal, dedication and devotion without any complaint from any quarter from any quarter or any adverse entry into his credit.

3.

That the appellant has never remained absent while performing his duties in the District Police, rather the appellant has obtained leave from time to time and upon the information and

instruction of the Moharrir with regard to the sanction of leave, *availed leave.*

4. That, even, the services of the appellant was transferred to Gulbarg Police Station, when the appellant was informed about the inquiry. The period, he served in Police Station Gulbarg is 1/8/2012 to 19/12/2012. Copy of certificate issued from PS. Gulbarg is attached annexure "B".

5. That suddenly vide impugned order No. 4398 dated 14/12/2012 of the respondent No.4, the appellant has been discharged from his duties. Copy of the impugned order is enclosed as annexure "C".

6. That the appellant submitted Departmental appeal/ representation against the impugned before the respondent No.3 but the same has been kept without any action, hence, files this appeal after the expiry of statutory period on the following amount other grounds. Copy of Departmental appeal is enclosed as annexure "D".

GROUND.

- A. That the impugned order is illegal, against the law and facts of the case and norms of natural justice, therefore, the same is not sustainable in the eyes of law and is liable to be set-aside.
- B. That the appellant has not been remained as absent, which is evident from the fact that the appellant was performing his duties at the time of alleged inquiry as well as the impugned order, therefore, on this score alone the appellant is entitled to be reinstated.
- C. That the respondents have treated the appellant with iron hand, even, according to law, the alleged absence was required to be treated as extraordinary leave without pay as the appellant was at attendance at the time of alleged inquiry and impugned order but this aspect has been ignored illegally, malafidely and purposely.
- D. That during enquiry no chance of cross examination upon the witnesses is provided to the appellant and the

provided to the appellant and the appellant has been deprived of his due legal right of cross examination. On this score the alleged inquiry is impartial and cannot be sustained in the eyes of law.

F.

That the Inquiry Officer has illegally recommended the major penalty, which cannot be sustained in the eyes of law.

G.


That the alleged punishment is also not according to law and the respondents have exceeded in exercise of powers.

It is, therefore, humbly prayed that on acceptance of this appeal, the impugned order No. 4398 dated 14/12/2012 of the respondent No.4 may very graciously be set-aside and the appellant be reinstated into service with all back benefits.

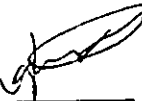
Dated: - 4/5/13.

Appellant 

Through: -


 (Ijaz Ahmad Malik)
 Advocate, Peshawar.
Affidavit.

I Ihsanullah ex-constable do hereby solemnly affirm and declare on oath that the contents of the above appeal are true and correct and nothing has been concealed therefrom.

ATTESTEDDeponent 
(Ihsanullah)

ORDER

Amel (8)

This office order relates to the disposal of formal departmental enquiry against Constable Ihsan Ullah No.4961 of Capital City Police Peshawar on the allegations that he while posted at DAR, Peshawar absented himself from lawful duty w.e.f 22.12.2011 to 11.08.2012 (07-months & 20-days) without taking permission or leave.

In this regard, he was issued charge sheet and summary of allegations vide No.25/E/PA/SP/H.Qrs, dated 13.01.2012. SDPO Faqirabad Peshawar was appointed as Enquiry Officer. He conducted the enquiry proceedings and submitted his report that the defaulter Constable is a habitual absentee. The E.O further recommended major punishment for delinquent official vides Enquiry Report No.05/E-ST dated 07.02.2012.

On receiving the findings of E.O, he was issued final show cause notice to which he received and replied. He was called & heard in person. The enquiry papers were again sent to E.O for recording statements of Moharrirs DAR & PS Gulberg.

Therefore, the E.O again conducted the enquiry and submitted report/findings the delinquent official taken the plea that his mother was ill buty could not produce medical documents of his mother. He further recommended major punishment for alleged official vide No.05/E-ST dated 31.10.2012.

In light of the finding of E.O, and other material available on record, the undersigned came to conclusion that the alleged official found guilty of the charges. Therefore, he is hereby discharged from service under Police Rules-12.21 with immediate effect. Hence, the period he remained absent from 22.12.2011 to 11.08.2012 (07-months & 20-days) is treated without pay.

H. Khalil
**SUPERINTENDENT OF POLICE
HEADQUARTERS, PESHAWAR**

OB. NO. 4398 / Dated 14 / 12 / 2012

No. 221-30 /PA/SP/dated Peshawar the 14 / 12 / 2012

Copy of above is forwarded for information & n/action to:

- ✓ Capital City Police Officer, Peshawar.
- ✓ DSP/HQrs, Peshawar.
- ✓ Pay Office/OASI/CRC & FMC along-with complete departmental file.
- ✓ Officials concerned.

*Attested to be
True Copy*

[Signature]

Annex "D"
(9)

To

The Chief Capital City Police Officer,
Peshawar.

Subject: -

Appeal/ Representation against the impugned order No.4398 dated 14/12/12 whereby the appellant has been discharged from service.

Respected Sir,

I have the honour to submit as under: -

Alleged to be
True copy
[Signature]

1. That the appellant was appointed as constable in the District Police of Peshawar on 24/8/2009.

2. That the appellant successfully completed his training and was performing his duties with full devotion and dedication without any complaint from his superiors.

3. That the appellant while performing his duties in DAR, has never remained absent, rather the appellant has submitted applications from time to time for the grant of leave and upon the information and direction of the Moharrir, the appellant availed leave as the mother of the appellant was seriously ill and was about to death and there was no other person except the appellant to look after his mother.

4. That the appellant has never been remained absent and the alleged period mentioned in the impugned order is totally incorrect and misconceived the alleged absence was in parts but the same has been planted.

5. That the appellant is a young and energetic man and undertakes to serve the Deptt: without any complaint

10

and being a poor man and the sole earning hand of the his family, hence, deserves leniency but the appellant has been dealt with iron hand.

6.

That, even, for the last four months the appellant has performed his duties till the impugned office order without any complaint in the police station Gulbarg, Peshawar.

It is, therefore, prayed that on acceptance of this appeal the impugned order No. 4398 dated 14/12/12 may very graciously be set aside and the appellant be in-instated in service with all-back benefits.

Any other remedy deemed proper and just in the circumstances may also be granted.

Yours obediently,

~~_____~~
7/1/013
(Ihsan Ullah)

s/o Jehanzeb Khan,

Ex-Constable No. 4961,

r/o Bukhari Colony,

Dalazak Rd. Peshawar.

Attested to be true
copy
EHS

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

Service Appeal No.903/2013.

Ex-constable Ihsan Ullah No. 4961 Police station Gulberg Cantt: Peshawar
.....Appellant.

VERSUS.

1. The government of Khyber Pakhtunkhwa through Secretary Home.
2. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
3. Capital City Police Officer, Peshawar.
4. Superintendent of Police, Head Quarters, Peshawar

.....Respondents.

Parawise comment on behalf of Respondents.

PRELIMINARY OBJECTIONS.

1. That the appeal is badly time barred.
2. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
3. That the appellant has not come to this Honorable Tribunal with clean hands.
4. That the appellant has no cause of action.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant has concealed the material facts from this Honorable Tribunal.
7. That the appellant got no locus standi.
8. That the appeal is not maintainable.

FACTS:-

- 1- Para No. 1 pertains to record, hence needs no comments.
- 2- First part of the Para No. 2 pertains to record while rest of the Para is for the appellant to prove.
- 3- Para No. 3 incorrect and denied on the ground that the appellant while posted at DAR Peshawar deliberately absented himself from lawful duty w.e.f 22.12.2011 to 11.08.2012 (7 months and 20 days) without adopting proper procedure for taking permission or leave. He was issued charge sheet and summery of allegations vide No 25/E/PA/ SP HQ:rs dated 13.01.2012, he was called and heard in person. Final show cause notice was issued to him which he replied.

But he failed to defend himself, hence the competent authority awarded him major punishment of discharged from service vide OB No 4398 dated 14.12.2012. (charge sheet, statement of allegations, show cause notice and reply are annexed as " A,B,C and D" respectively.)

- 4- First part of the Para is correct to the extent that the appellant was transferred from DAR to PS Gulberg vide OB No 2736 dated 17.07.2012 but he remained absent with effect from 19.07.2012 to 11.08.2012 total 22 days. Furthermore during the period in which appellant served, enquiry was in progress which was concluded in awarding him major punishment by the competent authority.
- 5- Para No. 5 is correct to the extent that the appellant was discharged from his duties because the appellant while posted at DAR Peshawar deliberately absented from his lawful duty for 7 months and 20 days without any permission or any cogent reason, hence he was proceeded departmentally and after completion of the enquiry, he was found guilty in the afore charge therefore, the competent authority being agreed with the recommendation of EO, legally passed the major penalty which is in accordance with law.
- 6- First part of the Para No.6 is correct to extent that the appellant filed departmental appeal while rest of the Para denied on the ground that he was heard in person in the Orderly Room, but he did not satisfy the appellate authority. Moreover, his appeal was also barred by time for 7 days and charge of absence stand proved against him hence after due consideration, his departmental appeal was rejected/filed by appellate authority vide No 2028-33/PA, dated 04.12.2013.(order dated 04.12.2013 is annexed as "E")

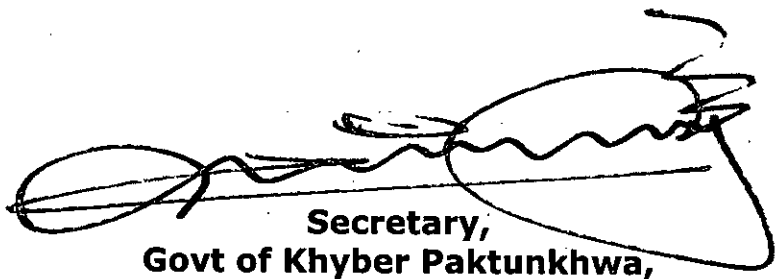
GROUND:-

- A. Incorrect and denied. The impugned order is legal and no illegality or injustice has been done to him.
- B. Incorrect. The appellant deliberately absented himself from his lawful duty for 7 months and 20 days without any permission or any cogent reason, which was his lack of interest in duty and amount to gross misconduct on his part.
- C. Incorrect. Respondents have treated the appellant as per law and rules. The impugned order is legal and in accordance with the law.


- D. Incorrect. Impartial enquiry was conducted under the disciplinary rules during the course of enquiry, the EO personally heard the appellant in person and his statement has also been recorded, further, the appellant was given full opportunity to defend himself before the enquiry committee but he failed to defend himself.
- F. Incorrect. During the course of enquiry, the EO being not satisfied from the statement of the appellant found him guilty in the enquiry, therefore, he is legally recommended for major penalty by the EO.
- G. Incorrect. The punishment order passed by the competent authority is legal and in accordance with law, hence liable to be upheld.

PRAYER:-


It is therefore most humbly prayed that in light of above facts and submissions the appeal of the appellant devoid of merits, legal footing may be set aside/ dismissed.




**Secretary,
Govt of Khyber Pakhtunkhwa,
Home & Tribal Affairs Department,
Peshawar.**



**Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.**



**Capital City Police Officer,
Peshawar.**



**Superintendent of Police
HQ:rs Police line
Peshawar.**

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

Service Appeal No.903/2013.

Ex-constable Ihsan Ullah No. 4961 Police station Gulberg Cantt: Peshawar

.....Appellant.

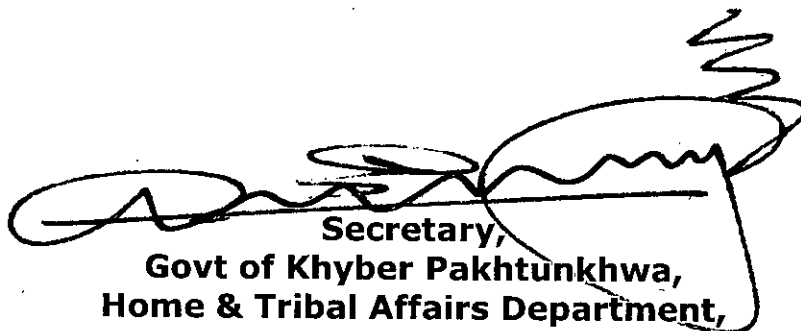
VERSUS.


1. The government of Khyber Pakhtunkhwa through Secretary Home.
2. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
3. Capital City Police Officer, Peshawar.
4. Superintendent of Police, Head Quarters, Peshawar


.....Respondents.


AFFIDAVIT

We respondents No 1 to 4 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and nothing has concealed/kept secret from this Honorable Tribunal.


**Secretary,
Govt of Khyber Pakhtunkhwa,
Home & Tribal Affairs Department,
Peshawar.**


**Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.**


**Capital City Police Officer,
Peshawar.**


**Superintendent of Police
HQ:rs Police line
Peshawar.**

(A) 14 (A)

CHARGE SHEET

I, Superintendent of Police, Headquarters, Capital City Police Peshawar, as a competent authority, hereby, charge that Constable Ihsan Ullah No.4961 City Police Peshawar with the following irregularities.

“That you Constable Ihsan Ullah No.4961 while posted at DAR, Peshawar were absent from duty w.e.f. 22.12.2011 till date without taking permission or leave. This amounts to gross misconduct on your part and is against the discipline of the force.”

You are, therefore, required to submit your written defence within seven days of the receipt of this charge sheet to the Enquiry Officer committee, as the case may be.

Your written defence, if any, should reach the Enquiry Officer/Committee within the specified period, failing which it shall be presumed that have no defence to put in and in that case exparte action shall follow against you.

Intimate whether you desire to be heard in person.

A statement of allegation is enclosed.


SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

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20-05 SJF
9/01/12

(B)
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DISCIPLINARY ACTION

I, Superintendent of Police, Headquarters, Capital City Police Peshawar as a competent authority, am of the opinion that Constable Ihsan Ullah No.4961 has rendered him-self liable to be proceeded against under Section-3 of NWFP, Removal from Service (Special Power) Ordinance 2000.

STATEMENT OF ALLEGATION

"That Constable Ihsan Ullah No.4961 while posted at DAR, Peshawar absented himself from duty w.e.f. 22.12.2011 till date without taking permission or leave. This amounts to gross misconduct on his part and is against the discipline of the force."

For the purpose of scrutinizing the conduct of said accused with reference to the above allegations an enquiry is ordered and SDPO / F. Abael is appointed as Enquiry Officer.

2. The Enquiry Officer shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused officer, record his finding within 30 days of the receipt of this order, make recommendations as to punishment or other appropriate action against the accused.

3. The accused shall join the proceeding on the date time and place fixed by the Enquiry Officer.

[Signature]
SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

No. 25 /E/PA, dated Peshawar the 13/01 /2012

1. SDPO / F. Abael is directed to finalize the
aforementioned departmental proceeding within stipulated period under the Rule:
2. Official concerned

[Signature]
Steno
Call Constable

[Signature]
O.S.P. Faqirabad Circle
Peshawar.

C
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FINAL SHOW CAUSE NOTICE

I Superintendent of Police, Headquarters, Capital City Police, Peshawar as competent authority, under the North West Frontier Provincial Removal From Service (Special Power) Ordinance, 2000 do hereby serve you Constable Ihsan Ullah No.4961 of Capital City Police, Peshawar as follows.

1 (i) That consequent upon the completion of enquiry conducted against you by the enquiry officer for which you were given opportunity of hearing.

(ii) On going through the findings and recommendation of the enquiry Officer, the material on record and other connected papers produced before the E.O.

I am satisfied that you have committed the following acts/omissions specified in section 3 of the said Ordinance.

“That you Constable Ihsan Ullah No.4961 while posted at DAR, Peshawar was absent from 22.12.2011 till date without taking permission or leave. This act amounts to gross misconduct on your part and against the discipline of the force”

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of major punishment under section 3 of the said Ordinance of sub section 4 of section 5 for absence willfully performing duty away from place of posting.

3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within 7 days of its delivery, in normal course of circumstances, it shall, be presumed that you have no defence to put in and in that case as ex-parate action be taken against you..

5. The copy of the finding of the enquiry officer is enclosed.


SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

No. 25 /PA, SP/HQrs: dated Peshawar the 20-2- /2012.

Copy to official concerned

بیان اذان کئیل اہسان اللہ نمبر 496 مقصد نقانہ فکریڈ

(D)

(2) صہب عالی!

گزارش ہے کہ میری والدہ سخت بیمار تھی والد صاحب
کراچی میں تھا۔ پھر بسا دوسرا کوئی ضابطہ رکھنے والا نہیں تھا۔
میں اپنی ماں کے ساتھ اسپتال میں تھا۔ جس کی وجہ سے
ڈیوٹی سے غیر حاضر ہو گیا تھا۔ لہذا آپ صاحبان سے
گزارش ہو کر مرے خلاف انوائسری داخل دفتر طرفہ فائس
اور اب میں اپنی ڈیوٹی سرانجام دیتا ہوں۔

لہذا مرہانی کرے مرے خلاف انوائسری داخل دفتر طرفہ فائس

آئینہ کیلئے خطاط رہیوں

آپ صاحبان کی بڑی مرہانی ہوگی

کئیل اہسان اللہ نمبر 496 نقانہ فکریڈ

ORDER

(E)

This office order will dispose off departmental appeal of ex-constable **Ihsan Ullah No. 4961** who was awarded the major punishment of **Discharge** from service by SP-HQRs: vide OB No. 4398 dated 14.12.12 under Police Rules 1975 on the charge of deliberate absence from lawful duty w.e.f. 22.12.11 to 11.8.12 & 13.11.12 to 21.12.12 (G.Total 8 months & 28- days)

Two separate departmental proceedings were initiated against him and SDPO-F/Abad and DSP-H/Nagri were appointed as the E.Os. The appellant failed to appear before E.O (DSP-H/Nagri). He was issued FSCN to which he replied. The same was found unsatisfactory as such the Competent Authority awarded him the above major punishment.

The relevant record has been perused along with his explanation and also heard him in person in OR on 29.11.2013. The charge of absence stand proved against him. The order passed by SP (HQRs:) Peshawar is upheld and the appeal is rejected/filed.


**CAPITAL CITY POLICE OFFICER,
PESHAWAR.**

No. 2028-33/PA, dated Peshawar the 04/12/13

Copies for information and n/a to the :-

- 1/ SP-HQRs: Peshawar
- 2/ PO
- 3/ CRC along with S.Roll
- 4/ OASI
- 5/ FMC along with complete FM.
- 6/ Official concerned.

Before the Chairman Services Tribunal KPK Peshawar

Ihsan Ullah

VERSUS

Govt of KPK through Home Secretary etc

Rejoinder to the comments

Respectfully Sheweth,

Preliminary Objection

1. All the preliminary objections raised in the comments are false, frivolous, factitious and farthest from truth, hence denied. The applicant has the cause of action and locus standi. The appeal is well within time, neither hit by the non-joinder and mis-joinder and nothing material facts have been concealed from the Hon'ble Court, therefore, the appeal is maintainable.

Facts:

1. As no comment is offered, hence need no reply.
2. In response to para-2, the respondents had failed to annex any adverse entry against the appellant or brought on record.
3. Para No-3 is absolutely incorrect and misleading, the alleged absence is not a continuous and the same has been done in parts after getting permission from his superiors. Moreover, the appellant was performing his duties even during his alleged charge sheet and inquiry and was posted at P.S Gulberg, which is evident from the Certificate annexed with the appeal. Moreover, the above fact has also been admitted by the respondents in this comment at Para-4.
4. Para No. 4 is incorrect to the extent of absence while posted in P.S Gulberg. Moreover, the major punishment is illegal and is the colorful exercise of powers.
5. Para-5 is incorrect and misleading, hence denied. The appellant has illegal been

discharged from duties malafidely and purpose
and has illegally been imposed major penalty.

6. Para No-7 is incorrect and misleading the
appeal is well within time.

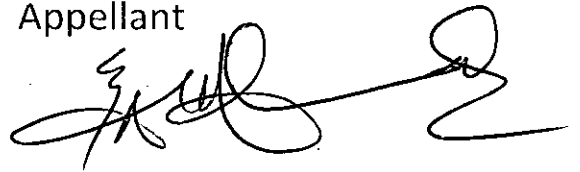
Grounds:

- A. Para-A is incorrect and misleading.
- B. Para-B is incorrect and misleading. As stated in
the foregoing paras the alleged absence was in
parts and the same is ~~at~~ done after proper leave
which is not come under the definition of
willful absence.
- C. Para-C is incorrect and misleading.
- D. Para-D is incorrect and misleading No.
statement of the other officials are recorded
nor the record is requisition, neither any
opportunity of cross examination is provided.
- E. Para-E is incorrect and misleading.
- F. Para-F is incorrect and misleading.

It is therefore, humbly prayed that the appeal may be
accepted in toto with all back benefits.

Appellant

Through



J. JAZ
Javed Ahmad Malik

Advocate High Court

Peshawar..

Before the Chairman Services Tribunal KPK Peshawar

Ihsan Ullah

VERSUS

Govt of KPK through Home Secretary etc

AFFIDAVIT

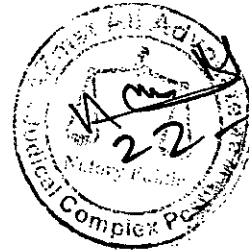
I do hereby solemnly declare and affirm that the contents of the accompanying rejoinder are true and correct to the best of my knowledge and belief.

Deponent



Date: 22/01/2015

ATTESTED



22/01/2015

Before the Chairman Services Tribunal KPK Peshawar

Ihsan Ullah

VERSUS

Govt of KPK through Home Secretary etc

Rejoinder to the comments

Respectfully Sheweth,

Preliminary Objection

1. All the preliminary objections raised in the comments are false, frivolous, factitious and farthest from truth, hence denied. The applicant has the cause of action and locus standi. The appeal is well within time, neither hit by the non-joinder and mis-joinder and nothing material facts have been concealed from the Hon'ble Court, therefore, the appeal is maintainable.

Facts:

1. As no comment is offered, hence need no reply.
2. In response to para-2, the respondents had failed to annex any adverse entry against the appellant or brought on record.
3. Para No-3 is absolutely incorrect and misleading, the alleged absence is not a continuous and the same has been done in parts after getting permission from his superiors. Moreover, the appellant was performing his duties even during his alleged charge sheet and inquiry and was posted at P.S Gulberg, which is evident from the Certificate annexed with the appeal. Moreover, the above fact has also been admitted by the respondents in this comment at Para-4.
4. Para No. 4 is incorrect to the extent of absence while posted in P.S Gulberg. Moreover, the major punishment is illegal and is the colorful exercise of powers.
5. Para-5 is incorrect and misleading, hence denied. The appellant has illegal been

discharged from duties malafidely and purpose and has illegally been imposed major penalty.

6. Para No-7 is incorrect and misleading, the appeal is well within time.

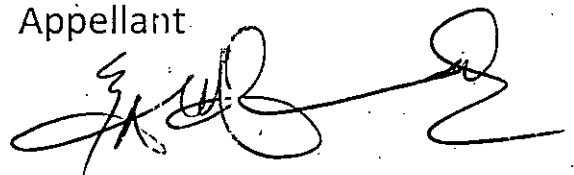
Grounds:

- A. Para-A is incorrect and misleading.
- B. Para-B is incorrect and misleading. As stated in the foregoing paras the alleged absence was in parts and the same is done after proper leave which is not come under the definition of willful absence.
- C. Para-C is incorrect and misleading.
- D. Para-D is incorrect and misleading No. statement of the other officials are recorded nor the record is requisition, neither any opportunity of cross examination is provided.
- E. Para-E is incorrect and misleading.
- F. Para-F is incorrect and misleading.

It is therefore, humbly prayed that the appeal may be accepted in toto with all back benefits.

Appellant

Through



J. J. A. Z.
Javed Ahmad Malik

Advocate High Court

Peshawar.

Before the Chairman Services Tribunal KPK Peshawar

Ihsan Ullah

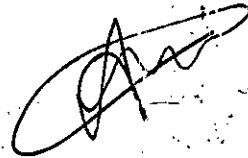
VERSUS

Govt of KPK through Home Secretary etc

AFFIDAVIT

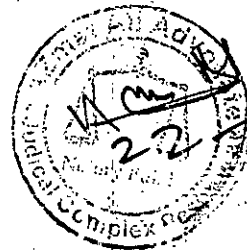
I do hereby solemnly declare and affirm that the contents of the accompanying rejoinder are true and correct to the best of my knowledge and belief.

Deponent



Date: 22/01/2015

ATTESTED



22/01/2015

OK
✓ (2)

ENQUIRY REPORT

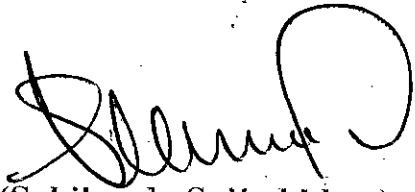
Kindly refer to your office No.25/PA SP/HQ,dated 13/01/2012 on the subject cited above.

It is a departmental enquiry against constable Ihsan ullah 4961 posted at DAR Peshawar absented himself from duty w.e.from 22/12/2011 to till date. His act is highly objectionable and amounts to gross misconduct. The alleged constable was put to disciplinary proceeding by the worthy SP HQ. The undersigned was appointed as enquiry officer to initiate departmental proceeding against the alleged with reference to the above mentioned allegation.

In order to scrutinize the conduct of the alleged constable called and allegation read over to him , he refused to accept and submit his statement that his mother was ill and admit in hospital and father was in Karachi and I was elder son of his father and no other person to look after his mother. Therefore he was absent .Then he made arrival report vide DD NO.30 dated 11/8/2012 at P.S Gulberg Total absence period (07 months & 20 days) DD report are attached. further he requested to file his enquiry on humanitarian grounds.

From fore going circumstances it means that his mother was ill but could not produced medical documents of his mother. Nor the above name constable sanctioned proper leave

Hence keeping in view the above mentioned circumstances ,the undersigned suggested for major punishment :


(Sahibzada Sajjad khan)
Deputy Superintendent of Police,
Faqirabad Circle Peshawar.

W/SP HEADQUARTERS
NO 05 /E-ST

Dated 31 /10/2012

21/19

31 /10/072

Approved as suggested. by
E.O.

OR

SP HQ
27-11-2012

21/10/12

✓ # 25/12/12

~~25/12/12~~

12/

ENQUIRY REPORT

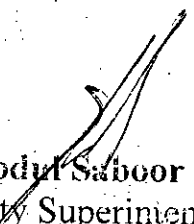
Kindly refer to your office No.24/PA SP/HQ,dated 13/01/2012 on the subject cited above.

It is a departmental enquiry against constable Ihsan ullah No.4961 posted at DAR Peshawar absented himself from duty w.e.f 22-12-2011 to til date, without taking any information of his senior. His act is highly objectionable and amounts to gross misconduct. The alleged Constable was put to disciplinary proceeding by the worthy SP HQ. The undersigned was appointed as enquiry officer to initiate departmental proceeding against the alleged constable with reference to the above mentioned allegation.

In order to scrutinize the conduct of the alleged constable call at his posting place, but the moharrir DAR produced a DD report No.06 dated 22-12-2011 that the above name constable is continuously absent and also off his phone number.

From foregoing circumstances it means that the above name constable is habitual absentee.

Keeping in view the above mentioned circumstances, the undersigned suggested for major punishment.


(Abdul Suboor Khan)
Deputy Superintendent of Police,
Faqirabad Circle Peshawar.

W/SP HEADQUARTERS

NO 05 /E-ST 26/04

Dated 07/02/2012

Issue final
show cause notice

gani
Superintendent of Police HQs
Capital Circle Peshawar
20-2-12

From:- Deputy Superintendent of Police,
Hashtnagri Circle Peshawar.

To:- The Superintendent of Police,
Headquarter, Peshawar.

No 23 /ST, dated Peshawar the 22 / / /2013.

Subject:- DEPARTMENTAL ENQUIRY AGAINST CONSTABLE
IHSAN NO.4961.

Kindly refer to your office Memo: No.164/PA dated 06.03.2012.

Charges/Allegations:- This is a departmental enquiry against Constable Ihsan No.4961 of Police Line, on the allegations that he while posted to DAR Peshawar, he absented himself from duty dated 13.11.2012 to 21.12.2012 (Total days 38), without any permission/leave from his seniors. *35 days*

The absent Const: Ihsan No.4961 was Charge Sheeted by W/SP-Headquarter and the undersigned was appointed as enquiry officer.

Grounds:- I conducted enquiry into the matter, the Constable was called time and again through Urdu Parwana diary No.657/ST dated 14.03.2012, and No.725/ST dated 24.03.2012, and No.112-14/ST dated 24.05.2012, and English letter No.306/ST dated 06.09.2012 through SHO Faqir Abad but he did not intentionally appeared before the undersigned.

Findings:- In connection with the enquiry initiated against default constable Ihsan No.4961, it has come to light that Constable Ihsan No.4961 has been awarded that major punishment and removed from service by SP Headquarter Peshawar Vide O.B No.4398 dated 14.12.2012, and issue order by the SP Headquarter endst No.4825-30/PA dated 14.12.2012.

It is therefore suggested that the enquiry in hand may kindly be kept pending.

Submitted Please.

W/SP-11008
Yes
20
17
28 days
Sir,
The said official
has been discharged from service
in other absence for 07-months
vide PIA. It approved
The said absence in dismissal order
Sent to FHC to
comp. in discharge
order

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No 945 /ST

Dated 04 /05/2018.


To

The Superintendent of Police, Head Quarters,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: **ORDER/JUDGEMENT IN APPEAL NO. 903/2013, MR.IHSANULLAH.**

I am directed to forward herewith a certified copy of Judgment/Order dated 20/04/2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.