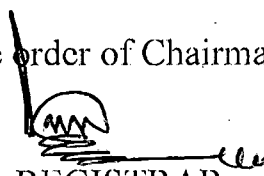


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1495/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/10/2022	<p>The appeal of Mr. Gohar Zaman resubmitted today by Mr. Muhammad Ayaz Majid Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Gohar Zaman Constable Driver No. 917 son of Muhammad Yousaf r/o Moh. Inayat Khel, Swabi received today i.e. on 13.10.2022 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- The under which appeal is filed is wrong.
- 2- Copy of application for obtaining a copy of enquiry report mentioned in para-3 of the memo of appeal is not attached with the appeal which may be placed on it.
- 3- Copy of appointment order mentioned in para-1 of the memo of appeal (Annexure-A) is not attached with the appeal which may be placed on it.
- 4- Approved file cover is not used.
- 5- Two more copies/sets of the appeal along with annexures i.e complete in all respect may also be submitted with the appeal.

No. 2812 /S.T,

Dt. 14/10 /2022

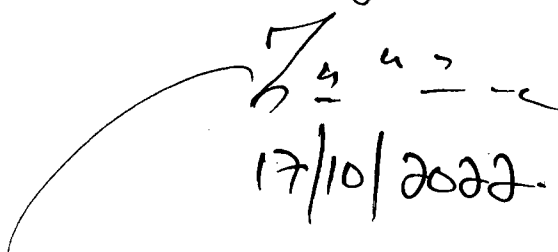

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Ayaz Majid Adv. Pesh.

Re-Submitted Complete the file. All the paras are covered. Para 3 the application is not available due to which the annexed will removed on sign by me. Para 1st Complete page is changed.

Kindly put up file and the date will be fixed as soon as possible. Thank you.

M. Ayaz Majid.


17/10/2022.

**BEFORE THE HON'BLE KHYBER PAKHUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. 1495 /2022

Gohar Zaman

Vs

I.G Peshawar and others

INDEX

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6	Copies of removal from order along with other relevant documents	C	8
7	Copy of departmental appeal	D	9-12.
8	Wakalat Nama		13

Appellant

Though


MUHAMMAD AYAZ MAJID
Advocate High Court Peshawar

Dated: 13-10-2022

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

Service Appeal No. 1495 of 2022

Gohar Zaman Constable Driver No. 917 S/o Muhammad Yousaf
R/o Mohallah Inayat Khel, Swabi, Tehsil and District Swabi.

.....Appellant

VERSUS

- 1- District Police Officer Swabi.
- 2- Regional Police Officer (RPO) Deputy Inspector General Mardan Region Mardan.
- 3- Inspector General OF Police Peshawar.

..... Respondents

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 3/10/2022 OF REGIONAL POLICE OFFICER RPO/DEPUTY INSPECTOR MARDAN REGION, MARDAN DISMISSED/REJECTED DEPARTMENTAL APPEAL AGAINST HIS TERMINATION ORDER NO. 5518-22/PA DATED 17/12/2021 THE DISTRICT POLICE OFFICER SWABI.

Respectfully Sheweth:

- 1- That the appellant/Civil Servant was appointed as Driver Constable No. 917 on dated 06/062008. (Copy of Service Card is annexure-A).
- 2- That the appellant was perming his duties with honesty and regularity since his appointment and from the year 2008 was performing his duties with late DIG Mr. Muhammad Yamin khan till date, under the direction of the District Police Officer duly approved by all the subsequent

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District Police Officer, and even after his death till the alleged date of absentee remained in the service of his family.

3. That the appellant came into knowledge very late after the termination order of the Respondent No. 1 on the grounds of inquiry, the appellant ran from post to pillar to obtain a copy but in vain. (Copy of application to obtain copy of inquiry but was refused ~~for~~ (Inquiry allegedly conducted by the respondents, the honorable tribunal is requested to requisition inquiry etc)
4. That on back of Appellant he was terminated and awarded major punishment by the Respondent No.1 passing an X-Parte order dated. 17.12.2021. **(Copy of the Order dated. 17.12.2021 annexed "B")**
5. That the appellant was informed by one of his colleague shocking the appellant, obtained a Copy of his termination and filed a departmental services appeal before the Respondent No.2, which was dismissed vide his Order dated.03.10.2022 **(Copy of dismissal of appeal annexed "C")**
6. That aggrieved by both the Orders of the Respondents 1 & 2 the appellant prefer the appeal on the grounds inter alia;

GROUND

- I. That the Appellant never remained absent was performing his duties with High Police Official since 2008.
- II. That neither Notice regarding the absence was issued nor was asked to stop performing duties with Police official or his family and assume duty within the district.

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- III. That the termination order shocked the appellant severally and suffered, gone under depression and remain under treatment till today.
- IV. That initially I never been informed, directed by Respondent No.1, to attend proceedings against appellant.
- V. That the appellant was performing duties with Police Official under the directions of District Police Officer and regularly since 2008.
- VI. That the appellant was condemned unheard and the impugned dismissal order dated. 17.12.2021 of the District Police Officer illegal, against law and in violation of policy of natural justice.
- VII. That alleged proceeding were neither conducted nor legal in the eye of law, hence not tenable in the eye of law, and need to be interfered and set aside.
- VIII. That neither the termination Order of the Responded No. 1, dated.17.12.2021 is legal nor the Order of the Respondent No.2 dismissing departmental appeal amounts legal.

It is therefore requested that by accepting the appeal of the Appellant the Order of Respondent No.1, dated. 17.12.2021 may be set aside and he may be re-instated on his duties.


Appellant

Through Counsel


MOHAMMAD AYAZ MAJID

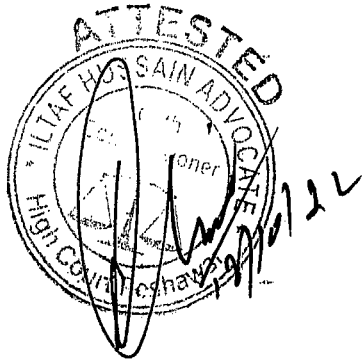
Advocate

PHCBA, Peshawar

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AFFIDAVIT

I, Gohar Zaman Constable Driver No. 917 S/O Muhammad Yousaf, R/O Moh. Inayat Khel, Swabi, Tehsil & District Swabi do hereby, solemnly affirm and stated on oath that all the contents of appeal are correct to the best of my knowledge, belief and nothing has been kept concealed from the honorable tribunal.



CD
DEPONENT

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**BEFORE THE HON'BLE KHYBER PAKHUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

Service Appeal No. _____/2022

Gohar Zaman

Vs

I.G Peshawar and others

ADDRESSES OF THE PARTIES

1. District Police Officer Swabi.
2. Regional Police Officer (RPO)/Deputy Inspector General Mardan
Region Mardan.
3. Inspector General of Police Peshawar.

Appellant

Though



MUHAMMAD AYAZ MAJID
Advocate High Court Peshawar

Dated: 13-10-2022

Annexure "A" (6)

PAKISTAN National Identity Card
ISLAMIC REPUBLIC OF PAKISTAN

Name
Gohar Zaman

Father Name
Muhammad Yousaf

Gender | Country of Stay
M | Pakistan

Identity Number | Date of Birth
16202-4663856-3 | 01.01.1972

Date of Issue | Date of Expiry
18.09.2020 | 18.09.2030

Holder's Signature

16202-4663856-3

503121089858
130-72-185836

Registrar General of Pakistan

گمشدہ کارڈ ملنے پر قریبی لیٹر بکس میں ڈال دیں

ATTESTED

POLICE

Name: GOHAR ZAMAN

Designation: CONSTABLE DRIVER

Distt: NOWSHERA

Sign Issuing Authority: [Signature]

Stamp Seal Issuing Authority: [Stamp]

Be Just That is Heard to your Duty observe you to God
Lo: He (God) is well informed of what you do.

Annex J B

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F/Name: MOHAMMAD YOUSAF

N.I.C. No.: 16201-46538563

Date of Appointment: 06-06-08

Identification Mark: CUTT MARK ON FACE.

Height: 5/8" Eyes: BLACK Bld: Grp: B+

Date of Issue: 15-9-08 S.No: 400

Attested

ORDER

(917/MC)
DVA

Annexed 2ⁿ
8

This Order will dispose off the departmental enquiry against **Driver Constable Gohar Zaman No.917**, who while posted to Police Lines Swabi, willfully absented himself from duty w.e.f 12.07.2021 till date without any leave or prior permission of the competent authority. He was issued with charge sheet alongwith summary of allegations and Mr. Inayat ul Ania DSP H.Qrs Swabi was appointed as Enquiry Officer. The enquiry officer conducted proper departmental enquiry, recorded statements of all concerned, collected evidence and submitted his findings, wherein the enquiry officer recommended the defaulter Driver Constable Gohar Zaman No.917 for ex-parte proceedings for the mis-conduct.

The undersigned has gone through the enquiry papers and findings of the enquiry officer and by agreeing with the recommendations of the enquiry officer issued Final Show Cause Notice to defaulter. The Final Show Cause Notice were sent to SHO PS Swabi for service upon him; consequently Final Show Cause Notice was handed over to his son namely Abbas Gohar for service upon him on 04.12.2021. He was clearly directed vide Para No.05 of the Final Show Cause Notice to submit his reply within seven days of the receipt of the Notice, otherwise ex-parte action will be taken against him, however, he did not bother to submit his reply nor appear for personal hearing even after lapse of 10 days which shows his dis-interest in Police service and has nothing to offer in his defence, hence ex-parte action.

Therefore, I, **Muhammad Shoaib Khan, PSP**, District Police Officer, Swabi, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules 1975, hereby award **Driver Constable Gohar Zaman No.917**, Major Punishment of dismissal from service with immediate effect. He will not be entitle for payment of any salary for the period of his absence on the principle no work no pay.

MUHAMMAD SHOAIB KHAN (PSP)
DISTRICT POLICE OFFICER, SWABI

O.B No. 1182

Dated 15/12 /2021.

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI.

No. 5518-22 /PA, dated Swabi, the 17/12 /2021.

Copies to the:-

1. DSP H.Qrs Swabi.
2. Establishment Clerk.
3. Fauji Missal Clerk.
4. Pay Officer, Swabi
5. Official concerned.

ATTESTED

PIO
District Police Officer Swabi

ATTESTED

بخدمت جناب ریجنل پولیس آفیسر صاحب سردان

مفتون، کھانا نیو ایبل برخلاف حکم غزنی 1182 حوصہ 12/5/2021

مجاہدہ DPO صاحبہ چوہانی

جناب عالی!

گزارش ہے کہ میں بطور سیشن گنر ڈیوٹی پر
 مامور تھا کہ اس دوران سائل بیمار ہوا۔ سائل مفتون
 علیہ معالجہ ہسپتال جا کر ڈاکٹر صاحبہ نے سائل
 کو علیہ معالجہ اور ادویات تجویز کر کے آرام
 کی ہدایت کی۔ سائل نے ادویات کا استعمال کر کے سائل کا
 کھو رفاقہ نہ ہوا۔ سائل نے دوبارہ معالجہ سے بے ڈاکٹر
 صاحبہ نے بارہن جا کر حکم آرام اور مزید ادویات تجویز کی
 سائل نے ڈاکٹر صاحبہ سے ہدایت پر عمل کرتے اس دوران
 سائل کو سیشن حاضر کیا گیا۔ مگر سائل کے علاج میں نہیں تھا۔
 یہ سائل کو سیشن حاضر کیا گیا ہے۔ چونکہ سائل بیمار تھا اور
 سائل اپنی سیشن حاضر کی ہے اور لکھ گیا۔ اس دوران سائل کو
 سیشن سے برطرف کرنے کا حکم جاری کیا گیا اور سائل
 اپنی برطرفی کے لیے لکھ گیا۔ سائل کی سیشن حاضر کی
 سیشن ڈاکٹر نے نہیں بلکہ بہ آفسر چوہانی نے۔ لیونڈ سائل
 موبج بیماری کے لیے سیشن اور ڈیوٹی انجام دینے کا قابل
 نہیں تھا۔ اس لیے وہ سیشن حاضر ہوا۔

P.T.O

ATTESTED

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ORDER.

This order will dispose-off the departmental appeal preferred by Ex-Driver Constable Gohar Zaman No. 917 of Swabi District against the order of District Police Officer, Swabi, whereby he was awarded major punishment of dismissal from service vide OB: No. 1182 dated 15.12.2021. The appellant was proceeded against departmentally on the allegations that he while posted at Police Lines, Swabi, absented himself from his lawful duty without any leave/permission of the competent authority with effect from 12.07.2021 till date of his dismissal.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Acting Deputy Superintendent of Police, Headquarters, Swabi was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings wherein he reported that the defaulter Officer was contacted time and again to appear before the enquiry Officer, but he failed and remained absent, which showed that he was no more interested in Police Service. He recommended the delinquent Officer for ex-parte action.

The District Police Officer, Swabi perused the findings and by agreeing with the recommendations of Enquiry Officer issued Final Show Cause Notice. The Final Show Cause notice was sent through local Police for service upon him, consequently Final Show Cause Notice was handed over to his son namely Abbas Gohar on 04.12.2021 for the purpose. He was clearly directed in Final Show Cause Notice to submit his reply within seven days, otherwise ex-parte action will be taken against him, however, neither did he bother to submit his reply nor did he appear for personal hearing even after lapse of 10 days which shows his disinterest in Police Service. Therefore, he was awarded major punishment of dismissal from service vide OB No. 1182 dated 15.12.2021 by the District Police Officer, Swabi.

Feeling aggrieved from the order of District Police Officer, Swabi, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 28.09.2022.

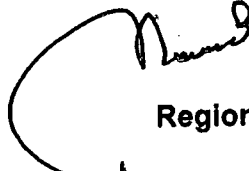
From the perusal of the enquiry file and service record of the appellant, it has been found that allegations leveled against the appellant have been proved beyond any shadow of doubt. As the appellant has bitterly failed to produce any cogent reason to justify his absence. Hence, the absence period i.e 05 months and 05 days of the appellant clearly depicts the casual and lethargic attitude towards his official duties as the very conduct of appellant is unbecoming of a disciplined Police Officer. Hence, order passed by the competent authority does not warrant any interference. Besides

ATTESTED

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the above, the appellant approached this forum at a belated stage by filing the instant appeal which is time barred for 08 months and 03 days without advancing any cogent reason regarding such delay.

Keeping in view the above, I, **Muhammad Ali Khan, PSP Regional Police Officer, Mardan**, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit as well as badly time barred.



**Regional Police Officer,
Mardan.**

No. 7682 /ES, Dated Mardan the 03 /10 /2022.

Copy forwarded to District Police Officer, Swabi for information and necessary action w/r to his office Memo: No. 129/Insp: Legal dated 13.09.202. His Service Record is returned herewith.

(*****)


ATTESTED



وکالت نامہ

Service Tribunal UPIL Peshawar

سیریل نمبر - 02645

دستورک پولیس آئی جی لیسٹاور

Petitioner

13

دعویٰ یا جرم

تھانہ - باعث تحریر آنکے ایف آئی آر - تاریخ -
مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی بمقام - لیسٹاور پولیس کے سونیل کیلئے

کو بدیں شرط وکیل مقرر کیا ہے میں ہر پیشی پر خود یا بذریعہ خاص رو برو عدالت حاضر ہوتا رہوں گا اور بروقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا، اگر پیشی پر من مظہر حاضر نہ ہوں اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصوف صدر مقام کچہری سے کسی اور جگہ یا کچہری کے مقرر اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے، اگر مقدمہ علاوہ صدر کچہری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل سے کچہری کے اوقات کے آگے پیچھے پیش ہونے پر من مظہر کو کوئی نقصان پہنچے تو اس کی ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار ہوں گے، مجھ کو کل ساختہ پرواختہ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا اور صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجراء ڈگری و نظر ثانی اپیل و نگرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کا روپیہ وصول کرنے اور سید دینے اور داخل اور ہر قسم کے بیان دینے اور سپرد نشانی و رضی نامہ کو فیصلہ پر خلاف کرنے، اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت اپیل برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا قرتی یا گرفتاری قبل اجراء ڈگری بھی موصوف کو بشرط ادینگی علیحدہ مختار نامہ پیروی کا اختیار ہوگا اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا، یا مقدمہ مذکورہ یا اس کے کسی جزوی کاروائی کے واسطے یا بصورت اپیل کے واسطے کسی دوسرے وکیل یا بیرسٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو ہر امر میں وہی اور ویسے ہی اختیارات حاصل ہوں گے جیسے کہ صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا وہ صاحب موصوف کو پر اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ بھی صاحب موصوف کے

برخلاف نہیں ہوگا۔
لہذا یہ مختار نامہ لکھ دیا تاکہ سند رہے۔

موضوع - مضمون مختار نامہ لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

16201-1746719-3

بار ایسوسی ایشن نمبر

BC No: 10-5344

بار کونسل نمبر - 58999/10

دستخط وکیل
نمبر 111 نکالت نامہ کانٹونمنٹ کی قابل قبول نہیں

مؤید زمان ولد محمد یوسف