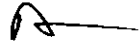


20.05.2015

Clerk of counsel for the appellant present. Clerk of counsel for the appellant submitted an application for adjournment. Adjourned to 10.06.2015 for preliminary hearing before S.B.



Member

10.06.2015

Counsel for the appellant present. Requested for adjournment as grievances of the appellant are about to resolve by the respondents. Adjourned to 30.6.2015 for preliminary hearing before S.B.



Chairman

30.06.2015

Counsel for the appellant present. Learned counsel for the appellant requested for withdrawal of appeal as the grievances of the appellant have been redressed. Dismissed as withdrawn. File be consigned to the record.

ANNOUNCED
30.6.2015




Chairman

30.06.15

3.
14.01.2015

Clerk of counsel for the appellant present, and requested for adjournment. Request accepted. To come up for preliminary hearing on 16.02.2015.


Member


4.
16.02.2015

Clerk of counsel for the appellant present, and requested for adjournment due to pre-occupation of learned counsel for the appellant in the Supreme Court of Pakistan. Request accepted. To come up for preliminary hearing on 20.03.2015 before S.B


Member

5.
20.03.2015



Counsel for the appellant present and requested for adjournment. Request accepted. To come up for preliminary hearing on 20.05.2015 before S.B.


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1252/2014


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	21/10/2014	<p>The appeal of Mr. Mazhar Iqbal resubmitted today by Mr. Ashraf Ali Khattak Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	27-10-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>14-1-2015</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Mazhar Iqbal Ex-Constable No. 4585/ FRP Abbottabad received today i.e. on 29.09.2014 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- 2- Annexure-B of the appeal is illegible which may be replaced by legible/better one.

No. 1436 /S.T,

Dt. 29/9 /2014.


REGISTRAR 29/9/14
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Ashraf Ali Khattak Adv. Pesh.

Re-submitted.

Appellant has applied for the grant of document as required per objections, but the same has not been provided till the date.

It is therefore, requested that further time may kindly be allowed for the requisitioned of the required documents as per objections.

Time is extended up to 27th October 2014
for resubmission of instant appeal.

13-10-2014

Ashraf Ali Khattak

Re-submitted:

As the appellant has been discharged under Police Rule 12.21, therefore, respondent has regretted application of the appellant as respondent has not

issued any charge sheet, statement of allegation
and neither have conducted inquiry etc

The appeal is re-submitted with above
observation. Please put before the Court.

Dated: 21-10-2010

Ashraf Ali Khattak.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1252 /2014

Mazhar Iqbal Ex-Constable
No.4585/FRP
.....Appellant

Versus

The Commandant FRP
Govt: of Khyber
Pakhtunkhwa, Peshawar and
others.....Respondents

INDEX

S.No.	Description of Documents	Date	Annexure	Pages
1.	Memo of Service Appeal with Affidavit.			1-9
2.	Copy of Medical Prescriptions		A	10-19
3.	Copy of impugned order	16-01-2014	B	20
4.	Copy of Departmental Appeal		B C	21-24
5.	Copy of Impugned final order	13-03-2006	D	25-27
6.	Wakalat Nama			

Mazhar Iqbal
Appellant

Through

Ashraf Ali Khattak
Ashraf Ali Khattak

and

Nawaz Khan Khattak
Nawaz Khan Khattak
Advocates, Peshawar

Dated: _____ / 02/ 200614

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. 1252/2014

Mazhar Iqbal Ex-Constable No.4585/FRP, Platoon No.106,
Hazara Region, AbatabadAppellant.

Versus

1. The Commandant FRP Govt: of Khyber
Pakhtunkhwa, Peshawar.
2. The Senior Superintendent of Police, FRP, Hazara
Region, Abbottabad.....Respondents

1228
29-9-2014

SERVICE APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE TRIBUNALS
ACT, 1974 AGAINST THE IMPUGNED FINAL ORDER
OF RESPONDENT NO.1 DATED 13-03-2014 (Annexure-D)
COMUNICATED ON 18-09-2014 PASSED ON THE
DEPARTMENTAL APPEAL OF THE APPELLANT
(Annexure-B), WHEREIN HE MAINTAIN THE ORDER
OF RESPONDENT NO.2 DATED 16-01-2014.

Prayer:-

On acceptance of the instant service appeal this Honourble
Tribunal may graciously be pleased to declare both the
impugned orders dated 13-03-2014 passed by respondent
No.1 and the order dated 16-01-2014 passed by respondent
No.2 as illegal, unlawful and without lawful authority and
set aside the same and also re instate the appellant with all
back benefits.

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

e-submitted to
ad filed.

29/9/14

21/10/14

1. That appellant was appointed in the respondent organization vide dated 29-11-2011 as a constable and after successful completion of recruit training at RTW, Kohat was posted at District Abbottabad.
2. That appellant became ill in the month of september, 2013, therefore, he submitted application for leave on medical ground, but instead of granting medical leave, he was transferred and posted to District Batagram (medical prescriptions are attached as Annexure-A). Appellant complied the order and resumed his duty at Batagram. There he again submitted application for leave, but was not granted.
3. Appellant thereafter approached the office of respondent No.2 for leave on account of his serious illness, but he was not informed of the fate of his application. Appellant was so serious that he was unable to join his duty. This fact can be varified from the copies of his medical prescription. The question is whether one can join and perform his duty in such like situation.
4. That vide impugned order dated 16-01-2014 (Annexure-B) appellant has been discharge from service under FR 12-21 on account of absence from service.
5. That being aggrieved from the impugned order; appellant preferred depårtmental appeal (Annexure-C) before the respondent No.1 but no head was paid and and he therefore, submitted numerous application before different authorities including respondent

No.1 but without any response.

6. That at last appellant approached the Provincial Police Officer and placed his grievances before him and thereupon he was informed that his departmental appeal has been rejected vide order dated 13-03-2014 (Annexure-D) and a copy thereof was also handed over to him.
7. That appellant, being aggrieved of the impugned orders dated 13-03-2014 and order dated 16-01-2013 and also of the acts and actions of Respondents and having no other adequate and efficacious remedy, files this appeal inter-alia on the following grounds:-

Grounds:

- A. That Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973. That the absence of the appellant was not intentional but was due to unavoidable decease. This fact can be varified from the medical prescription. In such a situation one cannot perform duty. This fact was in the active knowledge of the respondents in the form of numerous applications submitted by the appellant, which are still availablce on the record. More over, application for leave on medical ground cannot be rejected without acquiring/getting 2nd medical opinion, which has not been acquired/got. Keeping in view this explanation the impugned order prima facie is illegal, unlawful and without lawful authority and

therefore, not sustainable in the eyes of law and justice and liable to be set aside

- B. That the so called absence period has been regularized by treating the same as leave without pay, therefore, on this score the order of discharge from service under Police Rule 12-21 is illegal as the same amount to double jeo paraday which is the violation of Article 13 of the Constitution of Pakistan 1973.
- C. That appellate order dated 13-03-2014 has been passed in violation of Rule 5 of the appeal rules, 1986. The appellate authority has failed to provide the appellant an opportunity of being heard in person. He has also failed to securitimize the fact of illness or otherwise of the appellant. Neither had he scrutinized the short cut procedure adopted by the respondent No.2 for the discharge of the appellant from his legal service nor the facts of alleged accusation. On this score, the impugned orders are not maintainable in the eyes of law, fair play and equity, therefore liable to set aside.
- D. That appellant has been condemn unheard. The same is the violation of the judicial principle of "audo altram partem".
- E. That appellant was civil servant and his terms and conditions are governed under Civil Servant Act, 1973, therefore, he could not be discharge under PR 21-21. Reliance is placed on 2000 SCMR 1106.

- F. That section 16 of the Civil Servant Act, 1973 provide that every civil servant is liable for prescribed disciplinary actions and penalties only in accordance with prescribed procedure. In the instant case no prescribed procedure has been adopted. Neither appellant has been served with any sort of charge sheet & statement of allegation nor any inquiry conducted, therefore, proceeding against the appellant has no legal support and is liable to be set back.
- G. That no final show cause etc has been served upon the appellant and has been penalized with major punishment.
- H. That the impugned orders have been passed in violation of section 24A of the General Clauses Act, 1897, which provide that every administrative order shall be a speaking order. The impugned order is not a speaking order.
- I. That appellant has penalized with major penalty and as per law laid down by the Honourble Supreme Court of Pakistan no major penalty could be imposed without regular inquiry. In the instant case no inquiry has been conducted, therefore the law laid down by the Apex Court has been violated.
- J. That appellant has been proceeded under Police Rule in the presence of Khyber Pakhtunkhwa (Efficiency and Discipline) Rule, 2011. On this score the impugned orders are not sustainable in the eyes of

law and liable to be set aside.

- K. That appellant has been jobless since his discharge from service therefore, entitled for re-instatement with all back benefits.
- L. That appellant would like to seek the permission of this Honourable Court to advance more grounds at the time of hearing.

It is therefore humbly prayed that the appeal may kindly be accepted as prayed for above.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for may also be granted to appellant.

Through

Mazlool

Appellant

Ali
Ashraf Ali Khattak,

and

Nawaz
Nawaz Khan Khattak
Advocate, Peshawar.

Dated: _____ / 02/ 2006

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____/2014

Mazhar Iqbal Ex-Constable No.4585/FRP, Platoon No.106,
Hazara Region, AbatabadAppellant.

Versus

The Commandant FRP Govt: of Khyber Pakhtunkhwa,
Peshawr, Abbottabad.....Respondents

Affidavit

I, Mazhar Iqbal Ex-Constable No.4585/FRP, Platoon
No.106, Hazara Region, Abatabad do hereby solemnly
affirms on Oath that the contents of the instant service
appeal are true and correct to the best of my knowledge and
belief.

Mazhar Iqbal
Deponent



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**Service Appeal No. _____/2014**

Mazhar Iqbal Ex-Constable No.4585/FRP, Platoon No.106,
Hazara Region, AbatabadAppellant.

Versus

The Commandant FRP Govt: of Khyber Pakhtunkhwa,
Peshawr, Abbottabad.....Respondents

Application for Condonation of delay if any.

Respectfully Sheweth,

That the titled appeal has been pending before this Honorable Tribunal, which is yet to fixed for preliminary hearing.

That limitation runs from the date of communication. The order dated 13-03-2014 has been communicated to the appellant on 19-09-2014, therefore, limitation would be commenced from 19-09-2014. Rule 19 of the Khyber Pakhtunkhwa (Efficiency and Discipline) Rules, 2011 is also clear on the point. On this score appellant is not time barred.

That the law favor litigation on merits and not on technicalities including limitation.

That the value able rights of the appellant have been involved in the case, which necessitates that, the appeal

may be decided on merits.

It is therefore, humbly prayed that on acceptance of the instant application this Honorable Tribunal may graciously be pleased to condoned delay if any in the best interest of justice.

Mazhar
Applicant

Through

Ashraf Ali

Ashraf Ali Khattak,

and

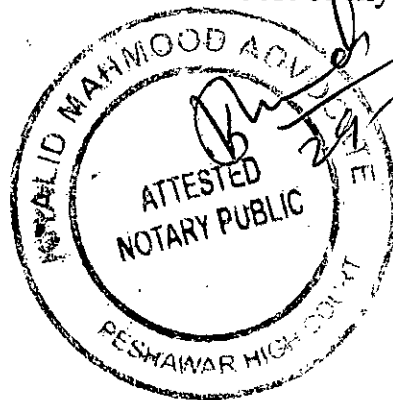
Nawaz Khan

Nawaz Khan Khattak
Advocate, Peshawar.

Dated: .../09/2014

Affidavit.

I, Mazhar Iqbal Ex-Constable No.4585/FRP, Platoon No.106, Hazara Region, Abatabad do hereby solemnly affirms on Oath that the contents of the instant application are true and correct to the best of my knowledge and belief.



Mazhar
Deponent

(Anx: A)

10

DR. NISAR AHMED

M.B.B.S., R.M.P.
Physician & Surgeon
P.M.D.C. No. 2588-S

Muhammadi Clinic
Qayumabad B-Area

DATED: 18/1/14

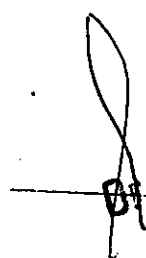
Medical
Fitness Certificate not valid for Court.

This is to Certify that Mr. / Mrs. / Miss Mazhar Iqbal

is / was under my treatment for Jaradi from 7/1/14 till 18/1/14

He / She is / was advised complete rest for Rest for

He / She is / was fit to resume his / her duty from one week


Dr. Nisar Ahmed
M.B.B.S
Muhammadi Clinic
Qayumabad B-Area Karachi

Attested

Blas Ali
To be true copy
Advocate

11



KARACHI WELFARE HOSPITAL

Under auspices of Karachi Charitable Association

MAIN ROAD "C" AREA, QAYUMABAD, KORANGI ROAD, KARACHI. PHONE: 35387363

1. Mukhtiar Ali Soomro
General Manager

Ref. No. : _____

Date: 10/11/14

2. Dr. Major Najma Bashir
M.B.B.S.

MAZHAR IQBAL

Rx

3. Dr. Zafar Ali
M.B.B.S., R.M.P.

4. General O.P.D.
9 a.m. to 1 p.m.
5 p.m. to 9 p.m.

Cap. SILVERTON
1 + 0 - 0

Sup. HEPAMERZ
2 + 2 + 2

[Handwritten signature]

(Zahid) Feb. 2013

Sup 100/200mg, Cap 200/400mg
MAXPAN
(Cefixime USP)

Cap. 20mg-40mg
CIDPRO
OMEPRAZOL

Wt 250mg, 500mg, 1G
Maxef
(Ceftriaxone Sodium)

Attested

[Handwritten signature]

To be true copy
Advocate



KARACHI WELFARE HOSPITAL

Under auspices of Karachi Charitable Association

MAIN ROAD "C" AREA, QAYUMABAD, KORANGI ROAD, KARACHI. PHONE: 35387363

- 1. Mukhtiar Ali Soomro
General Manager
- 2. Dr. Major Najma Bashir
M.B.B.S.
- 3. Dr. Zafar Ali
M.B.B.S., R.M.P.
- 4. General O.P.D.
9 a.m. to 1 p.m.
5 p.m. to 9 p.m.

Ref. No. : 08450
08875
Medical Certificate
 Date : 10-01-14

Certified that Mazhar
 Egbal S/O Mohammed Egbal
 was remain under my
 medical treatment from
 01/01/2014 to 10/01/2014

MR. Mazhar Egbal
 was suffering from Bilirubin
 jaundice with increased
 L.F.T's level.

He is advised rest
 for one week

Supp 100/200mg, Cap 200/400mg
MAXPAN
 (Cofixime USP)

Cap. 20mg-40mg
CIDPRO
 OMEPRAZOL

in 70mg, 50mg, 10
Maxef
 (Ceftriaxone Sodium)

(Zahid) Feb. 2013

Attested
Hassan
 To be true copy
 Advocate

ضیاء ہومیوپیتھریکل سنٹر

Homoeopath

Dr. Zia-ur-Rahman Jadoon

DHMS, RHMP, Reg. # 110882

Cell: 0321-9825185

Not Valid for count



ڈاکٹر ضیاء الرحمن جادون

ڈی ایچ ایم ایس، آرائیج ایم پی۔

ہمقابلہ نیشنل بینک، ریلوے روڈ، حویلیاں۔

Name: Mazhar Iqbal

Ref # (70)

Age: _____ Sex: M Date: 25/07/2013

Clinical Record

BP

Dr. Cardus D
200/120

Pulse

Temp.

Dr. Chelidonium D
200/120

Weight

Others

Serum Bilirubin (1.7)
Caf 1.0

Dr. Bone # 3
1500

380

350

65

450

1275

100

1375

Tab. Billiar
کھانسی کی وجہ سے

ڈاکٹر ضیاء الرحمن جادون

کھانسی اور سانس لینے میں تھکن
میں سے کھانسی اور سانس لینے میں تھکن
کھانسی اور سانس لینے میں تھکن



کی ادویات دستیاب ہیں

برانکال نیورونیکس ای

ذات بخار کی زبردستی

کھانسی اور سانس لینے میں تھکن

انہم کالے اور ناک کے نرم میں بہت تھکتے

جوڑوں کا درد

سر درد

جسم کا درد اور جسم کا ٹھنڈا

Kalmin

EFFECTIVE PAIN RELIEF

بطن کے درد کیلئے بے پناہ خوردگی کے ساتھ

Attested

[Signature]

To be true copy Advocate

Registered with HRA KPK

Not Valid for any court of law

SHIFA

LABORATORY



شفا لیبارٹری

0300-9115274

14

Post Office Road, Havelian Ph: 0992-812102

Incorrect Result: Please Contact The Lab. Within 24 Hours For Free repetition of any blood test

Name: MAZHAR IQBAL

Sex: MALE

Age: ** Year

Referred By: SELF

Date: 25/10/13

Time: 12:55

Investigation Req'd: Serum Bilirubin Test

No.

TEST REPORT

Serum Bilirubin (Total) 1.9 mg/dl

(Ref: Range Upto 1.0)

Serum Bilirubin (Direct) *** mg/dl


(Ref: Range Upto 0.25)

Serum Bilirubin (Indirect) *** mg/dl

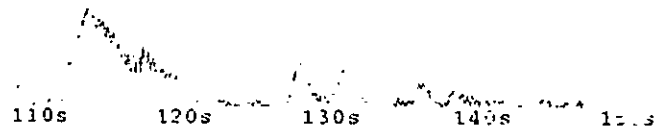
(Ref: Range Upto 0.3)


Lab Technologist

Attested


To be true copy
Advocate

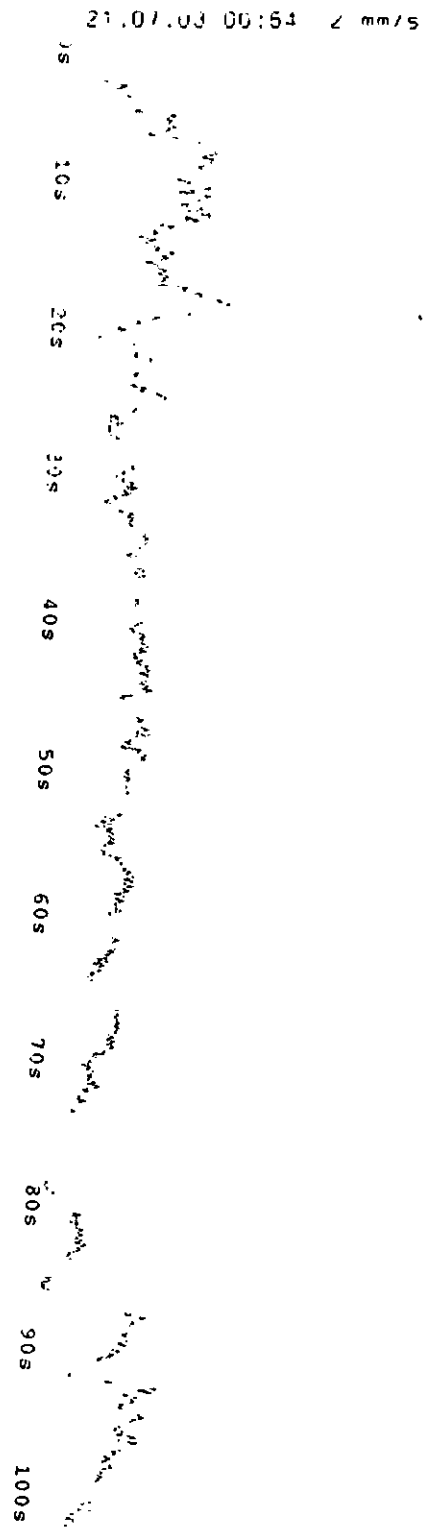
Attested
To be true copy
Advocate



25 Uroflow Chart No.:
Results
Date/Time: 21.07.03 00:54
20 ----- Name: -----
Voiding Time..... T100 151 s
15 Flow Time..... TQ 117 s Date of birth: -----
Time to max. Flow... TQmax 15.2 s
10 Maximum Flow..... Qmax 11.8 ml/s
Mean Flow..... Qm 4.6 ml/s
5 Max. Flow Increase... dQmax 20 ml/s?
Voided Volume..... V 544 ml
Start : man
Stop : auto
Investigator: -----

15

21.07.03 00:54 2 mm/s
V.S. : 0203m
CA : 1.000 . OK
21.07.03 00:50
Language English



DEPARTMENT OF UROLOGY
PNS Shifa Karachi

Surgeon Captain (Pakistan Navy)

Dr. Muhammad Rafiq Zafar

F.C.P.S. (Surgery), F.C.P.S. (Urology)
Classified Urologist & Surgical Specialist
Assistant Professor of Urology
Bahria University Medical & Dental College
HEAD OF UROLOGY DEPARTMENT
Phone: 021-48506534 Mobile: 0321-9198502



سرجن کپٹن (پاکستان نیوی)

ڈاکٹر محمد رفیق ظفر

ایف سی پی ایس (سرجری)، ایف سی پی ایس (یورولوجی)
کلاسیفائیڈ یورولوجسٹ اینڈ سرجیکل اسپیشلسٹ
سربراہ شعبہ امراض گردہ و مثانہ

Name: mazhar iqbal Age: 23 Date: 22.11.14

90
frequent ejaculations / nocturnal emission

400

poor urinary stream

→ UFM ✓

ultrasound KUB

~~DR. MUHAMMAD RAFIQ ZAFAR
Surgeon Captain (Urology)
Classified Urologist
PNS SHIFA~~

G. mod 11.8.

P.V. no 83

needs cystoscopy / optical urethroscopy

(Blood in
- Apples hope) Rapid method
CIA bitness

Attested
To be true copy
Associate

17



PAKISTAN NAVY HOSPITAL-SHIFA
CENTRAL REGISTRATION FOR PRIVATE PATIENTS

ORIGINAL : (For Patient)

OUT-DOOR PROCEDURES

Account Sec. : 48506519
Laboratory : 48506601
X-Ray Department : 48506602

RECEIPT NO. 9624

1031

DATE: 22-1-14

Received Rs. 500/- (Rupees Five Hundred only)

From Mr/Mrs/Miss Maryam Iqbal Age 22y Sex M

Address Kari Qayumabad

Ph No. 0345-8770623

On account of USG WB

Advised by



for: OFFICER INCHARGE
CENTRAL REGISTRATION



PAKISTAN NAVY HOSPITAL-SHIFA
CENTRAL REGISTRATION FOR PRIVATE PATIENTS

ORIGINAL : (For Patient)

OUT-DOOR PROCEDURES

Account Sec. : 48506519
Laboratory : 48506608
X-Ray Department : 48506602

RECEIPT NO. 9904

DATE: 22-1-14

Received Rs. 600/- (Rupees Six Hundred only)

From Mr/Mrs/Miss Mahar Khatun Age Sex M

Address Qayumabad

Ph No. 0345-8770623

On account of U. K. Mistry

Advised by Dr. Nafise Jaffer

Attested
To be true copy
advocate

for: OFFICER INCHARGE
CENTRAL REGISTRATION

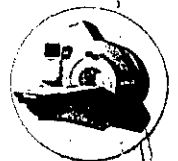


PNS SHIFA HOSPITAL KARACHI

DEPARTMENT OF RADIOLOGY

(Phone: 021-48506602-3, 021-48506555)

18



Imaging Modalities:

- All types of conventional X-Ray imaging and Fluoroscopic Procedures.
- Mammography, OPG, Ultrasound, Colour Doppler Study, CT, MRI, CT Angiography, MR Angiography and Interventional Radiological Procedures.

NAME: MAZHAR
DATE: 22.01.2014

ULTRASOUND KUB

- RT kidney has normal in size and shape No calculus or focal mass noted in renal parenchyma. Mild fullness is seen in renal pelvis.
- LT kidney has normal in size and shape No calculus or focal mass noted in renal parenchyma. No distortion of calyces or hydronephrosis seen.
- Ureters are not dilated.
- Urinary bladder shows smooth walls. No calculus, mass or blood clots in urinary bladder.
- PVRU: 85 ml

IMPRESSION:

MILD FULLNESS RIGHT RENAL PELVIS

RAHAT SHAHID
Surgeon Captain PN
Classified Radiologist
HOD Radiology
PNS Shifa Karachi

Thanks for allowing us to participate in the care of your patient.

(Disclaimer: The science of radiological diagnosis is based on the interpretation of various shadows produced by both the normal and abnormal tissues and is neither fully complete nor absolutely accurate. Further pathological and radiological investigations and clinical correlations are required to enable the clinician to reach the final diagnosis. In case of any other discrepancy, please contact. Hard copy is attached for review).

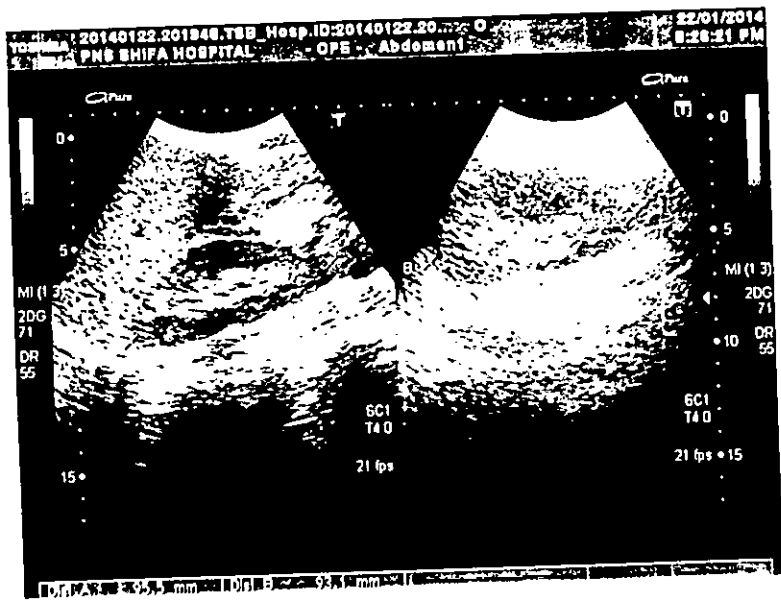
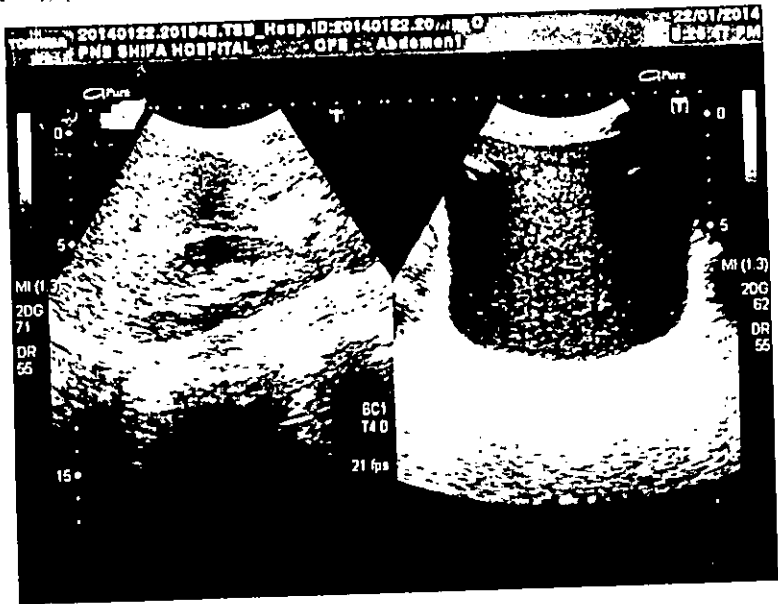
Consultant Radiologists

Surg. Captain PN
Dr. RAHAT SHAHID
MBBS MCPS FCPS
CLASSIFIED RADIOLOGIST
HOD RADIOLOGY

Surgeon Commander PN
Dr. NISAR AHMED
MBBS MCPS FCPS
CLASSIFIED RADIOLOGIST

Surgeon Commander PN
Dr. MAZHAR SHAFIQ
CLASSIFIED RADIOLOGIST

Attested
To be true copy
Advocate



Attested
[Signature]
To be true copy
Associate

ORDER

Constable Machhar Lal No. 4585 (FRP) was enlisted in Police Department FRP Hazara Region Abbottabad on 29/11/2011. He has served (01 year , 11 Months & 22 days up to 21/11/2013) in Police Department. During this period he absented himself from duty for (15 days) with effect from 06/11/2013 to 20/11/2013 without any leave/permission, which was counted as leave without pay. Similarly he absented himself from duty with effect from 21/11/2013 to date without any leave/permission.

He is habitual absentee and not taking interest in the discharge of his official duties and hopefully he will not become a good Police Officer. He has less than three years' service on his credit.

Keeping in view I Sarfraz Jadoon PSP/QPM, Senior Superintendent of Police, FRP, Hazara Region Abbottabad as a competent authority award him major punishment i.e. Discharge from service under PR 12-21 with immediate effect and period of absence i.e. 21/11/2013 to date treated as without pay.

[Signature]
SARFRAZ JADOON (PSP/QPM)
Senior Superintendent of Police, FRP,
Hazara Region, Abbottabad.

16/11/14.

No. 98-51 /OSI/FRP, Dated Abbottabad the, 16/01/2014.

Copy of above is forwarded to the following for favour of information:-

1. Addl. IG/PO Commandant FRP Peshawar.
2. Accountant/SRCA/FR Lines Abbottabad.

OB No - 10
16/01/2014

Attested

[Signature]
To be true copy
Advocate

محفوظ جناب ایڈیشنل ایچ ڈی / گلانہ زنگ صاحب FRP/KPK
پیشاور

اپنی بنیاد یعنی حکم صدر ۱۰ بحوالہ آرڈر تک نمبر ۱۰
مورخ ۱۶/۱۱/۲۰۱۴ جاریہ از دفتر جناب SSP صاحب
FRP ہزارہ ریجن ایڈیٹ آباد جس کے ذریعہ
جناب SSP صاحب جو طرف نے تھے
مورخ ۱۱/۱۱/۲۰۱۳ سے لیکر مورخ ۱۶/۱۱/۲۰۱۴ تک کی غیر
حاضری جو بوجہ بیماری ہوئی تھی۔ زیر پولیس
روز ۲۱-۱۲-۱۲ عہدہ پولیس کی ملازمت
سے برخاست / ڈسچارج فرما دیا
استدعا ہے کہ اپنی یہ منظور فرمائی جا کر
سائل کا عرصہ غیر مطابق عہدہ لیکل
سٹریٹکٹس ٹاٹے رخصت قصور کے
سائل کو ملازمت پر بحال فرمایا جائے
دعائیں لجاویں۔

جناب عالی - حوجبات اپنی عرض فرمیں ہیں۔

۱۱/۱۱/۲۰۱۳ کو حکم FRP ہزارہ ریجن ایڈیٹ آباد میں
بطور نیٹیل بھرتی ہو کر پولیس کی جوازہ ڈسٹریکٹ فیوڈ R.T کو ٹاٹ
میں پاس کر کے ہزارہ ریجن میں ضلع بٹگرام میں ڈیوٹی سرانجام
دے رہا تھا کہ سائل کو پی ایٹ کے خرابی کی شکایت پیدا
ہو کر سائل بٹگرام میں پرائیویٹ ڈاکٹروں سے علاج حاصل
کروا تا رہا۔ جس سے اخافت نہ ہونے کی وجہ سے سائل
نے ڈیوٹی سنبھالی حاصل کر کے گھر جا کر آرام کرنے

Attested

To be true copy
Advocate

سے بھی اتفاق نہ ہوا۔ تو مسائل نے سو میو پیٹنٹ ڈاکٹر
 ضیاء الرحمن جہون کی کلینک واقع ریلوے روڈ ویلیا
 سے رجوع کر کے علاج کروانا شروع کیا۔ جو ڈاکٹر صاحب
 نے مجھے یرقان کی بیماری لاحق ہونے کا ٹیکر علاج
 شروع کیا۔ جو مورخ 2013 سے مسائل نے ڈاکٹر صاحب
 ضیاء الرحمن جہون کی ادویات استعمال کرنی شروع
 کیں اور ساتھ ساتھ ویلیوٹی بھی سرانجام دیتا رہا۔
 جس سے اتفاق نہ ہوا۔ بلکہ بیماری نے شدت اختیار کی۔

یہ کہ چونکہ ڈاکٹر صاحب نے مکمل آرام کرنے کی ہدایت کی تھی
 جس کی وجہ سے مسائل نے افسران بالا سے رخصت حاصل
 کرنے کی کوشش کی۔ لیکن حقاً المقدر کو کوشش کے باوجود
 رخصت نہ ملنے پر ذہنی دباؤ کی وجہ پر پیشانی اور
 دلبرداشتگی کے عالم میں بغیر کسی اجازت کے غیر شعوری
 طور پر گھر چلا گیا۔ جہاں ادویات تجویز کردہ جناب
 ڈاکٹر ضیاء الرحمن جہون صاحب کا استعمال جاری رکھا۔
 جو ادویات کے استعمال اور مکمل آرام سے قدرے کون
 ملنے پر مورخ 2013 کو اپنی حاضری کی رپورٹ بنگرام
 میں گروی۔

یہ کہ مورخ 2013 کو میری حاضر پر میری ویلیوٹی لگا دی گئی جو
 راستہ کی ویلیوٹی سے صبح میری حالت غیر ہو جانے پر مسائل
 کے والدین جو کراچی میں تھے کو بتہ لگنے پر مسائل کے والدین
 کے کہنے پر نانا ام بھی بحالت بیماری بنگرام سے گھریا گیا
 میں نے آٹے اور چند دن رکھنے پر جب مجھے بیماری سے اتفاق
 نہ ہوا تو والدین ام کے کہنے پر مجھے نانا ام کراچی کے گئے جہاں
 پر چونکہ میں نے سو میو پیٹنٹ علاج شروع کیا ہوا تھا۔

Attested
 To be true copy
 Advocate

اس لئے چند دن ہو میری پیتھاس کا علاج عزیز بیماری رکھنے سے اتفاق نہ ہونے پر ورڈ ۱۷ اور ۱۸ کو کراچی ویلفیئر ہسپتال میں جا کر علاج شروع کروایا۔ جو ویلفیئر ہسپتال کراچی کے ڈاکٹر صاحب نے بھی ادویات تجویز کر کے مکمل آرام کی بھی ہدایت فرمائی۔ کراچی ویلفیئر ہسپتال کے ڈاکٹر صاحب کی جیٹ ٹائٹس بعد ملاحظہ نص ہے۔ جو میری بیماری کی تصدیق و توثیق کرتی ہیں

۴ یہ کہ کراچی ویلفیئر ہسپتال کے ڈاکٹر صاحب کے علاج سے خاطر خواہ خاتمہ نہ ہونے پر مسائل مورڈ ۱۶ اور ۱۷ کو پرائیویٹ ڈاکٹر نثار احمد کی کلینک جا کر صرف نے ادویات تجویز کر کے ایک ہفتہ مکمل آرام کی ہدایت کی۔ جس سے قدرے اتفاق ہونے پر مسائل واپس ایبٹ آباد آیا تو پتہ چلا کہ مسائل کو ختم۔ SP صاحب نے بورخاست اور سپیجارج کر کے ملازمت سے فارغ کر دیا ہے۔ اور مجھے سناٹا نہ گیا۔

یہ کہ مسائل کو بورخاست کرنے کیلئے تو مسائل کو کوئی شوکانہ نوٹس دیا گیا۔ نہ ہی مسائل جو ایک حساس حکم کا ملازم تھا۔ کی طرف ولایت کی کوئی پڑتال یا تصدیق نہ کی گئی۔ نہ کوئی انکوائری کی گئی۔ حالانکہ مسائل نے اپنی بیماری کے علاج کے کاغذات بھی دفتر میں پیش کئے تھے۔ جن کی بنا پر مسائل کی صیغہ تکلیف کیونظر کرنے کی بجائے عرصہ غیر حاضری رخصت بلا تخواہ منظور کر دی گئی۔ چاہیے تھا کہ مسائل کی مقامی طور پر تصدیق کروائی

Attested
 To be true copy
 Advocate

جاتی کہ کیوں غنیرہ حاضر ہے اور میرا سرکاری ہسپتال سے ملہ ج کر دیا جاتا ہے لیکن ایسا کرنے کو بجائے مجھے ملازمت کے قابل ہی نہ ہونے کا الزام دیکر برخواست کر دیا گیا۔ جو بعد از انصاف جج عدلیہ کل سٹیفنڈ کاٹے لفظ میں ہے۔

استعمالیہ مسائل کی غنیرہت۔ اور بیماری کو ملحوظ خاطر فرماتے ہوئے۔ مسائل کو ملازمت پر بحال فرمایا جاوے۔ دعا گو رہوں گا۔

المرقوم ۵۲
۱۵ ۲۰۱۴

امصار
مسائل غنیرہ اقبال سابق کنٹریل 4585 بلا ٹون ۱۰۶
FRP

نزارہ ریجن ایبٹ آباد۔
ولہ فہ اقبال سکھ کوئل برسین قحمانہ
حویلیاں تحصیل حویلیاں ضلع ایبٹ آباد

Attested
To be true copy
Advocate

محرمات جناب الہدیٰ حسنہ آف لوئیس خیبر پختونخواہ

نمبر = 25 'Anx:D' اپریل

باب عالی شہدیانہ گزارشیں سے کہ سائل ہزارہ ریج FRP ایسٹ آباد میں بطور کانسٹیبل ہیڈ نمبر 4585 ڈپوٹی انجام دے رہے تھا، اس دوران سائل بیمار ہو گیا جسکی وجہ سے سائل 45 دن ڈپوٹی پر حاضر نہ ہو سکا کیونکہ سائل کے والدین کراچی میں ریٹرنس پذیر تھے اس لیے سائل کے دیکو حال سے لیے والدین کراچی سے گئے۔

جب سائل واپس ڈپوٹی پر حاضر ہوا تو معلوم ہوا کہ سائل کو ڈپوٹی سے ہٹا دیا گیا، اس ضمن میں سائل نے میڈیکل رپورٹس بھی پیش کیں اور آپ صاحبان کو بحالی ملازمت کی اپیل کی۔ لیکن سائل کوئی جواب نہیں دیا گیا۔

اب میرے پاس کوئی اور راستہ نہیں ہے میں ایک عزیز گھرانے سے تعلق رکھتا ہوں اس لیے اب میں ایک بار پھر آپ سے التجا کرتا ہوں کہ مجھے ایک بار موقع دیا جائے اور مجھے سروس میں بحال کیا جائے آپ صاحب اختیار مندرجہ اللہ تعالیٰ نے آپ کو اس عہدہ پر فائز کیا ہے میں آپ کا تمام عمر دعا گو رہوں گا۔

منظور امین 4585 ایسٹ آباد FRP

Attested

To be true copy
Advocate

26

From : The Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

To : The Addl: IGP/Commandant FRP,
Khyber Pakhtunkhwa,
Peshawar.

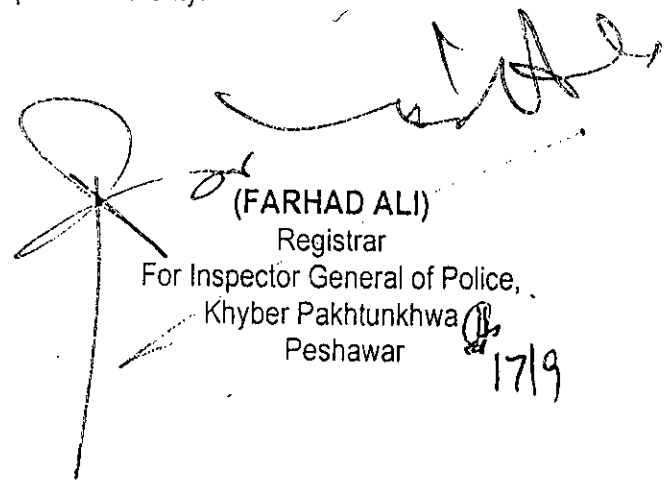
No. 6795 /E-IV dated Peshawar the 18/09 /2014.

Subject APPLICATION FOR RE-INSTATEMENT

Memo.

Please refer to your letter No. 4217/EC, dated 30.05.2014 on the subject cited above.

The application of Ex-Constable Mazhar Iqbal No. 4585 of district Police Abbottabad was examined and filed by the competent authority.


(FARHAD ALI)
Registrar
For Inspector General of Police,
Khyber Pakhtunkhwa
Peshawar

17/9

Attested
Mawair
To be true copy
Advocate

ORDER

This order shall dispose off on the appeal of Ex-Constable Mazhar Iqbal No. 4585 of FRP Hazara Range against the order of SP FRP Hazara Range wherein he was dismissed from service.

Brief facts of the case are that Ex-Constable Mazhar Iqbal No. 4585 of FRP Hazara Range absented himself from duty with effect from 21.11.2013 till the date of discharged from service for a total period of 35 days without any leave/permission of the competent authority. SP FRP Hazara Range further added that the said ex-constable is habitual absentee and not taking interest in the discharge of his official duties and hopefully he will not become a good Police Officer. His service is less than three years, therefore discharged from service by the SP FRP Hazara Range Abbottbad under Police Rules 12-21 vide his OB No. 10 dated 16.01.2014.

However from the perusal of record and finding of Enquiry officers there are no cogent reason to interfere in the order of SP FRP Hazara Range. Therefore this appeal is rejected.

ADD: IGP/Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa Peshawar

No. 1915-2 /EC dated Peshawar the

08 10/03/2014
03/03/2014
10-3-2014

Copy of above is sent for information and necessary action to the:-

1. SP FRP Hazara Range w/r to his Memo No. 170/SRC dated 27.02.2014. His Service record and departmental enquiry file are returned.
2. Ex-Constable Mazhar Iqbal S/o Muhammad Iqbal Vilalge Sohean Cum Kakal Barseen Police Station Havelian District Abbottbad.

Attested
To be true copy
Advocate

✓ Before the Khyber Pakhtunkhwa Service Tribunal
Peshawar.

Mazhar Iqbal vs Regional Police
Officer and others.

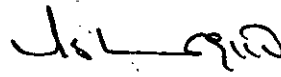
Subject:- Adjournment.

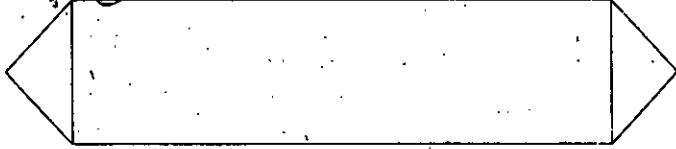
Respectfully Sheweth.

- 1) That titled appeal is pending before this Honourable Court.
- 2) That I counsel for the appellant is busy before Peshawar High Court in number of case.
- 3) That I am unable to appear before this Honourable Tribunal for today.

It is therefore, requested that the hearing of the appeal may kindly be adjourned.

Dated 20-05-2015


Ashraf Ali Adani
High Court P



2014ء منجانب سائل
مفتی اقبال بنام P.P.O

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام پشاور کیلئے اشرف علی خٹک ریڈ نوآزفا و فیصلہ
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ 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 کاروائی 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 وہوگا۔ 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۔

2014ء

ماہ ستمبر

المرقوم

العبد گواہ العبد

کے لئے منظور ہے۔

ASHRAF ALI KHATTAK
ADVOCATE

(Signature)