

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 185/2022

Shah Zeb, Ex-Constable No.1837, Police Station Tarnab, Charsadda.

.....Appellant

V E R S U S

Provincial Police Officer, Khyber Pakhtunkhwa & others

.....Respondents

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RESPONDENTS

Through



**Shah Jehan, ASI
Charsadda**

①

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**

Service Appeal No. 185/2022

Shah Zeb, Ex-Constable No.1837, Police Station Tarnab, Charsadda.

.....Appellant

V E R S U S

Provincial Police Officer, Khyber Pakhtunkhwa & others

.....Respondents

REPLY/PARAWISE COMMENTS BY RESPONDENTS.

Respectfully Sheweth:

Preliminary Objections:

1. That appellant has not approached to this Hon'ble tribunal with clean hands.
2. That the appellant has suppressed actual facts/factual position from this Hon'ble tribunal.
3. That the appeal of appellant is not based on facts.
4. That the appeal of appellant is bad for non-joinder and misjoinder of necessary parties.
5. That the appellant is estopped by his own conduct to file the present appeal.
6. That appeal of the appellant is badly time barred.

REPLY ON FACTS:

1. Para to the extent of appointment/enlistment of the appellant in respondent department as constable is correct, while rest of the para is incorrect as the appellant was a habitual absentee, which is evident from Police reports **(Copy of reports are annexed as A)**.
2. Incorrect. The plea of alleged illness of his mother has been taken by the appellant only to win over the sympathy of this Hon'ble Tribunal. Appellant remained absent w.e.f 21.11.2020 to 29.11.2020 (08-days), 03.01.2021 to 09.01.2021 (07-days) and from 12.04.2021 to 23.06.2021 (72-days). For the aforementioned absence neither appellant informed the high ups regarding so called illness of his mother nor took any leave/permission from the high ups/senior officers.
3. Appellant himself admitted that he was addicted to ICE (drug) which was main reason of his absence from duty. As far as admission of appellant to/in rehabilitation center is concerned,

(2)

neither he had informed his officers nor took any leave/permission from the high ups.

4. There is admission on part of the appellant that due to drug addiction he remained absent. As far as non-association of the appellant with the enquiry proceeding, as alleged by him, is concerned, in this regard it is stated that in respect of 03 periods of absence three enquiries were conducted against the appellant. Two enquiries were conducted by the then DSP Shabqadar but during the proceedings of these enquiries appellant deliberately failed to join these proceedings, therefore, enquiry officer recommended Ex-part action against him. Similarly in respect of 72 days absence from duty without any leave and permission by the appellant, enquiry conducted through the then SDPO Sardheri. During the course of enquiry appellant was summoned, who appeared and heard in person. He stated that he remained absent due to illness of his mother. However he did not produce any single document regarding his mother's illness. Hence the enquiry officer recommended him for major punishment. **Copies of enquiry reports are annexed as B, C & D.**

5. Para correct to the extent that on the recommendation of enquiry officer appellant was removed from service vide order O.B No. 721 dated 28.07.2021. Against the said order appellant moved departmental appeal before the appellate authority but the same was rejected/filed being time barred vide order No. 62/ES dated 04.01.2022. **Copy of rejection order is annexed as E.**

It is worth to mention here that appellant had also moved revision petition before respondent No.1. In this regard a meeting of the appellate board was held on 29.03.2022 wherein appellant was also heard in person, however revision of the appellant was also rejected vide order No. S/769-75/22 dated 14.04.2022. **Copy of order on revision petition is annexed as F.**

6. That appeal of appellant is liable to be dismissed on the following grounds amongst the others.

GROUND:

- A. Order dated 27.07.2021 and 04.01.2022 were passed in accordance with law and under the spirit of justice, hence, are liable to be maintained.
- B. Incorrect. 03 enquiries against the appellant were conducted. During enquiries, conducted by SDPO Shabqadar, appellant deliberately failed to make his appearance, hence, Ex-part action against appellant was recommended by enquiry officer. During

(3)

the enquiry proceeding of 3rd enquiry appellant was summoned who appeared before the enquiry officer and was also heard in person but regards his absence he gave lame excuse, hence the enquiry officer recommended him for major punishment.

- C. Incorrect. Before passing order of removal from service, appellant was issued Final Show Cause Notice to which appellant also submitted his reply. **Copy of FSC and reply is annexed G & H.**
- D. Incorrect. Penalty of removal from service is in consonance with the misconduct of the appellant.
- E. Para already explained.
- F. If for the moment stance of the appellant is taken as correct that he was not involved in selling of ICE, it has been admitted by him that he was addicted person cannot be retained in Police force/department.
- G. Incorrect. Appellant has been treated in accordance with law and rules.
- H. That the respondents seek permission of this Hon'ble Tribunal for further additional grounds at the time of arguments.

Prayer:

Keeping in view the facts above, it is therefore humbly prayed that the appeal of appellant being without merit and substance, may kindly be dismissed with cost.


**Provincial Police Officer,
Khyber Pakhtunkhwa,
(Respondent No.1)**


**Regional Police Officer,
Mardan, Region, Mardan
(Respondent No.2)**


**District Police Officer,
Charsadda
(Respondent No.3)**

الوٹ غیر خافی عذر اور غیر وقت سے 22:50 بجے مورخہ 12 4/021 درج ذیل کے
 شمارے 1837 ڈیوٹی بمطابق ڈیوٹی پر موبائل ڈیوٹی لگائی گئی تھی کہ
 انتظامیہ باوجود مذکورہ ایشل نہیں آیا جسے خلاف رپورٹ غیر خافی درج روزنامہ کے نقل
 بغرض مناسب کاروائی آفسران بالا کی خواہش سے ارسال کی جائیگی۔
 جناب عالی!

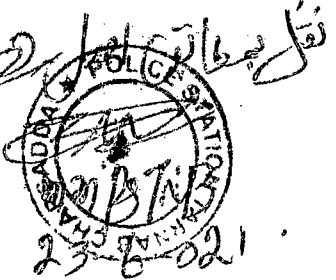


423 - R
 28-6-021

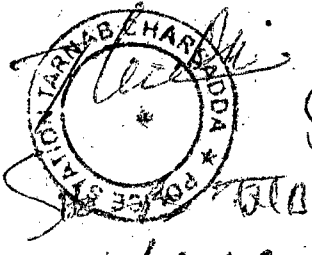
مخبر خاصہ سی۔ کل (65) ایم

نقل بمطابق 17 روزنامہ 6/021 27

خافی عذر اور غیر وقت سے 18:10 بجے مورخہ 23 6/021 اس وقت سے کئی شمارے
 روانہ کیے 1837 غیر خافی مشورہ بحوالہ مورخہ 14 روزنامہ 12 4/021 نمائندہ خافی آیا اور بیان کیا
 کہ دوران پیشی اپنا بیان آفسران بالا کو زبانی دو دو کا پس مذکورہ کئی خافی
 درج روزنامہ کے نقل بغرض مناسب کاروائی آفسران بالا کو ارسال کی جائیگی
 جبکہ کئی کی حکام آفسران بالا کو نمائندہ ہذا سے روانہ خواہ وس تبادلہ ہو گیا ہے مورخہ
 سی کاری و پٹی سرکاری روانہ نمائندہ خواہ وس کہ ہر ایات دی گئی
 جناب عالی!



Sis forwarded pay Stopped
 issued Charge Sheet and Summary of Allegation
 24/6/21



District Police Officer
 Charasadda

(5)

تعمانہ ترقی -

نقل ورد 14 روزنامہ 03 01/21

صبح

ورد 14 رپورٹ عیسیٰ خاں خدایار خد و وقت 23:00 بروز 03 01/21 اس وقت کھٹیل شاہ ذریعہ 1937 کی ڈیوٹی بطور ڈیوٹی پر عیسیٰ خاں کی ڈیوٹی کیلئے مارت کھٹیل اور حدود خانہ میں تلاش کیا۔ جو کہ عدم موجودگی یا یا تیا مذکورہ تو عیسیٰ خاں کے رپورٹ درج روزنامہ کے نقل افسران جاہ کو مناسب قاعدوں کیلئے ارسال کی جائیگی

Pay stopped.

issued. charge sheet and Summary of Allegation

عیسیٰ خاں
نقل عطا علی احمد
MM-PS-TROB
10-1-21

OB No. 97
Dt: 22-1-2021

District Police Officer
Charsadda

تعمانہ ترقی - نقل ورد 33 روزنامہ 03 01/21 ضلع چارسدہ

ورد 33 رپورٹ عیسیٰ خاں خدایار خد و وقت 06:45 بروز 03 01/21 اس وقت کھٹیل شاہ ذریعہ 1937 عیسیٰ خاں کے خلاف بحالہ ورد 14 روزنامہ 03 01/21 حاکم اور بیان کیا کہ بدوران پیشی بہ زبانی بیان دونوں کیس مذکورہ کی عیسیٰ خاں کے رپورٹ درج روزنامہ کے نقل مد بعض مناسب قاعدوں کی افسران جاہ کو ارسال کی جائیگی۔

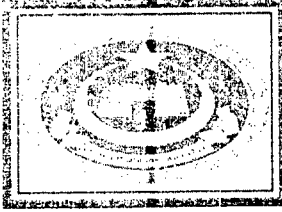
عیسیٰ خاں
نقل عطا علی احمد
MM-PS-TROB
10-1-21

Sir
Forwarded
Jamil
S/O PS-TROB
10-1-21

~~B. Ahmed~~

7

Annexure 'B'



GOVERNMENT OF KHYBER PAKHTUNKHWA,

OFFICE OF THE DY: SUPERINTENDENT OF POLICE,

SHABQADAR

PH: 091-6281802

No. 307 /S, dated Shabqadar the 02/03/2021

To,

The Worthy District Police Officer,
Charsadda.

Subject: ENQUIRY REPORT OF CONSTABLE SHAHZEED NO. 1837 OF
POLICE STATION TARNAB.

Memo:

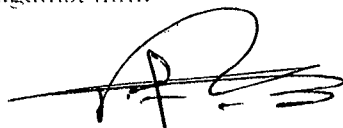
Kindly refer to your order No. 24-25/HC, dated 12-01-2021.

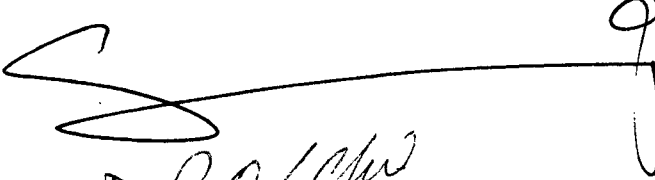
Allegations in the instant enquiry against Constable Shahzeed No. 1837 are that, while posted at PS Tarnab, absented himself from his lawful duty w.e from 21-11-2020 to 29-11-2020 (08-days) without any leave or prior permission from his senior officers. This shows his inefficiency and lack of interest in the performance of his official duty.

The detainer Constable Shahzeed No. 1837 was given chances so many times for hearing to join the enquiry proceedings, but he deliberately failed to do so. Therefore, he is recommended for EX-PART ACTION against him.

HC

Issue final SCN


Dy: Superintendent of Police,
Shabqadar.


DPO/Char
23-2-2021



8

OFFICE OF THE
DISTRICT POLICE OFFICER, CHARSADDA
PHONE# 091-9220400 FAX#091-6514661
EMAIL: charsaddadpo@yahoo.com

DISCIPLINARY ACTION UNDER KPK POLICE RULES -1975

I, **Muhammad Shoaib Khan**, District Police Officer Charsadda, as competent authority am of the opinion that Constable Shahzeb No. 1837, has rendered himself liable to be proceeded against as he has committed the following acts/omissions within the meaning of section 02 (iii) of KPK Police Rules-1975.

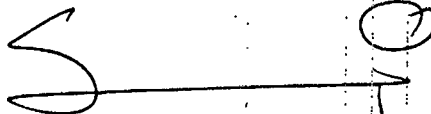
STATEMENT OF ALLEGATIONS

That he Constable Shahzeb No. 1837, while posted at Police Station Tarnab, absented himself from his lawful duty w.c from 21.11.2020 to 29.11.2020 (08-days) without any leave or prior permission from his senior officers.

This shows his inefficiency and lack of interest in the performance of his official duties.

This amounts to grave misconduct on his part, warranting Departmental action against him.

For the purpose scrutinizing the conduct of the said official Mr. Farooq Zaman DSP ~~Shabqadir~~ is hereby deputed to conduct proper departmental enquiry against the aforesaid official, as contained in section 6 (I) (a) of the afore mentioned rules. The enquiry officer after completing all proceedings shall submit his verdict to this office within (07) days. Constable Muhammad Shah No. 1295, is directed to appear before the enquiry officer on the date, time and place fixed by the later (enquiry officer) a statement of charge sheet is attached herewith.


MUHAMMAD SHOAIB KHAN (PSP)
DISTRICT POLICE OFFICER
CHARSADDA

No. 24-25/HC, dated Charsadda the 12/01 /2021

CC:

1. Mr. Farooq Zaman (Enquiry Officer)
2. Constable Shazeb No. 1837





I

OFFICE OF THE
DISTRICT POLICE OFFICER, CHARSADDA
PHONE# 091-9220400 FAX#091-6514661
EMAIL: charsaddadpo@yahoo.com
CHARGE SHEET UNDER KPK POLICE RULES 1975


I, **Muhammad Shoaib Khan**, District Police Officer, Charsadda, as competent authority hereby charge you Constable Shahzeb No. 1837, as follows.

That you Constable Shahzeb No. 1837, while posted at Police Station Tarnab, deputed for special duty vide DD No. 19 dated 21.11.2020 and you did not insure your arrival and absented yourself from your lawful duty w.c from 21.11.2020 to 29.11.2020 (total 08 days) without any leave or prior permission from your senior officers.

This shows your inefficiency and lack of interest in the performance of your official duties.

This amounts to grave misconduct on your part, warranting Departmental action against you as defined in section-6(I) (a) of the KPK Police Rules 1975.

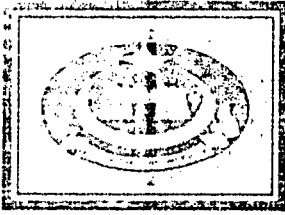
1. By reason of the above, you appear to be guilty of misconduct under section 02(III) of the KPK Police Rules 1975 and has render your self liable to all or any of the penalties as specified in section 04 (I) a & b of the said rules.
2. You are therefore, directed to submit your written defense within seven days of the receipt of this Charge Sheet to the Enquiry Officer.
3. Your written defense, if any should reach to the enquiry officer within the specified period, in case of failure, it shall be presumed that you have no defense to put-in and in that case an ex-parte action shall follow against you.
4. Intimate, whether you desired to be heard in person.


 MUHAMMAD SHOAIB KHAN (PSP)
 DISTRICT POLICE OFFICER
 CHARSADDA

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(10)

Annexure 'C'



GOVERNMENT OF KHYBER PAKHTUNKHWA,
OFFICE OF THE DY. SUPERINTENDENT OF POLICE,
SHABQADAR

PH: 091-6281302

No. 308 /S, dated Shabqadar the 02/03/2021

To,

The Worthy District Police Officer,
Charsadda.

Subject: ENQUIRY REPORT OF CONSTABLE SHAHZEED NO. 1837 OF
POLICE STATION TARNAB.

Memo:

Kindly refer to your order No. 106-07/HC, dated 03-01-2021.

Allegations in the instant enquiry against Constable Shahzeed No. 1837 are that while posted at PS Tarnab, absented himself from his lawful duty w.e from 03-01-2021 to 09-01-2021 (07-days) without any leave or prior permission from his senior officers. This shows his inefficiency and lack of interest in the performance of his official duty.

The defaulter Constable Shahzeed No. 1837 was given chances so many times for hearing to join the enquiry proceedings, but he deliberately failed to do so. Therefore, he is recommended for EX-PART ACTION against him.

Dy: Superintendent of Police,
Shabqadar.

HC

Issue final scv.

J C
DPO/dhw.
2-3-2021

B
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX(OLD), KHYBER ROAD,
PESHAWAR

Appeal No 1/2013

DB

Muhammad Altaf
VS
Police

Notice to:- AFAN ALI KHAN Address: Sectary Health Govt of Khyber Pakhtunkhwa
Respondant No: 1

Whereas the above mention Appeal was presented and heard by the Hon'ble Tribunal in limline.sufficient for the purpose of this appeal/petition.

After hearing of the Appeal Hon'ble Tribunal was pleased to order issuance of notice of admission of appeal and the day fixed for its hearing.

You are therefor, informed and served through this notice that the appeal has been fixed for hearing before the Hon'ble Tribunal on 22/11/2017.

In view of the previous of Rule 12 of the Khyber Pakhtunkhwa Service Tribunal Rule 1974, you are directed to send written reply accompanied by document of reliance (along with the list)by registered post (AD)or deliver the same to Registrar of the Tribunal , not later than seven (7) days before the date fixed for hearing of the appeal.

(Copy of grounds of appeal along with annexure are attached.)
Copy of appeal his already been send to you vide this office notice No.
Given under my hand and the seal of this Court, at Peshawar on 20/10/2022

REGISTRAR
KHYBER PAKHTUNKHWA SERVICE TRIBUNAI
PESHAWAR

Date: _____



(11)

OFFICE OF THE
DISTRICT POLICE OFFICER, CHARSADDA
PHONE# 091-9220400 FAX#091-6514661
EMAIL: charsaddadpo@yahoo.com
CHARGE SHEET UNDER KPK POLICE RULES 1975

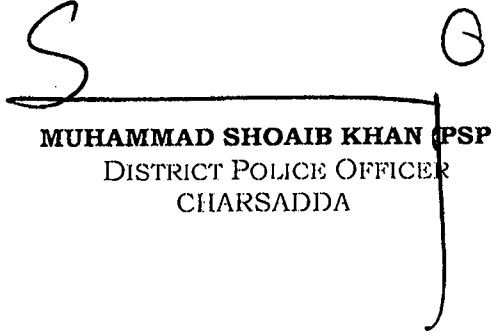
I, **Muhammad Shoaib Khan**, District Police Officer Charsadda, as competent authority hereby charge you Constable Shahzeb No. 1837, as follows.

That you Constable Shahzeb No. 1837, while posted at PS Tarnab, absented yourself from your lawful duty w.e from 03.01.2021 to 09.01.2021 (07-days) without any leave or prior permission from your senior officers.

This shows your inefficiency and lack of interest in the performance of your official duties.

This amounts to grave misconduct on your part, warranting Departmental action against you as defined in section-6(I) (a) of the KPK Police Rules 1975.

1. By reason of the above, you appear to be guilty of misconduct under section 02(III) of the KPK Police Rules 1975 and has render your self liable to all or any of the penalties as specified in section 04 (I) a & b of the said rules.
2. You are therefore, directed to submit your written defense within seven days of the receipt of this Charge Sheet to the Enquiry Officer.
3. Your written defense, if any should reach to the enquiry officer within the specified period, in case of failure, it shall be presumed that you have no defense to put-in and in that case an ex-parte action shall follow against you.
4. Intimate, whether you desired to be heard in person.


MUHAMMAD SHOAIB KHAN (PSP)
DISTRICT POLICE OFFICER
CHARSADDA



OFFICE OF THE
DISTRICT POLICE OFFICER, CHARSADDA
PHONE# 091-9220400 FAX#091-6514661
EMAIL: charsaddadpo@yahoo.com

12

Dy. Superintendent of Police
363-15
Date: 04-02
Shabqadar

DISCIPLINARY ACTION UNDER KPK POLICE RULES -1975

I, **Muhammad Shoaib Khan**, District Police Officer Charsadda, as competent authority am of the opinion that Constable Shahzeb No. 1837, has rendered himself liable to be proceeded against as he has committed the following acts/omissions within the meaning of section - 02 (iii) of KPK Police Rules-1975.


STATEMENT OF ALLEGATIONS

That he Constable Muhammad Shahzeb No. 1837, while posted at Police Station Tarnab, absented himself from his lawful duty w.e. from 03.01.2021 to 09.01.2021 without any leave or prior permission from his senior officers.

This shows his inefficiency and lack of interest in the performance of his official duties.

This amounts to grave misconduct on his part, warranting Departmental action against him.

For the purpose scrutinizing the conduct of the said official Mr. Farooq Zaman DSP Shabqadar, is hereby deputed to conduct proper departmental enquiry against the aforesaid official, as contained in section - 6 (I) (a) of the afore mentioned rules. The enquiry officer after completing all proceedings shall submit his verdict to this office within (07) days. Constable Shahzeb No. 1837, is directed to appear before the enquiry officer on the date, time and place fixed by the later (enquiry officer) a statement of charge sheet is attached herewith.


MUHAMMAD SHOAIB KHAN (PSP)
DISTRICT POLICE OFFICER
CHARSADDA

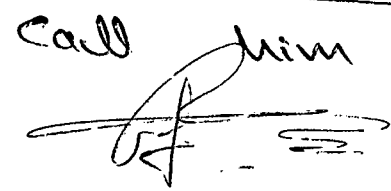
No. 106-07/HC, dated Charsadda the 03/02 /2021

CC:

1. Mr. Farooq Zaman DSP Shabqadar (Enquiry Officer)
2. Constable Shahzeb No. 1837

(07) days

PA

Call him


Dy. Superintendent of Police
Shabqadar

04/2/21

2

(14)

OFFICE OF THE
DISTRICT POLICE OFFICER, CHARSADDA
PHONE# 091-9220400 FAX#091-9220401
EMAIL: charsaddadpo@yahoo.com

DISCIPLINARY ACTION UNDER KPK POLICE RULES -1975

I, Zaib Ullah Khan, District Police Officer Charsadda, as competent authority am of the opinion that Constable Shahzeb No. 1837, has rendered himself liable to be proceeded against as he has committed the following acts/omissions within the meaning of section - 2 (iii) of KPK Police Rules-1975.

STATEMENT OF ALLEGATIONS

That he Constable Shahzeb No. 1837, while posted at Police Station Tarnab, absented himself from his lawful duty w.e from 12.04.2021 till date without any leave or prior permission from his senior officers. Absence report recorded vide D.D No. 14, dated 12.04.2021. This shows his inefficiency and lack of interest in the performance of his official duties.

This amounts to grave misconduct on his part, warranting Departmental action against him.

For the purpose scrutinizing the conduct of the said official Mr. Sabir Gul Khan DSP Sardheri, is hereby deputed to conduct proper departmental enquiry against the aforesaid official, as contained in section -6 (I) (a) of the afore mentioned rules. The enquiry officer after completing all proceedings shall submit his verdict to this office within (02) days. Constable Shahzeb No. 1837, is directed to appear before the enquiry officer on the date, time and place fixed by the later (enquiry officer) a statement of charge sheet is attached herewith.


ZAIB ULLAH KHAN (PSP)
DISTRICT POLICE OFFICER
CHARSADDA

No. 143-44 /HC, dated Charsadda the 17/06/2021

CC:

1. Mr. Sabir Gul Khan DSP Sardheri (Enquiry Officer)
2. Constable Shahzeb No. 1837

District Police Officer
Charsadda

OB No. 577
17.16.6.2021



OFFICE OF THE
DISTRICT POLICE OFFICER, CHARSADDA
PHONE# 091-9220400 FAX#091-9220401
EMAIL: charsaddadpo@yahoo.com
CHARGE SHEET UNDER KPK POLICE RULES 1975

I, **Zaib Ullah Khan**, District Police Officer Charsadda, as competent authority hereby charge you Constable Shahzeb No. 1837, as follows.

That you Constable Shahzeb No. 1837, while posted at Police Station Tarnab, absented yourself from your lawful duty w.e from 12.04.2021 till date without any leave or prior permission from your senior officers. Absence report recorded vide D.D No. 14, dated 12.04.2021. This shows your inefficiency and lack of interest in the performance of your official duties.

This amounts to grave misconduct on your part, warranting Departmental action against you as defined in section-6(I) (a) of the KPK Police Rules 1975.

1. By reason of the above, you appear to be guilty of misconduct under section 02(III) of the KPK Police Rules 1975 and has render your self liable to all or any of the penalties as specified in section 04 (I) a & b of the said rules.
2. You are therefore, directed to submit your written defense within seven days of the receipt of this Charge Sheet to the Enquiry Officer.
3. Your written defense, if any should reach to the enquiry officer within the specified period, in case of failure, it shall be presumed that you have no defense to put-in and in that case an ex-parte action shall follow against you.
4. Inintimate, whether you desired to be heard in person.


Zaib Ullah Khan (PSP)
DISTRICT POLICE OFFICER
CHARSADDA



Government of Khyber Pakhtunkhwa Office of the
Sub-Divisional Police Officer Sardheri
No. 403 /S, dated Sardheri the 02/07/2021.

13

Annexure 'D'

To: District Police Officer,
Charsadda

Subject: - FACT FINDINGS IN DEPARTMENTAL ENQUIRY AGAINST
CONSTABLE SHAHZEB NO.1837 OF POLICE STATION TARNAB
DISTRICT CHARSADDA

1. The subject inquiry was referred to this office vide Endst No. 143-44/HC dated 17.06.2021 for proceeding under the law with respect to the charges that Constable Shahzeb No.1837, absented himself from his lawful duty with effect from 12.04.2021 till date without any leave or prior permission from his senior officer. Absence report recorded vide D.D No.14, dated 12.04.2021.
2. The alleged official Constable Shahzeb No.1837 was summoned to the office of the undersigned by sending Parwana through PS Umarzai, who appeared and was heard in person. He made his arrival to PS Tarnab on 23.06.2021 vide DD No.17. His statement was also recorded (annexed at the inquiry file) wherein he stated that he was transferred from PS Tarnab to PS Khwajawas and he was relieved for PS Khwajawas vide DD No.11 dated 01.06.2021 from PS Tarnab but he was still absent. He further expressed that he was absented for 72 days from Police Station Tarnab/Khwajawas due to his mother illness. He was looking after his mother as there was no one at his home for her caring. He expressed that he belonged to a poor family and requested that he may be pardoned, he would be cautious in future and requested that his departmental inquiry would be filed without any action.
3. The alleged official did not produce any medical documents regarding his mother illness for his defense which shows that he is habitual liar. Furthermore, he didn't take prior permission from his senior officers for his leave which also shows his lack of interest in official duty.
4. Besides, complaint has also been received against him that he was indulged in selling ICE drug which is enclosed for your kind perusal.

After conducting proper enquiry into the matter, the undersigned reached to that Constable Shahzeb No.1837 is habitual absentee (absented his attitude will surely badly effect on other police officials, recommended for **Major Punishment** under the Police

Sub-Divisional Police Officer,
Sardheri

خوابِ عال

حوالہ مسطورہ کا لکھنے کا نام ہے اور دفترہ کا
 چار سہ ہزار عزت چوں کہ اس سال جو حکم 12
 حوالہ فرمایا تھا کہ سیراب سے غیر خواہتر تھا اب چونکہ سیراب کا
 سیراب سے تھا نہ خواہ صاف ہو گیا ہے جو کہ تھا نہ سیراب سے
 حاضرین کو کئی وجوہ سے اس کو لکھنا ہی 12 ماہ میں اپنے
 سیراب کے لکھنے کے انجام میں سے غیر حاضرین کو لکھنا ہی اس کو
 والد کو جو کہ صرف اللہ ہی اور عرصہ وراثت کے بعد میں سیراب سے
 سو سائل اپنے والد سے لکھنا ہی کا کہ میں وافر قدر حوالہ اور
 دو سہ ہزار سیراب کے والد کو سیراب حالت میں چھوڑ کر چلے گئے۔ دو سال
 غیر حاضرین والد کا طبیعت انتہائی خراب تھا حد تک لکھنا ہی اور مختلف
 ڈاکٹروں سے کئی معائنہ کرنے کے بعد صرف وقت اپنے والد کو وجود رہا
 تھا اب والد کی طبیعت میں کئی بہتری آئی ہے اور اپنے سیراب کو ڈاکٹر
 سے انجام دینے کے بعد حاضر حوالہ میں آئیں من سائل کے کئی غیر حاضر
 وغیرہ سیراب کے کئی حوالہ کے سیراب کے حوالہ کے سیراب کے حوالہ کے
 کئی سائل کو کئی سیراب کے حوالہ کے سیراب کے حوالہ کے سیراب کے حوالہ کے
 کئی سائل کو کئی سیراب کے حوالہ کے سیراب کے حوالہ کے سیراب کے حوالہ کے
 کئی سائل کو کئی سیراب کے حوالہ کے سیراب کے حوالہ کے سیراب کے حوالہ کے

310 91

312 91 310 91

لیٹن شاہ زیب 1837

ORDER.

Annexure 'E'

17

This order will dispose-off the departmental appeal preferred by EX-Constable Shah Zeb No. 1837 of Charsadda District against the order of District Police Officer, Charsadda, whereby he was awarded major punishment of removal from service vide OB: No. 721 dated 28.07.2021 by the District Police Officer, Charsadda. The appellant was proceeded against departmentally on the allegations that he while posted at Police Station Tarnab District Charsadda, absented himself from his lawful duty without any leave/permission of the competent authority with effect from 21.11.2020 to 29.11.2020, 03.01.2021 to 09.01.2021 and 12.04.2021 to 23.06.2021.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and the then Sub Divisional Police Officer, (SDPO) Shabqadar, District Charsadda 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.

He was issued Final Show Cause Notice, to which, his reply was received and found un-satisfactory.

Similarly, another departmental enquiry proceedings were initiated against him on account of 72 days absence. He was issued Charge Sheet alongwith Statement of Allegations and the then Sub Divisional Police Officer, (SDPO) Sardheri, District Charsadda was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings and recommended the delinquent Officer for major punishment.

Besides the above, a complaint was also received against him regarding his indulgence in selling ICE. Therefore, after perusal of enquiry papers and recommendations of the enquiry Officers the delinquent Officer was awarded major punishment of removal from service by the District Police Officer, Charsadda vide his office OB: No. 721 dated 28.07.2021.

Feeling aggrieved from the order of District Police Officer, Charsadda, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 08.01.2022.

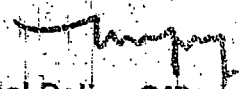
From the perusal of the enquiry file and service record of the appellant, it has been found that allegations leveled against the appellant have been proved

Link with case

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 02 months & 27 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. Moreover, the appellant approached this forum at a belated stage by filing the instant appeal which is time barred by 04 months and 08 days without advancing any cogent reason regarding such delay. Hence, order passed by the competent authority does not warrant any interference.

Keeping in view the above, I, Yaseen Farooq, PSP Regional Police Officer, Mardan, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being time barred.

Order Announced.


Regional Police Officer,
Mardan.

No. 62 /ES, Dated Mardan the 04/01 /2022.

Copy forwarded to District Police Officer, Charsadda for information and necessary action w/r to his office Memo: No. 2768/EO dated 21.12.2021. His Service Record is returned herewith.

(*****)

درخواست عواد علی شاہی
بجالی ملازمت

جناب عالی

درخواست حسب ذیل عرض ہے

یہ کہ سائل حکمہ کو لیسوں میں بطور کانسٹیبل ڈیوٹی رکھا ہے اور اسی
 میں سائل نے ایسا علاج کیا ہے کہ سائل نے اپنے ڈیوٹی نبھائی ہے۔ اور سائل
 نے کوئی غیر حافی بھی نہیں کی تھی اور پھر اسی ابتداء میں سائل نے
 یہ قسمی کورس سے سائل نے نشہ شروع کر دیا۔ اور پھر سائل نے
 ایسا علاج کیا ہے کہ سائل نے الزام لگایا ہے۔ لہذا منشیات
 فروغ کرنا ہے اور کوئی پیرچہ دینا ہے سائل کے خلاف بھی
 نہیں ہے اور سائل کا وہ ان کا دوسرا سہارا بھی ہے۔ اور اللہ
 بھاری ہوئی کہ سائل نے بیمار دارا کی شہرت شروع کر دی اور اس کا علاج
 کر دیا۔ اور اسی وجہ سے سائل نے اپنی غیر حافیوں کی بھی
 اطلاع کی ہے۔ کیونکہ سائل اللہ کی بیمار دارا میں معروف
 تھا۔ اور اسی وجہ سے سائل کو نوٹری سے برخاست
 کر دیا۔ اور اب سائل دوبارہ اپنے ڈیوٹی پر بحال ہونا
 چاہتا ہے اور سائل مستشرق یا لکھنؤی سٹیٹس ہے

میں نے اس سے کوئی نہیں کرے گا۔ اور دوسری ایسا نہیں
کا موقع ہے نہیں دے گا۔ اور مسائل میں غریب
ہیں وہ مسائل ہیں وسیع ہیں اور ان کی خاص دلچسپی
ہیں ان کے لیے اور ان کے لیے اور ان کے لیے
ہیں ان کے لیے اور ان کے لیے اور ان کے لیے

میں نے اس سے کوئی نہیں کرے گا۔ اور دوسری ایسا نہیں
کا موقع ہے نہیں دے گا۔ اور مسائل میں غریب
ہیں وہ مسائل ہیں وسیع ہیں اور ان کی خاص دلچسپی
ہیں ان کے لیے اور ان کے لیے اور ان کے لیے

میں نے اس سے کوئی نہیں کرے گا۔ اور دوسری ایسا نہیں
کا موقع ہے نہیں دے گا۔ اور مسائل میں غریب
ہیں وہ مسائل ہیں وسیع ہیں اور ان کی خاص دلچسپی
ہیں ان کے لیے اور ان کے لیے اور ان کے لیے

6/12
21

(پیشہ 1837) شاہ زیب ولد جہان زیب

سکنہ نمبر 9131091-0312

طی

0312-9131091

نوٹ: اس کے لیے علاج کے بارے میں ان کی کہانیاں بھی لکھی
اور اس کے لیے ایسا علاج اور دوسری ایسا نہیں



2022/03/04/0022
03:47-PM

Annexure 'F'

21

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

14,
26/

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Shah Zeb No. 1837. The petitioner was removed from service by District Police Officer, Charsadda vide OB No. 721, dated 28.07.2021 on the allegations that he while posted at Police Station Tarnab absented himself from duty w.e.f 21.11.2020 to 29.11.2020, 03.01.2021 to 09.02.2021 and 12.04.2021 to 23.06.2021 for 87 days. Besides above, a complaint was also received against him regarding his indulgence in selling ice. His appeal was rejected being time barred by 04-months & 08-days by Regional Police Officer, Mardan vide order Endst: No. 62/ES, dated 04.01.2022.

Meeting of Appellate Board was held on 29.03.2022 wherein petitioner was heard in person. Petitioner contended that he was ill.

The petitioner remained absence for long period of 87 days. Moreover, serious allegations of selling ice were leveled against the petitioner. Petitioner failed to advance any plausible explanation in rebuttal of the charges. Therefore, the Board unanimously decided that his petition is hereby rejected.

Sd/-

SABIR AHMED, PSP

Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/ 769-7.5 /22, dated Peshawar, the 19 / 19 /2022.

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan. One Service Roll and one Fauji Missal of the above named Ex-FC received vide your office Memo: No. 1973/ES, dated 11.03.2022 is returned herewith for your office record.
2. District Police Officer, Charsadda.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

11/21
7/3
22/4/22

EC/DPO, Charsadda

100.3221/ES
26-4-22

For n/a action

RPo/Mardan
25-4-2022

(IRFAN TARIQ) PSP

AIG/Establishment,

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

FC

For n/a action

Dist. Police Officer
Charsadda

25

بخدمت جناب انسپکٹر جنرل آف پولیس خیبر پختونخوا پشاور

عنوان: درخواست بمراد بحالی سروس

جناب عالی!

مودبانہ گزارش ہے کہ سائل کو دفتری آرڈر نمبر 721 مورخہ 28.07.2021 نوکری سے بوجہ غیر حاضری برخواست کیا گیا۔
نے ریجنل پولیس آفیسر مردان کو دوبارہ بحالی سروس کے لیے اپیل کی۔ لیکن دفتری آرڈر نمبر 62/ES مورخہ 04.01.2022 کو
ستر و کردی گئی۔

سائل بیمار تھا اور ہسپتال میں زیر علاج تھا سائل گھر کا واحد کفیل ہے اس لیے پراپر طریقے سے چھٹی لینے سے قاصر رہا۔ اس وجہ
سائل کو نوکری سے برخواست کر دیا گیا۔

اس لیے آپ صاحبان سے بذریعہ درخواست استدعا کی جاتی ہے کہ سائل چونکہ بیمار تھا اس لیے سائل کو دوبارہ نوکری پر بحالی کا حکم
در فرما کر مشکور فرمائیں۔ اس مہربانی کے لیے سائل اور سائل کے بوڑھے والدین تاحیات دعا گو رہیں گے۔

ارض

عین نوازش ہوگی۔

المرقوم: 08.02.2022

آرکاتا بعد از سابقہ کنشیل شاہ زیب بیلٹ نمبر 1837 ولد جہانزیب سکنہ محلہ منز کندے عمر زئی تحصیل اینڈ ڈسٹرکٹ چارسدہ

رابطہ نمبر: 0315-9955923

88
08/02/22

AS

Officer of the PPO MPK, Peshawar
(Secret Branch)
By No. 164 / 22
Dated 08 / 02 / 22

87/2/22

23

Annexure 'G'



FINAL SHOW CAUSE NOTICE

Whereas, the charge of absence was referred to enquiry officer for General Police Proceedings, contained u/s 5(3) Police Rules 1975.

AND

Whereas, the enquiry officer has submitted his findings, recommending you for Major Penalty.

AND


1. Whereas, I am satisfied with the recommendation of the enquiry officer that you Constable Shahzeb No. 1837, while posted at Police Station Tarnab, absented yourself from your lawful duty w.c from 12.04.2021 till date without any leave or prior permission from your senior officers. Absence report recorded vide D.D No. 14, dated 12.04.2021. This shows your inefficiency and lack of interest in the performance of your official duties.

2. Thus the act amounts to gross misconduct and renders you liable for punishment, under Police Rules 1975.

3. Therefore, I, **Zaib Ullah Khan**, District Police Officer, Charsadda in exercise of the powers vested in me under rules 5(3) (a) (b) of Police Rules 1975, call upon you to explain as to why the proposed punishment may not be awarded to you.

4. Your reply should reach the undersigned within 07-days of receipt of this notice, failing which disciplinary action pertaining to your dismissal from service will be taken ex-parte.

5. You are at liberty to appear in person before the undersigned for personal hearing.


ZAIB ULLAH KHAN (PSP)
DISTRICT POLICE OFFICER
o/c CHARSADDA

No. 304 /HC
Dated 08/07 /2021

District Police Officer
Charsadda

OB No. 577
Dt. 16-6-2021

تکلیف نامہ سنیل شہوکار ٹوٹن ٹوٹن
ہوں، اس سے جس رٹنورڈ اس اس
توجہ بیان کر چکا ہوں اس سے
کہہ قطعاً اور وہیں نہیں آتا
طرح کیا ہوں

جامعہ سعافی کا جوہاں
ہوں سعافی کا جاں اور
+ خانہ شہوکار ٹوٹن سعافی
رٹنورڈ کا حکم صاف تر ہے

Shah

شہنشاہ زیب 1837 سنو
فورم رٹنورڈ

BEFORE THE HONOURABLE KPK SERVICES TRIBUNAL PESHAWAR

Service Appeal No. 185/2022

Shah Zeb, Ex-Constable No.1837, Police Station Tarnab, Charsadda.

.....Appellant

V E R S U S

Provincial Police Officer, Khyber Pakhtunkhwa & others

.....Respondents

AFFIDAVIT

I, Shah Jehan, ASI (representative of the department) do hereby solemnly affirm and declare on Oath that contents of the parawise comments are true and nothing has been concealed from this Hon'ble Tribunal.

Shah

DEPONENT:

CNIC No.17101-9377155-1

Cell # 0310-9898096

