

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No.389 of 2019

Date of Institution ... 21.03.2019.

Date of Decision ... 13/01/2022

Muhammad Ismail Ex-Constable NO. 2125 Mardan Police R/O Mayar, District Mardan. ... (Appellant)

VERSUS

District Police Officer, Mardan and others

...(Respondents)

Present.

Roeda Khan, Advocate ... For appellant.

Muhammad Rasheed,
Deputy District Attorney ... For respondents.

MR AHMAD SULTAN TAREEN ... CHAIRMAN
MR. ATIQ-UR-REHMAN WAZIR, ... MEMBER(E)
JUDGMENT

AHMAD SULTAN TAREEN, CHAIRMAN:-The appellant named above invoked the jurisdiction of this Tribunal through service appeal described above in the heading with the prayer as copied below:-

“On acceptance of instant service appeal, the impugned order dated 09/05/2017 may kindly be set aside and the appellant may kindly be reinstated in service with all back benefits. Any other remedy which deems this august tribunal fit that may also be awarded in favour of appellant”

2. Briefly stated the facts of the appeal are that the appellant was initially appointed as Constable in Police Department on 21/10/2008; that the appellant performed his duty regularly with full devotion and no complaint whatsoever has been made against him; that he while posted at police station Per Hoti Mardan unfortunately fell seriously ill and due to severe illness he was unable to perform his duty; that the Respondent department dismissed the appellant from service on 09/05/2017 on the ground of absence; that the appellant filed departmental appeal on 05/06/2017 which was rejected on 16/11/2017; that the appellant submitted petition under Rule 11-A which was rejected 06.03.2018, hence the present appeal.

3. The appeal was admitted for regular hearing on 08.04.2019. The respondents have submitted written reply/comments, refuting the claim of the appellant with several factual and legal objections and asserted for dismissal of appeal.

4. We have heard the arguments and perused the record.

5. The appellant is aggrieved from the order dated 09.05.2017, whereby major punishment of dismissal from service was imposed upon him w.e.f. 20.12.2016 in exercise of powers under Police Rules, 1975. It is there in the impugned order that a departmental enquiry under Police Rules, 1975 was got conducted against the appellant on account of his continuous absence from duty without any leave/permission of the competent authority. Although previous conduct of the appellant has been discussed in the impugned order but as a matter of relevant fact he was proceeded against only on account of his willful absence from duty. The grounds of punishment as provided under Police Rules, 1975 among others include the ground of being habitual absentee. However, the charge against the appellant was as to continuous



absence from duty without leave/permission of the competent authority is not of his being habitual absentee. Needless to say that the appellant notwithstanding his status as enrolled police officer is also a government servant. Where the special rules i.e. Police Rules 1975 are silent about grounds of punishment on account of willful absence, the general rules would have become applicable. The procedure for disciplinary action on account of willful absence is provided under Rule 9 of the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011, which is copied below:-

"Notwithstanding anything to the contrary contained in these rules, in case of willful absence from duty by a Government servant for seven or more days, a notice shall be issued by the competent authority through registered acknowledgement on his home address directing him to resume duty within fifteen days of issuance of the notice. If the same is received back as undelivered or no response is received from the absentee within stipulated time, a notice shall be published in at least two leading newspapers directing him to resume duty within fifteen days of the publication of that notice, failing which an *ex-parte* decision shall be taken against the absentee. On expiry of the stipulated period given in the notice, major penalty of removal from service may be imposed upon such Government servant."

6. The respondents have not been able to furnish in their reply any proof of proceedings conducted under Rule 9 of the said rules. The appellant has submitted that he filed departmental appeal on 05.06.2017 against the

dismissal order dated 09.05.2017 which according to given date was within limitation of thirty days. The said departmental appeal was rejected on 16.11.2017 with no good ground. Then the appellant submitted petition under Rule 11-A of Police Rules, 1975 on 20.11.2017. According to appellant, he submitted an application on 04.03.2019 to the respondent No. 3 regarding Rule 11-A Petition and he got the response that the same was rejected vide order dated 06.03.2018. The appellant in grounds of appeal in this respect stated that the impugned order is *void ab-initio*. So no limitation runs against the void order. As already mentioned before, the appellant was dismissed from service on account of willful absence which was not punishable within the meaning of Police Rules, 1975. He should have been removed from service by *ex-parte* decision within meaning of Rule 9 of the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011 which was not done in case of the appellant. So, the ground urged by the appellant about limitation is workable.

7. The appellant stated that he while posted at P.S Parhoti Mardan had fallen seriously ill and due to severe illness he was unable to perform duty in respondent department. He annexed the copy of medical documents with his memorandum of appeal. Similar ground was taken by the appellant in his departmental appeal preferred before respondent No. 2. The order of rejection of departmental appeal as annexed with the appeal is silent about any view of the appellate authority on the cause of absence shown as medical ground by the appellant. Same is the case in order dated 06.03.2018 of the revisional authority as annexed with the appeal. With the given position, the appellant has got force in his appeal necessitating its acceptance.

8. For what has gone above, the instant appeal is accepted. The impugned order of dismissal of the appellant from service is set aside and he

is reinstated into service. The intervening period shall be treated leave of the kind due. Parties are left to bear their own costs. File be consigned to the record room.





(ATIQ-UR-REHMAN WAZIR)
Member(J)



(AHMAD SULTAN TAREEN)
Chairman

ANNOUNCED
13.01.2022

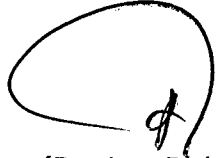
S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
0	13.01.2022	<p><u>Present.</u></p> <p>Roeeda Khan, ... For appellant Advocate</p> <p>Muhammad Rasheed, ... For respondents. Deputy District Attorney</p> <p>Vide our detailed judgment, the instant appeal is accepted. The impugned order of dismissal of the appellant from service is set aside and he is reinstated into service. The intervening period shall be treated leave of the kind due. Parties are left to bear their own costs. File be consigned to the record room.</p> <p> (ATIQ-UR-REHMAN WAZIR) Member(E)</p> <p> CHAIRMAN</p> <p><u>ANNOUNCED</u> 13.01.2022</p>

09.06.2021

Appellant with counsel present.

Javid Ullah learned Assistant Advocate General for respondents present.

Former made a request for adjournment. Request is acceded.
To come up for arguments on 13.01.2022 before D.B.



(Rozina Rehman)
Member (J)



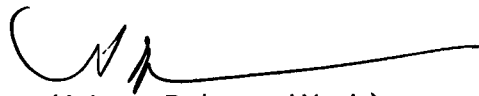
Chairman

20.11.2020


Counsel for appellant present.

Muhammad Jan learned Deputy District Attorney
alongwith Zaheer Muhammad PASI for respondents present.

A request for adjournment was made as issue involved in
the present case is pending before Larger Bench of this
Tribunal. Adjourned. To come up for arguments on
12.02.2021 before D.B.



(Atiq ur Rehman Wazir)
Member (E)



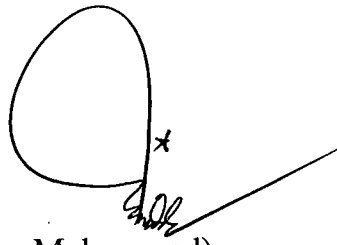
(Rozina Rehman)
Member (J)

12.02.2021

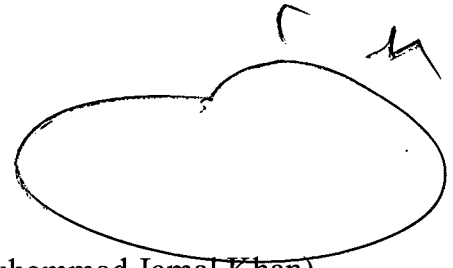
None for the appellant present. Adl: AG alongwith Mr.
Khayal Roz, Inspector for respondents present.

Arguments could not be heard due to general strike of
the Bar.

Adjourned to 07.05.2021 for arguments before D.B.




(Mian Muhammad)
Member (E)



(Muhammad Jamal Khan)
Member (J)

7.5.2021

*Due to COVID-19, the case is
adjourned to 6.9.2021 for the purpose.*



08-5 .2020

Due to COVID19, the case is adjourned to

28/7/2020 for the same as before.


Reader

28.07.2020

Counsel for the appellant and Addl. AG alongwith Attaur Rahman, Inspector (Legal) for the respondents present.

Former requests for adjournment as she could not prepare the brief. Adjourned to 17.09.2020 for hearing before the D.B.



(Muhammad Jamal Khan)
Member



Chairman

17.09.2020

Nemo for appellant.

Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Atta-ur-Rehman Inspector for respondents present.

Notice be issued to the appellant and his counsel. To come up for arguments on 20.11.2020 before D.B.



(Atiq ur Rehman Wazir)
Member (E)




(Rozina Rehman)
Member (J)

Date
Noted

09.03.2020

Appellant in person present. Asst: AG for respondents present. Appellant seeks adjournment as his counsel is not available today. Adjourned. To come up for arguments on 08.05.2020 before D.B.


Member


Member

11.10.2019

Counsel for the appellant and Mr. Riaz Ahmed Paindakheil, Assistant AG alongwith Mr. Atta-ur-Rehman, Inspector (Legal) for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 21.11.2019 for rejoinder and arguments before D.B.


(HUSSAIN SHAH)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

21.11.2019

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Atta Ur Rehman Inspector for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 20.01.2020 before D.B.

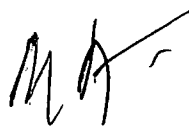

(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

20.01.2020

Due to general strike on the call of the Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Adjourned to 09.03.2020 for arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

389/19

27.05.2019

Appellant in person and Addl. AG alongwith Attaur Rahman, Inspector (Legal) for the respondents present.

Representative of the respondents requests for adjournment. Adjourned to 04.07.2019 on which date written reply/comments shall positively be submitted.

Chairman

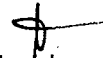


04.07.2019

Appellant in person and Addl. AG alongwith Attaur Rahman, Inspector (Legal) for the respondents present.

Written reply submitted which is placed on file and a copy handed over to appellant. To come up for rejoinder and arguments on 05.09.2019 before the D.B.

Member



05.09.2019

Appellant in person present. Mr. Riaz Khan Paindakhel learned Assistant Advocate General alongwith Mr. Atta Ur Rehman Inspector for the respondents present. Appellant seeks adjournment as his counsel is not in attendance. Adjourned. To come up for rejoinder and arguments on 11.10.2019 before D.B.

(Hussain Shah)
Member



(M. Amin Khan Kundi)
Member



08.04.2019

Counsel for the appellant present.

Contends, that during the period of absence attributable to appellant he had fallen ill and was under treatment throughout. The appellant had duly submitted this fact alongwith medical prescriptions through his departmental appeal against the impugned order dated 09.05.2017. The same was however, not considered by the departmental authority. It was also argued that the order dated 06.03.2018 passed in departmental review petition under Rule-11-A of the Khyber Pakhtunkhwa Police Rules, 1975 was communicated to the appellant on 04.03.2019, therefore, instant appeal was preferred within the prescribed time.

The appeal in hand is admitted for regular hearing subject to all just exceptions regarding the time limitation involved in the matter. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 27.05.2019 before S.B.



Chairman

Appellant Directed
Security & Process Fee

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 389/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/03/2019	<p>The appeal of Mr. Muhammad Ismail presented today by Roeda Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 21/3/19</p>
2-	29/03/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>08/04/19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. 389 /2019

Muhammad Ismail

VERSUS

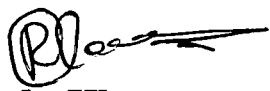
District Police Officer Mardan and Others

INDEX

S#	Description of Documents	Annex	Pages
1.	Grounds of Petition.		1-6
2.	Affidavit.		7
3.	Application for Condonation of delay		8-9
4.	Addresses of parties		10
5.	Copy of Medical prescriptions	"A"	11 to 17
6.	Copy of dismissal order	"B"	(18)
7.	Copy of departmental appeal	"C"	19 & 20
8.	Copy of rejection order	"D"	21
9.	Copy of 11-A petition	"E"	22
10.	Copy of rejection order and application	"F & G"	23 & 24
11.	Wakalat Nama		


APPELLANT

Through


Roeda Khan
Advocate, High Court
Peshawar.

Dated: 20/03/2019

(1)

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

In Re S.A No. 389 /2019

Diary No. 374

Dated 21-3-2019

Muhammad Ismail Ex-Constable No.2125 Mardan
police R/O Mayer, District Mardan.

....Appellant

VERSUS

1. District Police Officer Mardan.
2. District Inspector General ^{of Police} Mardan
3. Inspector General of Police Khyber Pakhtunkhwa
Peshawar.

....Respondents

APPEAL U/S-4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL ACT
1974 AGAINST THE ORDER DATED 09/05/2017
WHEREBY THE APPELLANT HAS BEEN
AWARDED MAJOR PUNISHMENT OF
DISMISSAL FROM SERVICE AND AGAINST
THE APPELLATE ORDER DATED 06/03/2018
COMMUNICATED TO THE APPELLANT ON
04/03/2019 PASSED BY RESPONDENT NO.3
HAS BEEN REJECTED ON NO GOOD
GROUND

Prayer:-

ON ACCEPTANCE OF THIS APPEAL
THE IMPUGNED ORDER DATED

Filed to-day
Registrar
21/3/19

09/05/2017 MAY KINDLY BE SET ASIDE
AND THE APPELLANT MAY KINDLY BE
REINSTATED IN SERVICE WITH ALL
BACK BENEFITS. ANY OTHER REMEDY
WHICH THIS AUGUST TRIBUNAL
DEEMS FIT THAT MAY ALSO BE
ONWARD TRIBUNAL DEEMS FIT THAT
MAY ALSO BE GRANTED IN FAVOUR
APPELLANT.

Respectfully Sheweth,

1. That the Appellant has been initially appointed as Constable on 21/10/2008 in Police department.
2. That the appellant performed his duty regularly and with full devotion and no complaint whatsoever has been made against the appellant.
3. That the appellant while posted as police station Per Hoti Mardan unfortunately appellant fell seriously ill and due to sever illness the appellant was unable to perform his duty with Respondent department.
(Copy of Medical prescription annexed as annexure "A")
4. That the Respondent department dismissed the appellant from service on 09/05/2017 on

the ground of absentee. **(Copy of dismissal order is annexed as annexure "B")**

5. That the appellant file departmental appeal on 05/06/2017 against the dismissal order dated 09/05/2017. **(Copy of departmental appeal is annexed as annexure "C")**
6. That the said departmental appeal has been rejected on 16/11/2017 on no good grounds by the Respondent department. **(Copy of rejection order is annexed as annexure "D")**
7. That the appellant submitted 11-A petition on 20/11/2017 to Respondent department. **(Copy of 11-A petition is annexed as annexure "E")**
8. That the appellant submitted an application on 04/03/2019 to Respondent No.3 regarding 11-A petition on response of which the rejection order dated 06/03/2018 has been handed over to the appellant. **(Copy of rejection order and application is annexed as annexure "F & G" respectively)**
9. That feeling aggrieved the Appellant prefers the instant service appeal before this Hon'ble Tribunal on the following grounds inter alia:-

GROUNDS:-

- A. That the impugned order 09/05/2017 is void and ab initio order because it has been passed with retrospective effect which is a void order in this respect the appellant relied upon a judgment of this Hon'ble Service Tribunal Service appeal No. 542/2014 decided on 01/01/2018 and reported SCMR 1985 page:1178 so in the light of judgment of this Hon'ble Tribunal and Supreme Court no limitation has been run against the void order.
- B. That no charge sheet has been served or communicated to the appellant in this respect the appellant relied upon a judgment reported on 2009 SCMR page:615
- C. That no regular inquiry has been conducted by the Respondent department and no chance of personal hearing has been provided to the appellant in this respect the appellant relied upon the judgment dated 2008 SCMR Page:1369.
- D. That no final show cause notice has been issued by Respondent department before imposing the major penalty in this respect

the appellant relied upon a judgment reported on 2009 PLC (CS) 176.

- E. It is a well settled maxim no one can be condemned unheard because it is against the natural justice of law in this respect the appellant relied upon a judgment reported on 2008 SCMR page:678.
- F. That no statement of witnesses has been recorded by the inquiry officer.
- G. That no opportunity of cross examination has been provided to the appellant.
- H. That the punishment has been given by the Respondent department is harsh one.
- I. That the Respondent department without fulfilling the codal formality passed the impugned order which is void and illegal.
- J. That the absence of appellant was not deliberately or intentionally but due to sever illness.
- K. That any other ground not raised here may graciously be allowed to be raised at the time full of arguments on the instant service appeal.

(6)

It is therefore, most humbly prayed that on acceptance of this appeal the impugned order dated 09/05/2017 may kindly be set aside and the appellant may kindly be reinstated in service with all back benefits.

Any other relief not specifically asked for may also graciously be extended in favour of the Appellant in the circumstances of the case.



APPELLANT

Through



Roeeda Khan

Advocate, High Court
Peshawar.

Dated: 20/03/2019

NOTE:-

As per information furnished by my client, no such like appeal for the same petitioner, upon the same subject matter has earlier been filed, prior to the instant one, before this Hon'ble Tribunal.



Advocate.

7

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2019

Muhammad Ismail

VERSUS

District Police Officer Mardan and Others

AFFIDAVIT

I, **Muhammad Ismail Ex-Constable No.2125 Mardan police R/O Mayer, District Mardan**, do hereby solemnly affirm and declare that all the contents of the **instant appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Court.



DEPONENT

CNIC

Identified by:



Roeda Khan
Advocate High Court
Peshawar.

8

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2019

Muhammad Ismail

VERSUS

District Police Officer Mardan and Others

ADDRESSES OF PARTIES

PETITIONER.


Muhammad Ismail Ex-Constable No.2125
Mardan police R/O Mayer, District Mardan.

ADDRESSES OF RESPONDENTS

1. District Police Officer Mardan.
2. District Inspector General Mardan
3. Inspector General of Police Khyber Pakhtunkhwa
Peshawar.


APPELLANT

Through


Roeda Khan
Advocate, High Court
Peshawar.

Dated: 20/03/2019

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BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2019

Muhammad Ismail

VERSUS

District Police Officer Mardan and Others

APPLICATION FOR CONDONATION OF DELAY (IF ANY)

Respectfully Sheweth,

Petitioner submits as under:

1. That the above mentioned appeal is filing before this Hon'ble Tribunal in which no date is fixed for hearing so far.
2. That the final impugned order was communicated to the appellant after recovery of the appellant from severe illness on 04/03/2019.

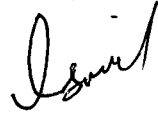
Grounds:

- A. That the impugned orders are void order and no limitation run against the void orders because the impugned order has been passed from retrospective affect and according to the

judgment of superior Court as well as this Hon'ble court that no limitation run against vide order in this respect relied upon the judgment of Superior court reported SCMR 1985 Pate1178.

- B. That the final impugned order was communicated to the appellant on 04/03/2019.
- c. That due to severe illness the appellant was not able to inform the Respondent department
- D. That there are number of precedents of the Supreme Court of Pakistan which provides that the cases shall be decided on merits rather than technicalities.

It is, therefore, requested that the limitation period (if any) may kindly be condone in the interest of justice.



APPELLANT

Through



Roeeda Khan
Advocate, High Court
Peshawar.

Dated: 20/03/2019



MARDAN MEDICAL COMPLEX

Teaching Hospital Mardan KPK

Accident & Emergency Department

Name: Mr. (S) Sex: (M)

Department _____ Address: _____

OPD No. 3784 Date: 18/7

History

Trauma to
the left
Clinical Examination
Hemad

Provisional Diagnosis
Pain in

Investigations Required

X-Ray
Left Hand

R/-

~~g. D. of steel~~

~~Minor OP
wrest Banalke~~

TS. Trauma plus
35 1-1
TS. voltr 209
35 1-1

Q

DISTRICT HEAD QUARTERS HOSPITAL
MARDAM

Out Patient Department

18)

OPD # 340 Date 08 Aug 17 Paid 10
Name Ismail Sex Male
MR Name I Age 4
Department Clinic Contact 0
Address 0

History

13/8
110770

Comp 10-10-0
1/3
A. 5m^o

neonatal sect.
~~10/10/17~~

Chief Complaint

Cl: weakness

Provisional Diagnosis

Investigation Required

Not done
10/10/17
110770

P

121

RADIOLOGY DEPARTMENT

MARDAN MEDICAL COMPLEX TEACHING HOSPITAL MARDAN

ULTRASOUND REPORT

Name: Mr. Ismail Date: 15/8/16

• Abdomen Ultrasound:

- ✓ • Liver has ~~normal echo pattern~~ and smooth contour without any focal lesion. There is no intra hepatic bile duct dilation.
- ✓ • Portal vein and common bile duct are of normal diameter.
- Spleen is normal morphologically.
- ~~Both kidneys are normal in size and position.~~ No calculus or hydronephrosis.
- ✓ • Urinary bladder is normal volume and wall thickness.
- ✓ • Gall bladder has normal wall thickness. There is no calculus or sludge in it.
- ✓ • Pancreas has normal echo texture with normal pancreatic duct.
- No para-aortic enlarge lymph nodes. No peritoneal effusion
- Impression: ~~Normal ultrasound study.~~

→ fatty liver
 → Bile fine concretion in both kidney
 & out any obstruction

Dr. Name: _____
 Dr. Signature: _____

Please do not accept the ultrasound report with out signature.

22/6/2017

Medical No. 2

Rs. 10/-

OUT PATIENTS DEPARTMENT

NAME

Dr. Govil

YEARLY NO

25242

DATE

30-8-2017

DISEASE

7

gun - 1 day

Dr. Govil

(13)

7th. 1st Oct 2017

Rep. Timir

1st Oct 2017

1st Oct 2017

1st Oct 2017

1st Oct 2017

FACE VALUE RUPEES 10/-

DH

NET

Sex:

vt Findings

7/12

Adh

2/1h

d

Q

141

PATHOLOGY DEPARTMENT MMCTH, MARDAN

PATIENT NAME

Ismail

DATE

HEAMATOLOGY			SEMIN ANALYSIS		
Tests	Report	N.Range	Tests	Report	N.Range
HB%		M=13.5...16.5 F=11.5...13.5	Physical & Chemical examination		
M.P			Quantity		01.....04ml
TLC		4000.....10000	Color		TURBID WATERY
DLC			Viscosity		VISCUS
Neutrophil		45.....75%	Reaction		ALKALINE
Lymphocytes		20.....45%	MICROSCOPIC EXAMINATION		
Monocytes		01.....08%	Total sp count		60.....150 million/ml
Eosinophil		01.....06%	Active Sperm		> 60%
Basophil		00.....01%	Sluggish sper		<20%
Platelets.		150000-500000/cmm	Dead Sperm		<50%
ESR		0-----10mm/h	Pus Cells		02.....03
B T		1-----5min	RBCs		Nil
C T		5-----10min	Others		Nil
URINE ANALYSIS			MORPHOLOGY		
Color		P.YELLOW	Normal sperm		>80%
P H		ACIDIC	Abnormal spr		<20%
SP.Gravity		1,010....1,030	COAGULATION PROFILE		
Sugar	<i>Nil</i>	NIL	P.T		12 Sec
Protein	<i>Nil</i>	NIL	APTT		Less then 35sec
			INR		1.20
MICROSCOPIC EXAMINATION			STOOL R/E		
Pus Cells	<i>04-06</i>	00.....03	Color		Brown
RBCs	<i>4-02</i>	00.....03	Blood		Nil
Casts	<i>Nil</i>	NIL	Mucus		Nil
Crystals	<i>Nil</i>	a few	MICROSCOPIC EXAMINATION		
EP-Cells	<i>Nil</i>	a few	Pus Cells		Nil
Others	<i>As. Ovalat</i>	Nil	RBCs		Nil
			Ova		Nil
Pregnancy test			Casts		Nil

Remarks.....

Lab.Tech.....

Chief. Pathologist.....

[Signature]

15

LOGY DEPARTMENT D.H.Q. HOSPITAL MARDAN
KHYBER PAKHTUNKHWA

42
2

Patient's Name Jalal Age _____ Sex _____ Date 28/8
Test Required Widur

HEMATOLOGY			BIOCHEMISTRY		
Test	Result	N.Values	Test	Result	N.Values
Hb	mg/dl	F-12 - 16, M-14 - 18	Bl: Sugar (F)	mg/dl	60 - 110
TLC	/cmm	4000 - 11000	Bl: Sugar (R)	mg/dl	80 - 140
TRBC	/cmm	3.5 - 5.3	Bl: Urea	mg/dl	15 - 50
Platelet's	/cmm	150,000 - 450,000	S.Creatinine	mg/dl	0.2 - 1.2
Neutrophils	%	40 - 70	S.Bilirubin (T)	mg/dl	0.3 - 1.3
Lymphocytes	%	25 - 45	SGPT (ALT)	U/L	5 - 45
Eosinophils	%	01 - 06	S.Alk: Phosp.	U/L	upto 300
Monocytes	%	01 - 08	S.Uric Acid	mg/dl	2.5 - 7.0
Basophils	%	01 - 02	S.Cholesterol	mg/dl	upto 180
HCT/PCV		32 - 54	S.Triglyceride	mg/dl	upto 145
MCV		79 - 101	S.Calcium	mg/dl	8.5 - 10.5
MCH		26 - 36	S.T. Protien	g/dl	6.6 - 8.7
MCHC		31 - 37	S.Albumin	mg/dl	2.5 - 5.4
RDW		11.5 - 14.5	S.Sodium	mmol/l	135 - 148
PCT		0.130 - 0.280	S.Potassium	mmol/l	3.5 - 5.3
MPV		9.0 - 17.0	S.Chloride	mmol/l	90 - 110
PDW		11.5 - 14.5	SEROLOGY		
MP			H. Pylori		
Bleeding Time		upto 05 minutes	Toxoplasma IgG		
Clotting Time		upto 11 minutes	Toxoplasma IgM		
ESR	mm/1st hr	0 - 20	ASO Titre		
Blast Cell			Widal Test		
Metamylocytes			TO	neg	neg
Pro Mylocytes			Typhidot IgG		
Stab Cells			Typhidot IgM		
N.RBC'S			Brucella		
Comments:			VDRL/KHAN'S Test		
			HBS Ag (ICT)		
			HCV Ab (ICT)		
			RA Factor		
			ANF		
			CRP Test		

TECHNICIAN [Signature]

[Signature]

PATHOLOGIST

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DISTRICT HEAD QUARTER HOSPITAL
MARDAN

Out Patient Department

OPD #	251	Date	08-Aug-17	Paid	10
Name	Ismail	Sex		Male	
H/F/Name		Age		0	
Department	Medical	Contact		000	
Address	00				

History
As-fair

← Rheumatoid
Clinical
Examination

— Abjative

Provisional
Diagnosis

① ec

Investigations
Required

AS ~~Distal~~ Comp

AS Calcaneus Comp

AS Prox. Comp

Immoxemy

— Polyproct

AS M-Bel +

DISTRICT HEAD QUARTER HOSPITAL MARDAN
INFORMATION SYSTEM

ردوائیاں ہمراہ لائیں

دوبارہ سے

0315-9332393: آخری
0333-9879967: ارشد
0314-9800407: دھال

Handwritten signature and date: 08/08/17

Handwritten mark

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MARDAN MEDICAL COMPLEX

Teaching Hospital Mardan KPK

Accident & Emergency Department

Name: Ismail Sex: _____

Department _____ Address: _____

OPD No. 119 Date: Pass 9/8/20

History Hematuria Pass 9/8/20

Clinical Examination U Red WBC

Provisional Diagnosis UTI

Investigations Required U/S EL 2nd UAC Plasma

ڈاکٹر ظہیر
ایم ڈی (امریکیہ)
چانڈرن اینڈ فیملی فرینڈز

DHIS
DISTRICT HEALTH
INFORMATION SYSTEMS

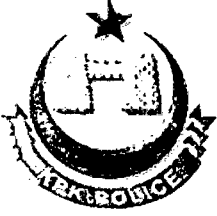
یاں ہمراہ لائیں

دوبارہ

0315-9332393: دفتر علی
0333-9879967: ارشد
0314-9800407: دصال

at least 1 week
10/11/20
Ismail

[Handwritten signature]



Am/B" (18)

(6)

**OFFICE OF THE
DISTRICT POLICE OFFICER
MARDAN**

Tel: 0937-9230109
 Fax: 0937-9230111
 Email: dpo_mardan@yahoo.com
 Facebook: District Police Mardan
 Twitter: @dpomardan

No. 4664-68 /PA

Dated 9/15 /2017

ORDER ON ENQUIRY OF CONSTABLE ISMAIL NO.2125

This order will dispose-off a departmental enquiry under Police Rules 1975, initiated against the subject Police Official, under the allegations that while posted at Police Station Par Hoti, proceeded against departmentally through SDPO/Takht Bhai, vide this office Disciplinary Action No. 2519-20/PA dated 09.03.2017 on account of his continuous absence from duty without any leave/permission of the competent authority vide DD Report No. 13 dated 20.12.2016, till-date, who after fulfilling necessary process, submitted his Finding Report to this office, vide his office letter No. 1065/ST dated 27.04.2017, highlighting that besides bad previous record by earning (25) bad entries with no good entry, neither he submitted his reply in compliance of delivered Charge Sheet, nor appeared before the enquiry officer, despite of given information and recommended him to be immediately dismissed from service.

Final Order

Constable Ismail No.2125 of Police Station Par Hoti is hereby awarded major punishment of dismissal from service with effect from 20.12.2016 with immediate effect, in exercise of the power vested in me under Police Rules 1975.

O.B No. 1113
 Dated 9/15.2017.

District Police Officer,
 Mardan.

Copy forwarded for information to:-

1. The Deputy Inspector General of Police Mardan Region-I, Mardan, please.
2. The SP Operations Mardan.
3. The DSP/City Mardan for n/action.
4. The Pay Officer (Police Office) Mardan for n/action.
5. ✓ The E.C (Police Office) Mardan for n/action.
6. The OSI (Police Office) Mardan with () Sheets for n/action.

Ann 'C' on page (19)

To,

The Regional Police officer,
Mardan,

Subject:

DEPARTMENTAL APPEAL AGAINST THE
IMPUGNED ORDER DATED 09/05/2017
WHEREBY THE APPELLANT HAS BEEN AWARDED
MAJOR PUNISHMENT OF DISMISSAL FROM
SERVICE

Respected Sir,

The appellant submits as under.

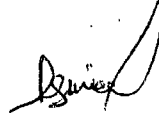
1. That the Appellant has been appointed as Constable No.2125 on 21/10/2008 and perform his duty with full devotion and now complaint whatsoever has been made against the appellant.
2. That the appellant while posted as police station Per Hoti Mardan unfortunately appellant fell seriously ill and due to sever illness the appellant was unable to perform his duty with Respondent department.
(Copy of Medical prescription is annexed)
3. That the Respondent department dismissed the appellant from service on 09/05/2017 on the ground of absentee. **(Copy of dismissal order is annexed)**
4. That the appellant was under treatment, and due to severe illness and was not able to perform his duty with Respondent Department.



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5. That the absence of appellant was deliberately or intentionally but due to severe illness. (Copy of dismissal order is annexed)
6. That the punishment awarded to the appellant by the Respondent department is a harsh one.

It is therefore, humbly requested that on acceptance of this departmental appeal the appellant may kindly be reinstated into his service with all back benefits.


Appellant

**Muhammad Ismail,
Constable 2125, Peshawar.**

Dated: 05/06/2017



Am "D" (21)

ORDER

This order will dispose off the appeal preferred by Ex-Constable Muhammad Ismail No. 2125 of Mardan District Police against the order of District Police Officer, Mardan, whereby he was awarded Major punishment of dismissal from service vide District Police Officer, Mardan OB No. 1113 dated 09.05.2017.

Brief facts of the case are that the appellant while posted at Police Station Par Hoti proceeded against departmentally through SIPO/Takht Bhar on account of his continuous absence from duty without any leave/permission of the competent authority with effect from 20.12.2016 till the date of his dismissal. The enquiry Officer after fulfilling necessary process submitted his finding highlighting that besides bad previous record, neither he submitted his reply in compliance of delivered charge sheet nor appeared before the enquiry Officer despite of given information for which Enquiry Officer recommended him dismissal from service. Therefore he was dismissed from service with effect from 20.12.2016.

He was called in orderly room held in this office on 15.11.2017 and heard him in person. The appellant did not produce any cogent reason for his long absence. Besides the appellant was also dismissed from service earlier on 11.01.2012 & 15.01.2014, due to absence from duty but he did not give off his conduct of absence. Therefore, I find no grounds to intervene the order passed by District Police Officer, Mardan. Appeal is rejected.

ORDER ANNOUNCED.

(Muhammad Alan Shinwari) PSP
Regional Police Officer
Mardan

No. 8429 /ES, Dated Mardan the 16/11/2017.

Copy to District Police Officer, Mardan for information and necessary action w/r to his office.
Memo: No. 629/LB dated 08.11.2017. The Service Record is returned herewith.
(*****)

Ann 'E' (22)

Before the Inspector General of Police KRX Meshawar

Sub: Appeal for Re-instatement in respect of Ex-Constable
Muhammad Ismail No. 2125 Mardan Police vide dismissal
by DFO Mardan by OB No. 113 dt. 9.5.17 while appeal
dismissed by DIG Mardan No. 8429 dt. 16.11.2017

Respectfully Sheweth:-

Facts

I enlisted in police force on 21.10.08 and completed 9 yrs unblemished service to my superiors. I was posted in P.S. Par Heti Mardan. Unfortunately I fell seriously ill and the Medical certificate M.M.C Mardan are attached for perusal. I was dismissed by DFO Mardan but my lengthy service and medical certificate were not considered and I was dismissed from service. Then I referred an appeal and produced all the medical certificates but could not be considered and my appeal was rejected.


Grounds

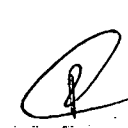
1. That I have completed 9 years unblemished service in police force to the satisfaction of my superiors.
2. That my absence was not intentionally but was due to my illness.
3. That I produced my all medical certificates to DFO and DIG Mardan but were not considered and my lengthy service was totally ignored which is against the law and justice.
4. That I am married and having 4 school going children and old age parents, they all depend due to my dismissal.
5. That due to passing period in police department I am unable to find any job or service.
6. That now I am fully healthy and can properly perform my duties now.
7. It is humbly prayed that I may please be reinstated in service back with benefits.

I shall pray for your long life and prosperity.

Dated 20.11.2017

Appellant:


Muhammad Ismail No. 2125
Mardan Police r/o
Mayar Mardan.





Am 'F' (23)

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

No. SI/ 904 /18, dated Peshawar the 06/03/2018.

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-FC Muhammad Ismail No. 2125. The petitioner was dismissed from service w.e.f 20.12.2016 by DPO Mardan vide OB No. 1113, dated 09.05.2017 on the charge of absence from duty for 04 months and 20 days.

His appeal was rejected by Regional Police Officer, Mardan vide order Endst: No. 8429/ES, dated 16.11.2017.

Meeting of Appellate Board was held on 08.02.2018 wherein petitioner was heard in person. During hearing petitioner contended that his absence was not deliberate but he was ill.

Perusal of record revealed that Muhammad Ismail Ex-Constable No. 2125 district Mardan was dismissed from service on the charges of willful and deliberate absence from duty for 04 months and 20 days vide impugned order dated 09.05.2017 of DPO Mardan. His departmental appeal was rejected by RPO Mardan vide order dated 16.11.2017.

Petitioner was heard in detail but he failed to advance any plausible explanation in rebuttal of the charges. Furthermore, perusal of his service dossier revealed that he bears patchy record of service. He was earlier twice dismissed from service on 11.01.2012 and 15.01.2014. He has earned 22 bad entries on charges of absence from duty which establishes that he is habitual absentee and there are no prospects of mending his ways. His appeal is also time barred. Therefore, the Board decided that his petition is hereby rejected.

This order is issued with the approval by the Competent Authority.

(AHSAN SAIFULLAH)
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

No. SI/ 905-11 /18,

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan.
2. District Police Officer, Mardan.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

Ann 'G' (24)

خدمت ضابطہ ۱۹۶۲ء، پولیس، KPK

درخواست نمبر اور اجازت جاری کرنے کے لئے درخواست
خدمت ضابطہ ۱۹۶۲ء ص ۱۹۶۲

ضابطہ عالی درخواست کے لئے ہے۔

۱۔ یہ کہ اسٹیٹ سائیکالوجیکل پولیس کالج میں - لیسر ایف ڈی اے -
کے بارے میں خدمت ضابطہ ۱۹۶۲ء ص ۱۹۶۲ میں پیش کیا جا رہا ہے۔

لہذا استدعا ہے کہ اس کو سب سے

درجہ ضابطہ اجازت دی جائے۔

تحریر 03/04/1962

لکھنؤ

سید الفیہ لویس کالج - سالن تعمیر
صدر کالج، لاہور 2125
مورتن پولیس

Cell No - 03065562488

Q

APR 1962

بعدالت حجاب



مورخہ
مقدمہ
دعویٰ
جرم

2019ء منجانب
کاہل بنام

اسلام آباد

دوسرے طرف
کاہل بنام
کاہل بنام

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جوان کاروائی متعلقہ
آن مقام کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دینے و ہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ نواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری طرفہ یا اپیل کی برآمدگی
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار۔ از بصورت ضرورت
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی نے ہمراہ یا اپنے بجائے
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باخترا حاصل ہوں گے
اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہمانہ التوائے مقدمہ کے
سبب سے ہوگا۔ کوئی تارتخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں
گے۔ کہ پیروی مذکور کریں۔ لہذا کالت نامہ لکھ دیا کہ سندر ہے۔

کاہل بنام

Accepted
By
Pleas

2019ء

ماہ مارچ

19

المرقوم

العبد
مقام
کاہل
کے لئے منظور ہے۔



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

No. 919 /ST

Dated: 13-4- /2021

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

To

The District Police Officer,
Government of Khyber Pakhtunkhwa,
Mardan.

Subject: JUDGMENT IN APPEAL NO. 389/2019, MR. MUHAMMAD ISMAIL

I am directed to forward herewith a certified copy of Judgement dated 13.01.2022 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR

KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR