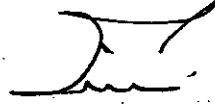


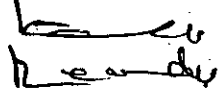
20.12.2021

Learned counsel for the appellant present. Security and process fee have not been deposited by the appellant, therefore, the appellant is directed to deposit the same within 10 days, thereafter, notices be issued to the respondents for submission of written reply/comments on 18.02.2022 before the S.B at Camp Court Abbottabad.

  
(Salah-Ud-Din)  
Member (J)  
Camp Court Abbottabad

18 - 2 - 22 :

Due to retirement of worthy chairman case is adjourned. To come up for the same on 22/7/22.

  
Chairman

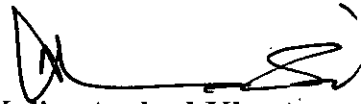
22<sup>nd</sup> July, 2022

Nobody present on behalf of the appellant.

2. On 16.02.2020, the appeal was admitted for regular hearing and the appellant was directed to deposit security and process fee within 10 days but the same was not deposited. On 27.09.2021 notices were issued to the appellant to deposit security and process fee within 10 days but again the appellant did not deposit the same. On 20.12.2021, the learned counsel of the appellant was present and was again directed to deposit security and process fee within 10 days but the same has not been deposited till date. Today appeal was called a number of times but the appellant did not turn up nor he deposited the security and process fee as per order of the court. Dismissed in default as well as for non-compliance of court order. Consign.

3. *Pronounced in open court in Abbottabad and given under my hand and seal of the Tribunal on this 22<sup>nd</sup> day of July, 2022.*



  
(Kalim Arshad Khan)  
Chairman  
Camp Court Abbottabad

22<sup>nd</sup> July, 2022

Nobody present on behalf of the appellant.

On 16.02.2020, the appeal was admitted for regular hearing and the appellant was directed to deposit security and process fee within 10 days but the same was not deposited. On 27.09.2021 notices were issued to the appellant to deposit security and process fee within 10 days but again the appellant did not deposit the same. On 20.12.2021, the learned counsel of the appellant was present and <sup>was again</sup> directed to deposit security and process fee within 10 days but the same has ~~not~~ not been deposited till date. Today appeal was called a number of times s but the appellant did not turn up nor he deposited the security and process fee as per order of the court. Dismissed in default. <sup>as well as for non-compliance</sup>  
Consign.

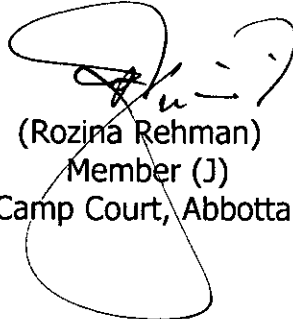
2. *Pronounced in open court in Abbottabad and given under* <sup>of court</sup>  
*my hand and seal of the Tribunal on this 22<sup>nd</sup> day of July, 2022.* <sup>order.</sup>

**(Kalim Arshad Khan)**  
**Chairman**  
**Camp Court Abbottabad**

16.02.2020

Learned counsel for the appellant present. Preliminary arguments heard. File perused.

Points raised need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for written reply/comments. To come up for written reply/comments on 19.05.2021 before S.B at Camp Court, Abbottabad.

  
(Rozina Rehman)  
Member (J)  
Camp Court, Abbottabad

19.05.2021


Due to cancellation of tour, Bench is not available. Therefore, case to come up for the same as before on 27.09.2021.

  
Reader

27.09.2021

None is present on behalf of the appellant.

Notice be issued to appellant to deposit security and process fee within 10 days, positively. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 20.12.2021 before the D.B at Camp Court, Abbottabad.

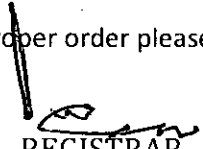

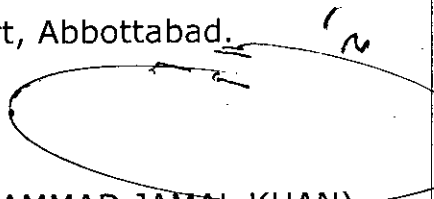
  
Chairman  
Camp Court, A/Aba

Form- A

FORM OF ORDER SHEET

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

Case No.- 9601 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/08/2020	<p>The appeal of Mr. Muhammad Mushtaq resubmitted today by post through Mr. Zulfiqar Ahmad Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>18-11-2020</u></p> <p> CHAIRMAN</p>
18.11.2020		<p>Clerk of counsel for appellant is present and seeks adjournment on the ground that learned counsel for appellant is busy before the Hon'ble Peshawar High Court, Abbottabad Bench, and cannot attend the Tribunal today. Adjourned to 16.02.2020 on which date file to come up for preliminary arguments before S.B at Camp Court, Abbottabad.</p> <p> (MUHAMMAD JAMAL KHAN) MEMBER CAMP COURT ABBOTTABAD</p>


The appeal of Mr. Muhammad Mushtaq son of Muhammad Jahangir Khan Dhodial Ex-Constable No. 1383 District A.Abad received today i.e. on 03.06.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal is unsigned which may be got signed.
- ② Annexures of the appeal may be attested.
- 3- Annexures of the appeal may be flagged.
- ④ Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- 5- Appeal may be page marked according to the index.
- 6- Wakalat nama in favor of appellant with contact number be placed on file.
- ⑦ Five more copies/sets of the appeal along with annexures i.e complete in all respect may also be submitted with the appeal in file covers.

one copy  
requested


No. 1200 /S.T.

Dt. 03-06 /2020.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Zulfiqar Ahmad Adv. A.Abad.  
High Court Abbottabad.

Sir, Compliance has been  
carried out. May please  
be sent to tribunal for  
further legal action please.

  
Advocate Aye  
Court Hqd.

Registrar sb  
/

Sir Bca Tunced Tunced



**BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTUN**  
**KHWA PESHAWAR**

*Muhammad Mushtaq*

... APPELLANT

VERSUS

*Govt. of Kpk & Others*

...RESPONDENTS

**SERVICE APPEAL**

**INDEX**

S. No.	Description	Annexure	Pages
1	Service Appeal with affidavit		1 To 5
2	Copy of impugned order dated 23/08/2019	"A"	6
3	Copy of departmental appeal and order thereon dated 30/04/2020	"B", "C"	7 To 9
4	Copy of application addressed to DPO Abbottabad, Copy of Final show cause notice, Grounds of action, Departmental inquiry, Show cause notice, grounds of action	"D"	10 to 15
5	Wakalatnama	"E"	16

..... APPELLANT

Through

Dated 16/05/2020

~~4/1/2020~~  
(ZULFIQAR AHMED)  
Advocate High Court  
Abbottabad

**BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTUN**  
**KHWA PESHAWAR**

Service Tribunal  
Diary No. 4651  
Dated 3/6/2020

**Muhammad Mushtaq S/O Muhammad Jahangir Khan R/O  
Dhodial, P.O Nawanshehr Tehsil & District Abbottabad Ex  
Constable No. 1383 District Abbottabad.**

**... APPELLANT**

**VERSUS**

- 1 Government of KPK through Secretary Home & TA Peshawar.**
- 2 Regional Police Officer Abbottabad.**
- 3 Addl: Superintendent of Police, Abbottabad.**

**...RESPONDENTS**

**Filed to-day**  
**Registrar**  
**03/06/2020**

---

**APPEAL UNDER SECTION 4 OF NWFP SERVICE  
TRIBUNAL ACT 1974 AGAINST THE ORDER OF  
RESPONDENT # 3 DATED 23/08/2019 VIDE OB. No.  
189 WHEREBY THE APPELLANT WAS DISMISSED  
FROM THE SERVICE AND THE ORDER PASSED BY  
RESPONDENT # 2 ON REPRESENTATION AGAINST  
THE ORDER OF RESPONDENT # 3 REJECTING THE  
SAME IS WITHOUT ANY PLAUSABLE  
EXPLANATION ILLEGAL, VOID WITHOUT LAWFUL  
AUTHORITY, WITHOUT JURISDICTION AND SAME  
IS NOT TENABLE IN THE EYES OF LAW AND ARE  
LIABLE TO BE SET ASIDE.**

---

**PRAYER:- ON ACCEPTANCE OF INSTANT APPEAL THE ORDERS OF RESPONDENTS NO 2 AND 3 MAY KINDLY BE SET ASIDE AND THE PENALTY IMPOSED UPON THE APPELLANT MAY ALSO BE SET ASIDE AND ANY FURTHER PROCEEDINGS IN CONSEQUENCE OF IMPUGNED ORDERS MAY ALSO BE SET ASIDE BEING UNLAWFUL AND AGAINST THE SETTLED NORMS OF JUSTICE.**

---

*Respectfully Sheweth; -*

*The facts giving rise to the instant appeal are arrayed as under.*

**FACTS:-**

- 1. That the appellant was appointed in the police department as constable on 01/04/2011.*
- 2. That during the posting at various stations the dignity of the department was given priority and performance to this effect has invited the officers of the police department to recognize the services of the appellant.*
- 3. That during the period the appellant was made indulged in family disputes and also he was seriously ill and was consequently dismissed on the score of charges of absence*



*from duty and the order of dismissal of appellant was kept secret and was delivered to him on 13/01/2020. (Copy of impugned order is attached as annexure "A").*

4. *That the appellant preferred departmental appeal before the DIG/RPO, Hazara, Abbottabad on 08/02/2020 which was rejected on 30/04/2020. (Copy of departmental appeal and order thereon are attached as "B" & "C").*

5. *That both the impugned orders discussed above are challenged inter alia on the following grounds:-*

**GROUNDS; -**


a. *That the orders of respondent No 2 and 3 are illegal arbitrary, void, without lawful authority and also without jurisdiction and hence liable to be set aside.*

b. *That no proper inquiry has been conducted and the punishment announced on presumptions without taking into consideration the submissions of the appellant which orders are unjustified calling for interference by this Honourable forum and are liable to be set aside.*

c. *That the punishing authority had not taken into account the length of services and satisfactory services rendered by the appellant and a slipshod order has been announced which amounts of miscarriage of justice and depriving the appellant from nourishing a huge family.*

- d. That the orders announced is coram non iudice therefore the respondent No. 2 is also failed to appreciate it and hap hazedly passed the impugned order on appeal of the appellant.
- e. That the appellant is quite regular and dedicated member of the police force but this fact alone was not considered in favour of the appellant while passing the impugned judgments.
- f. That the appellant was neither show caused nor given opportunity to defend his case properly similarly no right of cross examination was extended to him which is the basis necessity of passing such harsh punishments.
- g. That further points will be submitted at the time of arguments.

**PRAYER:** It is therefore most humbly prayed that on acceptance of instant appeal against impugned orders of respondent # 2 and 3 may kindly be set aside and appellant reinstated in service with all back benefits available to the appellant under the law.



...APPELLANT

Through  
AOW

(ZULFIQAR AHMAD)  
Advocate/High Court  
Abbottabad

Dated: 16/05/2020

**BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTUN  
KHWA PESHAWAR**

Muhammad Mushtaq

... APPELLANT

VERSUS

Govt. of KPK & Others

...RESPONDENTS

=====

**APPEAL AGAINST DISMISSAL**

**AFFIDAVIT**

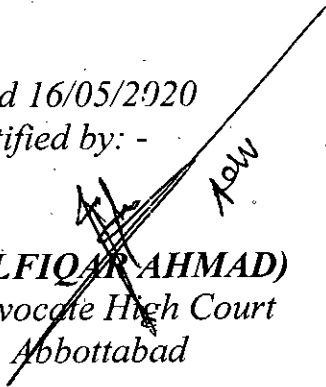
I, Muhammad Mushtaq S/O Muhammad Jahangir Khan R/O Dhodial,  
P.O Nawanshehr Tehsil & District Abbottabad Ex. Constable No. 1383  
District Abbottabad, do hereby solemnly affirm and declare on oath that  
the contents of foregoing appeal are true and correct to the best of my  
knowledge and belief and nothing has been concealed therein. No such  
appeal is pending in any other court.



...DEPONENT

Dated 16/05/2020

Identified by: -

  
(ZULFIQAR AHMAD)  
Advocate High Court  
Abbottabad



6

1383

Received  
16  
Nov

A

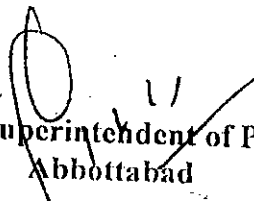
ORDER

This office order will dispose of the departmental enquiry against **Constable Mushtaq No. 1383 PS Havelian**. He while posted at PS Havelian absented himself vide Daily Dairy No. 24 dated 24-11-2018 to till date without any leave or permission.

He was issued Charge Sheet along with statement of allegations. **Mr. Yasen Khan SDPO Cantt** was appointed as Enquiry Officer. He conducted proper departmental enquiry against the delinquent officer and recorded statements of all concerned. After conducting proper departmental enquiry, the Enquiry Officer submitted his findings, wherein allegations have been proved against him. Consequently, he was issued Final Show Cause Notice. He was summoned to appear in Orderly Room on 08-08-2019. He failed to appear in Orderly Room.

Therefore, in exercise of the powers vested in the undersigned Police Disciplinary Rules-1975 (Amended 2014), I, Qamar Hayat Khan, Addl: Superintendent of Police, Abbottabad as a competent authority, am constrained to award him the punishment of Dismissal from service with immediate effect.

Order announced.

  
Addl: Superintendent of Police,  
Abbottabad

CC:

1. Establishment Assistant complete Enquiry File containing 24 pages for completion of record.

08 10 2019

بھنور جناب ڈپٹی انسپکٹر جنرل پولیس، ہزارہ ریجن ایبٹ آباد

Attended  
B

اپیل بنا راضی حکم مصدرہ بحوالہ چھٹی آرڈر انگریزی OB. No 189 مورخہ 23/08/2019 مجاریہ  
از دفتر جناب Addl: SP صاحب ایبٹ آباد۔ جس کے ذریعے جناب Addl: SP موصوف نے سائل  
اپیلانٹ مشتاق سابق کنسٹیبل پولیس نمبر 1383 کو ملازمت پولیس سے ڈسمس فرما دیا۔

استدعا ہے کہ قانون اور انصاف کے تقاضوں کو مدنظر رکھتے ہوئے۔ اور سائل کو انصاف دلاتے ہوئے۔  
سائل کے خلاف جاری کیا گیا حکم مصدرہ بحوالہ چھٹی آرڈر انگریزی OB. No 189 مورخہ  
23/08/2019 کا عدم و منسوخ فرمایا جا کر سائل کو بتاریخ ڈسمس سے ملازمت پر بحال فرمایا جا کر  
انصاف فرمایا جاوے۔

جناب عالی! موجبات اپیل ذیل ہیں۔

(۱) یہ کہ سائل مورخہ 01/04/2011 کو ضلع ایبٹ آباد میں بطور کنسٹیبل پولیس بھرتی ہوا۔ اور سائل اس دوران اپنی ڈیوٹی بڑے احسن انداز سے سر  
انجام دیتا رہا۔ جو سائل کی ملازمت تقریباً آٹھ سال بنتی ہے جس دوران سائل اپنی ڈیوٹی باقاعدگی اور اچھے طریقے سے نباتا رہا اور اپنے سینئرز کو  
کبھی شکایت کا موقع نہیں دیا اور اپنی فورس کی نیک نامی میں بذریعہ ڈیوٹی حصہ لیتا رہا۔

(۲) یہ کہ دوران ڈیوٹی ہی سائل اپنے گھریلو معاملات و خاندانی معاملات میں الجھا رہا اور اسی دوران سائل کی طبیعت بھی خراب رہنے لگی جو سائل وقتاً  
وقتاً علاج معالجہ کراتا رہا۔ جس وجہ سے سائل کی روٹین و ڈیوٹی بھی متاثر ہوئی۔

(۳) یہ کہ اسی دوران مورخہ 23/09/2019 کو سائل کو بحوالہ آرڈر انگریزی OB.No 189 ملازمت سے ڈسمس کر دیا گیا۔ اور جو سائل کو مورخہ  
13/01/2020 کو موصول ہوا۔ جو کہ غلط ہے۔ حالانکہ سائل کے خلاف کی گئی محکمہ کارروائی کی کوئی بھی اطلاع نہ تو سائل کو دی گئی اور نہ ہی  
سائل کو اس بابت کوئی علم تھا۔

(۴) یہ کہ سائل نے محکمہ اپیل بھنور DIG صاحب ہزارہ ریجن ایبٹ آباد کرنے کیلئے متعدد درخواستیں برائے حصول مصدقہ نقول جملہ محکمہ انکوائری کی  
مکمل نقول مختلف تاریخوں میں DPO صاحب ایبٹ آباد دیں مگر اس پر بھی کوئی جواب نہ دیا گیا اور نہ ہی متعلقہ نقولات سائل کو فراہم کی

(8)

دیکھیں۔ اور آخر کار سائل کی منت سماجت کرنے پر مورخہ 13/02/2020 کو صرف ڈسمسل آرڈر کی کاپی تہادی گئی۔ جو بوقت داری  
درخواست ہائے متعلقہ دفتر اہکاران سائل کو جواب میں کہتے رہے کہ آپ اپیل کریں یہ نقولات ہم وہاں بھجوادیں گے۔

11/2

(5) یہ کہ سائل غریب شخص ہے اور شادی شدہ ہے۔ سائل اپنے بوڑھے اور کمزور والدین و فیملی کا واحد سہارا ہے۔ اور ایک بڑی فیملی کا واحد کفیل ہے۔

استدعا ہے کہ سائل کی اپیل پر غور فرمایا جا کر جانبداری پر مبنی اور غیر منصفانہ حکم سزائے ڈسمسل منسوخ و کالعدم فرمایا جا کر سائل  
مشتاق سابق کنسٹیبل نمبر 1383 کو تاریخ ڈسمسل سے ملازمت پر بحال فرمایا جا کر انصاف دلایا جاوے۔ تاکہ سائل اپنے  
خاندان کا کفیل بن سکے۔

المرقوم:- 08/02/2020

مشتاق سابق کنسٹیبل نمبر 1383 ضلع ایبٹ آباد۔ ساکنہ ڈھوڈیال نوال شہر تحصیل ضلع ایبٹ آباد

رابطہ موبائل نمبر:- 0331-3429976



OFFICE OF THE REGIONAL POLICE OFFICER  
HAZARA REGION, ABBOTTABAD

0992-9310021-22

0992-9310023

r.rpohazara@gmail.com

0345-9560687

NO: 10868 /PA DATED 30/1/2020


### ORDER

This order will dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by Ex. Constable Mushtaq No. 1383 of District Abbottabad against the punishment order i.e. *Dismissal from Service* awarded by Addl. SP, Abbottabad vide OB No.189 dated 23.08.2019.

Brief facts leading to the punishment are that the appellant while posted at PS Havelian absented himself from official duty vide DD No. 24 dated 24-11-2018 till date of dismissal i.e. 23-08-2019 (09 months) without leave or permission.

The appellant was issued charge sheet alongwith summary of allegations and DSP Cantt was deputed to conduct departmental enquiry. The EO recommended him for suitable punishment. The official was called in OR and issued Final Show Cause Notice, however neither he appeared in person nor submitted reply of the Show Cause Notice. Keeping in view the above Addl. SP Abbottabad awarded him major punishment of dismissal from service.

After receiving the appeal, comments of DPO Abbottabad were sought and examined/perused. The undersigned called the appellant in OR and heard him in person. However he failed to advance any plausible justification in his defence. Moreover the appeal is time barred as the appellant was dismissed on 23-08-2019 and he submitted appeal on 11-02-2020 after lapse of 05 months and 17 days. Therefore in exercise of the powers conferred upon the undersigned under Rule 11-4 (a) of Khyber Pakhtunkhwa Police Rules, 1975 appeal of the appellant is hereby *filed* with immediate effect.

  
Qazi Jamil ur Rehman (PSP)  
REGIONAL POLICE OFFICER  
HAZARA REGION, ABBOTTABAD

No. 10868 /PA, dated Abbottabad the \_\_\_\_\_ /2020.  
CC.

1. The District Police Officer, Abbottabad for information and necessary action with reference to his office Memo No 874/Legal dated 11-03-2020. Service Roll and Fuji Missal containing enquiry file of the appellant is returned herewith for record.



محترم جناب DPO صاحب ایف اے  
درخواست سر ادھیہا / فریڈم آف  
انفو لیشن

جناب عالی!

(1) یہ کہ سائل سالانہ پولیس ملازمہ سے جو مورخہ 11/4/2011 کو قلم لیو لیا  
ایف اے ایڈس میں تحریر ہوا۔

(2) یہ کہ دوران ملازمت بوجہ بیماری سائل کو عین حاضر کی بنا پر  
23/8/2019 کو دفتر جناب Addl: SP صاحب ایف اے ایڈس ملازمت سے سب طرف  
مکروڈیالیا۔

(3) یہ کہ سائل نے عین ایف اے سے خارج فریڈم آف انفو لیشن کے تحت  
عدالت جناب سپریم کورٹ میں اپنا سب سے سب سے  
سب جملہ سائل کو اس دوران نہ تو کوئی خارج  
سوا مار ٹولڈ اور انوائسٹی کا نتیجہ ملا نہ اس کی نقولت کی گئی۔  
جس سائل کو سپریم کورٹ میں فیصلہ نقولت کی ضرورت  
ہے۔ (نقل objection میں ہے)

انہ صاحب کے لئے یہ ذیل نقولت سائل کو ہیڈ / فریڈم  
کی جانب سے - لفیل جج ذیل ہے۔

- ① چارج شیٹ
- ② Statement of Allegation
- ③ سوا مار ٹولڈ
- ④ فائل سوا مار ٹولڈ
- ⑤ انوائسٹی رپورٹ

9/6/2020  
الموسم

محمد سٹاف و لو محمد جہاں بخش سالانہ ڈھوڈیل کو اب سر ایف اے ایڈس  
سالانہ مانیٹرنگ 1383 ضلع ایف اے ایڈس  
0331-3429976

9-6-2020



(11)

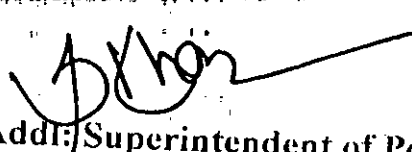
(79)

**OFFICE OF THE ADDL: SUPERINTENDENT OF POLICE, ABBOTTABAD**

No. 32 /PA, Dated Abbottabad, the 04 / 03 /2018

**FINAL SHOW CAUSE NOTICE**  
**EFFICIENCY & DISCIPLINARY RULE 2014**

1. That you FC Mushtaq No. 1383, have rendered yourself liable to be proceeded under efficiency & Disciplinary rule for following misconduct;
  - I. According to DD No. 24 dated 24-11-2018, that while you were posted at Police Station Havelian absented himself w.e.f 24-11-2018 till now without any leave / permission which amount to gross misconduct.
2. That by reason of above, as sufficient material is placed before the undersigned therefore it is decided to proceed against you in general Police proceedings without aid of Enquiry Officer;
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
4. That your retention in the police force will amount to encouragement of inefficient and indiscipline officer in the force.
5. That by taking cognizance of the matter under enquiry, the undersigned as Competent Authority under the said Rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the Rules.
6. You are, therefore, called upon to Show Cause as to why you should not be dealt in accordance efficiency & Disciplinary rule for the misconduct referred above.
7. You shall submit reply to this Show Cause Notice within 07 days of the receipt of the notice failing which an ex parte action shall be taken against you.
8. You are further directed to inform the undersigned that whether you wish to be heard in person or not.
9. Grounds of action are also enclosed with this notice.

  
Addl. Superintendent of Police  
Abbottabad

Received by \_\_\_\_\_

Dated     /     /2018.

(12)

(8)

**OFFICE OF THE ADDL: SUPERINTENDENT OF POLICE, ABBOTTABAD**

No. 32 /PA, Dated Abbottabad, the 04/03/2018

**GROUND OF ACTION**

That you FC Mushtaq No. 1383, committed following misconduct:-

- I. According to DD No. 24 dated 24-11-2018, that while you were posted at Police Station Havelian absented himself w.e.f. 24-11-2018 till now without any leave / permission which amount to gross misconduct.

By reasons of above you have rendered yourself liable to be proceeded under Khyber Pakhtunkhwa E&D Rule 2014, hence these grounds of action.

-SD-

Addl: Superintendent of Police  
Abbottabad

353 (13)

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From: The Dy: Superintendent of Police,  
Cantt Abbottabad.

To : The Addl: Superintendent of Police,  
Abbottabad.

No. 309 /Dated Abbottabad the 15<sup>th</sup> 02/2019.

Subject: DEPARTMENTAL ENQUIRY AGAINST CONSTABLE  
MUSHTAQ NO. 1383 POLICE STATION HAVELIAN  
DISTRICT ABBOTTABAD.

Memo:

BRIEF FACTS.

That while posted at Police Station Havelian absented himself  
[redacted] now without any leave/permission.

For the purpose of scrutinizing his conduct with reference to the  
above, allegations, undersigned was appointed as enquiry officer.

ENQUIRY PROCEEDINGS.

Constable Mushtaq was contacted several times to join the enquiry  
proceedings but despite of assuring and did not bother to appear.

Till date i.e 14.02.2019 he was awaited but neither he appeared nor  
replied despite of written enclosed information through PS Nawansher vide DD  
No. 10 dated 13.02.2019.

His service record manifested that he was enlisted on 01.04.2011.  
There are 23 bad entries in his service record while no good entry is found. His  
previous absence on different occasions are 16 days and awarded punishment by  
the competent authority. His presence absence is 2 months and 21 days.

FINDINGS.

Keeping in view of above and perusal of his service record it is  
transpired that he was enlisted on 01.04.2011. There are 23 bad entries in his  
service record while no good entry is found. His previous absence on different  
occasions are 16 days and awarded punishment by the competent authority. His  
presence [redacted] and 21 days. He left his station without prior  
permission which is gross misconduct and in-disciplined act, [redacted]  
[redacted] deemed appropriate as during the course of enquiry  
proceedings he was contacted again and again to join the enquiry but he  
deliberately failed.

Submitted please.

OTC: Issue Final show cause  
as per law, please

(MUHAMMAD YASEEN JANJUA)  
Dy: Superintendent of Police,  
Cantt Abbottabad.

OASI  
Call him  
in OR

YDK  
Addl:  
Superintendent of  
Police Abbottabad.

(E-7)

13<sup>2</sup>/<sub>19</sub>

[Signature]

N/OAC

[Signature]

YDK  
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**OFFICE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD**

No. 688/PA, Dated Abbottabad, the 17/12/2018

**SHOW CAUSE NOTICE**  
**(Unit Rule (3) KPK Police Rules, 1975)**

1. That you **Constable Mushtaq Ahmed No. 1383 PS, Havelian**, have rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules, 1975 for following misconduct;
  - I. You while posted at PS Havelian absented himself vide Daily Dairy No. 14 dated 24-11-2018 and are still absent without any leave or permission.
2. That by reason of above, as sufficient material is placed before the undersigned therefore it is decided to proceed against you in general Police proceedings without aid of Enquiry Officer;
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
4. That your retention in the police force will amount to encouragement of inefficient and indiscipline officer in the force.
5. That by taking cognizance of the matter under enquiry, the undersigned as Competent Authority under the said Rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the Rules.
6. You are, therefore, called upon to Show Cause as to why you should not be dealt in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 for the misconduct referred above.
7. You shall submit reply to this Show Cause Notice within 07 days of the receipt of the notice failing which an ex parte action shall be taken against you.
8. You are further directed to inform the undersigned that whether you wish to be heard in person or not.
9. Grounds of action are also enclosed with this notice.

Received by \_\_\_\_\_

Dated \_\_\_/\_\_\_/2018.

District Police Officer  
Abbottabad

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**OFFICE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD**

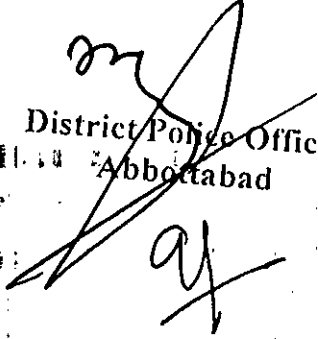
No. 688 /PA, Dated Abbottabad, the 17/12/2018

**GROUND OF ACTION**

That you Constable Mushtaq Ahmed No. 1383 PS Havelian, committed following misconduct:-

- I. You while posted at PS Havelian absented himself vide Daily Dairy No. 14 dated 24-11-2018 and are still absent without any leave or permission.

By reasons of above you have rendered yourself liable to be proceeded under Khyber Pakhtunkhwa Police Rules, 1975, hence these grounds of action.

  
District Police Officer  
Abbottabad

کورٹ فیس

وکالت نامہ

بعدالت جناب سپرنٹنڈنٹ پیرویل خلیفہ خٹرو خواہ سپار

عنوان: محمد ستاق بنام گورنمنٹ و عسکر

منجانب: ایبٹ آباد

نوعیت مقدمہ: سپریم ایبٹ آباد

## باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دی کل کاروائی متعلقہ آں مقام  
ایبٹ آباد ذوالفقار احمد ایبٹ آباد وکیل سپریم کورٹکو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل  
صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ بر حلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگریکرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت  
ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنیبجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا  
ساختہ پرداختہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کےمستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہویا  
حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میںکوئی جز و بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد  
استجارت ناش بصیغہ مفلسی کے دائر کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

ایبٹ آباد

بمقام:

الرقوم: 15/5/2020

محمد ستاق  
ایبٹ آباد