

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR
AT CAMP COURT SWAT

Service Appeal No. 1973/2019

Date of Institution ... 20.12.2019

Date of Decision ... 04.10.2022

Suleman Shah (No. 4401/780) Resident of Gharibabad, P.O Thana,
Tehsil Batkhela, District Malakand. ... (Appellant)

VERSUS

The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and
five others. ... (Respondents)

MR. SHER SHAH,
Advocate --- For appellant.

MR. MUHAMMAD RIAZ KHAN PAINDAKHEL,
Assistant Advocate General --- For respondents.

MR. SALAH-UD-DIN --- MEMBER (JUDICIAL)
MS. ROZINA REHMAN --- MEMBER (JUDICIAL)

JUDGMENT:

SALAH-UD-DIN, MEMBER:- Precisely stated the facts giving rise to filing of the instant service appeal are that the appellant while posted as Constable in Javed Iqbal Shaheed Police Lines absented himself from duty with effect from 29.08.2013, therefore, disciplinary action was taken against him. On conclusion of the inquiry, the appellant was awarded major punishment of dismissal from service vide order dated 18.07.2014. The appellant challenged the same through filing of departmental appeal on 07.11.2016, which was declined vide order dated 22.11.2016 passed by the Regional Police Officer Malakand at Saidu Sharif Swat. The appellant then filed petition before Provincial Police Officer Khyber Pakhtunkhwa



Peshawar, which was also rejected vide order dated 15.03.2017, hence the instant service appeal.

2. Respondents contested the appeal by way of submitting para-wise comments, wherein they refuted the assertions as raised by the appellant in his appeal.

3. Learned counsel for the appellant has contended that the appellant was suffering from severe Sciatica, therefore, he was unable to attend his duty; that the inquiry proceedings were conducted in absence of the appellant and he was telephonically informed by the department that he has been removed from service vide impugned order dated 18.07.2014; that the appellant has not been provided any opportunity of self defence as well as personal hearing and his rights guaranteed under the constitution were badly violated; that the inquiry proceedings were conducted in derogation of mandatory provisions of Police Rules, 1975; that the appellant has been awarded punishment with retrospective effect, therefore, the impugned order of dismissal of the appellant is void ab-initio and even no limitation would run against the same; that the appellant was enlisted as Constable in FRP, while the impugned order of dismissal of the appellant was passed by District Police Officer Swat, who was not competent Authority, therefore, the impugned orders are liable to be set-aside by reinstating the appellant in service with all back benefits. Reliance was placed on 2018 PLC (C.S) 475, PLJ 2009 Tr. C. (Services) 1, 2019 SCMR 919, 2020 PLC (C.S) 282, 2019 SCMR 648, 2014 SCMR 1189, 2004 PLC (C.S) 541, 2006 SCMR 104, 1999 SCMR 650, 2002 SCMR 57, 1993 SCMR 2337, 2006 SCMR 846, 2010 SCMR 532, 2008 SCMR 871, 2007 SCMR 152, 2006 SCMR 434, 2001 SCMR 1822, 2000 SCMR 1255, 2008 SCMR 1369, 2007 SCMR 1008, 2011 PLC (C.S) 174, 2004 PLC 483 and PLD 2005 Supreme Court 502.

4. On the other hand, learned Assistant Advocate General for the respondents has argued that the appellant at his initial stage of service has remained absent from duty for considerable long period without any sanctioned leave or permission of the competent Authority; that the departmental appeal of the

appellant would show that nothing was mentioned therein that he was suffering from Sciatica, which indicates that the plea of illness was an afterthought attempt by the appellant to justify his willful absence; that charge sheet as well as statement of allegations were issued to the appellant and he was well aware of the departmental proceedings against him but he deliberately avoided his appearance before the inquiry officer; that the appellant was well aware of the order of his dismissal from service dated 18.07.2014 but he filed departmental appeal after considerable delay on 07.11.2016, which was badly time barred; that the revision petition of the appellant was dismissed vide order dated 15.03.2017, while he filed the instant service appeal on 20.12.2019, which too is badly time barred; that as the appellant was already transferred to regular police vide order dated 15.07.2013, therefore, District Police Officer Swat was competent to take disciplinary action against him; that all the required legal formalities were complied in the inquiry proceedings and the appellant has rightly been awarded penalty of dismissal from service.



5. We have heard the arguments of learned counsel for the parties and have perused the record.


6. A perusal of the record would show that the appellant was though initially enlisted as Constable FRP having belt No. 4401/FRP, however vide order bearing endorsement No. 16848-44/E-II dated 15.07.2013 issued by D.I.G/Headquarter for Provincial Police Officer Khyber Pakhtunkhwa Peshawar, the appellant was transferred and posted in regular Police District Swat and was allotted belt No. 780. The appellant remained absent with effect from 29.08.2013, therefore, disciplinary action was taken against him. Charge sheet as well as statement of allegations were issued to the appellant and DSP/Headquarter was deputed as inquiry officer. On conclusion of the inquiry, the appellant was awarded major penalty of dismissal from service vide impugned order dated 18.07.2014. The same was challenged by the appellant through filing of departmental appeal on

07.11.2016, which was badly time barred. The appellant then preferred petition before Provincial Police Officer Khyber Pakhtunkhwa Peshawar, which was rejected vide order dated 15.03.2017. The appellant then remained in deep slumber and filed the instant service appeal on 20.12.2019 i.e after a delay of about 02 years and 09 months. The appellant was required to explain delay of each and every day, however he has not mentioned any sufficient cause in his application for condonation of delay. It is evident from the record that the appellant throughout remained indolent and did not avail his legal remedy timely. Law also favours diligent and not the indolent. Though punishment could not be awarded with retrospective effect, however where a civil servant has been proceeded against departmentally on the ground of his absence from duty, then punishment could be awarded to him retrospectively from the date of his absence from duty and the same is an exception to the general rule that punishment could not be imposed with retrospective effect. The impugned order dated 18.07.2014 thus could not be considered as void merely on the ground that the same was passed with retrospective effect. We are of the view that the departmental appeal as well as service appeal of the appellant are badly time barred, therefore, in view of numerous rulings of august Supreme Court of Pakistan, this Tribunal cannot discuss the merits of the appeal.

7. For what has been discussed above, the appeal in hand stands dismissed being time barred. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
04.10.2022


(ROZINA REHMAN)
MEMBER (JUDICIAL)
CAMP COURT SWAT

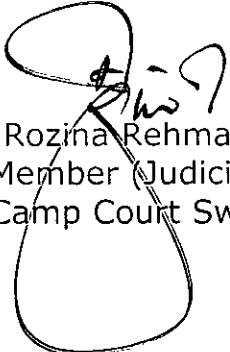

(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT SWAT

O R D E R
04.10.2022


Appellant alongwith his counsel present. Mr. Ali Rehman, Inspector (Legal) alongwith Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the appeal in hand stands dismissed being time barred. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
04.10.2022



(Rozina Rehman)
Member (Judicial)
Camp Court Swat



(Salah-Ud-Din)
Member (Judicial)
Camp Court Swat

07.07.2022

Learned counsel for the appellant present.

Noor Zaman Khan Khattak, learned District Attorney for respondents present.

Former made a request for adjournment as he has not prepared the brief. Adjourned. To come up for arguments on 05.08.2022 before the D.B.



(Fareeha Paul)
Member(E)
Camp Court, Swat



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

5-8-22

Due to summer vacation the case is adjourned to 3-10-22 for the hearing.



03.10.2022

Appellant alongwith his counsel present. Mr. Ali Rehman, Inspector (Legal) alongwith Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Partial arguments heard. To come up for remaining arguments on 04.10.2022 before the D.B at Camp Court Swat.



(Rozina Rehman)
Member (Judicial)
Camp Court Swat

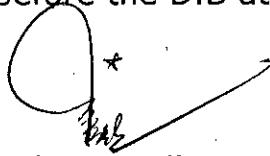


(Salah-Ud-Din)
Member (Judicial)
Camp Court Swat


12.05.2022

Appellant alongwith his counsel present. Mr. Ali Rehman, S.I (Legal) alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 07.06.2022 before the D.B at Camp Court Swat.



(Mian Muhammad)
Member (E)
Camp Court Swat

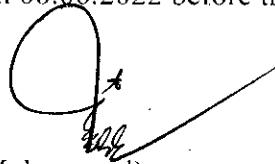


(Salah-ud-Din)
Member (J)
Camp Court Swat

07.06.2022

Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, learned Additional Advocate General for the respondents present.

Counsel are on strike. Adjourned. To come up for arguments on 08.06.2022 before the D.B at camp court Swat.



(Mian Muhammad)
Member (E)
Camp Court Swat

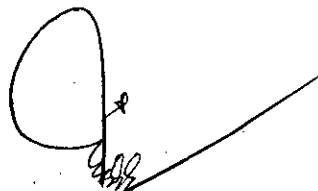


(Kalim Arshad Khan)
Chairman
Camp Court Swat

8th June, 2022

None for the appellant present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Ali Rehman, SI for respondents present.

Counsel are on strike. To come up for arguments on 07.07.2022 before the D.B at camp court Swat.



(Mian Muhammad)
Member(E)



(Kalim Arshad Khan)
Chairman
Camp Court Swat

04.01.2022

Appellant in person present. Mr. Hikmat Khan, Head Constable alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

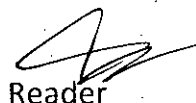
Para-wise reply on behalf of respondents No. 1 to 3 submitted, which is placed on file and copy of the same is handed over to the appellant. Adjourned. To come up for rejoinder, if any, as well as arguments before the D.B on 08.02.2022 at Camp Court Swat.



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

08.02.2022

Tour is hereby canceled. Therefore, the case is adjourned to 05.04.2022 for the same as before at Camp Court Swat.



Reader

05.04.2022

Nemo for the appellant. Mr. Noor Zaman Khattak, District Attorney for the respondents present.

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel through registered post and to come up for rejoinder, if any, as well as arguments on 12.05.2022 before the D.B at Camp Court Swat.



(Rozina Rehman)
Member (J)
Camp Court Swat



(Salah-ud-Din)
Member (J)
Camp Court Swat

P.S

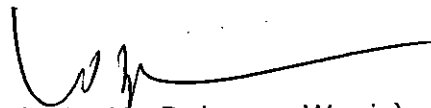
23.09.2021


Learned Addl. A.G be reminded about the omission and for submission of Reply/comments within extended time of 10 days.


Chairman

02.11.2021

Learned counsel for the appellant present. Mr. Ali Rehman, S.I (Legal) alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present and sought time for submission of reply/comments. Adjourned. To come up for submission of reply/comments as well as arguments before the D.B on 04.01.2022 at Camp Court Swat.


(Atiq-Ur-Rehman Wazir)
Member (E)
Camp Court Swat


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

04.03.2021

Appellant present through counsel. Preliminary arguments heard. File perused.

Points raised need consideration. 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 reply/comments. To come up for written reply/comments on 5/5/2021 before S.B at Camp Court, Swat.

Appellant Deposited
Security & Process Fee

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

26.07.2021

To come up for reply/comments on 24.08.2021 before S.B at Camp Court, Swat. Notices be issued to appellant/counsel as well as respondents for the date fixed.

Chairman

24.08.2021

Junior to counsel for the appellant and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG alongwith Khawas Khan for respondents present.

Representative of the respondents seeks further time. Respondents are directed to submit written reply/comments in office at Peshawar within 10 days, 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 02.11.2021 before the D.B, at camp court Swat.

Stipulated period has
passed and reply
has not been submitted.


Chairman
Camp Court Swat.

08.07.2020 Bench is incomplete. Therefore, the case is adjourned.
To come up for the same on 10.09.2020, at camp court
Swat.


Reader


10.09.2020 Appellant alongwith counsel present.

A request for adjournment was made by counsel for appellant.
Request is acceded by way of last chance. To come up for
preliminary hearing on ~~05.11~~ 10.11.2020 before S.B at Camp Court,
Swat.


Member (J)
Camp Court, Swat

05.11.2020 Appellant in person.

Lawyers are on general strike, therefore, case is
adjourned to 07.01.2021 for preliminary hearing, before S.B
at Camp Court, Swat.


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

7-1-2021


*Due to COVID 19, the case is adjourned
to 4-3-2021 for the same.*



02.03.2020

Learned counsel for the appellant present and confronted with the issue that the present service appeal appears to be time barred/incompetent where upon the learned counsel seeks adjournment. Adjourn. To come up for preliminary arguments on 06.04.2020 before S.B. at Camp Court Swat.

~~Member~~


Member
Camp Court Swat

Due to corona virus court
to camp court swat has
been cancelled. To come up for
the same on - 02/04/20


Reader

03.06.2020

Due to Covid-19, the case is adjourned. To come up for the same on 09.07.2020 before SB at camp court Swat.





Reader

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1973/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/12/2019	<p>The appeal of Mr. Suleman Shah presented today by Mr. Sher Shah Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p> <p>This case is entrusted to touring S. Bench for at Swat preliminary hearing to be put up there on <u>04-02-20</u></p> <p> CHAIRMAN</p>
2-	04.02.2020	<p>Appellant absent. Learned counsel for the appellant absent. Lawyers are not attending the courts today on the call of Khyber Pakhtunkhwa Bar Council. Adjourn. Adjourn. To come for preliminary hearing on 02.03.2020 before S.B at Camp Court, Swat. Appellant be put to notice for the date fixed.</p> <p> Member Camp Court, Swat.</p>

BEFORE THE SERVICE TRIBUNAL KHAYBER PAKHTUNKHWA
AT PESHAWAR

Service Appeal No. 1973 of 2019

Suleman Shah (No. 4401/780).....(**Appellant**)

VERSUS

The Provincial Police Officer, K.P.K. and others.....(**Respondents**)

I N D E X

S #	Description of documents	Annexure	Pages
1.	Memo of Appeal	....	1-5
2.	Affidavit	....	6
3.	Memo of addresses	....	7
4.	Application for condonation of delay.	.....	8-9
5.	Medical prescription dated 17.09.2013	A	10
6.	Medical prescription dated 02.10.2013	B	11
7.	Medical prescription dated 14.11.2013	C	12
8.	Medical prescription dated 21.02.2014	D	13
9.	Medical prescription dated 22.05.2014	E	14
10.	Medical prescription dated 12.02.2016	F	15
11.	Impugned order dated 18.07.2014	G	16
12.	Order dated 22.11.2016	H	17
13.	Impugned order dated 15.03.2017	I	18
14.	Mercy petition to respondent No. 1	J	19
15.	Medical Fitness Certificate	K	20
16.	Mercy petition	....	21
17.	Recruitment lists.	.....	22-25
18.	Cop of NIC of the appellant.	.....	26
19.	Wakalat Nama	....	27

Appellant
Through Counsel


SHER SHAH

Advocate, District Swat
Dated: 17.12.2019

BEFORE THE SERVICE TRIBUNAL KHAYBER PAKHTUNKHWA
AT PESHAWAR

Service appeal No. 1973 of 2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 2171

Dated 20/12/2019

Suleman Shah (No. 4401/780) resident Gharibabad, P.O. Thana,
Tehsil Batkhela, District Malakand.

.....(Appellant)

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar
2. The Additional Inspector General of Police, Headquarters, Khyber Pakhtunkhwa, Peshawar
3. The Deputy Inspector General of Police, Headquarters, Khyber Pakhtunkhwa, Peshawar.
4. The Assistant Inspector General of Police, Establishment, CPO, Khyber Pakhtunkhwa, Peshawar.
5. The Regional Police Officer Chief Malakand at Saidu Sharif, District Swat.
6. The District Police Officer Swat at Gulkada, Saidu Sharif.

...(Respondents)

Filed to day
20/12/19
Registrar

Appeal under Section 4 of the Service Tribunal Act, 1974, against the impugned order No. S/1620 dated 15.03.2017 passed by respondent No. 5, whereby the appellant was dismissed with his service.

PRAYER:-

On acceptance of this appeal, the impugned order No. S/1620 dated 15.03.2017, may kindly be declared illegal, unlawful, null and void, by setting aside the same, and the

appellant may kindly be re-instated with all back benefits. Any other remedy, which is just, appropriate and efficacious may also be granted in favour of appellant, though not specifically prayed for.

Respectfully Sheweth:

Brief facts of the case giving rise to the instant appeal are as under:-

1. That the appellant is the bonafide resident of Gharibabad, P.O. Thana, Tehsil Batkhela, District Malakand.
2. That the appellant was appointed as Police Constable on 01.01.2012 in F.R.P, Swat.
3. That the appellant, while performing his duty normally at FRP lines, Swat, felt a sudden shock of light back pain naturally on 17.09.2013 (**Ann: A**) which was initially examined by the Medical Officer at D.H.Q Batkhela.
4. That the appellant moved application for 20 days medical leave before the officer incharge Police lines F.R.P on 27.09.2013, for the proper diagnosis of the ailment in initial stages.
5. That the appellant was advised further treatment of the back pain which later on got severe and the disease was later on explained by the doctors as "**Sciatica**", as diagnosed by the Neurosurgeon.
6. That the Neurosurgeons repeatedly and at different intervals, examined the appellant due to the prolong nature of the diagnosis and treatment prescribed by the physicians. (Copies of medical prescriptions and checkup are **Ann: B, C, D, E, F**).
7. That the period of more than 03 years lapsed while the disease was diagnosed in the different hospital at different cities during which the appellant was naturally and physically unable to perform the duty accordingly.

8. That the appellant was telephonically informed by the authorities at the F.R.P lines, Swat about the dismissal from service on 18.07.2014 (**Ann: G**) for alleged absence of the appellant on 29.08.2013 to 24.02.2014 without any legal justification.
9. That the appellant applied for re-instatement to the departmental authorities, but appeal of the appellant is rejected being time barred on 22.11.2016 (**Ann: H**) respectively and 15.03.2017 (**Ann: I**) respectively.
10. That the appellant filed mercy petition (**Ann: J**) to respondent No. 1 for re-instatement but respondent No. 1 has filed the said mercy petition in the shape of rejection of mercy petition which is against law, justice and equitable treatment under the service laws as foretold by service rules and laws.
11. That the appellant, being aggrieved with void impugned orders dated 18.07.2014 and 15.03.2017, files the instant appeal before this Hon'ble Court of Service Tribunal, which is liable to be entertained on the basis of one amongst the following grounds:-


GROUND:-

- a. That the impugned orders are illegal, against the law, void ab-initio, without lawful authority.
- b. That the impugned orders imposed retrospective punishment upon the appellant which render the impugned orders "void", hence, no limitation runs for the same and having not legal effect.
- c. That the enquiry so conducted against the appellant is illegal and against the law and no rules have been followed.

- d. That the appellant has not been given opportunity of hearing as per law and rules.
- e. That the appellant has not been afforded any opportunity to appear before enquiry officer and to cross examine the witnesses.
- f. That no charge sheet and show cause notices have been given to the appellant.
- g. That the impugned office order is arbitrary, unlawful and too harsh.
- h. That no regular enquiry has been conducted by respondents No. 5, 6 against the appellant, hence on this sole ground the impugned orders are liable to be set aside.
- i. That the appellant applied for the grant of Medical Leave of 20 days before the authorities.
- j. That the absence of the appellant were natural, casual and the act of appellant was not derogatory and forcible.
- k. That the appellant applied for the grant of further leave which was not approved.
- l. That the void orders of the respondents are against law and are not based on justice and equitable handing of service matter with respect to employees/recruits.

- m. That the neurological experts have examined and re-examined repeatedly the appellant and fitness certificate **(Ann: K)** till date has been issued to the appellant by District Headquarters Hospital Batkhela.
- n. That other grounds may be argued at the time of hearing with the prior permission of this Hon'ble Court.

It is, therefore, humbly prayed that on acceptance of the instant appeal, the impugned orders of the respondents may be set aside and the appellant may kindly be re-instated along with payment monthly reserved with all back benefits. Any other remedy which is deemed proper, just and efficacious not specifically prayed for, may also be granted to the appellant.

Appellant: 
Suliman Shah (appellant)

Through Counsel



SHER SHAH
Advocate, District Swat.
Dated: 17.12.2019

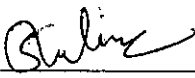
CERTIFICATE:-

It is certified that no such like appeal is either pending or decided by this Hon'ble Court.




SHER SHAH
Advocate, District Swat.

efficacious not specifically prayed for, may also be granted to the appellant.

Appellant: 
Suliman Shah (appellant)

Through Counsel



SHER SHAH
Advocate, District Swat.
Dated: 16.12.2019

CERTIFICATE:-

It is certified that no such like appeal is either pending or decided by this Hon'ble Court.



SHER SHAH
Advocate, District Swat.

BEFORE THE SERVICE TRIBUNAL KHAYBER PAKHTUNKHWA
AT PESHAWAR

Service Appeal No. _____ of 2019

Suleman Shah (No. 4401/780).....(**Appellant**)

VERSUS

The Provincial Police Officer, K.P.K. and others.....(**Respondents**)

AFFIDAVIT

It is stated on oath that all the contents of the attached appeal are true and correct to the best of my knowledge and belief; nothing has been kept concealed from this Hon'ble Court. Moreover, no such like appeal is pending or decided by this Hon'ble Court.

Deponent: *Suliman*
Suliman Shah (No. 4401/780)
(Appellant)



BEFORE THE SERVICE TRIBUNAL KHAYBER PAKHTUNKHWA
AT PESHAWAR

Service Appeal No. _____ of 2019

Suleman Shah (No. 4401/780).....(**Appellant**)

VERSUS

The Provincial Police Officer, K.P.K. and others.....(**Respondents**)

MEMO OF ADDRESSES

Address of appellant:

Suleman Shah (No. 4401/780) resident Gharibabad, P.O. Thana,
Tehsil Batkhela, District Malakand.

NIC No: 15402-0108968-1

Cell #: 0315-9075924

Addresses of respondents:

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar
2. The Additional Inspector General of Police, Headquarters, Khyber Pakhtunkhwa, Peshawar
3. The Deputy Inspector General of Police, Headquarters, Khyber Pakhtunkhwa, Peshawar.
4. The Assistant Inspector General of Police, Establishment, CPO, Khyber Pakhtunkhwa, Peshawar.
5. The Regional Police Chief Malakand Region Swat.
6. The District Police Officer Shangla.



Appellant
Through Counsel



SHER SHAH
Advocate, District Swat

BEFORE THE SERVICE TRIBUNAL KHAYBER PAKHTUNKHWA
AT PESHAWAR

Service Appeal No. _____ of 2019

Suleman Shah (No. 4401/780).....(**Appellant**)

VERSUS

The Provincial Police Officer, K.P.K. and others.....(**Respondents**)

APPLICATION FOR CONDONATION OF DELAY.

Respectfully Sheweth!

The applicant/appellant submits as under:-

1. That the above cited case is going to be file in this Hon'ble Court in which no date of hearing has yet been fixed.
2. That the case of the applicant/appellant is one of those who got a prolong illness as result of intensive back pain, leading to prolong illness, classified by the Neurosurgeons at District Headquarters Hospital Batkhela due to which the repeated checkups were conducted, hence the diseased as classified as "**Sciatica**", therefore medical grounds expressly provide for condonation of delay of the instant appeal.
3. That the applicant/appellant has not received show cause notice.
4. That the applicant/appellant was communicated by telephonically by the pay officer which is contrary to the

canons of justice and fair play in respect to the rights of the applicant/appellant recruit at Frontier Reserve Police, Swat.

5. That numerous judgment of the superior court favour no limitation against the service appeal before service tribunal or any other competent court.
6. That financial destabilization and physical inability of the applicant/appellant to register a case and domestic problems in the shape of death of family member/father and prolonged illness of the mother of the applicant/appellant can also be agitated for condonation of delay in favour of the applicant/appellant, hence the instant appeal.

It is, therefore, very respectfully prayed that on acceptance of this application, the inadvertent delay in filing of the instant appeal may very kindly be condoned in the interest of justice.

Applicant/appellant
Suleman Shah

Suleman Shah

AFFIDAVIT:

It is stated on oath that all the contents of this appeal are true and correct to the best of my knowledge and belief; nothing has been kept concealed from this Hon'ble Court.

Deponent:
Suleman Shah

Suleman Shah



10

Ann: "A"

Sent To:

OUT DOOR PATIENT TICKET

District Olusiji

CRP No 48500

Facility Name _____

Name _____ Age: _____ Sex: _____

Father's/Husband's Name _____

Monthly OPD Serial No. 17-09-2013

Provisional Diagnosis: _____

Date	Clinical Findings / Investigations/ Treatment / Referred/ Test Findings
Back ach Pain Both legs. Numbness of the Lt leg.	Cap. Dmezol comp w/w ①
Complete 3 months	Tab Melor 15mg w/w ①
	Tab Emrix XR w/w ①
	Tab Lecole P 501 w/w ①
	Tab Neuro met (2)

DHISA DISTRICT HEALTH INFORMATION SYSTEM



Test Affected.
Guliz

11

Sent To:

OUT DOOR PATIENT TICKET

District Sriniketh Shahr CRP No: 52373

Facility Name _____

Name _____ Age: _____ Sex: _____

Father's/Husband's Name _____

Monthly OPD Serial No. 02-10-2013

Provisional Diagnosis: _____

Ann: "B"

Date	Clinical Findings / Investigations / Treatment / Referred / Test Findings
	<p>Go Sever bachach.</p> <p>Pain in Both legs.</p> <p>- Cap Nexum 4amp w/w ①</p> <p>- Tab Pyrex 2amp w/w ①</p> <p>- Tab Movax 4amp w/w ①</p> <p>- Tab Metho Cobal w/w ①</p>



Attested.
[Signature]

12

Sent To: _____

OUT DOOR PATIENT TICKET

District _____ CRP No: 62359

Facility Name _____

Name _____ Age: 14. sex: 13

Father's/Husband's Name _____

Monthly OPD Serial No. _____

Provisional Diagnosis: _____

Ann: "C"

Date	Clinical Findings / Investigations / Treatment / Referred / Test Findings
17/02/13	Genes Backack
	Redness to lower limbs
	Asymmet
	No Swells
	L-3-4
	Painful
	R
	Tab B...ing
	D+D
	Tab Mucosa/foot
	Tab Colubus
	CP B...ing
	Tab Mucosa/foot
	D+D



Attested
Guluz

13

OUT DOOR PATIENT TICKET

Sent To: _____

District: Udaipur CRP No: 11448
 Facility Name: _____
 Name: _____ Age: _____ Sex: _____
 Father's/Husband's Name: _____
91 - 02 - 2014
 Monthly OPD Serial No. _____
 Provisional Diagnosis: _____

Ann: "D"

Date	Clinical Findings / Investigations / Treatment / Referred / Test Findings
Severe Backache	R
Rt Lt Lower limbs	
numb etc. Pain	
C-T-Sm	
Δ 3rdly patients	
	Tab Acabel 8mg 1 + 1
	Tab Thoralox 1 + 1
	Tab Gabceca 750 1 + 1
	Tab Metformin 1 + 1
Advised rest for 01 month for Cap Riskly of oblique and Cervical joint	



Attested

 21-2-14

Sent To: _____

OUT DOOR PATIENT TICKET

22586

14

District _____

Sulman Shah

CRP No: _____

22.05.14

Facility Name _____

Name _____

Age: _____

Sex: _____

Father's/Husband's Name _____

Monthly OPD Serial No. _____

Provisional Diagnosis: _____

Ann: "E"

Date

Clinical Findings / Investigations / Treatment / Referred / Test Findings

Go Backsch

BL legs

Cap. Risch kamp
wie ①

Tas. Melor kamp
wie ①

Tas. Lomfortz
wie ①

Tas. Tegrat kamp

(-)



Attested
Sulim

(15)

Sent To:

OUT DOOR PATIENT TICKET

District Guleman State CRP No: 13053

Facility Name _____

Name _____ Age: _____ Sex: _____

Father's/Husband's Name _____

Monthly OPD Serial No. left 8th Sciatta?

Provisional Diagnosis: _____

Ann: F^x

Date

Clinical Findings / Investigations / Treatment / Referred / Test Findings

New
State
heming
No
actual
Complac

Int. tuberc. juv
(cut) (+)
DT-15
can. put in duty
G. CMO D174

DHISA
DISTRICT HEALTH
INFORMATION SYSTEM



Attested
Bulir

16 Ann: G

ORDER

This order will dispose off the departmental enquiry against Constable Suliman No.4401/780 who while posted to Javed Iqbal Shaheed Police Lines absented himself from his lawful duty w.e.f. 29-08-2013 up till now without prior permission or leave as per report of Lines Officer, Javed Iqbal Shaheed Police Lines dated 24-02-2014.

He was issued Charge Sheet alongwith statement of Allegations and DSP/Headquarters was deputed as Enquiry Officer. The Enquiry Officer conducted proper departmental enquiry against the delinquent Constable and recorded the statements of all concerned officers. He provided ample opportunity to the delinquent Constable to defense the absence rendered by him. After conducting proper departmental enquiry, the Enquiry Officer submitted his findings wherein he recommended the delinquent Constable for Major Punishment of Dismissal from Service. He was called in Orderly Room. However, he could not appear to present plausible defense for his unlawful absence.

Having perused his service record, it was patently evident that the delinquent officer Constable Suliman No.4401/780 is addicted to a chronic absence and is not interested to continue his service. Foregoing in view the undersigned is of considered opinion that there are no chances that Constable Suliman No.4401/780 becomes an efficient Police Officer. His further retention in service is bound to affect the discipline of the entire force. Therefore, in exercise of the powers vested in the undersigned under Rules 2 (iii) of Police Disciplinary Rules-1975, I, Sher Akbar, S St, P.S.P, District Police Officer, Swat as a competent authority, am constrained to award him the punishment of Dismissal from Service.

Order announced.

District Police Officer, Swat

O.B. No. 126

Dated 18/07/2014

Attested

Burhan

NO/2646 IE 19-8-14

Copy of above is submitted to SP, FPO Swat

for favor of information with reference to

File number 110-1-14-14-14

BETTER COPY

ORDER

This order will dispose off the departmental enquiry against Constable Sulaiman No.4401/780 who while posted to Javed Iqbal Shaheed Police Lines absent himself from his lawful duty w.e.f 29.08.2013 up till now without prior permission or leave as per report of Lines Officer Javed Iqbal Shaheed Police Lines dated 24.02.2014.

He was issued charge sheet along with statement of allegations and DSP/Headquarters was deputed as Enquiry Office. The Enquiry Officer conducted proper departmental enquiry against the delinquent Constable and recorded the statements of all concerned officer. He provided ample opportunity to the delinquent Constable to defense the absence rendered by him. After conducting proper departmental enquiry, the Enquiry Officer submitted his findings wherein he recommended the delinquent Constable for Major punishment of Dismissal from service. he was called orderly Room. However, he could not appear to present plausible defense for his unlawful absence.

Having perused his service record, it was patiently evident that the delinquent officer Constable Suliman No.4401/780 is addicted to a chronic absentee and is not interested to continue his service. Foregoing in view, the undersigned is of considered opinion that there are no chances that constable Suliman No.4401/780 becomes an effective Police Officer. His further retention in service is bound to affect the discipline of the entire force. Therefore, in exercise of the powers vested in the undersigned under Rule 2(iii) of police Disciplinary Rules, 1957, I, Sher akbar S.St P.S.P District Police officer, Swat as a competent authority, am constrained to award him the punishment of Dismissal from service.

Order announced.

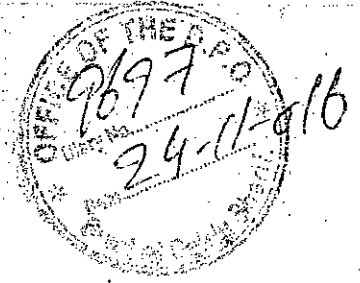
-Sd-
District Police Officer,
Swat

O.B. No. 126

Dated 18 / 07 / 2014

A.M.N. "H"

17



From : The Regional Police Officer,
Malakand, at Saidu Sharif, Swat.

To : The District Police Officer, Swat.

No. 2832 /E, dated Saidu Sharif, the 22-11- /2016.

Subject: APPLICATION FOR RE-INSTATEMENT IN SERVICE.

Memorandum:

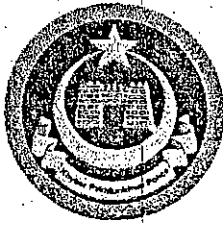
Please refer to your office memo No. 14066/EC dated 14/11/2016.

Application of Ex-FC Suleman Shah No. 4401/780 of Swat District has been examined by Worthy Regional Police Officer, Malakand and filed.

cc
22/11

(OFFICE SUPDT)
For Regional Police Officer,
Malakand, at Saidu Sharif Swat

Attested
Burhan



(18) Anni I

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

No. S/ 1620 /17, dated Peshawar the 15/03/2017.

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-Constable Suleman Shah No. 4401/780. The appellant was dismissed from service by DPO, Swat vide OB No. 126, dated 18.07.2014 on the charge of absence from duty for a period of 10 months and 20 days.

His appeal was filed by Regional Police Officer, Malakand vide Memo: No. 9832/E, dated 22.11.2016.

Meeting of Appellate Board was held on 23.02.2017 wherein appellant was heard in person. During hearing petitioner contended that he was ill and was gone to Karachi for treatment.

Petitioner absented himself for 10 months and 20 days during his short service. Moreover, the impugned order of dismissal from service of petitioner was passed vide order dated 18.07.2014 and his appeal was filed vide order dated 22.11.2016. The instant review petition filed on 07.12.2016 is badly time barred. Thus his appeal is rejected on grounds of limitation and merit as well.

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

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

No. S/ 1621-28/17,

Copy of the above is forwarded to the:

1. Regional Police Officer, Malakand at Swat.
 2. District Police Officer, Swat.
 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.
- Shahid*
Butia

خدمت پراونٹنٹل پولیس آفیسر خیر پختونخواہ پشاور

جناب عالی!

معروضی خدمت ہوں۔ کہ سائیل مورخ $01 \frac{01}{2012}$ کو محکمہ پولیس میں بھرتی ہو کر سائیل نے بہت ایمانداری اور دیانتداری سے ڈیوٹیاں سرانجام دی۔ سائیل نے دوران ڈیوٹی آفسران والا کو کسی قسم کی شکایت کا موقع نہیں دیا ہے۔ سائیل گھریلو/عجیبی سائیل اور مجبوری کی وجہ سے غیر حاضر ہو کر آفسران والا نے جو الہ آرڈر نمبر 126 مورخ $18 \frac{07}{2014}$ کو ڈسمنس کیا۔ اب سائیل کے گھریلو مجبوریاں اور سائیل ختم ہو کر نوکری پر دوبارہ بحال ہونا چاہیے۔

استدعاء حیدر سائیل پر رحم فرماؤ گھریلو پولیس میں دوبارہ بحال کرنے کا حکم صادر فرماؤ گھریلو/عجیبی نقل ڈسمنس آرڈر اور نقل فائیل شدہ آرڈر جناب ADG صاحب ہمراہ لف دستاویزات۔

الطاف احمد

سلیمان شاہ سالہ نمبر $4401/FRP$ ولد شاہ روم خان
 ریکورڈ نمبر 780
 ساکن محلہ غریب آباد عقمانہ تحصیل بٹیم ضلع ملاکنڈ
 مورخ $07 \frac{12}{2016}$

Mob: 0315-9075924

Registrar
 Pks provers.

Jam
 7/12/16

sup dt:
 sep 7.

No: 4478/S 1
 dt: 8-12-16
 RPO/MKD
 S/8009/16
 dt: 16 $\frac{12}{2016}$

Attested by
 Gulzar
 12/16



**DHQ HOSPITAL BATHKELA
OUT PATIENT DEPARTMENT**

(20) Ann: "K"

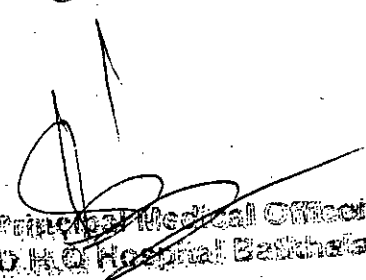
Date & Time : 10 Dec, 2019 12:35 PM

Patient Name	: <u>SULIMAN SHAH</u>	Gender	: <u>Male</u>
Address	: <u>Malakand</u>	Receipt #	: <u>OPD-126892</u>
Shift	: <u>Morning</u>	Age	:
Type	: <u>OPD</u>		

Investigation

Rx

See above
 name pt - Examined
 and found medical
 fit
 Can perform
 his duties -


 Principal Medical Officer
 DHQ Hospital Bathkela

Doctor Sign

Attended
 Gulistan

خدمت جناب ڈی۔ ائی۔ جی صاحب ملاکنڈ ریجن بمقام سید و شریف سوات۔
عنوان: اپیل / رحم درخواست بسلسلہ بحالی دوبارہ ملازمت بعہدہ کنسٹیبل۔

جناب عالی!

سائیل ذیل معروضات گوش گزار کرنا چاہتا ہے۔ ازراہ کرم ہمدردانہ غور فرما کر مشکور فرماویں۔

- (1) یہ ہیکہ سائیل مورخہ 01.01.2012 کو محکمہ پولیس (FRP) میں بحیثیت کنسٹیبل بھرتی ہو کر پولیس ٹریننگ کالج ہنگو سے ریکروٹ کورس اچھے نمبروں سے پاس کر چکا ہے۔
- (2) یہ ہیکہ سال 2013 میں سائیل کو چند گھریلو مسائل / مشکلات ایسے درپیش ہوئے۔ جنکے وجہ سے مزید اپنا ملازمت جاری رکھنا مشکل تھا۔

- (3) یہ ہیکہ سال 2013 میں سائیل کا تبادلہ ایف۔ اے۔ پی سوات سے ریگولر پولیس ضلع سوات کو بحوالہ حکم نمبری 16841-44/EC مورخہ 15.07.2013 بخاریہ جناب ائی۔ جی۔ پی صاحب صوبہ خیبر پختون خوا پشاور ہوئی تھی۔ مگر چند گھریلو مشکلات کیوجہ سے سائیل نے ضلع سوات میں اپنی حاضری کی رپورٹ نہیں کی تھی۔ بلکہ اسی غیر حاضری کے باعث سائیل محکمہ پولیس سے برخاست ہو چکا ہوں۔

جناب والا

سائیل کا والد صاحب بقضاء الہی وفات پا چکا ہے۔ اسلئے سائیل اپنے خاندان کا واحد کفیل ہے۔ اور ایک غریب خاندان سے ہم تعلق ہے۔ یہی ملازمت میرا ذریعہ معاش تھا۔ مگر سال 2013 میں گھریلو مشکلات کیوجہ سے مجبوراً ملازمت سے غیر جانفروا تھا۔

لہذا اگر آپ صاحبان مہربانی فرما کر سائیل کو دوبارہ ملازمت پر بحال کرنے کا حکم صادر فرماویں۔ تو تاحیات آپ اور آپکے اولاد کو دعا گور ہونگا۔

Sulaiman

العارض
Ahmed
Sulaiman

سابقہ کنسٹیبل سلیمان شاہ نمبر 4401
ولد شاہی روم مرحوم سکنہ تھانہ ضلع ملاکنڈ
موبائیل نمبر 0315-9075924

(Signature)

Telephone & Fax: 0946-9240256

From:- The Superintendent of Police, FRP,
Malakand Range, Swat.

To:- The District Police Officer, Swat.

No. 1234 /EC, Dated Saidu Sharif the 12-09 /2013.

Subject:- TRANSFER ORDER OF LOWER SUBORDINATES.

Memorandum.

Kindly refer to P.P.O, K.P.K, Peshawar order Endst: NO. 16841-44/E-II, dated 15/07/2013.

The service records of the following Constables transferred to District Swat as per list attached are sent herewith for record in your office, the receipt of which may please be acknowledged.

Encls: Service Roll = 286.

Fuji Missal = 286.

(Signature)
Superintendent of Police, FRP,
Malakand Range, Swat.
29/08/2013

A. H. H. H.
Swat

ORDER

23
18-7-13

23
708
18/10/13

The following Constables of FRP Khyber Pakhtunkhwa district Swat hereby transferred and posted to regular Police District Swat with immediate effect.

S/No	Name	No.	D/O/Enlist
1.	NAWAB GUL	X3634 ✓	25/21/1984
2.	AKHTAR GUL	X3935 ✓	7/31/1989
3.	JEHAN ZEB	X3670 ✓	10/18/1994
4.	FAZAL RAHMAN	X3850 ✓	3/4/1995
5.	JAVID KHAN	X3950 ✓	3/4/1995
6.	AKHTAR JAN	X3607 ✓	4/13/1995
7.	KHISTA RAHMAN	X3936 ✓	4/19/1995
8.	FARID GUL	X4138 ✓	4/19/1995
9.	ZAIRWAR KHAN	X3513 ✓	4/27/1995
10.	JAN MOHAMMAD	X3942 ✓	12/6/1995
11.	AJAB KHAN	X3702 ✓	7/5/1996
12.	FAROOQ ZADA	X3554 ✓	11/11/1996
13.	ISHAQ ALI	X3765 ✓	11/15/2003
14.	SHADIQ AKBAR	X3849 ✓	11/15/2003
15.	SAJJAD ALI	X3648 ✓	2/11/2004
16.	ALI KHAN	X3621 ✓	2/11/2004
17.	MUHAMMAD NAEEM	X3990 ✓	11/2/2004
18.	ANWAR ZEB	X3762 ✓	4/30/2007
19.	RAHIM ULLAH	X3442 ✓	4/30/2007
20.	MOHAMMAD ALAM	X3799 ✓	4/30/2007
21.	SHER AFZAL	X4415 ✓	6/25/2007
22.	RIAZ KHAN	X4459 ✓	12/30/2010
23.	AMJAD ALI	X3381 ✓	7/25/2007
24.	TAJ MOHAMMAD	X3455 ✓	7/25/2007
25.	BAKHTI GUL	X3701 ✓	7/25/2007
26.	ABDUR RAHMAN	X3756 ✓	7/25/2007
27.	MOHAMMAD ISHAQ	X3782 ✓	7/25/2007
28.	AGHAZER ALI	X3783 ✓	7/25/2007
29.	MOHAMMAD ANWAR	X3792 ✓	7/25/2007
30.	RAFIQ AHMAD	X3795 ✓	7/25/2007
31.	FAZAL WAHAB	X3797 ✓	7/25/2007
32.	RUSTAM KHAN	X3805 ✓	7/25/2007
33.	FAROOQ	X3814 ✓	7/25/2007
34.	LIAQAT HUSSAIN	X3815 ✓	7/25/2007
35.	DAWOOD KHAN	X3817 ✓	7/25/2007
36.	AYAZ ALI	X3824 ✓	7/25/2007
37.	NISAR ALI	X3825 ✓	7/25/2007
38.	SARDAR ALI	X4152 ✓	7/25/2007
39.	AFZAL KHAN	X4158 ✓	7/25/2007
40.	UMAR KHAN	X4419 ✓	7/25/2007
41.	SHAMSUR RAHMAN	X3753 ✓	7/26/2007
42.	BAHADAR ALI	X3806 ✓	7/26/2007
43.	ISHAQ	X3680 ✓	6/23/2008
44.	NASAR KHAN	X3681 ✓	6/23/2008
45.	NAWAB SHAH	X4137 ✓	8/7/2008
46.	KHAN MALIK	X3996 ✓	11/5/2008
47.	NAVID ISLAM	X3608 ✓	11/24/2008

ICP
FRP
Sd/td:
K.P.
RP
Range
FRP
Post:
FRP
Post:
FRP
Post:
FRP
Post:
FRP
Post:

DB/AS/EC
To
For
118

to Heta
Gulzar

48.	FAZAL QADOS	X4144 ✓	11/24/2008
49. ✓	ABDUL KAMAL	X4143 ✓	12/12/2008
50.	SHARAFAT ALI	X3495 ✓	1/10/2009
51.	MAZ UDDIN	X3764 ✓	1/10/2009
52.	SAMI ULLAH	X3763 ✓	1/16/2009
53.	TAWKAL KHAN	X3785 ✓	1/30/2009
54. ✓	SHAHIDURAHMAN	X3916 ✓	2/16/2009
55.	SAJJAD ALI	X3609 ✓	3/10/2009
56.	HUSSAIN KHAN	X3561 ✓	4/9/2009
57.	ASAD HAYAT	X3586 ✓	4/9/2009
58.	NAVEED	X3343 ✓	4/9/2009
59.	IHSAN ULLHA	X3345 ✓	4/9/2009
60.	M. ILYAS	X3348 ✓	4/9/2009
61.	BILAL AHMAD	X3357 ✓	4/9/2009
62.	IMARN KHAN	X3362 ✓	4/9/2009
63.	HAYAT MOHAMMAD	X3363 ✓	4/9/2009
64.	MOHAMMAD IBRAHIM	X3370 ✓	4/9/2009
65.	SHER MOHAMMAD	X3391 ✓	4/9/2009
66.	AKRAM KHAN	X3409 ✓	4/9/2009
67.	GUL ZAR ALI	X3411 ✓	4/9/2009
68.	MOHAMMAD RIAZ	X3432 ✓	4/9/2009
69.	ASIM ULLAH	X3444 ✓	4/9/2009
70.	SHER ULLAH	X3469 ✓	4/9/2009
71.	ALI RAHAMAN	X3517 ✓	4/9/2009
72.	NAEEM	X3518 ✓	4/9/2009
73.	ZAR SHAHD KHAN	X3532 ✓	4/9/2009
74.	FAZAL ADIL	X3553 ✓	4/9/2009
75.	IBRAR HUSSAIN	X3565 ✓	4/9/2009
76. (6)	YAR KHAN	X3575 ✓	4/9/2009
77.	FAZAL ROIDAR	X3656 ✓	4/9/2009
78.	ASFANDIYAR	X3667 ✓	4/9/2009
79.	AYOUB KHAN	X3714 ✓	4/9/2009
80.	AMIR ALAM SHAH	X3463 ✓	7/23/2009
81.	GOHAR ALI	X3420 ✓	8/9/2009
82.	TAWSHIF GUL	X3514 ✓	8/9/2009
83.	RIWAIT KHAN	X3544 ✓	8/9/2009
84.	HABIB ULLAH	X3630 ✓	8/9/2009
85.	ZIARAT KHAN	X3686 ✓	8/9/2009
86.	GULZAR ALI	X3425 ✓	9/1/2009
87.	AMIR SHAHZAD	X3460 ✓	9/8/2009
88.	QAYOM KHAN	X3515 ✓	9/9/2009
89.	NAVED KHAN	X3443 ✓	9/17/2009
90.	SHER BICAH	X3500 ✓	9/28/2009
91.	MOHAMMAD RAHMAN	X3590 ✓	10/1/2009
92.	ABUSAEED	X3395 ✓	10/1/2009
93.	AURANG ZEB	X3408 ✓	10/4/2009
94.	ABDULLAH	X3419 ✓	10/1/2009
95.	IMRAN	X3473 ✓	10/1/2009
96.	KHURSAID ALID	X3487 ✓	10/1/2009
97.	NIAMAT ALI	X3499 ✓	10/1/2009
98.	MUZAFAR SHAH	X3534 ✓	10/1/2009
99.	UMER ALI	X3715 ✓	10/1/2009
100.	SADIQAT ALI	X3720 ✓	10/1/2009
101.	HABIBURHAMAN	X3722 ✓	10/1/2009

12	✓ NAJEEB JLLAH	X3741 ✓	10/1/2009
13	✓ QAISAR ALI	X3742 ✓	10/1/2009
14	✓ ABID ALI	X3779 ✓	10/1/2009
105	✓ QASIM JAN	X3787 ✓	10/1/2009
106	✓ NOOR UL HAQ	X3793 ✓	10/1/2009
107	✓ AHMAD ZEB	X3796 ✓	10/1/2009
108	✓ NOWSHERAWAN	X3802 ✓	10/1/2009
109	✓ AKMAL KHAN	X3803 ✓	10/1/2009
110	✓ KHISATA BACHA	X3807 ✓	10/1/2009
111	✓ SHAH MAZAL KHAN	X3823 ✓	10/1/2009
112	✓ FAYAZ	X3826 ✓	10/1/2009
113	✓ IMTIYAZ ALI	X4408 ✓	10/1/2009
114	✓ AKBAR ALI	X3685 ✓	10/1/2009
115	✓ MOHAMMAD SAJAD	X3721 ✓	10/1/2009
116	✓ AJAB KHAN	X3760 ✓	10/1/2009
117	✓ IFTIKHAR HUSSAIN	X3761 ✓	16/1/2009
118	✓ ANWAR KHAN	X3775 ✓	10/1/2009
119	✓ HAMRA ALI KHAN	X3808 ✓	10/1/2009
120	✓ SULIMAN SHAH	X4401 ✓	10/10/2009
121	✓ IBRAR ALI	X3475 ✓	10/15/2009
122	✓ SHAHAB ZADA	X3877 ✓	10/21/2009
123	✓ AZIZ UR RAHMAN	X3967 ✓	11/20/2009
124	✓ TARIQ MEHMOOD	X3899 ✓	12/11/2009
125	✓ NAVEED ILLHI	X3441 ✓	12/15/2009
126	✓ MOHAMMAD NABI	X3900 ✓	12/16/2009
127	✓ NAEEM SHAH	X3875 ✓	12/22/2009
128	✓ ISLAM UDDIN	X4135 ✓	1/1/2010
129	✓ MOHAMMAD ISHAQ	X4267 ✓	1/2/2010
130	✓ AMIR RAHMAN	X4204 ✓	1/2/2010
131	✓ IFTIKHAR AHMAD	X4206 ✓	1/2/2010
132	✓ TAHIR ZADA	X4207 ✓	1/2/2010
133	✓ SHAH RASOL	X4208 ✓	1/2/2010
134	✓ TAJ MINIR KHAN	X4210 ✓	1/2/2010
135	✓ ASAD ULLAH	X4221 ✓	1/2/2010
136	✓ ZAHID HUSSAIN	X4238 ✓	1/2/2010
137	✓ ALI HUSSAIN	X4249 ✓	1/2/2010
138	✓ FAZAL MAJID	X4271 ✓	1/2/2010
139	✓ HAZRAT USAMN	X3788 ✓	1/3/2010
140	✓ SIKANDAR ZAMAN	X4303 ✓	1/3/2010
141	✓ HABIB UR RAHMAN	X3627 ✓	1/3/2010
142	✓ AMAN ULLAH	X4125 ✓	1/13/2010
143	✓ NIK AMAL KHAN	X4134 ✓	1/13/2010
144	✓ ASLAM KHAN	X4155 ✓	1/26/2010
145	✓ ZABIH ULLAH	X3657 ✓	1/29/2010
146	✓ QAYOOM KHAN	X4181 ✓	1/30/2010
147	✓ ZIARAT GUL	X4188 ✓	1/30/2010
148	✓ IRSHAD AKBAR	X4243 ✓	1/30/2010
149	✓ ZIR UR RAHMAN	X4247 ✓	1/30/2010
150	✓ INAYAT UR RAHMAN	X4192 ✓	1/30/2010
151	✓ MUZAM KHAN	X4101 ✓	2/1/2010
152	✓ RIAZ BACHA	X4205 ✓	2/2/2010
153	✓ FAWAD	X4248 ✓	2/2/2010
154	✓ SOHRAB	X4290 ✓	2/2/2010
155	✓ MIAN ADDIL SHAH	X4346 ✓	2/3/2010

Attached
[Signature]

156	MANSAF KHAN	4139	2/3/2010
157	ZAFAR ALI SHAH	4293	2/3/2010
158	MOHAMMAD IQBAL	4298	2/9/2010
159	IBRAR	4350	2/10/2010
160	SHUKAT ALI	3754	2/13/2010
161	FAZAL ILLAHI	4147	2/13/2010
162	ARSHAD ALI	4317	2/13/2010
163	SHAHID HUSSAIN	4315	2/13/2010
164	FARMAN UDDIN	4325	2/16/2010
165	MOHAMMAD IBRAR	4336	2/16/2010
166	MISAL FARAZ	4308	2/16/2010
167	AKMAL BACHA	3582	2/20/2010
168	NIAMAT KHAN	4314	2/22/2010
169	MOHAMMAD ALI	4341	2/24/2010
170	WISAL	3454	2/26/2010
171	IRFAN ALI	4269	3/1/2010
172	BAKHT AKBAR	4268	3/1/2010
173	SOHIL	4294	3/2/2010
174	NOMAN KHAN	4295	3/2/2010
175	LATIF ULLAH	4270	3/2/2010
176	MAT UR RAHMAN	4284	3/2/2010
177	FARID KHAN	3618	3/22/2010
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179	TAHIR KAMAL PASHA	4116	4/1/2010
180	IMRAN KHAN	4107	4/1/2010
181	MUDASIR	4109	4/1/2010
182	AMJAD KHAN	4114	4/1/2010
183	KAMRAN KHAN	4117	4/1/2010
184	BAKHT MIR SAID	4371	4/19/2010
185	SAID ZIA ULLAH	4288	6/2/2010
186	IMRAN KHAN	4266	6/2/2010
187	ALIF KHAN KHATAK	4276	6/2/2010
188	MOHAMMAD YASIR KHAN	4280	6/2/2010
189	HABIB UR RAHMAN	4281	6/2/2010
190	FALAK NAZ	4285	6/2/2010
191	DOSTMC HAMMAD	4259	6/2/2010
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193	WAJID ALI	3735	6/15/2010
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196	BASHIR AKBAR KHAN	3342	8/25/2010
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204	IRSHAD AHMAD	3677	9/16/2010
205	RASOOL SHAH	3571	9/23/2010
206	MOHAMMAD IKRAM KHAN	3478	9/27/2010
207	SHER ZAMAN	3563	9/27/2010
208	MOHAMMAD TAHIR	3578	9/27/2010
209	AYAZ ALI	3864	9/29/2010

26

X210.	IMRAN KHAN	4305	✓	10/2/2010
X211.	ASAD KHAN	4331	✓	10/2/2010
X212.	NASIR ULLAH KHAN	3538	✓	10/6/2010
X213.	ZAHID HUSSAIN	3584	✓	10/6/2010
X214.	FAISAL HUSSAIN	3612	✓	10/6/2010
X215.	MOSOOD AHMAD	3645	✓	10/6/2010
X216.	SHAHAB KHAN	3730	✓	10/6/2010
X217.	UMAR DARAZ	3733	✓	10/6/2010
X218.	ABDUL BASIT	3540	✓	10/6/2010
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X223.	MOHAMMAD ZAMAN	4159	✓	12/13/2010
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X226.	ABASS KHAN	3755	✓	12/28/2010
X227.	INAYAT ULLAH	3471	✓	12/28/2010
X228.	GUL BACHA	4361	✓	12/28/2010
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X230.	SAJJID IBRAHIM	4428	✓	12/28/2010
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X232.	SAMI ULLAH	4431	✓	12/28/2010
X233.	TAHIR KHAN	4432	✓	12/28/2010
X234.	MOHAMMAD RAHMAN	4433	✓	12/28/2010
X235.	MOHAMMAD ARIF	3457	✓	12/28/2010
X236.	M. HABIB ULLAH	3896	✓	12/28/2010
X237.	MOHAMMAD ZAKIR	3912	✓	12/28/2010
X238.	FAZAL MALIK	3917	✓	12/28/2010
X239.	SULIMAN KHAN	3957	✓	12/28/2010
X240.	AYAZ KHAN	3985	✓	12/28/2010
X241.	MANZOOR KAMAL	4131	✓	12/28/2010
X242.	ARSHAD	4161	✓	12/28/2010
X243.	ADANAN KHAN	4180	✓	12/28/2010
X244.	FAQIR RAHMAN	4212	✓	12/28/2010
X245.	IJAZ KHAN	4231	✓	12/28/2010
X246.	GHOWAS KHAN	4337	✓	12/28/2010
X247.	KHURSHAD	4462	✓	12/28/2010
X248.	HAMAYOON KHAN	4463	✓	12/28/2010
X249.	ABID KHAN	4468	✓	12/28/2010
X250.	SHER RAHMAN	4469	✓	12/28/2010
X251.	WASIM KHAN	3908	✓	12/28/2010
X252.	MUSHTAQ AHMAD	4472	✓	12/28/2010
X253.	JAFFAR HUSSAIN	3384	✓	12/29/2010
X254.	MAHBOOB ALI	3352	✓	12/29/2010
X255.	AKBAR ALI	3358	✓	12/29/2010
X256.	UMAR ALI	3406	✓	12/29/2010
X257.	SANA ULLAH	3436	✓	12/29/2010
X258.	BAKHT RAHMAN	3549	✓	12/29/2010
X259.	ALI MOHAMMAD	3562	✓	12/29/2010
X260.	ROSHAN ALI	3615	✓	12/29/2010
X261.	SHER ZAMAN	3655	✓	12/29/2010
X262.	AMJAD ALI MIAN	4162	✓	12/29/2010
X263.	SAID AKBAR	4448	✓	12/29/2010

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254	✓	ALI ZAMIN			
255	✓	MOHAMMAD ALI	3680	✓	12/29/2010
256	✓	SHAHID AHMAD	3895	✓	12/29/2010
257	✓	MOHAMMAD FAYAZ	3927	✓	12/29/2010
263	✓	IRFAN ULLAH	3930	✓	12/29/2010
268	✓	KAMRAN KHAN	3931	✓	12/29/2010
270	✓	ROHOL AMIN	3934	✓	12/29/2010
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285	✓	BACHA MUSSAIN	4451	✓	12/29/2010
286	✓	IMAM ULLAH	4455	✓	12/29/2010
288	✓	IMRAN	3359	✓	12/29/2010
289	✓	MUSLAIM KHAN	3948	✓	12/29/2010
290	✓	ASIF KHAN	4457	✓	12/29/2010
			4474	✓	12/29/2010

(No. 16841-44/E-II)
Dt. 15-07-013

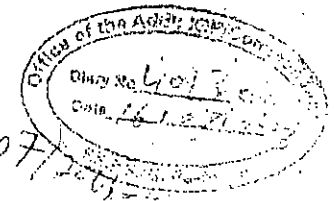
(AWAL KHAN)
DIG/Headquarters
For Provincial Police Officer
Khyber Pakhtunkhwa
Peshawar
12013

No. 16841-44/E-II, dated Peshawar the 15/07/2013
Copy of above is forwarded for information and necessary action

- to the:
1. Addl. IGP/HQ's Khyber Pakhtunkhwa Peshawar.
 2. Addl. IGP/Commandant FRP Khyber Pakhtunkhwa Peshawar.
 3. Deputy Inspector General of Police, Malakand Region.
 4. District Police Officer, Swat.

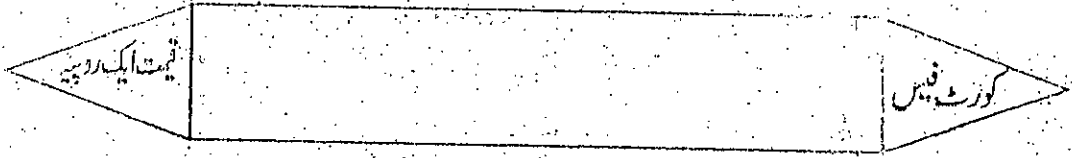
No. 4743/OTI dated Peshawar, 24/07/2013

Copy of above is sent to SP FRP Malakand
Range Swat for information & NA



[Signature]
05/22/07/2013
For Addl. IGP/HQ's
FRP - PK

بعدالت سرویس ٹریسول نظام کیس اور



مورخہ ۲۰۱۹ منجانب ایسٹا انٹ
 مقدمہ سلمان شاہ
 دعویٰ
 جرم

باعث تحریر آنکھ

مقدمہ مشدرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی

مستعلقہ آن مقام
 مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل
 اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالثت و فیصلہ پر حلف دینے جواب
 دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زرا اور اس پر دستخط کرنے کا اختیار ہوگا۔
 نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ مذکور کے نسل
 یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔
 اور صاحب مقررہ شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ
 برواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوا یہ مقدمہ کے
 سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے
 وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہوا یا حدتہ باہر ہو تو وکیل
 صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا اوکالت نامہ لکھ دیا کہ سند ہے

المرقوم ۱۶ ماہ دسمبر ۲۰۱۹

العبد گواہ شہادہ العبد

بمقام سرویس ٹریسول کیمپ لٹوری سوانٹ کے ملنے منظور ہے

Accepted & Accepted
 QUER-SAAH - Advocate
 (Signature)

Handwritten notes on the right margin, including a date '۶ محرم ۱۴۴۱ھ' and other illegible text.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 1973/2019

Suleman Shah No.4401/780 R/O Gharibabad Thana Tehsil Batkhela District
Malakand.

..... Appellant


VERSUS

Provincial Police officer, Khyber Pukhtunkhwa, Peshawar & others

..... Respondents

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**District Police Officer, Swat
(Respondent No. 6)**

Suleman Shah No.4401/780 R/O Gharibabad Thana Tehsil Batkhela District
Malakand.

..... Appellant

VERSUS

Provincial Police officer, Khyber Pukhtunkhwa, Peshawar & others

..... Respondents

PARAWISE REPLY BY RESPONDENTS

**Respectfully Shewith,
PRELIMINARY OBJECTIONS.**

1. That the appeal is badly barred by Law & limitation.
2. That the appellant has got no Cause of action and locus standi to file the present appeal.
3. That the appeal is bad due to misjoinder and nonjoinder of necessary parties.
4. That the appellant has not come to the Tribunal with clean hands.
5. That the instant appeal is not maintainable in its present form.
6. That the appellant has concealed the material facts from this Hon'ble Tribunal.
7. That the appellant has not filed departmental appeal before the respondent No.02 within time limit.

FACTS:

1. Pertain to personal information of appellant, hence needs no comments.
2. Pertain to record, hence needs no comments.
3. Correct to the extent the appellant was performing his duty at FRP line Swat, furthermore, he was remained absent w.e.f 29/08/2013 till the order of dismissal from lawful duty without prior permission or sanction leave of the competent authority. Furthermore, the appellant was addicted to a chronic absentee and was not interested to continue his service. Medical plea of the appellant is false and he has not reported the same to immediate boss.
4. Incorrect. No application of the appellant has been received to the office of FRP Line, Swat regarding medical leave.
5. As explained above, appellant has not informed the respondent department regarding the illness.
6. Incorrect. No record of the appellant's illness is available with department. His plea is wrong and afterthought.

- 2
7. Denied and misleading. Appellant did not inform the respondent department about his disease. Furthermore, being a member of discipline force, appellant was supposed to apply for leave through proper channel, however he did not bother to do so which showed his lack of interest in discharging his duties.
 8. Incorrect. The appellant was dismissed from service on allegation of willful absence from lawful duty w.e.f 29/08/2013 till the order of dismissal without prior permission or sanctioned leave of competent authority as he displayed high level of negligence and irresponsible attitude toward discipline force by remaining absent for quite long period.
 9. The appeal of the appellant was examined by the competent authority and filed being badly time barred. Copy of order annexed as annexure "A".
 10. Incorrect. Mercy petition of the appellant was rightly filed by the respondent No.01 as second departmental appeal has no value when his first appeal was dismissed/filed.
 11. That the appellant has wrongly invoked the jurisdiction of this honorable court through unsound grounds.

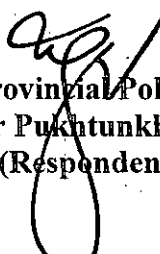
GROUND:


- a. Incorrect. The order of respondents are legal, lawful and in accordance with law/rules..
- b. As stated above, the order of respondents are legal, lawful and in accordance with law.
- c. Incorrect. All the available opportunities in law/rules have been provided to the appellant but he deliberately absented himself from official duty with prior permission or approved leave.
- d. Incorrect. All the opportunities of personal hearing and self defense were provided to the appellant during departmental probe, but he could not defend himself.
- e. Incorrect. The appellant was properly charge sheeted and enquiry was conducted against him. The Enquiry Officer provided him all the opportunity of personal hearing and self defense but he deliberately did not appear before the Enquiry Officer to defend the charges leveled against the appellant.
- f. Incorrect. As stated above, the appellant was issued charge sheet coupled with statement of allegations and proper enquiry was conducted against the appellant. During course of enquiry, the allegations against the appellant were proved beyond any shadow of doubt.


- 3
- g. Para already explained above in detail.
 - h. Para explained above in detail.
 - i. Para explained above at Para No.4 of Grounds.
 - j. Incorrect. The appellant willfully absented himself from lawful duty and did not inform his high ups about his disease which shows his irresponsible attitude and disinterest in performing of his official duty.
 - k. Incorrect. The appellant had not applied for any sort of leave, rather he willfully absented himself from official duty without sanctioned leave.
 - l. Para explained above in detail.
 - m. Irrelvent and not related to record of respondent department.
 - n. That other grounds not specifically answered in the reply, will be agitated with the permission of honorable Tribunal at the time of arguments.


PRAYER:

Keeping in view the above facts and circumstances, it is humbly prayed that the appeal of appellant being devoid of legal force may kindly be dismissed with costs.


Provincial Police officer,
Khyber Pukhtunkhwa, Peshawar
(Respondent No. 1)


Addl: Inspector General of Police
HQrs: KPK Peshawar
(Respondent No. 2)


Deputy Inspector General of Police
HQrs: KPK Peshawar
(Respondent No. 3)


Assistant Inspector General of Police
Establishment, CPO Peshawar
(Respondent No. 4)


Regional Police Officer,
Malakand Region,
Regional Police
(Respondent No. 5)


District Police Officer Swat
(Respondent No. 6)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1973/2019

Suleman Shah No.4401/780 R/O Gharibabad Thana Tehsil Batkhela District
Malakand.

..... Appellant


VERSUS


Provincial Police officer, Khyber Pukhtunkhwa, Peshawar & others


..... Respondents

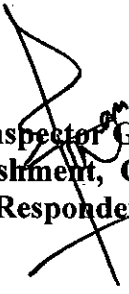
AFFIDAVIT


We, the above respondents do hereby solemnly affirm on oath and declare that the contents of the appeal are correct/true to the best of our knowledge/ belief and nothing has been kept secret from the honorable Tribunal.


Provincial Police officer,
Khyber Pukhtunkhwa, Peshawar
(Respondent No. 1)


Addl: Inspector General of Police
HQrs: KPK Peshawar
(Respondent No. 2)


Deputy Inspector General of Police
HQrs. KPK Peshawar
(Respondent No. 3)


Assistant Inspector General of Police
Establishment, CPO Peshawar
(Respondent No. 4)


Regional Police Officer,
Malakand Region
(Respondent No. 5)
Regional Police Officer,
Malakand Region,
Saidu Sharif, Swat.


District Police Officer Swat
(Respondent No. 6)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1973/2019

Suleman Shah No.4401/780 R/O Gharibabad Thana Tehsil Batkhela District
Malakand.

..... Appellant

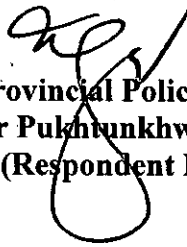
VERSUS


Provincial Police officer, Khyber Pukhtunkhwa, Peshawar & others

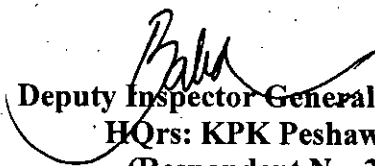
..... Respondents


AUTHORITY LETTER


We, the above respondents do hereby authorize Mr. Naeem Hussain DSP/Legal Swat to appear before the Tribunal on our behalf and submit reply etc in connection with titled Service Appeal.


Provincial Police officer,
Khyber Pukhtunkhwa, Peshawar
(Respondent No. 1)


Addl: Inspector General of Police
HQrs: KPK Peshawar
(Respondent No. 2)


Deputy Inspector General of Police
HQrs: KPK Peshawar
(Respondent No. 3)


Assistant Inspector General of Police
Establishment, CPO Peshawar
(Respondent No. 4)


Regional Police Officer,
Malakand Region
(Respondent No. 5),
Malakand Region,
Saidu Sharif, Swat.


District Police Officer Swat
(Respondent No. 6)

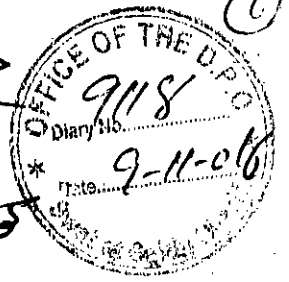
Annex A

6

1928P

خدمت جاگیر پبلک پولیس آفسر ملاکنڈ ڈوئیر مقام سید شریف

جاغیالا



معروض خدمت ہوں۔ کہ سائیل موخ 01-01-2012 کو حکم پولیس میں بھرتی ہو کر سائیل نے بہت ایمانداری اور دیانتداری سے ڈیوٹیاں سرانجام دی۔ سائیل نے دوران ڈیوٹی انصران بالا کو کسی قسم کی شکایت کا موقع نہیں دیا ہے۔ سائیل گھریوں مسائل اور مجبوری کی وجہ سے غیر حاضر ہو کر انصران بالا نے حوالہ آرڈر تک 126 موخ 07-18-2014 کو ڈسمس کیا۔ اب سائیل کے گھریوں مجبوریوں اور مسائل ختم ہو کر فوکری پر دوبارہ بحال ہونا چاہیے۔

استعداد سائیل پر رحم فرما کر حکم پولیس میں دوبارہ بحال کرنے کا حکم صادر فرما کر منگور فرمائیں۔

DSE/L
Punishments
02/11/16

رینڈلڈ (الطاف)

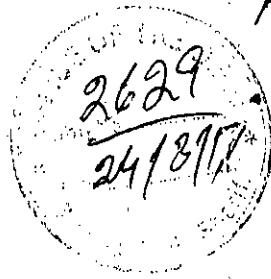
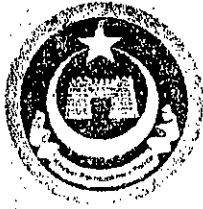
4401/FRP سالہ شاہ اسد شاہ روم خان
780
خان محمد شریب آباد قصاب تحصیل بٹگرام ضلع

07/11/16
Mob: 0315-9075924

No 9299 / DPO / Swat
Di 7-11-016 For comment

ATTESTED
Deputy Superintendent of Police Legal Swat.

Regional Police Officer,
Malakand, at Saidu Sharif Swat.
7-11-2016



File No. 1620

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

498/E

21-3-17

No. S/ 1620 /17, dated Peshawar the 15/03/2017.

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-Constable Suleman Shah No. 4401/780: The appellant was dismissed from service by DPO. Swat vide OB No. 126, dated 18.07.2014 on the charge of absence from duty for a period of 10 months and 20 days.

His appeal was filed by Regional Police Officer, Malakand vide Memo: No. 9832/E, dated 22.11.2016.

Meeting of Appellate Board was held on 23.02.2017 wherein appellant was heard in person. During hearing petitioner contended that he was ill and was gone to Karachi for treatment.

Petitioner absented himself for 10 months and 20 days during his short service. Moreover, the impugned order of dismissal from service of petitioner was passed vide order dated 18.07.2014 and his appeal was filed vide order dated 22.11.2016. The instant review petition filed on 07.12.2016 is badly time barred. Thus his appeal is rejected on grounds of limitation and merit as well.

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

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

No. S/ 1621-28 /17,

Copy of the above is forwarded to the:

1. Regional Police Officer, Malakand-at-Swat.
2. District Police Officer, Swat.
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.

EC
for n/a action

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No 2713 / Ec
Di 21-3-17
DPO / Sw
h wla

[Signature]
Regional Police Officer,
Malakand at Saidu Sharif, Swat.
20/3/17

8

CHARGE SHEET

I Mr. Sher Akbar S.St. P.S.P. District Police Officer, Swat as competent authority, hereby charge you, Constable Salman No.4401 while posted to JIS Police Lines as follows:-

It has been reported that you committed the following act / acts, which is / are gross misconduct on your part as defined in Rules 2 (iii) of Police Disciplinary Rules 1975.

You Constable Salman No.4401 while posted to JIS Police Lines have absented yourself from duty without prior permission or leave vide D.D. No.15, dated 24-02-2014 w.e.f. 29-08-2013 up till now as per report of Line Officer, JIS Police Lines dated 24-02-2014.


2. By reasons of the above, you appear to be guilty of misconduct and rendered yourself liable to all or any of penalties specified in Rule-4 of the Disciplinary Rules 1975.

3. You are, therefore, required to submit your written reply within seven (7) days of the receipt of this Charge Sheet to the Enquiry officer.

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

5. Intimate as to whether you desire to be heard in person or not.

6. A statement of allegations is enclosed.

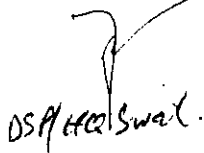

District Police Officer, Swat

No. 44 /E,

Dated: 27/2/2014.

Seen

Reader Form 19


DSP HCO Swat.

5-3-2014

9

DISCIPLINARY ACTION

I **Mr. Sher Akbar S.St. P.S.P. District Police Officer, Swat** as competent authority, is of the opinion that he **Constable Salman No.4401** while posted to **JIS Police Lines** has rendered himself liable to be proceeded against departmentally as he has committed the following acts/omissions as defined in Rule 2 (iii) of Police Rules 1975, as per Provincial Assembly of Khyber Pakhtunkhwa Notification No. PA/Khyber Pakhtunkhwa/ Bills/ 2011/ 44905 dated 16/09/2011 and C.P.O, K.P.K Peshawar Memo: No. 3037-62/Legal, dated 19/11/2011.

STATEMENT OF ALLEGATIONS

It has been reported that he while posted to **JIS Police Lines** committed the following act / acts, which is / are gross misconduct on his part as defined in Rules 2 (iii) of Police Rules 1975.

That he **Constable Salman No.4401** while posted to **JIS Police Lines** has absented himself from duty without prior permission or leave vide D.D. No.15, dated 24-02-2014 w.e.f. 29-08-2013 up till now as per report of Line Officer, **JIS Police Lines** dated 24-02-2014.

2. For the purpose of scrutinizing the conduct of the said officer with reference to the above allegations, **DSP/Headquarters Swat** is appointed as Enquiry Officer.

3. The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused officer, record its findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

4. The accused officer shall join the proceedings on the date, time and place fixed by the enquiry officer.


District Police Officer, Swat

No. 44 /EB, Dated Gulkada the, 27-2-2014

Copy of above is forwarded to the:-

1. **DSP/Headquarters Swat** for initiating proceeding against the accused Officer/ Official. namely **Constable Salman No.4401** under Police Rules, 1975.
2. **Constable Salman No.4401 JIS Police Lines:-**
With the direction to appear before the enquiry officer on the date, time and place fixed by the enquiry officer for the purpose of enquiry proceeding.

Khyber Pakhtunkhwa
Service Tribunal
Peshawar
Chairman

3/6/21
3/6/21
3/6/21

انکوائری قائل رپورٹ

جناب عالی!

بجوالہ چارج شیٹ نمبر 44 مورخہ 27/02/2014 جاریہ جناب DPO صاحب ضلع سوات برخلاف کنشیل سلیمان نمبر 01

JIS پولیس لائن معروض خدمت ہوں۔

یہ کہ مذکورہ پولیس لائن میں مورخہ 29/08/2013 سے تاحال غیر حاضر ہے۔ رپورٹ غیر حاضری جناب DPO صاحب کے حضور ہو کر صاحب موصوف نے مذکورہ کو چارج شیٹ ایٹو کر کے مجھے بغرض انکوائری حوالہ فرمایا۔

اندریں بارہ مذکورہ کو پیش کرنے کے لئے بار بار محرر لائن کو پروانہ جات جاری کئے گئے۔ مذکورہ اس سے پہلے FRP میں ڈیڑھ سہرا انجام دے رہا تھا۔ ریڈر SP صاحب FRP سے رابطہ کر کے نقل مدروا لگی اور موبائل نمبر حاصل کیا گیا۔

مورخہ 04/07/2014 کو ریڈر زبرد تنگلی نے مذکورہ کے ساتھ سرکاری ٹیلیفون سے موبائل نمبر 03159075924

کر کے مذکورہ نے خود Attend کر کے صاف طور پر واضح کیا۔ کہ وہ مزید محکمہ پولیس میں نوکری نہیں کرنا چاہتا ہے۔ مذکورہ

اگست 2013 سے غیر حاضر ہے۔ اور ماہ اگست سے تنخواہ بند کی گئی ہے۔ ماہ اگست سے ماہ جنوری 2014 تک بوجہ عدم تقسیم بذریعہ

پے آفسر داخل خزانہ کی گئی ہے۔ بقیہ تنخواہیں کیشیر لائن کے ساتھ بڑی ہیں۔ بیان کیشیر لائن (HC بخت زمین امراہ لف ہے)۔

لہذا کنشیل سلیمان FRP نمبر 4401 ڈسٹرکٹ نمبر 780 کو تاریخ غیر حاضری مورخہ 29/08/2013 سے محکمہ پولیس

ڈیس کرنے کا حکم صادر فرمایا جائے۔ انکوائری رپورٹ مرتب ہو کر پیش خدمت ہے۔

(مبارک خان)

ڈی۔ ایس۔ پی ہیڈ کوارٹر سوات۔

09 07 014

306/R
09/07/014

Submitted for order file

OB. No 126

18-7-14

ORDER

This order will dispose off the departmental enquiry against Constable Sulaiman No.4401/780 who while posted to Javed Iqbal Shaheed Police Lines absent himself from his lawful duty w.e.f 29.08.2013 up till now without prior permission or leave as per report of Lines Officer Javed Iqbal Shaheed Police Lines dated 24.02.2014.

He was issued charge sheet along with statement of allegations and DSP/Headquarters was deputed as Enquiry Office. The Enquiry Officer conducted proper departmental enquiry against the delinquent Constable and recorded the statements of all concerned officer. He provided ample opportunity to the delinquent Constable to defend the absence rendered by him. After conducting proper departmental enquiry, the Enquiry Officer submitted his findings wherein he recommended the delinquent Constable for Major punishment of Dismissal from service. he was called orderly Room. However, he could not appear to present plausible defense for his unlawful absence.

Having perused his service record, it was patently evident that the delinquent officer Constable Suliman No.4401/780 is addicted to a chronic absentee and is not interested to continue his service. Foregoing in view, the undersigned is of considered opinion that there are no chances that constable Suliman No.4401/780 becomes an effective Police Officer. His further retention in service is bound to affect the discipline of the entire force. Therefore, in exercise of the powers vested in the undersigned under Rule 2(iii) of police Disciplinary Rules, 1957, I, Sher akbar S.St P.S.P, District Police officer, Swat as a competent authority, am constrained to award him the punishment of Dismissal from service.

Order announced.

-Sd-
District Police Officer,
Swat

O.B. No. 126

Dated 18 / 07 / 2014

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~~Annexure "A"~~ (7)

(16) (17)
Annexure "C"

ORDER

This order will dispose off the departmental enquiry against Constable Suliman No. 4401/780 who while posted to Javed Iqbal Shaheed Police Lines absented himself from his lawful duty w.e.f. 29-08-2013 up till now without prior permission or leave as per report of Lines Officer, Javed Iqbal Shaheed Police Lines dated 24-02-2014.

He was issued Charge Sheet alongwith statement of Allegations and DSP/Headquarters was deputed as Enquiry Officer. The Enquiry Officer conducted proper departmental enquiry against the delinquent Constable and recorded the statements of all concerned officers. He provided ample opportunity to the delinquent Constable to defend the absence rendered by him. After conducting proper departmental enquiry, the Enquiry Officer submitted his findings wherein he recommended the delinquent Constable for Major Punishment of Dismissal from Service. He was called in Orderly Room. However, he could not appear to present plausible defense for his unlawful absence.

Having perused his service record, it was patently evident that the delinquent officer Constable Suliman No. 4401/780 is addicted to a chronic absence and is not interested to continue his service. Foregoing in view the undersigned is of considered opinion that there are no chances that Constable Suliman No. 4401/780 becomes an efficient Police Officer. His further retention in service is bound to affect the discipline of the police force. Therefore, in exercise of the powers vested in the undersigned under Rules 2 (III) of Police Disciplinary Rules-1975, I, Sher Akbar, S.St. P.S.P. District Police Officer, Swat as a competent authority, am constrained to award him the punishment of Dismissal from Service.

Order announced.

District Police Officer, Swat

O.B. No. 126

Dated 18/07/2014

ATTESTED

Deputy Superintendent of Police Legat Swat

18/07/14 1E 1P-8-14

Copy of above is submitted to SP, F.O. Swat

for issue of information with reference to this
file number...