

Form- A

FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 1451/2022 \_\_\_\_\_


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06/10/2022	<p>The appeal of Mr. Adnan resubmitted today by Mr. Saadullah Khan Marwat Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;">By the order of Chairman</p> <p style="text-align: right;">REGISTRAR</p>

The appeal of Mr. Adnan son of Gohar Nosh r/o Mardan Ex-Constable no. 1628 FRP Kohat received today i.e. on 27.09.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Check list is not attached with the appeal.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Annexures of the appeal may be attested.
- 4- Page no. 10, 16 to 24 & 31 of the appeal are illegible which may be replaced by legible/better one.
- 5- Four more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2698 /S.T,

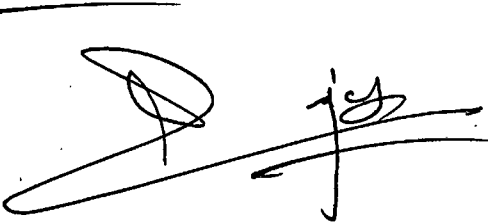
Dt. 28/9 /2022

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Saadullh Khan Marwat Adv. Pesh.

Sir,

Re-submitted after removing all  
objections.



**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR**S.A No. 1457/2022

Adnan

Versus

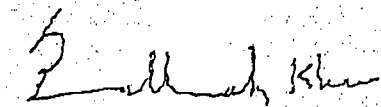
Superintendent &amp; others

**I N D E X**

S.#	Description of Documents	Annex	Page
1.	Memo of Appeal		1-4
2.	S. A. No. 180/19 along with annexures	"A"	5-24
3.	Judgment dated 14-01-2022	"B"	25-27
4.	Reinstatement order dated 18/19-04-	"C"	28-29
5.	Naqal Mad No. 06 dated 20-04-2022	"D"	30
6.	Charge Sheet dated 20-04-2022	"E"	31-32
7.	Removal order dated 07-07-2022	"F"	33
8.	Representation	"G"	34
9.	Rejection order dated 29-08-2022	"H"	35
10.	Application dated 13-09-22 for supply of documents	"I"	36

Appellant

Through



(Saadullah Khan Marwat)

Advocate

21-A Nasir Mension,

Shoba Bazar, Peshawar.

Ph: 0300-5872676

Dated 24-09-2022

**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR**

S.A No. 1451 /2022

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1442

Dated 27-9-2022

Adnan S/O Gohar Nosh,  
R/O Mardan,  
Ex-Constable No. 1628,  
FRP, Kohat Range Kohat . . . . . Appellant

**VERSUS**

1. Superintendent of Police,  
FRP, Kohat Range Kohat.
2. Commandant FRP, KP,  
Peshawar, . . . . . Respondents

**APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT, 1974  
AGAINST OFFICE ORDER NO. 362 DATED 07-07-2022  
OF R. NO. 01, WHEREBY MAJOR PENALTY OF REMOVAL  
FROM SERVICE WAS IMPOSED UPON APPELLANT AND  
ABSENCE PERIOD WAS TREATED WITHOUT PAY. OR  
OFFICE ORDER NO. 6925-26/PA DATED 29-08-2022 OF  
R. NO. 02 WHEREBY DEPARTMENTAL APPEAL OF  
APPELLANT WAS REJECTED.**

Filed to-day

W. Registrar  
27/9/2022

**Respectfully Sheweth:**

1. That on 23-01-2019, appellant was dismissed from service on the score of absence from duty and after going through the prescribed procedure of law, S.A. No. 180/2019 was filed before the hon'ble Service Tribunal for reinstatement in service with all back benefits. (Copy along with annexures as annex "A")
2. That the said appeal, came up for hearing on 14-01-2022 and thereafter, the hon'ble bench was pleased to accept the same with the remarks that:-

"We are inclined to partially accept the instant appeal. The appellant is reinstated in service with direction to respondents to conduct de-novo enquiry in accordance with law and rules. Needless to mention that the appellant shall be afforded appropriate opportunity of defense and the proceedings should be completed within 90 days from the date of receipt of the said judgment. (Copy as annex "B")

3. That on 18/19-04-2022, appellant was reinstated in service only for the purpose of de-novo enquiry and not fully. (Copy as annex "C")
4. That on 20-04-2022, Naqal Mad No. 06 was scribed, wherein appellant was shown present in FRP line Kohat for conduct of de-novo enquiry. (Copy as annexed "D")
5. That on 20-04-2022, appellant was served with Charge Sheet which was replied by denying the allegations. (Copy as Annex "E")
6. That on 07-07-2022, major punishment of removal from service was again imposed upon appellant and period of absence was treated as without pay. (Copy as Annex "F")
7. That thereafter, appellant submitted representation before R. No. 02 for reinstatement in service which was rejected on 29-08-2022 by said respondent. (Copies as annex "G" & "H")
8. That on 13-09-2022, appellant submitted application for supply of the documents pertaining to the subject matter and then office was directed to only supply order of dismissal from service to appellant. (Copy as annex "I")

Hence this appeal, inter alia, on the following grounds:-

**GROUND S:**

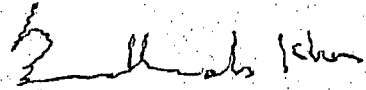
- a. That appellant was enlisted in service in the year 2004 and served the department till the date of removal from service.

- b. That absence was not willful but was due to illness which medical receipts was supplied to the department well within time.
- c. That when period of absence of appellant was treated as leave without pay, then there was no justification to dismiss him from service as his services was made regularized through the impugned order.
- d. That in the judgment, the hon'ble Tribunal directed respondents to conduct de-novo enquiry as per the mandate of law but did not follow the law as neither any statement of any witness(s) was recorded in presence of appellant nor he was afforded opportunity of cross examination.
- e. That the judgment of the hon'ble Tribunal was remitted well within time to the respondents for the purpose but the de-novo enquiry was not conducted in the given time, so the subsequent action of the respondents is illegal and ab-initio void.
- f. That absence does not constitute any misconduct when the same is not willful and as stated earlier, not only the department but the hon'ble Tribunal also reinstated absentees into their services.
- g. That codal formalities enumerated in the Rules were never observed, being mandatory. No publication was made in two leading newspapers. The impugned orders were not per the mandate of Law and based on malafide.

It is, therefore, most humbly prayed that on acceptance of the appeal order dated 07-07-2022 and 29-08-2022 of the respondents be set aside and appellant be reinstated in service with all consequential benefits.

  
Appellant

Through

  
Saadullah Khan Marwat

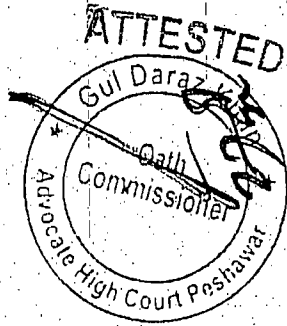
  
Arbab Saiful Kamal

  
Amjad Nawaz  
Advocates.

Dated 24-09-2022

**AFFIDAVIT**

I, Adnan S/O Gohar Nosh, R/O Mardan, Ex Constable No. 1628, FRP, Kohat Range Kohat (Appellant), do hereby solemnly affirm and declare that contents of Service Appeal are true and correct to the best of my knowledge and belief.



*[Handwritten Signature]*  
DEPONENT

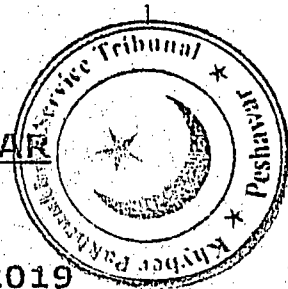
**CERTIFICATE:**

As per instructions of my client, no such like Service Appeal has earlier been filed by the appellant before this Hon'ble Tribunal.

*[Handwritten Signature]*  
ADVOCATE

A 5

BEFORE KPK SERVICE TRIBUNAL PESHAWAR



S.A No. 180 /2019

Adnan S/O Gohar Nosh,  
R/o Mardan,  
Ex-Constable, No. 1628, FRP,  
Kohat Range Kohat . . . . . Appellant

Khyber Pakhtunkhwa  
Service Tribunal  
Query No. 97  
Date 23/1/2019

VERSUS

1. Superintendent of Police,  
FRP, Kohat Range Kohat.
2. Commandant FRP, Peshawar  
Kohat Range Kohat.
3. Provincial Police Officer,  
KP, Peshawar. . . . . Respondents

⊕<=>⊕<=>⊕<=>⊕<=>⊕

APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974  
AGAINST O.B NO. 733 DATED 12-10-2017 OF R. NO.  
01 WHEREBY APPELLANT WAS DISMISSED FROM  
SERVICE AND THE PERIOD OF ABSENCE WAS  
TREATED AS LEAVE WITHOUT PAY FROM THE DATE  
OF ABSENCE OR OFFICE ORDER NO. 10303 / EC  
DATED 15-10-2018 OF R. NO. 02 WHEREBY  
REPRESENTATION OF APPELLANT WAS REJECTED /  
FILED OR OFFICE ORDER NO. S / 4523 / 18 DATED  
09-11-2018 OF R. NO. 03 WHEREBY REVISION  
PETITION WAS EXAMINED AND FILED:

Received to day  
and filed  
23/1/19

⊕<=>⊕<=>⊕<=>⊕<=>⊕

Respectfully Sheweth;

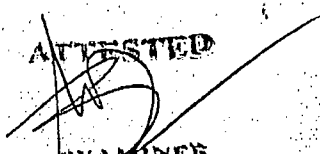
1. That appellant was enlisted in service in the year 2004 as Constable and served the department till the date of removal from service.

**ATTESTED**  
  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar



2. That appellant was deputed to PTC, Hangu for training in the year 2004 and qualified the same.
3. That thereafter appellant served in various Stations for about 13 years without any complaint.
4. That appellant was transferred from Peshawar to Kohat whereby he was marked absent from duty and as a result on 15-08-2017, Charge Sheet was issued to him regarding absence from duty with effect from 13-07-2017. (Copy as Annex "A")
5. That the said Charge Sheet could not be replied as the same was not served upon him as is evident from the same.
6. That perhaps enquiry into the matter was initiated but the same was not conducted as per the mandate of law and on finalizing of the self-made report, appellant was dismissed from service on 12-10-2017 and period of absence was treated as leave without pay, meaning thereby that his services was regularized by the R. No. 01. (Copy as Annex "B")
7. That on 06-11-2017, appellant submitted representation, followed by subsequent representation dated 30-07-2018 for reinstatement in service which was rejected on 15-10-2018 by R. No. 02. (Copies as Annex "C" & "D")
8. That thereafter appellant submitted Revision Petition before R. No. 03 for reinstatement in service which was rejected on 19-11-2018-2018. In this order R. No. 02 was directed to remit the said order to appellant but the order was not complied and thereafter he received the said order from the office at personal level on 16-01-2019 (Copy as Annex "E" & "F")
9. That not only appellant was dismissed from service on the score of absence but numerous others were also dismissed as such and they were reinstated into their services vide order dated 30-11-2010, 15-03-2017 and 09-08-2017 (Copies as Annex "G")

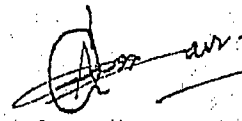
Hence this appeal, inter alia, on the following grounds:

ATTESTED  
  
EXAMINER  
KHYBER PAKHTUNKHWA  
Service Tribunal  
Peshawar


GROUND S:

- a. That appellant was enlisted in service in the year 2004 and served the department till the date of removal from service.
- b. That absence was not willful but was due to illness which medical receipts was supplied to the department well within time.
- c. That when period of absence of appellant was treated as leave without pay, then there was no justification to dismiss him from service as his services was made regularized through the impugned order.
- d. That in order dated 09-11-2018, R. No. 03 directed R. No. 02 to inform appellant with the said order but no such order was served upon him and the impugned order was received from the office of R. No. 01 through personal level on 16-01-2019, so no limitation runs.
- e. That absence does not constitute any misconduct when the same is not willful and as stated earlier, not only the department but the hon'ble Tribunal also reinstated absentees into their services.
- f. That codal formalities enumerated in the Rules were never observed, being mandatory. No publication was made in two leading newspapers. The impugned orders were not per the mandate of Law and based on malafide.

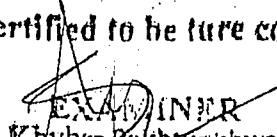
It is, therefore, most humbly prayed that on acceptance of appeal, orders dated 12-10-2017, 15-10-2018 and 09-11-2018 of the respondents be set aside and appellant be reinstated in service with all consequential / back benefits, with such other relief as may be deemed proper and just in circumstances of the case.

  
Appellant

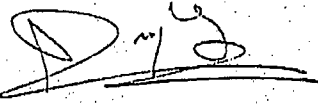
Through

  
Saadullah Khan Marwat

Certified to be true copy

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal.  
Peshawar

Dated.22-01-2019

  
Amjad Khan  
Advocates.

No. 391 /PA/FRPDated. 15 / 07 /2017CHARGE SHEET

- I) I, Mian Imtiaz Gul, SP FRP Kohat as competent authority, am of the opinion that you Constable Adnan No. 1628 of FRP Platoon No. 121 have committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975.
- a) You, Constable Adnan No. 1628 were relieved from security point vide DD No. 10 dated 13.07.2017 to report at FRP HQrs Peshawar for further departure to FRP Kohat but you failed to do so and absented yourself w.e.f 13.07.2017 vide FRP HQrs Peshawar DD No. 33 dated 13.07.2017 and have not reported till date. Your previous record is not good as previously you had remained absent for 47 days and were awarded punishment for the same but you did not mend your trend. Thus you have committed a gross "Misconduct" as defined in Rule 2 (iii) of Police Rules 1975 and have rendered yourself liable to be proceeded against departmentally.
- II). By reason of the above, you seem to be guilty as sufficient materials is placed before the undersigned; therefore it is decided to proceed against you in general police proceeding.
- III). You are; therefore, required to submit your written reply within 07 days of the receipt of this charge sheet to the Enquiry Officer.
- IV). Your written reply, if any, should reach the Enquiry Officer within specific period, failing which it shall be presumed that you have no defense to offer and in that case, ex-parte action shall follow against you.
- V). Intimate as to whether you desire to be heard in person or not?
- VI) A statement of allegation is enclosed.

*Attested*  

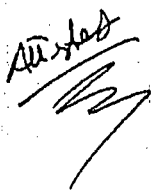

(Mian Imtiaz Gul)  
 Superintendent of Police, FRP  
 Kohat Range, Kohat

DISCIPLINARY ACTION

I, Mian Imtiaz Gul, SP FRP Kohat as competent authority, am of the opinion that you Constable Adnan No. 1628 of FRP Platoon No. 121, have committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975.

STATEMENT OF ALLEGATION

1. a) You, Constable Adnan No, 1628 were relieved from security point vide DD No. 10 dated 13.07.2017 to report at FRP HQrs Peshawar for further departure to FRP Kohat but you failed to do so and absented yourself w.e.f 13.07.2017 vide FRP HQrs Peshawar DD No. 33 dated 13.07.2017 and have not reported till date. Your previous record is not good as previously you had remained absent for 47 days and were awarded punishment for the same but you did not mend your trend. It is a gross "Misconduct" on your part as defined in Rule 2 (iii) of Police Rules 1975 and have rendered yourself liable to be proceeded against departmentally.
2. For the purpose of scrutinize the conduct of said Constable with reference to the above allegations, SI Noor Ali LO FRP Kohat is appointed as enquiry officer.
3. The enquiry officer shall conduct proceeding in accordance with provision of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record it is finding and make with twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused official.
4. The delinquent official shall join the proceeding on the date, time and place fixed by the officer.

*Ali Asad*  


(Mian Imtiaz Gul)  
 Superintendent of Police, FRP  
 Kohat Range, Kohat

10

**ORDER:**

My order will dispose of departmental enquiry conducted against Constable Adnan No. 1628/FRP under Khyber Pakhtunkhwa Police Disciplinary Rules 1975 (Amended in 2014).

The allegations against defaulter constable are that he while deployed on loan in FRP HQrs: Peshawar, was relieved from security point duty vide DD No. 10 dated 13-07-2017 to report at FRP HQrs: Peshawar for further departure to FRP Lines Kohat as he was repatriated to FRP Kohat Range vide order Endst: No. 4789-92/EC dated 12-06-2017 but he failed to do so and absented himself w.e.f. 13-07-2017 vide FRP HQrs: Peshawar DD No. 33 dated 13-07-2017 and reported back on 26-06-2017 (total absence period is 44 days). DD reports were sent to this office for further necessary action Charge Sheet with summary of allegation was issued to him and SI Noor Ali Khan Lo FRP Kohat was appointed as Enquiry Officer. Proper departmental enquiry was conducted against him at his home address through Local Police which was served upon him through his uncle by Local Police of PS Shahbaz Garhi as intimated by DPO Mardan but he neither submitted reply to it nor joined enquiry proceedings. The E.O. in his findings, recommended him for major punishment. A final show cause notice vide No. 422/PA dated 07-09-2017 was issued to him which was served upon his brother namely Constable Taimoor through office of DPO Mardan but he failed to submit reply with the stipulated period.

Services record perused which revealed that he was appointed as Constable on 23-10-2004 in FRP Mardan Range. There are 08 bad entries against him with no good entry in his credit. His previous record is not good as he has remained absent previously for 151 days hotel. He was also awarded punishment of removal from service by the than Deputy Commandant FRP Khyber Pakhtunkhwa Peshawar vide order Endst No. 332-35/PA dated 18-02-2009 on account of absence from duty and involvement in criminal case. He was reinstated in service in compliance with the judgment dated 23-05-2012 of Service Tribunal Khyber Pakhtunkhwa Peshawar in appeal No. 572/2012. Keeping in view his willful absence from duty and previous record there is no other alternative except to proceed against him ex-parte. He seems to be habitual absentee. His total absence from 13-07-2017 till date is 44 days. It clearly indicates that he is not interested in his job.

Therefore, I Mian Imtiaz Gul SP FRP Kohat Range, Kohat in exercise of powers vested in me under Rule-5(05) of Khyber Pakhtunkhwa Police Rules-1975 (Amended in 2014), award him a major punishment of Dismissal from service. The period he remained absent is treated as absence from duty i.e. without pay.

Sd/-

**(MIAN IMTIAZ GUL)  
SUPERINTENDENT OF  
POLICE, FRP  
KOHAT RANGE KOHAT.**

O.B No. 733  
Dated: 12-10-2017

ORDER

By this order will dispose of departmental enquiry conducted against Constable Adnan No. 1628/FRP under Khyber Pakhtunkhwa Police Disciplinary Rules 1975 (Amended in 2014).

The allegations against the constable are that he while deployed on loan in FRP HQs: Peshawar, was relieved from security point duty vide DD No. 10 dated 13.07.2017 to report at FRP HQs: Peshawar for further deployment to FRP Lines Kohat as he was repatriated to FRP Kohat Range vide order Endst: No. 4789/92/EC dated 12.06.2017 but he failed to do so and absented himself w.e.f. 13.07.2017 vide FRP HQs: Peshawar DD No. 33 dated 13.07.2017 and reported back on 26.08.2017 (total absence period is 44 days). DD reports were sent to this office for further necessary action. Charge Sheet with summary of allegation was issued to him and SI Noor Ali Lo FRP Kohat was appointed as Enquiry officer. Proper departmental enquiry was conducted against him through LO FRP Kohat. Charge sheet was forwarded to DPO Mardan for service upon him at his home address through local Police which was served upon him through his uncle by local Police of PS Shahbaz Garhi as intimated by DPO Mardan but he neither submitted reply to it nor joined enquiry proceedings. The E.O in his findings, recommended him for major punishment. A final show cause notice vide No. 422/PA dated 07.09.2017 was issued to him which was served upon his brother namely Constable Taimoor through office of DPO Mardan, but he failed to submit reply within the stipulated period.

Service record peruser which revealed that he was appointed as Constable on 23.10.2004 in FRP Mardan Range. There are 08 bad entries against him with no good entry in his credit. His previous record is not good as he had remained absent previously for 151 days in total. He was also awarded punishment of Removal from Service by the then Deputy Commandant FRP Khyber Pakhtunkhwa Peshawar vide order Endst: No. 830-35/PA dated 18.02.2009 on account of absence from duty and involvement in criminal case. He was re-instated in service in compliance with the judgment dated 23.05.2012 of Service Tribunal Khyber Pakhtunkhwa Peshawar in appeal No. 572/2012. Keeping in view his willful absence from duty and previous record, there is no other alternative except to proceed against him ex parte. He seems to be apathetic towards his job. His total absence from 13.07.2017 till date is 44 days. It clearly indicates that he is not interested in his job.

Therefore, I, Mian Imtiaz Gul SP FRP Kohat Range, Kohat in exercise of powers vested in me under Rule - 5 (5) of Khyber Pakhtunkhwa Police Rules-1975 (Amended in 2014), award him a major punishment of Dismissal from service. The period he remained absent is treated as absence from duty i.e. without pay.

(Mian Imtiaz Gul)  
SUPERINTENDENT OF POLICE, FRP  
KOHAT RANGE, KOHAT

OS No. 733  
Dated: 12-10-2017

- Copy to:-
- 1. Pay Officer
  - 2. Officer
  - 3. SRO
  - 4. For necessary action and also serve a copy of order upon him.

*Amir*

*3-10-2017*  
*Amir*

تجربہ جہاں کائنات و جہاں ارضی کسادر

اپنی بڑے بھائی سرور

قیام علی

عمر میں تھے کہ سب سے پہلی ان کی لڑائی میں بھینٹ گیا  
 ڈالنے سے پہلے ہی کہہ گیا کہ یہاں پر آ گیا۔ جس کی وجہ سے  
 کچھ عرصت کے لئے ڈالنے سے پہلے ہی سرانجام نہ ہو سکا۔ میں بچاؤ  
 کو غم سے بہرہ ور ہوا گیا۔

یہ تو دیکھنے سے بڑے تو فوجی تھا فوجی کو پورا  
 نہیں کیا گیا۔ ساتھ ہی کئی عرصے تک عامر چھوڑ گیا تھا  
 مؤامعہ ہوا دتا۔ سب سے پہلے کے والدین فوجی ہیں۔ خوں  
 دیکھ کر اس وقت سے بد۔

آئیے بھائی سے درخواری کے مسائل کو  
 نوٹ کریں بھائی فرما رہے ہیں۔ یہ تو بھائی ہیں۔

نوٹ۔ یہ مسئلہ یہ ہے۔

اس کا وقت

عنوان 1624/1624 اپنی بھائی کے لئے

Atta

3

مٹ صاحب کاڈانٹ ایف آر پی زیر مختصر بیان

(اس لیے یہ حال ہے) 4992  
30-07-18

صاحب

گزارش سے متعلق ایف آر پی میں بطور پیشگی روٹی سرانجام دریا کا  
کہ ایک سال بیمار ہوا اور پھر بیماری غیر جانبدار  
صیغہ سے سال کو نوکری سے بدعادت کیا ہے جو نہ سال  
سے غیر جانبدار ہوا اور بیماری جسموری سے ہی - سال کو ٹھیک  
کے سے اور والدین سے لگنے کوئی دوسرے فرد نہیں ہے  
جو ٹھیک ہوا اور اس سے لگتا ہے -

لینا آری صاحبان صبراً اس کے سال کو لڑنے سے دو بار  
حال اس کا کام ہے اور اس سے

عین خواہش ہوگی

اللہ سے

لوگوں کے لئے ہر وقت دعا ہے

*(Handwritten signature)*

1628 ERP کے لئے  
RT  
0345-9175883  
صاحبان

Si/Legal  
Per n.p.a.c.c.p.p

Attest  
*(Signature)*

30/7/18



13 ✓

عمران

ORDER

This order will dispose of the departmental appeal preferred by ex-constable Adnan No. 1628 of FRP Kohat Range, against the order passed by SP FRP Kohat Range, Kohat vide OB No. 733, dated 12.10.2017, wherein he was awarded major punishment of dismissal from service. The applicant was proceeded against on the allegations that he was deployed on loan in FRP HQrs: Peshawar. He was relieved from security point duty vide DD report No. 10, dated 13.07.2017, with the direction to report at FRP HQrs: Peshawar for further departure to FRP Line Kohat as he was repatriated to FRP Kohat vide office order Endst: No. 4789-92/EC, dated 12.06.2017, but he failed to do so and absented himself with effect from 13.07.2017 vide DD report No. 33, dated 13.07.2017 and reported back on 26.08.2017 and remained absente for a period of 44 days.

In this regard, proper departmental enquiry was conducted against him, and SI Noor Ali Line FRP Kohat was appointed as Enquiry Officer. During the course of enquiry the Enquiry Officer found him guilty of the charges leveled against him and recommended him for major punishment.

In the light of recommendation of the Enquiry Officer he was issued final show cause notice vide office No. 422/PA, date 07.09.2017, but he failed to submit reply within stipulated period. Thus he was awarded major punishment of dismissal from service vide OB No. 733, dated 12.10.2017.

It is worth mentioning here that previous he was removed from service due to his long absence from duty by Deputy Commandant FRP, KP, Peshawar vide order Endst: No. 332-35/PA, dated 18.02.2009. Later on he was reinstated in service by worthy Commandant FRP KP, Peshawar vide order Endst: No. 4808-14/EC, dated 28.05.2015 in compliance with service Tribunal Khyber Pakhtunkhwa judgment dated 02.07.2014 and attached him for the purpose pay etc to FRP Kohat Range vide order Endst: No. 5510-12/OASI, dated 24.06.2015.

Feeling aggrieved against the impugned order of SP FRP Kohat Range, Kohat, the applicant preferred the instant appeal. The applicant was summoned and heard in person in Orderly Room held on 03.10.2018.

During the course of personal hearing, the applicant failed to present any justification regarding his prolongs absence.

Besides from perusal of record it is found that the appellant was dismissed in the past on account of his mis-conduct who later on, was reinstated into service.

In the instant case, it transpired that the appellant again remained himself absented for a period of 44 days without any cause of justification, warranting departmental action, hence the competent authority rightfully imposed major punishment on the accused officer of dismissal from service. Therefore any leniency or complacency would further embolden the accused officer and impinge upon the adversely on the over all discipline and conduct of the force.

Based on the findings narrated above, I, Sajid Ali PSP Commandant FRP Khyber Pakhtunkhwa, Peshawar, being the competent authority, has found no substance in the appeal, therefore, the same is rejected and filed being badly time barred and meritless.

Order Announced.

Commandant

o/c Frontier Reserve Police  
Khyber Pakhtunkhwa, Peshawar.

No. 10303 /EC, dated Peshawar the 15/10/2018.

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

1. SP FRP Kohat Range, Kohat. His service record alongwith D file sent herewith.
2. Ex-constable Adnan No. 1628 S/O Gohar Nosh, Police Station Rustam, Village Garyala, District Mardan.

نجمت جناب آئی جی بی صاحب خیر کھجور آباد

عنقریب در خواست بجا آوری

جناب عالی

کہ اوس سے سوال کیا کہ وہ کب تک وہاں رہے گی  
سائل ایف آئی جی بی صاحب خیر کھجور آباد  
میں انیسویں دہائی میں وہاں رہا تھا اس وقت اس وقت  
میں کھجور آباد رہتا تھا اس وقت اس وقت اس وقت  
و اس وقت اس وقت اس وقت اس وقت اس وقت  
زنگی و جاہل اور کفر و غم اس وقت اس وقت اس وقت  
سائل نے طاعون سے لگا گیا لیکن اس وقت اس وقت  
کھجور آباد میں اس وقت اس وقت اس وقت اس وقت  
کیا کھجور آباد میں اس وقت اس وقت اس وقت اس وقت  
اس وقت اس وقت اس وقت اس وقت اس وقت اس وقت

سائل ایف آئی جی بی صاحب خیر کھجور آباد  
دار اور اس وقت اس وقت اس وقت اس وقت  
سائل نے طاعون سے لگا گیا لیکن اس وقت اس وقت

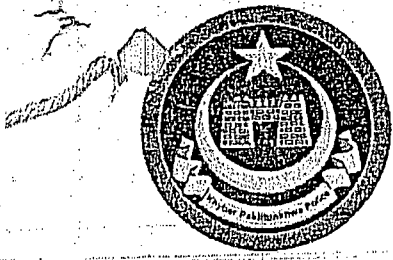
کہ اہل عرف و خواجہ ان صاحبان سے اس دعا کی جاتی ہے  
ان کھجور آباد میں اس وقت اس وقت اس وقت اس وقت  
ہمارے زنگی و جاہل

العارین

آئی جی بی صاحب خیر کھجور آباد

Attest

G 15



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
CENTRAL POLICE OFFICE,  
PESHAWAR.

No. S/ 4523 /18, dated Peshawar the 09/11/2018.

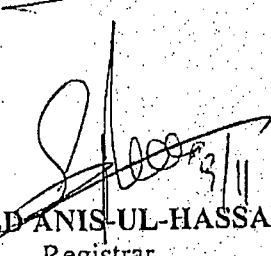
To : The Commandant,  
FRP, Khyber Pakhtunkhwa  
Peshawar.

Subject: APPEAL (EX-FC ADNAN NO.1628)

Memo :

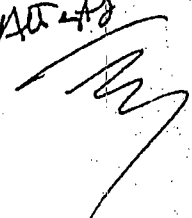
The competent authority has examined and filed the appeal submitted by Ex-Constable Adnan No.1628 of SP/FRP, Kohat against punishment of dismissal from service awarded by the SP/FRP, Kohat vide OB No.733, dated 12.10.2017 being badly time barred.

The applicant may please be informed accordingly.

  
(SYED ANIS-UL-HASSAN)

Registrar,  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

o/l  
8/11

AD-AS  


16

ORDER.

WHEREAS as per the approval of the Provincial Police Officer, Khyber Pukhtunkhwa a Committee had been constituted vide this office No: 9871-77/E dated 16/11/2010, headed by DPO Swat to record under the cases of the personnel dismissed during militancy.

AND WHEREAS the Committee has, after thorough deliberations and scrutiny of the relevant records, submitted its findings vide No: 14732/E dated 29/11/2010 wherein 253 personnel have been recommended for reinstatement in service.

NOW THEREFORE as per the approval of the Provincial Police Officer, the following personnel recommended by the Committee are hereby reinstated in service with effect from the date of their dismissal. The period during which they remained out of service after dismissal and the period of their absence will be treated as leave without pay.

S.No.	Name and No.
1.	Ex-Constable Bahadur Khan No. 1322
2.	Ex-HC Mian Sald Rehman No. 582
3.	Ex-Constable Muhammad Saqad No. 1543
4.	Ex-Constable Fida Hussain No. 751
5.	Ex-Constable Zia-u-din No. 1581
6.	Ex-Constable Sami Ullah No. 103
7.	Ex-Constable Sadia Akbar No. 310
8.	Ex-Constable Ayaz Ali No. 1482
9.	Ex-PASI Ijaz Ali No. 35 (Shahid Son)
10.	Ex-Constable Farman Ali No. 757
11.	Ex-Constable Shafiqullah No. 298
12.	Ex-Constable Shor Ali Khan No. 443
13.	Ex-Constable Sahir Hussain No. 1421
14.	Ex-Constable Sharafat Khan No. 776
15.	Ex-Constable Faizal Anwar No. 1001
16.	Ex-Constable Asmat Ali No. 1304
17.	Ex-Constable Niaz Mond No. 822
18.	Ex-Constable Abdul Wajid No. 151
19.	Ex-Constable Muhammad Shoab No. 112/RR
20.	Ex-Constable Shahid Hussain No. 1257
21.	Ex-NC Abdul Wali Khan No. 370
22.	Ex-Constable Naseer Un-din No. 1415
23.	Ex-Constable Ajmal Khan No. 1524

24.	Ex-Constable Gul Fariz Khan No. 1512
25.	Ex-Constable Fazal Wadood No. 1234
26.	Ex-Constable Sultanat Khan No. 556
27.	Ex-Constable Dalit Nawab No. 141/RR
28.	Ex-Constable Saeed Ullah No. 1043
29.	Ex-Constable Nasir Ali No. 1074
30.	Ex-Constable Zahoor Ahmad No. 1038
31.	Ex-Constable Said Akbar No. 1118
32.	Ex-Constable Muhammad Ali No. 1850
33.	Ex-Constable Falak Zeb No. 887
34.	Ex-Constable Adalat Khan No. 1254
35.	Ex-Constable Malak Zehra No. 953
36.	Ex-Constable Zahoor Ahmad No. 165/RR
37.	Ex-Constable Akhtar Ali No. 49
38.	Ex-Constable Shakir Hussain No. 290
39.	Ex-Constable Akbar Ali No. 1306
40.	Ex-Constable Akbar Ali No. 1520
41.	Ex-Constable Zoor Muhammad Khan No. 549
42.	Ex-Constable Muhammad Alam No. 512
43.	Ex-Constable Amir Khattam No. 30
44.	Ex-Constable Naseer-Ullah Khan No. 1428
45.	Ex-Constable Muhammad Zeb Khan No. 371
46.	Ex-Constable Hayat Muhammad Khan No. 143
47.	Ex-Constable Subhan Ullah No. 186/RR
48.	Ex-Constable Asad-Ullah Jan No. 1226
49.	Ex-Constable Rashid Khan No. 33/RR
50.	Ex-Constable Habib-ur-Rehman No. 205/RR
51.	Ex-Constable Abdullah No. 885
52.	Ex-Constable Niaz Ali Sham No. 130/RR
53.	Ex-Constable Sher Alam Khan No. 144/RR
54.	Ex-Constable Said Mahmood Jan No. 615
55.	Ex-Constable Muhammad Shoib No. 645
56.	Ex-Constable Ajab Khan No. 172
57.	Ex-Constable Tariq No. 1534
58.	Ex-Constable Karim Ullah Khan No. 608
59.	Ex-Constable Shafi Ullah No. 1506
60.	Ex-Constable Bashir Ahmad No. 1457
61.	Ex-Constable Izzat Mond No. 1244
62.	Ex-Constable Shehzada No. 364
63.	Ex-Constable Umar Zaib No. 1440
64.	Ex-Constable Majeed Khan No. 81

65.	Ex-Constable Shamshey Khan No. 508
66.	Ex-Constable Sabz Ali Khan No. 1447
67.	Ex-Constable Bakrawar Khan No. 1251
68.	Ex-Constable Bacha Wali No. 1434
69.	Ex-Constable Rasheed Ahmad No. 1791
70.	Ex-Constable Muhd. Sher. Ali Khan No. 463
71.	Ex-Constable Adalat Khan No. 275
72.	Ex-Constable Mian Said Parvez No. 752
73.	Ex-Constable Jahan Parvez No. 293
74.	Ex-Constable Rehmat Ali No. 927
75.	Ex-Constable Abdul Hayeed No. 206
76.	Ex-Constable Bakht Ullah No. 92
77.	Ex-Constable Shokat Ali No. 1371
78.	Ex-Constable Zikriya No. 421
79.	Ex-Constable Zahir Ahmad No. 1450
80.	Ex-Constable Saib Ahmad Khan No. 917
81.	Ex-Constable Bakht Zayin No. 1694
82.	Ex-Constable Riaz Muhammad No. 1467
83.	Ex-Constable Zahid Ullah No. 1394
84.	Ex-Constable Bakht Namroz No. 667
85.	Ex-Constable Mian Said Gul No. 344
86.	Ex-Constable Hidayat Ullah Khan No. 335
87.	Ex-Constable Umar Rehman No. 728
88.	Ex-Constable Gohar Ali No. 625
89.	Ex-Constable Saib Azam No. 42/RIR
90.	Ex-ASI Aman Khan
91.	Ex-Constable Najib Ullah No. 1481
92.	Ex-Constable Amir Ullah No. 1514
93.	Ex-Constable Feroz Khan No. 961
94.	Ex-Constable Ubaid Ullah No. 190
95.	Ex-Constable Akbar Bach No. 852
96.	Ex-Constable Sher Alam No. 996
97.	Ex-Constable Muhammad Ayaaz No. 488
98.	Ex-Constable Ahwar-ul-Haq No. 572
99.	Ex-Constable Muhammad Iqbal No. 369
100.	Ex-Constable Gohar Ali No. 642
101.	Ex-Constable Rizwan Ullah No. 1454
102.	Ex-Constable Yousaf Khan No. 350
103.	Ex-Constable Farooq No. 13
104.	Ex-Constable Muhammad Shoab No. 1528
105.	Ex-Constable Ali Muhammad No. 1456

19

106.	Ex-Constable MUMTAZ ALI No. 62
107.	Ex-Constable Shah Wali Khan No. 1502
108.	Ex-Constable Mian Khaliq Jan No. 383
109.	Ex-Constable Luqman Ali No. 95
110.	Ex-Constable Jehan Ali No. 195
111.	Ex-Constable Mugharat Khan No. 1113
112.	Ex-Constable Amir Muhammad No. 176/RR
113.	Ex-Constable Alam Khan No. 107R
114.	Ex-Constable Shor Shah No. 862
115.	Ex-Constable Arjia Ali No. 1044
116.	Ex-Constable Sher Ali Khan No. 1353
117.	Ex-Constable Iftikhar No. 564
118.	Ex-Constable Bakht Akbar No. 1288
119.	Ex-Constable Taj Muhd. No. 1111
120.	Ex-Constable Alam Dadshah No. 1196
121.	Ex-Constable Liaqat Ali No. 225
122.	Ex-Constable Liaqat Ali No. 223
123.	Ex-Constable Azam Khan No. 1427
124.	Ex-Constable Habib Ullah No. 1446
125.	Ex-Constable Yar Dadshah No. 933
126.	Ex-Constable Nadar Shah No. 468
127.	Ex-Constable Nazir Muhd No. 1379
128.	Ex-Constable Asghar Khan No. 31
129.	Ex-Constable Ali Rasheed No. 1480
130.	Ex-Constable Fazal Rehman No. 784
131.	Ex-Constable Bakhtaj No. 1329
132.	Ex-Constable Ibrar Hussain No. 420
133.	Ex-Constable Zafar Alam No. 653
134.	Ex-Constable Muhd Rafiq No. 1633
135.	Ex-Constable Sajjad Khan No. 151R
136.	Ex-Constable Umar Ishaq No. 1109
137.	Ex-Constable Ahmad Ali No. 1318
138.	Ex-Constable Rehmat Ali No. 175
139.	Ex-Constable Iqbal Muhsin No. 1486
140.	Ex-Constable Rehman Ullah No. 1466
141.	Ex-Constable Aziz Ahmad No. 320
142.	Ex-Constable Sadia No. 1470
143.	Ex-Constable Shafiq-Ur-Rehman No. 851
144.	Ex-Constable Bashir Ahmad No. 1377
145.	Ex-Constable Liaqat Ali No. 1345
146.	Ex-Constable Aziz-ul-Hussain No. 1170

147.	Ex-Constable Zakir Hussain No. 308
148.	Ex-Constable Midrarullah No. 533
149.	Ex-Constable Muslim Khan No. 100/RR
150.	Ex-Constable Zafar Ali Khan No. 74
151.	Ex-Constable Najib Ullah Khan No. 1439
152.	Ex-Constable Rahim Khan No. 571
153.	Ex-Constable Azam Khan No. 45
154.	Ex-Constable Mian Said Bacha No. 1362
155.	Ex-Constable Hazrat Alam No. 1570
156.	Ex-Constable Irfan Ud Din No. 1549
157.	Ex-Constable Sher Hassan Khan No. 685
158.	Ex-Constable Muhd Razi No. 111/RR
159.	Ex-Constable Mian Said Farooq No. 333
160.	Ex-Constable Mihammad Tahir No. 1702
161.	Ex-Constable Bahadur Nawab Khan No. 1635
162.	Ex-Constable Amir Khan No. 1604
163.	Ex-Constable Sami Ullah No. 1588
164.	Ex-Constable Muhammad Qudus No. 1611
165.	Ex-Constable Muhd. Ayif Khan No. 1393
166.	Ex-Constable Asmat Ali No. 1723
167.	Ex-Constable Farhad Ali No. 1761
168.	Ex-Constable Mian Said Ghani No. 1689
169.	Ex-Constable Inam Ullah No. 1145
170.	Ex-Constable Umar Fayooq No. 1677
171.	Ex-Constable Israr Ahmad No. 1622
172.	Ex-Constable Amal Khan No. 1569
173.	Ex-Constable Rehmat Ali No. 496
174.	Ex-Constable Zara Wali No. 134
175.	Ex-Constable Anwar Ullah No. 1666
176.	Ex-Constable Bakht Kayam No. 1800
177.	Ex-Constable Anwar Ali No. 1574
178.	Ex-Constable Aziz Ullah Khan No. 1591
179.	Ex-Constable Hazrat Bilal No. 1776
180.	Ex-Constable Farman Ali No. 217/RR
181.	Ex-Constable Muhd Alam Khan No. 1774
182.	Ex-Constable Asghar Khan No. 1720
183.	Ex-Constable Abdullah No. 1661
184.	Ex-Constable Mohammad Azim No. 971
185.	Ex-Constable Said Sarfullah No. 1600
186.	Ex-Constable Samin Khan No. 1724
187.	Ex-Constable Sultan Ali Khan No. 1575



121

188.	Ex-Constable Hayat Ali No. 1614
189.	Ex-Constable Liaqat Ali Khan No. 1414
190.	Ex-Constable Yaqub Khan No. 1601
191.	Ex-Constable Farman Ali No. 1069
192.	Ex-Constable Rehmat Zalb No. 1679
193.	Ex-Constable Fayaz Ali No. 914
194.	Ex-Constable Wali Ahmad No. 841
195.	Ex-Constable Barkat Ali Khan No. 190/RR
196.	Ex-Constable Nazir Mahmood No. 1771
197.	Ex-Constable Mohim Bacha No. 1608
198.	Ex-Constable Muid. Kashif No. 1579
199.	Ex-Constable Nisar Ahmad No. 1565
200.	Ex-Constable Fazal Haq No. 1589
201.	Ex-Constable Ajab KhBn No. 1553
202.	Ex-Constable Shaji Ali Yar Khan No. 1645
203.	Ex-Constable Hazrat Ali No. 1797
204.	Ex-Constable Zin Ullah No. 164/RR
205.	Ex-Constable Naeem Iqbal No. 1716
206.	Ex-Constable Amjid Ali No. 1624
207.	Ex-Constable Farhad Ali No. 127
208.	Ex-Constable Hazrat Usman No. 1691
209.	Ex-Constable Umar Zaman No. 160/RR
210.	Ex-Constable Zafar Ali No. 159
211.	Ex-Constable Saeed Ullah No. 1513
212.	Ex-Constable Sher Bahadar Shah No. 211/RR
213.	Ex-Constable Arif Ali Shah No. 828
214.	Ex-Constable Fazal Ali No. 1647
215.	Ex-Constable Abdur Rehman No. 1607
216.	Ex-Constable Muhammad Ikram No. 240
217.	Ex-Constable Inayat Ullah No. 1665
218.	Ex-Constable Sajid Ullah No. 1672
219.	Ex-Constable Karim Ullah No. 1788
220.	Ex-Constable Umar Muhammad No. 1361
221.	Ex-Constable Nawab Rehiman No. 1664
222.	Ex-Constable Zai Ullah Khan No. 9/RR
223.	Ex-Constable Qayum Khan No. 1586
224.	Ex-Constable Imran Ali No. 531
225.	Ex-Constable Nasir Ali No. 1623
226.	Ex-Constable Rizal Ali No. 1559
227.	Ex-Constable Haider Ali No. 1667
228.	Ex-Constable Badshah Muhammad No. 142/RR

22  
ORDER

This order shall dispose of departmental appeal under rule 11 of Khyber Pakhtunkhwa Police Rules, 1975, submitted by Ex-Constable Taj Bhadar No. 4899 of FRP Malakand Range, against the order of SP FRP Malakand Range, Swat, wherein he was removed from service.

Brief facts of the case are that Constable Taj Bhadar No. 4899 of FRP Malakand Range was enlisted as constable on 26-07-2007. He was absented himself from duty with effect from 01-04-2009, till the date of his removal from service.

In this regard he was issued charge sheet and statement of allegations, but neither he report/arrival for duty, nor replied to charge sheet within stipulated period. Thereafter on 28-04-2009 he was issued Urdu Parwan, but he failed to do so, therefore, the Enquiry Committee recommended him for major punishment of removal from service. Later on he was issued final show cause notice but his reply was not received within stipulated period.

In the light of recommendation of Enquiry Committee and other material available on record he was removed from service by the SP FRP Malakand Range, Swat, vide office OB No. 294, dated 21-02-2009.

After going through the available record it has pointed out that during the course of enquiry the applicant has neither participated with enquiry proceedings, nor provided opportunity of personal hearing.

The applicant has heard in person in orderly room held on 03-08-2017, during the course of hearing he contended that at those days the Swat Valley was under control of miscreants/Taliban and were kidnapping, killing the Government employees, especially of Police department. He further stated that being a member of the Force (Police Department) he was received threat from Taliban, then he along with his family members were compulsively shifted to other safe place i.e. Punjab Province. He further added that his removal from service order was not communicated to him. His plea was found plausible and satisfactory.

Keeping in view the above, vis-à-vis his unblemished service record also a trained soldier he (Ex-constable Taj Bhadar No. 4899 of FRP Malakand Range) is hereby reinstated in service and the punishment of his removal from service is hereby modified and converted into major punishment of his removal from service is hereby modified and converted into major punishment of deduction in pay as timescale constable. The period of his absence from duty and the intervening period are considered as period in service but not on duty and he will not be entitled for salary of this absence and intervening period.

Order announced.

*sd/*  
Commandant

Frontier Reserve Police  
Khyber Pakhtunkhwa, Peshawar

No. 5913 / EC, dated Peshawar the 09 / 08 / 2017  
Copy of above is forwarded to the SP FRP Malakand Range Swat for information and necessary action.  
His service record sent herewith.

23

OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR

No.S/1656/17, dated Peshawar the 15/3/2017

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules-1975 submitted by Ex-Constable Noor Khan No. 462. The appellant was dismissed from service by DPO, Dir Lower vide OB No. 361, dated 16.03.2009 of the charge of absence from duty for 02 months and 04 days.

Meeting of Appellate Board was held on 02.03.2017 wherein appellant was heard in person. During hearing petitioner contended that he was posted at Malakand Region as DFC. He could not bring Summons and Warrants to the area because of terrorism, Terrorists and Taliban threatened him time and again on his cell phone.

The Board examined his service record which revealed that appellant has no bad entry during his service. Moreover, he was qualified Recruit Course A-I examination.

Keeping in view 07 years, 11 months and 12 days service at the credit of petitioner and threats from Terrorists and Taliban, the Board decided that the petitioner is hereby re-instated in service, however, the intervening period including period of absence from duty is considered as period in service but not on duty and he will not be entitled for salary of the intervening period. He will remain under special watch for one year.

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

Sd/-  
(NAJEEB-UR-REHMAN BUGVI)  
AIG/Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.

No.S/1657-64/17,

Copy of the above is forwarded to the:

1. Regional Police Officer, Malakand at Swat.
2. District Police Officer, Dir Lower.
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.
8. Central Registry Cell, CPO.

ORDER

24

This order shall dispose of departmental appeal under rule 11 of Khyber Pakhtunkhwa Police Rules, 1975, submitted by Ex-Constable Sadiq-ur-Rehman No. 4881 of FRP Malakand Range, against the order of SP FRP Malakand Range, Swat, wherein he was removed from service.

Brief facts of the case are that Ex-Constable Sadiq-ur-Rehman No. 4881 of FRP Malakand Range was enlisted as constable on 26-07-2007. Later on during the course of duty he was absented himself from duty with effect from 20-07-2008; till the date of his removal from service.

In this regard he was issued charge sheet and statement of allegation, but neither he report/arrival for duty, nor replied to charge sheet within stipulated period. Thereafter on 08-11-2008 he was issued Urdu Parwan, but he failed to do so, therefore, the Enquiry Committee recommended him for major punishment of removal from service. Later on he was issued final show cause notice but his reply was not received within stipulated period.

In the light of recommendation of Enquiry Committee and other material available on record he was removed from service by the SP FRP Malakand Range, Swat, vide office OB No. 151, dated 14-11-2009.

After going through the available record it has pointed out that the appellant has neither participated with enquiry proceedings, nor provided opportunity of personal hearing.

The applicant has heard in person in orderly room held on 03-08-2017, during the course of hearing he contended that at those days the Swat Valley was under control of miscreants/Taliban and were kidnapping, killing the Government employees, especially of Police department. He further stated that being a member of the Force (Police Department) he was received threat from Taliban, then he along with his family members were compulsively shifted to other safe place i.e. Punjab Province. He further added that his removal from service order was not communicated to him. His plea was found plausible and satisfactory.

Keeping in view the above, vis-à-vis his unblemished service record also a trained soldier he (Ex-constable Sadiq-ur-Rehman No. 4881 of FRP Malakand Range) is hereby reinstated in service and the punishment of his removal from service is hereby modified and converted into major punishment of his removal from service is hereby modified and converted into major punishment of deduction in pay as timescale constable. The period of his absence from duty and the intervening period are considered as period in service but not on duty and he will not be entitled for salary of this absence and intervening period.

Order announced.

sd/-  
Commandant  
Frontier Reserve Police  
Khyber Pakhtunkhwa, Peshawar

No. 5914 / EC, dated Peshawar the 09 / 08 / 2017  
Copy of above is forwarded to the SP FRP Malakand  
Range Swat for information and necessary action.  
His service record sent herewith.

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No: 180/2019

Date of Institution ... 23.01.2019

Date of Decision ... 14.01.2022



Adnan S/o Gohar Nosh, R/o Mardan, Ex-Constable. No. 1628, FRP, Kohat Range Kohat. (Appellant)

VERSUS

Superintendent of Police, FRP, Kohat Range Kohat and others. (Respondents)

Arbab Saiful Kamal,  
Advocate

... For Appellant

Asif Masood Ali Shah,  
Deputy District Attorney

... For respondents

**AHMAD SULTAN TAREEN** ...  
**ATIQU-UR-REHMAN WAZIR** ...

**CHAIRMAN**  
**MEMBER (EXECUTIVE)**

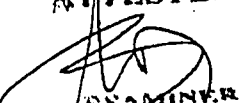
JUDGMENT

ATIQU-UR-REHMAN WAZIR MEMBER (E):-

Brief facts of the

case are that the appellant joined Police Department as Constable in the year 2004. During the course of his service, the appellant was proceeded against on the charges of absence from duty and was ultimately dismissed from service vide order dated 12-10-2017. Feeling aggrieved, the appellant filed departmental appeal dated 06-11-2017 followed by subsequent appeal dated 30-07-2018 for re-instatement in service, which was rejected vide order dated 15-10-2018. The appellant filed revision petition, which was also rejected vide order dated 09-11-2018, hence the instant service appeal with prayers that the impugned order dated 12-10-2017, 15-10-2018 and 09-11-2018 may be

**ATTESTED**

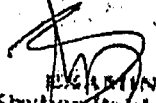
  
**CHAIRMAN**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

set aside and the appellant may be re-instated in service with all back benefits.

02. Learned counsel for the appellant has contended that the appellant was enlisted in service in the year 2004 and served the department with zeal and enthusiasm till the date of dismissal from service; that absence of the appellant was not willful but due to compelling reason of his illness and the appellant has taken the same stance in his departmental appeal alongwith medical prescriptions; that absence period of the appellant was treated as leave without pay, hence there remains no other ground to penalize the appellant for absence; that absence on medical ground does not constitute gross misconduct as the same was not willful but due to compelling reason, which was beyond control of the appellant; that while proceeding the appellant, codal formalities were not fulfilled, hence the impugned order is against law, facts and norms of natural justice.

03. Learned Deputy District Attorney for the respondents has contended that perusal of his service record would reveal that the appellant is a habitual absentee and in past, the appellant was proceeded against on the charges of absence; that the appellant was also involved in FIR U/Ss 302/34 PPC Dated 08-11-2008, due to which he was removed from service vide order dated 18-02-2009; that the appellant filed service appeal No 572/2012 and the service tribunal re-instated him in service vide judgment dated 02-07-2014; that the appellant remained out of service for seven long years; that the appellant has no good reputation as per his service record, which would reveal that the appellant remained absent for 151 days; that proper inquiry was conducted against him and proper charge sheet/statement of allegation was served upon him, but the appellant failed to respond to the charge sheet; that after fulfillment of all codal formalities, the appellant was dismissed from service and his absence period was treated as leave without pay.

**ATTESTED**

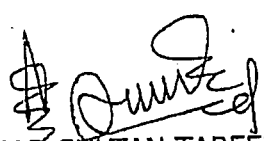
  
 EXAMINER  
 Shyler Panchukhwa  
 Service (Ground)  
 Panchukhwa

04. We have heard learned counsel for the parties and have perused the record.

05. Record reveals that the appellant was dismissed from service on the allegation of absence from duty. The appellant filed departmental appeal, which was also rejected. Record would suggest that the appellant was proceeded against in absentia and nothing is available on record to suggest that charge sheet/statement of allegation was served upon the appellant. Similarly, no regular inquiry was conducted against the appellant; hence, the appellant was kept deprived of the opportunity to defend his cause. The appellant had taken the stance of his illness, which was also was not taken into consideration, which however was not warranted as the leave without permission of the competent authority on medical grounds does not constitute gross misconduct entailing major punishment of dismissal from service. Even otherwise, regular inquiry is must before imposition of major penalty of dismissal from service, which however was not done in case of the appellant.

06. In circumstance, we are inclined to partially accept the instant appeal. The appellant is re-instated in service with direction to respondents to conduct de-novo inquiry in accordance with law and rule. Needless to mention that the appellant shall be afforded appropriate opportunity of defense and the proceedings should be completed within 90 days from the date of receipt of the said judgment. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED  
14.01.2022

  
(AHMAD SULTAN TAREEN)  
CHAIRMAN

  
Certified to be true copy  
(ASIF-UR-REHMAN WAZIR)  
MEMBER (E)

MEMBER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

"C" 28

18-04-22



OFFICE OF THE COMMANDANT  
FRONTIER RESERVE POLICE  
KHYBER PAKHTUNKHWA, PESHAWAR  
Ph: No. 091-9214114 Fax No. 091-9212602

No. 3697 ISI Legal, dated 18/04/2022.

**ORDER**

In pursuance with directions of Inspector General of Police Khyber Pakhtunkhwa, Peshawar issued vide CPO letter No. 1965/Legal dated 08.04.2022, the Judgment of Honorable Service Tribunal Khyber Pakhtunkhwa, Peshawar dated 14.01.2022, in Service Appeal No. 180/2019, is hereby implemented. The ex-constable Adnan No. 1628 of FRP Kohat Range, is hereby reinstated in service for the purpose of denovo enquiry. The enquiry shall be conducted in accordance with law and rules and the appellant shall be afforded appropriate opportunity of defense and the entire proceeding should be completed within 90 days.

COMMANDANT  
Frontier Reserve Police  
Khyber Pakhtunkhwa, Peshawar

Endst. No. & Date Even:-

Copy of the above is forwarded for information & further necessary action to the SP FRP Kohat Range, Kohat.

Attest



19-04-22

FRP کوہاٹ ریجن کوہاٹ

از دفتر OHC

روزانہ بصری اطلاع

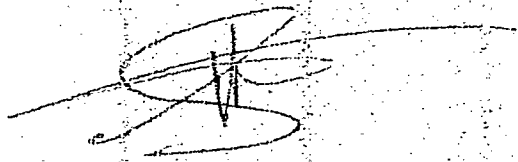
لائسنس آفیسر FRP لائن کوہاٹ

پر روانہ بنام:

بحوالہ آرڈر نمبر SI-Legal-3697/ مورخہ 18.04.2022 جاریہ جناب کمانڈنٹ FRP پشاور تحریر کیا جاتا ہے کہ

Ex-Cont عدنان نمبر 1628 بسلسلہ IDENOVON کو تیسری فوری طور پر بحال ہو چکا ہے۔

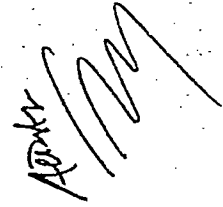
نوٹ: مطلع رہ کر عمل اور آمد سے مشکور فرمائیں۔



OHC ایف آر پی،

کوہاٹ ریجن، کوہاٹ

مورخہ 19.04.2022



دو روزہ وقفہ

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Handwritten notes at the top of the page, including the number 4/22.

Handwritten text: "EX" and other illegible characters.

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Handwritten text: "DENOVO" and "FRP" with various symbols.

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Handwritten text: "DENOVO" and "FRP" with a circular symbol and date "22-04-2020".

Handwritten text: "DENOVO" and "FRP" with a circular symbol.

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Handwritten signature or initials.

No. 212 /PA/FRP

Dated 20 / 04 / 2022

CHARGE SHEET

I) I, Aman Ullah Khan, SP FRP Kohat as competent authority, am of the opinion that you Ex-Constable Adnan No. 1628/FRP have committed the following acts/omission as defined in Rule 2 (ii) of Police Rules 1975

(a) That as per directions contained vide Commandant FRP Khyber Pakhtunkhwa Peshawar Order No. 3697/SI Legal dated 08/04/2022, for the purpose of de novo enquiry, for allegations that you were relieved from security point vide DD No. 10 dated 13/07/2017 to report at FRP HQrs Peshawar for further deputation to FRP Kohat but you failed to do so and absented yourself w.e.f 13/07/2017 vide FRP HQrs Peshawar DD No. 33 dated 13/07/2017, and have not reported back till date. Your previous record is not good as previously you had remained absent for 47 days and were awarded punishment for the same but you did not mend your trend. Thus you have committed a gross 'Misconduct' as defined in Rule 2 (ii) of Police Rules 1975

II) You are therefore, required to submit your written reply within 07 days of the receipt of this charge sheet to the Enquiry Officer.

III) Your written reply, if any, should reach the Enquiry Officer within specific period, failing which it shall be presumed that you have no defense to offer and in case ex-parte action shall follow against you.

IV) Intimate as to whether you desire to be heard in person or not?

V) A statement of allegation is enclosed.

*Amir*  


  
 SUPERINTENDENT  
 FRP Kohat



DISCIPLINARY ACTION

I, Aman Ullah Khan, SP FRP Kohat as competent authority, am of the opinion that you Ex-Constable Adnan No. 1628/FRP, have committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975.

STATEMENT OF ALLEGATION

1. That as per directions contained vide Commandant FRP Khyber Pakhtunkhwa Peshawar Order No. 3697/SI Legal dated 08.04.2022, for the purpose of de novo enquiry, for allegations that you were relieved from security point vide DD No. 10 dated 13.07.2017 to report at FRP HQ's Peshawar for further departure to FRP Kohat, but you failed to do so and absented yourself w.e.f. 13.07.2017 vide FRP HQ's Peshawar DD No. 33 dated 13.07.2017 and have not reported back till date. Your previous record is not good as previously you had remained absent for 47 days and were awarded punishment for the same but you did not mend your trend. Thus you have committed a gross "Misconduct" as defined in Rule 2 (iii) of Police Rules 1975".
2. For the purpose of scrutinize the conduct of said Constable with reference to the above allegations, Asad Mehmood Khan DSP FRP Kohat is appointed as enquiry officer.
3. The inquiry officer shall conduct proceeding in accordance with provision of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record it is finding and make with twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused official.
4. The delinquent official shall join the proceeding on the date, time and place fixed by the officer.

*[Handwritten signature]*

*[Handwritten signature]*  
SUPERINTENDENT OF POLICE  
KOHAT RANGE

F 33

7-7-22

**ORDER**

My this order will dispose off de-novo departmental inquiry conducted against Ex-Constable Adnan No. 1628/FRP, under Khyber Pakhtunkhwa Police Disciplinary Rules 1975 (Amended in 2014).

The allegations against him that for the allegations that as per direction contained vide Commandant Khyber Pakhtunkhwa Peshawar Order No. 3697/SI Legal dated 08.04.2022, for the purpose of de-novo enquiry, for the allegation that he while relieved from security point vide DD No. 10 dated 13.07.2017 to report at FRP HQs Peshawar for further deputation to FRP Kohat but he failed to do so and absented himself w.e.f 13.07.2017 vide FRP Peshawar DD No.33 dated 13.07.2017, and have not reported back till date. His previous record is not good as previously he remained absent for 47 days and were awarded punishment for the same but he did not mend his trend.

In this regard de-novo enquiry was conducted against him through SP Traffic Peshawar, who after conducting enquiry found him guilty of the charges leveled against him.

His Service Record perused, which revealed that he was enlisted as Constable on 23.10.2004. He got 09 bad entries. He has also been awarded twice major punishments of Removal & Dismissal from service as mentioned in the de-novo enquiry finding report on 18.02.2009 & 13.07.20217 respectively, for being involved in Case FIR No. 705 dated 08.11.2008 U/S 302/34 PPC, PS Rustam, Mardan and 44 days of unlawful absence from duty. He had previous absence of 168 days. Keeping in view his blemished service record, twice major punishments and finding report of enquiry officer, there is no specific reason for taking lenient view as there is no hope of his becoming a good Police officer in future.

Therefore, Aman Ullah Khan, SP FRP Kohat Range, Kohat in exercise of powers vested in me under Rule 5(5) of Khyber Pakhtunkhwa Police Rules-1975 (Amended in 2014), award him a major punishment of "Removal From Service" with immediate effect. His absence period be treated as absence from duty i.e. without pay.

OB No. 362

Superintendent of Police, FRP,  
Kohat Range, Kohat,

Dated 07-07-2022

OFFICE OF THE SUPERINTENDENT OF POLICE, FRP, KOHAT RANGE, KOHAT

NO. 334 /PA DATED KOHAT THE 7-7-2022

Copy of above is submitted for favour of information please to:-

1. The Commandant FRP Khyber Pakhtunkhwa Peshawar vide letter No. 5232/SI Legal dated 24.08.2022 for further necessary action please.
  2. Pay Officer
  3. Reader
  4. OHC
  5. SRC
- } for further necessary action

Superintendent of Police, FRP,  
Kohat Range, Kohat

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MOBILE SCANNER

تعمیرات کا درست طریقہ اور اس کے فوائد

(ذمہ داری اور اس کے نتائج)

معموۃً تعمیرات کی جاتی ہوگی اور اس کے فوائد بھی ہیں۔ تعمیرات کی جاتی ہوگی اور اس کے فوائد بھی ہیں۔ تعمیرات کی جاتی ہوگی اور اس کے فوائد بھی ہیں۔

تعمیرات کی جاتی ہوگی اور اس کے فوائد بھی ہیں۔ تعمیرات کی جاتی ہوگی اور اس کے فوائد بھی ہیں۔ تعمیرات کی جاتی ہوگی اور اس کے فوائد بھی ہیں۔

تعمیرات کی جاتی ہوگی اور اس کے فوائد بھی ہیں۔

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ORDER

This order will dispose of the departmental appeal preferred by Ex-constable Adnan No. 1628 of FRP Kohat Range, against the order of SP FRP Kohat Range, Kohat issued vide OB No. 362, dated 07.07.2022, wherein he was awarded major punishment of removal from service. The applicant was proceeded against on the allegation that he absented himself from lawful duty with effect from 13.07.2017 till the date of his dismissal from service i.e 12.10.2017 for the period of 02.months and 29 days.

Feeling aggrieved he was filed Service Appeals No. 180/2019 before the Khyber Pakhtunkhwa, Service Tribunal Peshawar, against the order of his removal from service.

The Khyber Pakhtunkhwa Service Tribunal was partially accepted his appeal vide judgment dated 14.01.2022, and the appellant was reinstated in service for the purpose of denovo enquiry, with the direction to conduct denovo enquiry against him in accordance with law and rules.

Proper denovo enquiry has been conducted against him through SP Traffic Peshawar, who after conducting enquiry found him guilty of the charges leveled against him and submitted his findings.

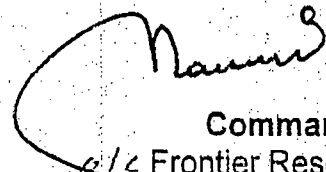
Keeping in view the above narrated facts and other material available on record, he was awarded major punishment of removal from service vide OB No. 362, dated 07.07.2022.

Feeling aggrieved against the impugned order of SP FRP Kohat Range, Kohat, the applicant preferred the instant appeal. The applicant was summoned and heard in person in Orderly Room held on 25.08.2022.

During the course of personal hearing, the applicant failed to present any justification regarding to his innocence. From perusal of enquiry file it has been found that the allegations of willful absence were fully established against him by the Enquiry Officer during the course of enquiry. His service record perused, and found that there are 09 bad entries against him with not good entry in his credit. Besides, he was also awarded twice major punishments of removal / dismissal from service on the account of willful absence previously. Thus there doesn't seem any infirmity in the order passed by the competent authority, therefore no ground exist to interfere in same.

Based on the findings narrated above, I, **Commandant FRP** Khyber Pakhtunkhwa, Peshawar, being the competent authority, has found no substance in the appeal, therefore, the same is rejected and filed being meritless.

Order Announced in the presence of applicant.



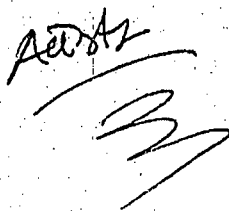
**Commandant**

o/c Frontier Reserve Police  
Khyber Pakhtunkhwa, Peshawar.

No. 6925-24 PA, dated Peshawar the 29/08/2022.

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

1. SP FRP Kohat Range, Kohat. His Service record alongwith D-file sent herewith.
2. Ex-constable Adnan No. 1628 of FRP Kohat S/o Gohar Nosh R/o Village Garhyala, Police Station Rustam, District Mardan.



جناب عالی!

گزارش پیدے کہ سائل سروس بحالی کیلئے اپیل کا خواہاں ہے  
بذریعہ درج ذیل استدعا ہے کہ سائل کو سروس بحالی کیلئے  
مندرجہ ذیل کاغذات کی ضرورت ہے

① سروس ٹریبونل فیصلہ ② بحالی آرڈر

③ روزنامہ فی حاضری ④ Denovo انکوائری

⑤ بی طرفی آرڈر ⑥ حکمانہ اپیل

⑦ آرڈر

سائل کو درپے کا مناسب حکم صادر فرمائیں سائل دعا گوہ  
رہے گا

آپ کا تابع حکم Ex کنسپل عدنان 1628

13/09/22 مورخہ

SRC/OTC

only dismissal order copy

Aedra

Superintendent of Police  
FRP Kohat Range  
Kohat

15/9/22



یعدالت چٹاپ سروس ٹریڈ مارک صوبہ سندھ ایسٹ اور

منجانب ایڈووکیٹ

عزت منی نام محمد عیسیٰ محمد کمانڈنٹ سٹریٹ

دعویٰ اپیل

باسمہ شریف ایڈووکیٹ

میں نے مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آلہ مقام ایسٹ اور  
کیسٹ ایڈووکیٹ ایڈووکیٹ ایڈووکیٹ ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب  
موصوف کو مقدمہ کی کل کاروائی کا کابل اختیار ہوگا نیز وکیل صاحب کو کرنے باہمی نامہ و تقریر ثالثہ و فیصلہ بر خلاف  
یہ ہے جواب دہی اور اقبال دعویٰ اور لغزش ڈگری کرنے اجراء اور وصولی چیک و ریپیہ اور مرضی دعویٰ اور درخواست  
ہر قسم کی تقدیرات اور اس پر دستخط کرانے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی  
اور دستخطی نیز دائر کرنے اپیل ٹرانزیشن و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مندرجہ  
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مشاور قانونی کو اپنے ہمراہ یا اپنی بجائے تقریر کا اختیار ہوگا  
اور وہ اپنے مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پروا ختم منسلک اور  
قبول ہوگا اور دوران مقدمہ میں جو خرچہ دہر جانہ التوا مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب  
موصوف ہوں گے نیز بقایا و فریبہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام روزہ  
پیروی یا عدسے باہر ہو تو وکیل صاحب یا بند نہ ہوں گے کہ پیروی مذکور کریں۔  
لہذا وکالت نامہ رکھ دیا کہ سند ہے۔

الرقوم 22-09-24

التعبید

التعبید

التعبید

11  
ارباب سیف اکمال  
ایڈووکیٹ

محمد عیسیٰ محمد کمانڈنٹ  
ایڈووکیٹ

Adnan

Accepted  
Khan Sahib

محمد عیسیٰ محمد کمانڈنٹ  
ایڈووکیٹ

محمد عیسیٰ محمد کمانڈنٹ