

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR.

Service Appeal No. 63/2018

Date of Institution ... 10.01.2018

Date of Decision ... 20.05.2022

Javed Iqbal, Ex-Constable No. 1449/FRP Kohat.

... (Appellant)

VERSUS

The AIG Establishment for Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and two others.

... (Respondents)

MISS. UZMA SYED,
Advocate

--- For appellant.

MR. NOOR ZAMAN KHATTAK,
District Attorney

--- For respondents.

MR. SALAH-UD-DIN
MS. ROZINA REHMAN

--- MEMBER (JUDICIAL)
--- MEMBER (JUDICIAL)

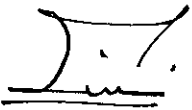
JUDGMENT:

SALAH-UD-DIN, MEMBER:- Precise facts forming the background of the instant service appeal are that the appellant while posted in FRP Platoon 116 at Karak, was deputed for special Duty in Police Station Doaba District Hangu, however he was reported absent from duty vide daily diary No. 5 dated 31.03.2017, therefore, disciplinary action was taken against the appellant. On conclusion of the inquiry, the appellant was dismissed from service vide order dated 31.05.2017 passed by Superintendent of Police FRP Kohat Range Kohat. The departmental appeal of the appellant

was also rejected vide order dated 17.07.2017, hence the instant service appeal.

2. Notices were issued to the respondents, who submitted their comments, wherein they refuted the assertions made by the appellant in his appeal.

3. Learned counsel for the appellant has contended that absence of the appellant was due to the reason that he had fell down from motorcycle and had received severe injuries; that after gaining knowledge of the departmental action against him, the appellant had appeared before the competent Authority and had submitted reply mentioning therein the reason of his absence from duty but the same was not taken into consideration and he was dismissed from service in a hasty manner without complying mandatory requirements of Police Rules, 1975; that after submission of reply, the appellant was not at all informed of any proceedings in the matter and was immediately dismissed from service vide impugned order dated 31.05.2017; that absence of the appellant from duty was not willful and the penalty of dismissal awarded to the appellant is too harsh in the given circumstances; that the appeal of the appellant was rejected vide order dated 17.07.2017 but copy of the same was not communicated to the appellant and as he received the copy on 20.12.2017, therefore, the delay in filing of service appeal is condonable; that the impugned orders wrong and illegal, therefore, the same may be set-aside and the appellant may be reinstated in service with all back benefits. Reliance was placed on 2009 PLC (C.S) 151, PLD 2002 Supreme Court 84, 2009 SCMR 339, 2007 SCMR 834, 2015 SCMR 795, 2009 SCMR 412, 2008 SCMR 214 and 2008 SCMR 1369.



4. On the other hand, learned District Attorney for the respondents has contended that the appellant had willfully remained absent from duty without sanctioned leave or permission of the competent Authority, therefore, he was proceeded against departmentally; that the appellant appeared in the inquiry proceeding and submitted reply but

again absented himself, which indicates that he was not interested in performing of his duty; that the departmental appeal of the appellant was rejected on 17.07.2017, copy of which was received by the appellant on 25.07.2017, while he filed service appeal on 10.01.2018, which is badly time barred; that a regular inquiry was conducted in the matter by complying all legal and codal formalities, therefore, the impugned orders may be kept intact and the appeal in hand may be dismissed.

5. We have heard the arguments of learned counsel for the appellant as well as learned District Attorney for the respondents and have perused the record.

6. A perusal of the record would show that departmental action was taken against the appellant on the allegations that the appellant was found absent from duty vide daily diary No. 31.03.2017 and did not report back till submission of findings report by the inquiry officer on 24.04.2017. On receipt of report of the inquiry officer, final show-cause notice was issued to the appellant through publication in two newspapers and in response thereof, the appellant appeared on 24.05.2017 and submitted reply, alleging therein that as he had fell down from motorcycle, therefore, he was unable to attend his duty. The appellant had also produced medical prescription showing that the doctor had advised him bed rest for one and a half month. The available record does not show that what proceedings were carried out by the competent Authority after submission of reply by the appellant on 24.05.2017, however according to the impugned order dated 31.05.2017, the appellant was again found absent on 30.05.2017, therefore, he was dismissed from service on the following day i.e 31.05.2017. In his reply so submitted to the competent Authority, the appellant had taken the plea that he had fell down from motorcycle and had got injured, therefore, he was unable to attend his duty. The plea so taken by the appellant regarding his absence from duty, was required to have been probed for reaching a just



and right conclusion, however as per the available record, no such probe was made either by the competent Authority or by the appellate Authority. Moreover, the appellant was not issued any final show-cause notice before awarding him major penalty of dismissal from service. August Supreme Court of Pakistan in its judgment reported as PLD 1981 SC-176 has graciously held that rules devoid of provision of final show cause notice alongwith inquiry report were not valid rules. The appellant was not even afforded an opportunity of personal hearing before passing of the impugned order dated 31.05.2017. There are numerous rulings of worthy apex court, wherein it has been held that an adverse order made without affording opportunity of personal hearing to an employee is to be treated a void order.



7. The competent Authority has mentioned in the impugned order dated 31.05.2017 that on previous occasion, the appellant had remained absent from duty for 07 days, however while awarding him punishment vide order dated 28.04.2017, lenient view was taken for the reason that the appellant had made commitment with the competent Authority that he will not make any absence from duty in future. Although copy of the aforementioned order dated 28.04.2017 has not been submitted by the respondents, however from the contents of the impugned order dated 31.05.2017, it appears that the appellant was present before the competent Authority at the time of passing of order dated 28.04.2017. According to the available record, the absence of the appellant was with effect from 31.03.2017, however according to contents of impugned order dated 31.05.2017, the appellant was present before the competent Authority on 28.04.2017.

8. The impugned appellate order dated 17.07.2017 was passed by Commandant FRP Khyber Pakhtunkhwa, Peshawar in absence of the appellant and copy of the same was ordered to be forwarded for information and necessary action to Superintendent of Police FRP Kohat Region, Kohat with further direction to inform the appellant accordingly. Respondents


have not annexed any documentary proof to show that the impugned order dated 17.07.2017 was communicated to the appellant. The appellant has alleged that he received copy of the aforementioned order on 20.12.2017 and has filed Service Appeal on 10.01.2018. Respondents have though alleged that the appellant had received copy of the impugned order dated 17.07.2017 through submission of written application on 25.07.2017, however the copy of the application so annexed by the respondents would show that it does not bear any signature of the appellant. The respondents have not annexed any documentary proof that copy of the impugned order dated 17.07.2017 was handed over to the appellant on 25.07.2017. In these circumstances, the delay in filing of service appeal stands condoned.

9. In view of the above discussion, the appeal in hand is allowed by setting-aside the impugned orders and the appellant is reinstated in service. The absence as well as intervening period shall however be treated as leave without pay. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
20.05.2022



(ROZINA REHMAN)
MEMBER (JUDICIAL)



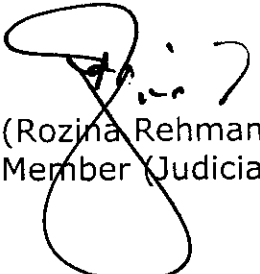
(SALAH-UD-DIN)
MEMBER (JUDICIAL)

ORDER
20.05.2022

Appellant alongwith his counsel present. Mr. Ihsanullah, ASI alongwith Mr. Noor Zaman Khattak, District Attorney for the respondents present.

Vide our detailed judgment of today, separately placed on file, the appeal in hand is allowed by setting-aside the impugned orders and the appellant is reinstated in service. The absence as well as intervening period shall however be treated as leave without pay. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
20.05.2022



(Rozina Rehman)
Member (Judicial)



(Salah-Ud-Din)
Member (Judicial)

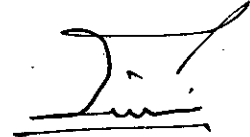
30.03.2022

Learned counsel for the appellant present.

Mr. Aziz H.C Mr. Asif Masood Ali Shah, learned Deputy District Attorney for the respondents present and submitted copies of inquiry record consisting of 16 sheets. Copies of the same also handed over to the learned counsel for appellant who sought adjournment on the ground that she has not gone through the said record. Adjourned. To come up for arguments on 17.05.2022 before D.B.



(Rozina Rehman)
Member (J)



(Salah-Ud-Din)
Member (J)

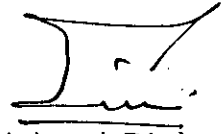
17.05.2022

Appellant alongwith his counsel present. Mr. Noor Zaman Khattak, District Attorney for the respondents present.

Partial arguments heard. To come up for remaining arguments on 19.05.2022 before the D.B.



(Rozina Rehman)
Member (J)



(Salah-ud-Din)
Member (J)

19.05.2022

Appellant alongwith his counsel present. Mr. Ihsanullah, ASI Mr. Noor Zaman Khattak, District Attorney for ~~respondents~~ respondents present.

Learned Member (Judicial) Ms. Rozina Rehman is on leave, therefore, remaining arguments could not be heard. Adjourned. To come up for remaining arguments on 20.05.2022 before the D.B.



(Salah-ud-Din)
Member (Judicial)

28.07.2021

None for the appellant and Mr. Usman Ghani, District Attorney for respondents present.

Due to general strike of the Peshawar Bar Association, the case is adjourned to 03.12.2021 for the same before D.B.



(Rozina Rehman)
Member (Judicial)



Chairman

03.12.2021

Appellant present through counsel.

Asif Masood Ali Shah, learned Deputy District Attorney for respondents present.

Former requested for adjournment in order to prepare the brief. Request is accorded. and case is adjourned to 30.03.2022 for arguments, before D.B.



(Atiq ur Rehman Wazir)
Member (E)

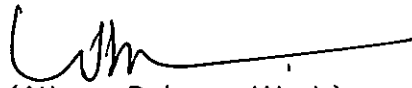


(Rozina Rehman)
Member (J)

27.10.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 01.01.2021 for hearing before the D.B.


(Atiq-ur-Rehman Wazir)
Member


Chairman

01.01.2021

Due to summer vacation, case is adjourned to 13.04.2021 for the same as before.


Reader

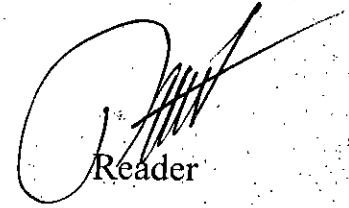
13.04.2021

Due to demise of Hon'able Chairman, the Tribunal is defunct, therefore, the case is adjourned to 28.07.2021 for the same.


Reader

29.10.2019

Due to incomplete bench the case is adjourned. To come up for the same on 02.01.2020 before D.B.




Reader

02.01.2020

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 09.03.2020 for arguments before D.B.



(Hussain Shah)
Member



(M. Amin Khan Kundi)
Member

09.03.2020

Appellant with counsel present. Mr. Usman Ghani learned District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 11.05.2020 before D.B.



Member



Member

11.05.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 07.08.2020 before D.B.



Reader

07.08.2020

Due to summer vacation case to come up 27.10.2020 before D.B.

11.03.2019

Mr. Taimur Ali Khan, Advocate for appellant and Addl. AG for the respondents present.

A request for adjournment is made due to engagement of learned counsel for the appellant in domestic affairs today.

Adjourned to 29.05.2019 before the D.B.


Member


Chairman

29.05.2019

Learned counsel for the appellant and Mr. Riaz Khan Paindakheil learned Assistant Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 02.08.2019 before D.B.


Member


Member

for the same on


Reader

counsel for the appellant present. Mr. Riaz
ned AAG present. Learned counsel for the
adjournment. Adjourn. To come up for
.10.2019 before D.B.


Member

09.10.2018

Counsel for the appellant present. Mr. Ziaullah, DDA for respondents present. Learned counsel for the appellant submitted rejoinder which is placed on file and seeks adjournment. Granted. Case to come up for arguments on 23.11.2018 before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

23.11.2018

Counsel for the appellant and Addl. AG alongwith Naeem Akhtar, Inspector Excise for the respondents present. Counsel for the appellant requests for adjournment. Other side has no objection. Adjourned to 24.01.2019 for arguments before D.B.


Member


Chairman

24.01.2019

Learned counsel for the appellant and Mr. Usman Ghani learned District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. ~~his counsel is not in attendance.~~ Adjourned. To come up for arguments on 11.03.2019 before D.B


Member


Member


03.04.2018


Appellant absent. Counsel present on behalf of appellant. Mr. Kabir Ullah Khattak, Additional AG alongwith Mr. Ihsan Ullah, S.I (Legal) for the respondents present. Written reply submitted. To come up for rejoinder and arguments on 25.06.2018 before D.B.


Member

25.06.2018


Appellant absent. Learned counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for rejoinder and arguments on 15.08.2018 before D.B.



(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

15.08.2018

Appellant in person and Mr. Muhammad Jan learned Deputy District Attorney present. Due to general strike of the bar, the case is adjourned. To come up on 09.10.2018 before D.B.


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

29.01.2018

Counsel for the appellant present. Preliminary arguments heard and case file perused. Learned counsel for the appellant informed that appellant was performing duty as constable in the police department. He fell ill and was proceeded departmentally in absentia. Vide impugned order dated 31.05.2017 major penalty of dismissal from service was imposed on him, while the period of his absence was treated as without pay. He preferred departmental appeal but copy of the same is not available on record. The same was rejected on 17.07.2017, hence, the instant service appeal. Priama facie the departmental appeal preferred by the appellant was within the stipulated period frame provided in the rules but the service appeal is badly time barred. Learned counsel for the appellant when confronted on the point of limitation argued that though his departmental appeal was rejected on 17.07.2017 but order was received by him on 20.12.2017, as such service appeal was filed in time. An application for condonation of delay has been submitted. The appellant has not been treated according to law and rules.

Points urged need consideration. Admit subject to limitation. Appellant is directed to deposit of security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 19.03.2018 before S.B.

Appellant Deposited
Security / Process Fee

(AHMAD HASSAN)
MEMBER



19.03.2018 Appellant absent. Counsel present on behalf of appellant. Mr. Kabir Ullah Khattak Additional AG for the respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 03.04.2018 before S.B.

(Muhammad Amin Khan Kundi)
Member

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 63/2018


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	17/1/2018	<p>The appeal of Mr. Javed Iqbal resubmitted today by Mr. Syed Noman Ali Shah Advocate, may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	19/01/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>29/01/18.</u></p> <p style="text-align: right;"> MEMBER</p>

The appeal of Mr. Javed Iqbal Ex-Constable No. 1449/FRP Kohat received today i.e. on 10.01.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of departmental appeal is not attached with the appeal which may be placed on it.
- 2- Annexure-C of the appeal is illegible which may be replaced by legible/better one.

No. 74 /S.T,

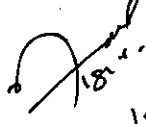
Dt. 11/01 /2018


REGISTRAR 11/11/18
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Uzma Syed Adv. Peshawar.

Six

- ① The copy of Departmental Appeal is not available with the appellant, which is also mentioned in the memo of appeal as maybe requisition from Department.
- ② objection remain.


17-1-18

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 63 / 2018

Javed Iqbal

V/S

Police Deptt:

INDEX

S.No.	Documents	Annexure	Page No.
1.	Memo of Appeal	-----	1-4
2.	Application for condonation of delay	-----	05-06
3.	Copy of medical prscription	-A-	07-08
4.	copy of impugned order	-B -	09
5.	Copy of rejection order dated	-C-	10
6.	Vakalat Nama	-----	11

APPELLANT

THROUGH:


(UZMA SYED)


SYED NOMAN ALI BUKHARI
(ADVOCATES, PESHAWAR)

Date: 10 / 01 / 2018

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 63 /2018

Khyber Pakhtukhwa
Service Tribunal

Javed Iqbal , EX- Constable, No.1449/FRP
Kohat.

Diary No. 26

Dated 10-01-2018

.....(Appellant)

VERSUS

1. The AIG Establishment for Inspector General of Police, KPK, Peshawar.
2. The Comandant Frontier Reseve Police, KPK, Peshawar
3. The superintendent OF Police FRP Kohat, Range, Kohat.

.....(Respondents)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE REJECTION ORDER DATED 17.07.2017 OF RESPONDENT NO. 1 RECIVED ON 20-12-2017, WHEREBYTHE DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 31.05.2017 HAS BEEN REJECTED FOR NO GOOD GROUNDS.

PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDERs DATED 31.05.2017 AND 17.07.2017 RECIVED BY APPELLANT ON 20.12.2017 MAY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED IN TO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARADED IN FAVOUR OF APPELLANT.

Filed to-day

Registrar

10/1/2018

Re-submitted to -day
and filed.

Registrar

10/1/18

6

RESPECTFULLY SHEWETH:

FACTS:

Facts giving rise to the present service appeal are as under:

1. That the appellant was appointed as Constable in Police and the appelland was performed his duties with entire satisfaction of his superiors and also has good service record throughout.
2. That the appellant had been seriously ill due to which appellant didn't performed his duties so the abscentia of the appellant was not willing full but due to serious illness. **The copy of medical prescription is attached as Annexur-A**
3. That, thereafter, the appellant was departmentally proceeded, without charge sheet, statement of allegation, regular inquiry and even without showcause notice, the impugned order dated 31.05.2017 was passed against the appellant whereby the appellant was dismissed from service while treating the absence period as without pay. The appellant been agrrieved from the impugned dismissal order preffered departmental appeal but the copy of the departmental appeal was not availiable with the appellant so the same will may be requisite from the department. **Copy of impugned order is attached as Annexure-B.**
4. That the departmental appeal of the appellant was rejected vide order dated .17.07.2017. The same was recived by appellant on 20.12.2017. **(Copy of rejection order dated 17.07.2017 is attached as Annexure-C).**
5. That now the appellant come to this august Tribunal on the following grounds amongst others.

GROUND:

- A) That the impugned orders dated 31.05.2017 and 17.07.2017 are against the law, facts, norms of justice and void-ab-initio as the period of absentia already condoned as without pay there is no more ground remained to punished appellant. So material on record, therefore not tenable and liable to be set aside.
- B) That the absence has already been condoned by treating the period as without pay and as such after that there remained no action to penalize the appellant.

- C) That according to superior Court Judgment, where any law provided and not followed by the authority and penalty order was passed such order is void order.
- D) That no regular enquiry has been conducted nor the enquiry office is rebutted the plea of illness of the appellant because as medical prescription have not been cross examined from the concerned Doctor, and in case of any doubt the authority was required to refer the matter to Medical Board for their opinion. therefore, without adopting that procedure the impugned penalty order has been passed which is not sustainable in the eyes of law.
- E) That there is no order in black and white form to dispense with the regular inquiry which is violation of law and rules and without charge sheet, statement of allegation and proper inquiry the appellant was dismissed from the service vide order dated 31.05.2017 without given personal hearing which is necessary and mandatory in law and rules before imposing major penalty. So the whole procedure conducted has nullity in the eye of law. So the impugned order is liable to be set aside.
- F) That the appellant has been condemned unheard and has not been treated according to law and rules.
- G) That neither charge sheet, statement of allegation, show cause notice was served upon the appellant nor inquiry was conducted against the appellant, which was necessary and mandatory in law before imposing major punishment which is violation of law, rules and norms of justice.
- H) That the appellant has not been treated under proper law despite he was a civil servant of the province, therefore, the impugned order is liable to be set aside on this score alone.
- I) That the abscent of the appellant was not intentionally but due to some domestic problem. So the penalty imposed upon the appellant was so harshed.
- J) That the appellant's guilt has not been proved beyond the shadow of doubt and the appellant has been punished on the basis of conjecture and surmises.
- K) That no chance of personal hearing was provided to the appellant and as such the appellant has been condemned unheard throughout.
- L) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.


جاءہ ایقبال

APPELLANT

Javed Iqbal

THROUGH:


(UZMA SYED)


(SYED NOMAN ALI BUKHARI)
ADVOCATES, PESHAWAR

Date: 10 / 01 / 2018

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2018

Javed Iqbal

V/S

Police Deptt

.....

**APPLICATION FOR CONDONATION
OF DELAY IN THE INSTANT APPEAL****RESPECTFULLY SHEWETH:**

1. That the instant appeal is pending before this Honourable Tribunal in which no date has been fixed..
2. That according to Superior Court Judgment there is no limitation run against the void order. So there is in interest of justice the limitation may be condoned.
3. That the august Supreme Court of Pakistan has held that decision on merit should be encouraged rather than knocking-out the litigants on technicalities including limitation. Therefore, appeal needs to be decided on merit (2003, PLD (SC) 724..
4. That, the appeal of the appellant on merit is good enough to be decided on merits.

It is therefore most humbly prayed that the instant appeal may be decided on merit by condoning the delay to meet the ends of justice.

جاءہ اقبال
APPELLANT
Javed Iqbal

THROUGH:


(UZMA SYED)

&

SYED NOMAN ALI BUKHARI
(ADVOCATES, PESHAWAR)

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AFFIDAVIT

It is affirmed and declared that the contents of appeal and application are true and correct to the best of my knowledge and belief and nothing has been concealed from Hon'able tribunal.

[Signature]
ATTESTED

[Signature]
DEPONENT



لیڈی ڈاکٹر جمیل

ایف بی ایس (پاک)
ایف سی بی ایس (پاک)
گائی اینڈ آسٹریٹریک



0333-9606280
0341-9045349

Almaz



ڈاکٹر جمیل انور

ایف بی ایس (پاک)
ایف سی بی ایس (پاک)
انجارج سرجیکل ڈارڈ تحت لہری کرک
ماہر امراض: گردہ، مثانہ، پتہ، ہڈیاں، جوڑے، ٹخے وغیرہ

P. Name Darood Lalpaul Age 19 Sex M Date 31/3/2017

Clinical Record

Rx

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Aden Neurological
C/T

Handwritten signature or initials.

In Urine
M 4 gm

In No H. u. c.

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San - Sante
Handwritten notes on the right side of the clinical record.

Handwritten notes on the left side of the clinical record, including 'S.C.M.', 'M', and 'say C.S.M.'.

نوٹ: الزاماً ہڈی کی سہولت موجود ہے۔

ATTESTED

Tah All Surf
Cros

Dr. Davenport (Prof)

→

Acad. Camp to 2202

1 hr. month out 31/37 202

now up to 15/sprint

~~Dr. Davenport~~
Prof

not valid for work 2

on CC case

Prof

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لیڈی ڈاکٹر ماہرہ جمیل

ایم بی بی ایس (پاک)
ایف سی پی ایس (پاک)
گائڈڈ اینڈ آئیڈیوٹیک



0333-9606280
0341-9045349

پنجاب

پنسل انور

گلگنا کالجسٹ

P. Name

Javed Iqbal

Age

Sex

Date

15/1

Clinical Record

Rx

Fitness certificate

Here

is

TO certify that

Mr

Javed Iqbal is fit

to

perform duty for

15/1/2020

[Signature]

ATTESTED

نوٹ: انٹرنیٹ کی سہولت موجود ہے۔

Amaz - 8
⑨

ORDER

My this order will dispose off departmental enquiry conducted against Constable Javed Iqbal No. 1449/FRP under Khyber Pakhtunkhwa Police Disciplinary Rules 1975 (Amended in 2014).

The allegations against defaulter official are that he, while posted in FRP Platoon No. 116 at Karak, was deputed for special duty in P.S Doaba District Hangu. He was found absent during Roll call on 31.03.2017 vide DD No. 05 dated 31.03.2017 and did not report back for duty till submission of finding report by E.O. In this regard he was issued charge sheet with summary of allegations vide this office No. 199/PA dated 06.04.2017 and RI FRP Kohat was appointed as enquiry officer to unearth the actual facts. The charge sheet with summary of allegations was sent through LHC Barkatullah for service upon him which was received by his brother namely Tariq Iqbal. He neither submitted reply to charge sheet nor joined enquiry proceedings. The Enquiry officer submitted his finding report wherein he recommended him for suitable punishment. A final notice was published against the said Constable in Daily newspapers namely "Awami Dastak" on 04.05.2017 and "Aaj" dated 23.05.2017. In pursuance of publication of notice in News Papers, he made arrival report on 24.05.2017 and also submitted statement wherein he claimed that he had fallen from Motor Cycle due to which he was unable to attend official duty. He provided Medical prescription dated 31.03.2017 of a private Doctor who had also advised him 1 ½ month rest w.e.f 31.03.2017 to 15.05.2017.

His Service record perused which revealed that he was appointed as Constable on 11.08.2009. There are 34 bad entries against him with no good entry in his credit. From perusal of record it further revealed that previously he had remained absent from duty on different dates for 509 days in total and he was awarded punishment for the same. Lastly he was awarded minor punishments of stoppage of 2 year annual increment without cumulative effect and Censure by me vide OB No. 185 dated 16.02.2017 and OB No. 374 dated 28.04.2017 on account of absence from duty for 22 days and 07 days respectively. At that time I took lenient view with him for the reason that he made commitment with me that he will not absent himself in future but he again absented himself from duty. The plea taken by him is not worth consideration because if he had in fact fallen from Motor Cycle and received injury etc, he was required to have informed his Platoon Incharge as well as this office for grant of proper leave but he did not do so and managed a Medical Certificate from a private Doctor to cover his absence report. He is a malinger and habitual absentee official which is clear from his previous record. As such he is not entitled to be given any concession. Retention of such type official in Force will definitely effect adversely performance/discipline of other members of the Force. Moreover after submission of reply, he again absented himself from duty vide DD No. 09 dated 30.05.2017 till date. It clearly indicates that he is not taking interest in his job and is performing duty according to his own will and wishes.

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

OB No. 481

Dated 31.5 /2017

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

Copy to of above is forwarded to the:-

1. Worthy Commandant FRP Khyber Pakhtunkhwa, Peshawar for favour of information please.
 2. Pay Officer
 3. Reader
 4. SRC
 5. OHC
- } For further necessary action.

ATTESTED

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

ORDER

Amaz (10)

This order shall dispose of departmental appeal under Rule 11 of Khyber Pakhtunkhwa Police Rules 1975, lodged by Ex- constable Javed Iqbal No. 1449 of FRP Kohat against the order of SP FRP Kohat Range, wherein he was dismissed from service.

Brief facts of the case are that the defaulter official while posted in FRP Platoon No. 116 at Karak, was deputed for special duty to P.S Doaba District Hangu. He was found absent during Roll Call vide DD report No. 05 dated 31.03.2017.

In this regard he was issued charge sheet with summary of allegations vide office No. 199/P dated 06.04.2017 and RI FRP Kohat was appointed as enquiry officer to unearth the actual facts. The charge sheet with summary of allegation was sent through special messenger for service upon him at his home address which was received by his brother namely Tariq Iqbal. He neither submitted reply to charge sheet nor joined enquiry proceedings. The Enquiry Officer submitted his finding report wherein he recommended him for suitable punishment.

Finally he was called through Daily Newspaper "AWAMI DASTAK" on 04.05.2017 and thereafter Daily Newspaper "AAJ" dated 23.05.2017. In pursuance of publication of notice in News Papers, he made arrival report on 24.05.2017 and also submitted statement wherein he claimed that he had fallen from Motor Cycle, due to which he was unable to attend official duty and in this regard he produced Medical prescription dated 31.03.2017 from a private Doctor who had advised him 15 months rest w.e from 31.03.2017 to 15.05.2017.

His service record perused which revealed that he was appointed as constable on 11.08.2009. There are 34 bad entries against him with no good entry in his credit. Besides he previously remained absent from duty on different occasion for 509 days in total to which he was awarded distinct punishments.

It is pertinent to mention here that on the account of absence the applicant was made commitment with the Competent Authority that he will not absent himself in future but he did not mend his way again remained absent from duty. The plea taken by him in his statement is not worth consideration because if he had in fact fallen from Motor Cycle and received injury etc *he was required to have informed his Platoon Incharge as well as office of his superior for grant of proper leave but he did not do so and managed as Medical Certificate from a private Doctor to cover his absence report. He is a malinger and habitual absence official which is evident from his previous record. It is worth mentioning here that after submission of reply, he again absented himself from duty vide DD report No. 09 dated 30.05.2017 till order of his dismissal. Therefore, he was awarded a major punishment of Dismissal for service vide office OP No. 481 dated 31.05.2017.*

After going through the available record, it has pointed out that a proper enquiry has already been initiated against the applicant and thereafter he was dismissed from service.

The applicant was heard in person in orderly room held on 13.07.2017, but he *failed to satisfy* the undersigned.

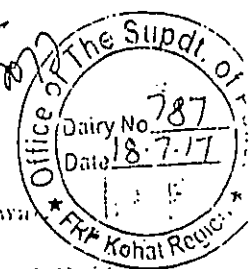
Keeping in view the facts mentioned above there is no cogent reason to interfere in the order of SP FRP Kohat Range, Kohat therefore, his appeal is hereby rejected.

Order Announced.

SPC with file
for RI Kohat

Superintendent of Police,
FRP Kohat Range,
Kohat - 18/9/17

M. Khan
Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar



No 34/16/EC, dated Peshawar the 17/07/2017.

Copy of above is forwarded for information and necessary action to the SP FRP Kohat Range, Kohat with further directions to inform the applicant accordingly. His Service Record alongwith D File are sent herewith for your office record.

Javed Iqbal
received on
20/12/2017

ASCT
ATTESTED

VAKALAT NAMA

NO. _____/20

IN THE COURT OF KPik Service Tribunal, Peshawar

Taved Gabal (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Police Deptt (Respondent)
(Defendant)

I/We, Taved Gabal

Do hereby appoint and constitute **Syed Noman Ali Bukhari and Uzma Syed, Advocates Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20

Uzma Syed
(CLIENT)

ACCEPTED

Syed Noman Ali Bukhari
SYED NOMAN ALI BUKHARI
Advocate, Peshawar.

Uzma Syed
UZMA SYED
Advocate, Peshawar.

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

APPEAL NO. 63/2018

Javed Iqbal, Ex-Constable, No. 1449/FRP Kohat

..... Appellant

VERSUS

1. AIG Establishment CPO Peshawar.
2. Commandant FRP, Khyber Pakhtunkhwa, Peshawar.
3. Superintendent of Police, FRP Kohat Range, Kohat.

..... Respondents

Respectfully sheweth:-

Parawise comments by Respondents No. 1, 2 and 3 are submitted as under:-

PRELIMINARY OBJECTIONS:-

- i. That the appeal is not maintainable in the present form.
- ii. That the Appellant has not come to this honourable Services Tribunal with clean hands.
- iii. That the Appellant has concealed real facts from the honourable Services Tribunal.
- iv. That the appeal is bad for misjoinder/non joinder of necessary parties.
- v. That the appeal is badly time barred.
- vi. That Appellant is estopped by his own conduct to file the instant appeal.
- vii. That the appeal has not been based on facts.

FACTS:-

1. Correct to the extent that appellant was appointed as constable on 11.08.2009. The remaining para is not correct because he has blemished service record. Since his appointment till order of his dismissal, he remained absent for 509 days on different dates and he was awarded punishment for the same.
2. Incorrect. He had absented himself intentionally from duty. Had he been suffering from any disease, he would have informed his incharge well in time and would have carried out proper treatment in a Government Hospital as per laid down procedure but he, to cover his absence, managed a medical certificate from a private doctor.
3. Incorrect. Proper departmental enquiry was conducted against him by issuing charge sheet with summary of allegation and appointing enquiry officer. Charge sheet was correctly received by his brother namely Tariq Iqbal but appellant neither submitted reply to charge sheet nor appeared before the enquiry officer. The enquiry officer in his finding report recommended him for suitable punishment. Hence, a final notice was published against him in two newspapers "Awami Dastak" and "Aaj" dated 04.05.2017 and 23.05.2017 respectively, copies of the same are annexed as annexure A & B. In pursuance of the publication of the notice in newspapers,

he appeared in this office and submitted reply wherein he mentioned that he had gone on 03 days "Shabashi" to his village where he had fallen from Motorcycle while from record, it is evident that he had absented himself from duty vide DD No. 05 dated 31.03.2017. After submission of reply, he again absented himself vide DD No. 09 dated 30.05.2017 till order of his dismissal. As such, he was correctly dismissed from service in view of his intentional absence from duty as well as his previous record. Copy of order of dismissal of departmental appeal was provided to appellant on 25.07.2017 on his written request, copy of his application is annexed as annexure C.

4. That, departmental appeal of appellant was rejected by the appellant authority vide order Endst: No. 5416/EC dated 17.07.2017, copy of which was received by appellant on 25.07.2017.
5. That, the appellant intentionally remained absent from duty w.e.f 31.03.2017 till order of his dismissal on 31.05.2017. He is habitual absentee which is evident from his service record. His appeal is badly time barred and is not maintainable.

GROUND:-

- A. Incorrect. Both the orders dated 31.05.2017 and 17.07.2017 as well as order by respondent No. 1 dated 13.10.2017 were passed in accordance with law and rules.
- B. Incorrect. Absence period was treated as absence from duty i.e without pay which means that he was not entitled to get pay for the said period.
- C. Need no comments, this para is legal one, however the respondents always follow judgements of the superior courts.
- D. Incorrect. Proper enquiry was conducted against appellant but he failed to join enquiry proceedings, despite the fact that charge sheet was served upon his brother namely Tariq Iqbal but he intentionally avoided to appear before the enquiry officer and to submit reply to charge sheet. He had obtained medical certificate from a private doctor only to cover his absence period while there were other specialist doctor in government hospital at Karak.
- E. Incorrect. As stated above, enquiry was conducted against him. A final notice was also published against him in 02 newspapers as mentioned above in para No. 3. He submitted reply to final notice published in newspapers but after submission of reply he again absented himself without any reason as per report recorded vide DD No. 09 dated 30.05.2017. He was provided chance of personal hearing but he did not avail that chance and absented himself. In such circumstances there was no other alternative except to pass order.

- F. Incorrect. Appellant was treated in accordance with law and rules. He was provided full chance of defence.
- G. Incorrect. Charge sheet with summary of allegation was served upon Tariq Iqbal who is brother of appellant and proper enquiry was conducted against him but he intentionally avoided to join the enquiry proceedings.
- H. Incorrect. Departmental enquiry was conducted against appellant under Khyber Pakhtunkhwa Police Disciplinary Rules – 1975 (Amended in 2014). which does not contain a provision for issuance of Final Show Cause Notice and chance to personal hearing but even then he was provided full chance of personal hearing and he was also issued Final Notice through 02 Newspapers.
- I. Incorrect. Appellant had intentionally absented himself from duty. Prior to it he remained absent for 509 days on different dates and was awarded different punishments by the competent authority but he did not mend his attitude and continued to be so. Lastly, he remained absent for 22 days and 07 days respectively and he was awarded punishment of stoppage of 02 years annual increment and Censure by Respondent No. 3 vide OB No. 185 dated 16.02.2017 and OB No. 374 dated 28.04.2017.
- J. Incorrect. Allegations of absence from duty were established against the appellant.
- K. Incorrect. Appellant was provided chance of hearing but he absented himself again vide DD No. 09 dated 30.05.2017.
- L. That any other points, if raised, shall be shared during arguments.

PRAYER:-

In view of above mentioned grounds, it is humbly prayed that the appeal may be dismissed.

1.

AIG Establishment CPO Peshawar
(Respondent No. 1)

2.

Commandant FRP Khyber Pakhtunkhwa Peshawar
(Respondent No. 2)

3.

Superintendent of Police FRP Kohat Range Kohat
(Respondent No. 3)

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er

ABC CERTIFIED

http://www.dastaknews.net

Email: dastak@dastaknews.net

Ph: 0827-210101

Fax: 0827-211101

روزنامہ

پینس ایڈیٹر: سید عبداللہ خشک

The daily Awami Dastak

ایڈیٹر: حسن اقبال

کوہاٹ کرک

جلد 3 / جمعرات 07 شعبان المعظم 1438ھ 4 مئی 2017ء

صفحات 6 قیمت 10 روپے / شمارہ نمبر 213

آخری نوٹس

آپ کا فیصلہ جاریہ اقبال نمبر 1449 مورخہ 31-03-2017ء سے بحال بدستور ڈیوٹی سے فیر حاضر ہیں، آج کے پارچہ شیٹ نمبر 199/PA مورخہ 06-04-2017ء کو جاری کیا گیا تھا جو آپ کے بھائی طارق اقبال نے درست طور پر وصول کر کے پارچہ شیٹ پر دھلا کے تھے، آپ کے خلاف تھانہ کاروانی شروع کی گئی مگر آپ نے تاحال درجہ تفریق کر کے اس ایشیاء کے مشہور ہونے کے 15 دن کے اندر اندر درجہ تفریق کے سامنے حاضر ہو جائیں اور آپ کے خلاف نکلنے والی سبھی چیزیں کے نتیجے میں آپ کو لارنس سے برہنہ کر دیا جائے گا۔

میاں امتیاز گل ایس بی ایف آر بی کوہاٹ

INFIP 199/PA

"SAY NO TO DRUGS"

روزنامہ

پشاور پاکستان

ایڈیٹر: عبدالواحد یوسفی

جلد 28 / سہ ماہی 23 مئی 2017ء

شعبان المعظم 1438ھ - 13 مئی 2017ء

شمارہ 135

آخری نوٹس

آپ کا فیصلہ جاریہ اقبال نمبر 1449 مورخہ 31-03-2017ء سے بحال بدستور ڈیوٹی سے فیر حاضر ہیں آج کے پارچہ شیٹ نمبر 199/PA مورخہ 06-04-2017ء کو جاری کیا گیا تھا جو آپ کے بھائی طارق اقبال نے درست طور پر وصول کر کے پارچہ شیٹ پر دھلا کے تھے، آپ کے خلاف تھانہ کاروانی شروع کی گئی مگر آپ نے تاحال درجہ تفریق کر کے اس ایشیاء کے مشہور ہونے کے 15 دن کے اندر اندر درجہ تفریق کے سامنے حاضر ہو جائیں اور آپ کے خلاف نکلنے والی سبھی چیزیں کے نتیجے میں آپ کو لارنس سے برہنہ کر دیا جائے گا۔

میاں امتیاز گل ایس بی ایف آر بی کوہاٹ

INFIP 199/PA

گزارش تصدیق سائلین اینیل خیالی کیلئے ضابطہ کارڈنگ مہرب
کو کیا تھا۔ وہ زنجیر لکٹ پورے ہے۔
بذریعہ درخواست اسٹریٹجیک سائل تو آرڈر کاپی دینے کا حکم
صاحب درخشاں

عشق نورانی پورے

نورانی 25-7-17

السر

1448

EX کارڈنگ

No signature

Allowed.
JSP
2017

BEFORE THE KPK, SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 63/2018

Javed Iqbal

VS

Police Deptt:

.....
REJOINDER ON BEHALF OF APPELLANT
.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

(i-vii) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

- 1 Incorrect. While para-1 of the appeal is correct as mentioned in the main appeal of the appellant.
- 2 Incorrect. While para-2 of the appeal is correct as mentioned in the main appeal of the appellant. Moreover, according rules and superior court judgment the medical prescription must be examined through medical board but the department failed to follow said procedure which is against the law and rules.
- 3 Incorrect. While para-3 of the appeal is correct as mentioned in the main appeal of the appellant.

- 4 Incorrect. While para-4 of the appeal is correct as mentioned in the main appeal of the appellant.
- 5 Incorrect. While para-5 of the appeal is correct as mentioned in the main appeal of the appellant.

FOUNDATIONS:

- A) Incorrect. The orders of the respondents are against the law, rules and norms of justice therefore not tenable and liable to be set aside.
- B) Incorrect. While para-B of the appeal is correct as mentioned in the main appeal of the appellant.
- C) Incorrect. Incorrect. While para-C of the appeal is correct as mentioned in the main appeal of the appellant.
- D) Incorrect. Incorrect. While para-D of the appeal is correct as mentioned in the main appeal of the appellant.
- E) Incorrect. Incorrect. While para-E of the appeal is correct as mentioned in the main appeal of the appellant.
- F) Incorrect. Incorrect. While para-F of the appeal is correct as mentioned in the main appeal of the appellant.
- G) Incorrect. Incorrect. While para-G of the appeal is correct as mentioned in the main appeal of the appellant.
- H) Incorrect. Incorrect. While para-H of the appeal is correct as mentioned in the main appeal of the appellant.
- I) Incorrect. Incorrect. While para-I of the appeal is correct as mentioned in the main appeal of the appellant.

- J) Incorrect. Incorrect. While para-J of the appeal is correct as mentioned in the main appeal of the appellant.
- K) Incorrect. Incorrect. While para-K of the appeal is correct as mentioned in the main appeal of the appellant.
- L) Legal.

It is, therefore, most humbly prayed that the appeal of appellant may kindly be accepted as prayed for.

اپellant
APPELLANT

Through:

(UZMA SYED)

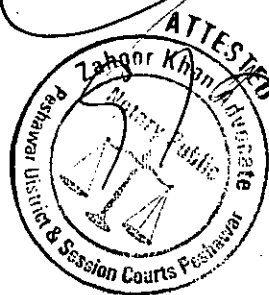
&

SYED NOMAN ALI BUKHARI
ADVOCATE, PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.

DEPONENT



BEFORE THE KPK, SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 63/2018

Javed Iqbal

VS

Police Deptt:

.....
REJOINDER ON BEHALF OF APPELLANT
.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

(i-vii) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

- 1 Incorrect. While para-1 of the appeal is correct as mentioned in the main appeal of the appellant.
- 2 Incorrect. While para-2 of the appeal is correct as mentioned in the main appeal of the appellant.

- 4 Incorrect. While para-4 of the appeal is correct as mentioned in the main appeal of the appellant.
- 5 Incorrect. While para-5 of the appeal is correct as mentioned in the main appeal of the appellant.

GROUND:


- A) Incorrect. The orders of the respondents are against the law, rules and norms of justice therefore not tenable and liable to be set aside.
- B) Incorrect. While para-B of the appeal is correct as mentioned in the main appeal of the appellant.
- C) Incorrect. Incorrect. While para-C of the appeal is correct as mentioned in the main appeal of the appellant.
- D) Incorrect. Incorrect. While para-D of the appeal is correct as mentioned in the main appeal of the appellant.
- E) Incorrect. Incorrect. While para-E of the appeal is correct as mentioned in the main appeal of the appellant.
- F) Incorrect. Incorrect. While para-F of the appeal is correct as mentioned in the main appeal of the appellant.
- G) Incorrect. Incorrect. While para-G of the appeal is correct as mentioned in the main appeal of the appellant.

- J) Incorrect. Incorrect. While para-J of the appeal is correct as mentioned in the main appeal of the appellant.
- K) Incorrect. Incorrect. While para-K of the appeal is correct as mentioned in the main appeal of the appellant.
- L) Legal.

It is, therefore, most humbly prayed that the appeal of appellant may kindly be accepted as prayed for.


APPELLANT

Through:


(UZMA SYED)
&
SYED NOMAN ALI BUKHARI
ADVOCATE, PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.


DEPONENT


Dated, 6/4/2017

CHARGE SHEET

I, Mian Imtiaz Gul, SP FRP Kohat as competent authority, am of the opinion that you Constable Javed Iqbal No. 1449/FRP while posted in Platoon No. 116 deployed at P.S Doaba District Hangu have committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975.

a) That you absented yourself from Roll Call on 31.03.2017 vide DD No. 05 dated 31.03.2017 and have not reported back for duty till date without any leave or prior permission of the competent authority. Thus you have committed a gross "Misconduct" as defined in Rule 2 (iii) of Police Rules 1975 and have rendered yourself liable to be proceeded against departmentally.

- ii). By reason of the above, you seem to be guilty as sufficient materials is placed before the undersigned, therefore it is decided to proceed against you in general police proceeding.
- iii). You are, therefore, required to submit your written reply within 07 days of the receipt of this charge sheet to the Enquiry Officer.
- iv). Your written reply, if any, should reach the Enquiry Officer within specific period, failing which it shall be presumed that you have no defense to offer and in that case, ex-parte action shall follow against you.
- v). Intimate as to whether you desire to be heard in person or not?
- vi). A statement of allegation is enclosed.


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

177/PA/FRP

4-17

Handwritten notes in Urdu script, including "کامیاب ہو گیا" and "مقامی طور پر".

14203 6987332-5

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1-17

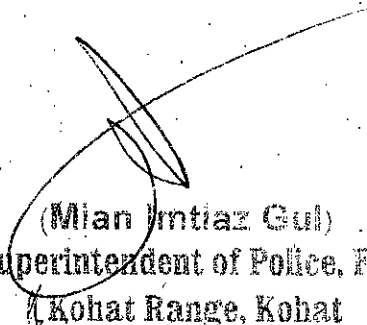
DISCIPLINARY ACTION

(2)

Mian Imtiaz Gul, SP FRP Kohat as competent authority, am of the opinion that you Constable Javed Iqbal No. 1449/FRP while posted in Platoon No. 116 deployed at P.S Doaba District Hangu, have committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975.

STATEMENT OF ALLEGATION

1. That you absented yourself from Roll Call on 31.03.2017 vide DD No. 05 dated 31.03.2017 and have not reported back for duty till date without any leave or prior permission of the competent authority. Thus you have committed a gross "Misconduct" as defined in Rule 2 (iii) of Police Rules 1975 and have rendered yourself liable to be proceeded against departmentally.
2. For the purpose of scrutinize the conduct of said Constable with reference to the above allegations, Inspector Shoukat Hayat, R.I FRP Kohat is appointed as enquiry officer.
3. The enquiry officer shall conduct proceeding in accordance with provision of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record it is finding and make with twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused official.
4. The delinquent official shall join the proceeding on the date, time and place fixed by the officer.


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

فائزرنگ رپورٹ، لشمیل انٹوائسری مرصلا ف کنٹیل جاوید اقبال 1449 سال پولیس لائن

(3)

(7)

معروض صفت میں کہ مذکورہ کنٹیل بمطابق SRC ریکارڈز مورم 8-2009-11 کا

شڈہ ہے سابقہ ریکارڈز میں مذکورہ 34 سے ایام غیر عام 545 یوم رہ چکا ہے اب فوراً

31³ سے بدستور غیر عام چلا آ رہا ہے مذکورہ کی جائزہ شہت بمعہ سمری آف ایگیشن 17

بدست نامی E/10 مورم 14⁴ کو مذکورہ کے معافی پر درست طور پر تفصیل کے

جائزہ شہت پر دستخط کے لئے جبکہ مذکورہ کے مراحل محسی قسم کی ترقی

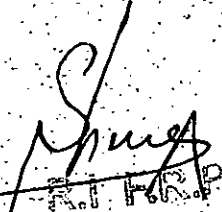
جواب یا اطلاع میں دیا ہے مورم 31³ سے بدستور غیر عام چلا آ رہا ہے اب یوم

غیر عام 25 یوم ہے SRC ریکارڈز انٹوائسری ہے مذکورہ کنٹیل کا سابقہ

ریکارڈز کو مد نظر رکھتے ہوئے مذکورہ کنٹیل سے ایسے پولیس افسر بتنے کی توقع

میں کی جا سکتی مذکورہ کنٹیل کے خلاف مناسب حکم کارروائی کرنے کی سفارش کی جا رہی ہے

انٹوائسری فریٹ ہو کر گزارش ہے


Sd/-
Shuja
Kohat Rang Kohat


24-4-17

14. COMMENDATORY ENTRIES

Serial No

Charges:- Absented himself from 24-11-2014 to 9-02-2015 (Total Absence = 77 days)

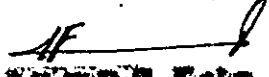
Punishment:- The Captioned Period of his absence is treated as leave without pay and pay his released. He is given last warning to be careful in future vide OB No. 94 dated 20-2-15.


Superintendent of Police,
FRP Korat Range,
M. Korat

Charges - Absent period him self From 5⁹/₁₄ to 21⁹/₁₄
8¹⁰/₁₄ 9¹⁰/₁₄ 16¹⁰/₁₄ 20¹⁰/₁₄ 26¹⁰/₁₄ 29¹⁰/₁₄ 5¹¹/₁₄ 17¹¹/₁₄ total 25 days

Punishment. Leave w/o pay and 3 days extra drill
vide OB No 611
26-11-014

Charges Absented him self from 18²/₁₅ to 20²/₁₅ total
2 days 8 hours and 30 mint. Punishment leave with out
pay and 2 days L/P OB No 301
15-4-2015


Sd/-
Inspector, Korat

(Amended in 2014) award him a minor Punishment of
For "Censure" His absence Period of 07 days is treated
as absence from duty.

OB No. 374
Dt: 28.4.2017.

Superintendent of Police
FRP Kohat Range,
Kohat

ORDER

This order is hereby passed to dispose of departmental appeal under Rule-11A of K.P. Police Rules-1975
Submitted by Ex-F2 Jund Kohat No. 14449. The Petitioner was dismissed from Service by SP FRP
Kohat vide OB No. 481, dt: 31-5-2017 on the charge of absence from duty for 02 months.
Besides, he previously remained absent from duty on different occasions for 509 days
in total to which he was awarded district Punishments.
His appeal was rejected by Comdt's FRP ICP Peshawar vide order Enclst's No. 5416/EC
dated 19-7-2017.

Meeting of Appellate Board was held on 28-9-2017 wherein Petitioner was heard in
person. During hearing Petitioner contended that he was fallen from motorcycle
and received injuries.

Petitioner was dismissed from Service vide order dated 31-5-17 passed by SP
FRP Kohat on the charges of absence from duty for 02 months. In addition to
above, his Service record contains thirty three bad entries. He is habit and
absentee and there are no prospects of his becoming a good Police Officer,
mending his way and abandoning bad habit of absence from duty. Therefore,
The Board decided that his petition is hereby rejected.

This order is issued with the approval by the Competent authority vide I.C.P
K.P. Peshawar order Enclst: No. 6843-49/17, dt: 13/10/17.

Superintendent of Police
FRP Kohat Range,
Kohat

CHARACTER ROLL OF

(6)

Serial No

14. COMMENDATORY ENTRIES

Charges:- Absented him self from $5 \frac{10}{09}$ To $6 \frac{10}{09}$ - 1 day ^{2 1/2} hrs
 Punishment:- Leave with out pay. OB No 589 dt 16-11-09.

[Signature]
 S.P.P. Sub

Charges:- Absented him self $5 \frac{11}{09}$ To $15 \frac{11}{09}$ - 9 days ^{2 1/2} hrs
 Punishment:- Leave with out pay and Fine Rs: 300/-
 OB No 600 dt 16-11-09.

[Signature]
 S.P.P. Sub

Charges:- Absented him self from $21 \frac{10}{09}$ To $26 \frac{10}{09}$
 4 days ^{2 1/2} hrs. Punishment:- Leave with out pay.
 OB No 14 dt 14-1-10.

[Signature]
 S.P.P. Sub

Charges:- Absented him self from $8 \frac{12}{10}$ To $12 \frac{12}{10}$
 4 days ^{3 1/2} mint. Punishment:- leave with out pay
 and Fine Rs: 200/- OB No 50
 4-2-11

[Signature]
 S.P.P. Sub

Charges:- Absented him self from $10 \frac{2}{11}$ To $20 \frac{2}{11}$
 9 days ^{2 1/2} hrs. Punishment:- leave with out pay and
 Fine Rs: 200/- OB No 117
 12-3-11

[Signature]
 S.P.P. Sub

ORDER

Charges:- Absented him self from $22 \frac{1}{11}$ To $3 \frac{2}{11}$, $16 \frac{3}{11}$ To
 $20 \frac{3}{11}$, $9 \frac{5}{11}$ To $14 \frac{5}{11}$ - 2 days
 Punishment:- leave with out pay and Transfer/Posted
 to PL No 108 Distt Harfu on Complaint basis.
 OB No 252
 16-5-11

[Signature]
 S.P.P. Sub

14. COMMENDATOR ENTRIES

Serial No

Charges: Absented him self from 22 ¹/₁₁ To 3 ²/₁₁,
16 ³/₁₁ To 20 ³/₁₁ & 9 ⁵/₁₁ To 14 ⁵/₁₁ - 21 days.
Punishment: Cancelled

Charges: Absented him self from 18 ⁵/₁₁ To 21 ⁵/₁₁ -
3 days. Punishment: Leave with out pay. O.B. No 282
24-5-11
Cancelled

Charges: Absented him self from 14 ⁸/₁₁ To 20 ⁸/₁₁ - 7 days
Punishment: Leave with out pay. O.B. No 495
29-8-11
Cancelled

Charges: Absented him self from Seven (7)
days. Punishment: Leave with out pay and
Fine Rs. 500/- O.B. No 575
4-10-11
Cancelled

Charges: Absented him self from 6 ⁶/₁₁ To 8 ⁶/₁₁ -
2 days. Punishment: Leave w/o pay and
Fine Rs. 500/- O.B. No 359
22-6-11
Cancelled

Charges: Absented him self from 7 ¹⁰/₁₁ To 9 ¹⁰/₁₁ -
One days 14 hrs Punishment: Leave w/o pay
O.B. No 641 dt. 2-11-11
Cancelled

Charges: Absented himself from 30 ⁰⁸/₁₁ to 01 ¹⁰/₁₁ one day.
Punishment: Leave without Pay and Fine of Rs. 300/-
O.B. No. 658 dated 19-11-11.
Cancelled

CHARACTER ROLL OF

(Continued)

Serial No

14. COMMENDATORY ENTRIES

Charges:- Absented him self from 24 ³/₁₂ To 27 ³/₁₂ -
3 days. PUNishment: leave w/o pay. OBNo 207
11-4-12

CEWILL
1 APR 12

Charges:- Absented him self from 27 ⁹/₁₂ To 4 ¹⁰/₁₂ - 6 days
PUNishment: leave w/o pay and Seven days
E/Drill. OBNo 663
23-10-012

CEWILL
1 APR 12

Charges:- Absented him self from 17 ¹⁰/₁₂ To 20 ¹⁰/₁₂ - 6 days
PUNishment: leave w/o pay and 7 days E/Drill.
OBNo 688
6-11-12

CEWILL
1 APR 12

Charges:- Absented him self from 5 ²/₁₃ To 5 ³/₁₃ -
17 hrs PUNishment: warning. OBNo 283
17-4-13

CEWILL
1 APR 13

Charges:- Absented him self from 24 ²/₁₃ To 6 ³/₁₃ -
11 days. PUNishment: leave w/o pay. OBNo 258
17-4-13

CEWILL
1 APR 13

Charges:- Absented him self from 28 ³/₁₃ To 5 ³/₁₃ - 8 days
PUNishment: leave w/o pay. OBNo 277
7-5-13

CEWILL
1 APR 13

14. COMMENDATORY ENTRIES

Serial No

Charges: Absented him self from 24 ⁸/₁₃ to 28 ⁸/₁₃
 4 days. PUNISHMENT: Leave w/o pay. OB No 574
 8-10-13

[Signature]
 SUPERVISOR

Charges: Absented him self from 17 ¹⁰/₁₃ to
 13 ¹¹/₁₃ 9 ¹⁰/₁₃ to 10 ¹⁰/₁₃ 7 ¹⁰/₁₃ to 4 ¹²/₁₃ - 59 days
 PUNISHMENT: Leave w/o pay. OB No 600
 23-12-13

[Signature]
 SUPERVISOR

Charges: Absented him self from 12 ⁷/₁₄ to 14 ⁷/₁₄ 2 days
 Punishment: Two days E/Drill OB No 410
 18.08.14

[Signature]
 SUPERVISOR

Charges: ORDER

Charges: Constable Javed Iqbal no. 1449 of FRP Kohat was
 absented himself from 26-4-14 to 7-7-14, 21-7-14 to 23-7-14,
 28-07-14 to 27-07-14, 27-7-14 to 14-8-14, 18-8-14 to 17-8-14
 and 22-8-14 to 25-08-14 (Total Absence 97 days)

The absence period of 65 days is to be treated as
 medical Leave after consisting approval while the absence of
 32 days is to be treated as Earned Leave. His Pay is released.
 The above named Constable is hereby finally warned to
 mend his way vide this office OB No. 492 dt 25/9/14.

[Signature]
 Superintendent of Police,
 FRP Kohat Range,
 Kohat

charges Absented him self from 04¹²/₂₀₁₅ To 15¹²/₂₀₁₅ Total 10 days

22 hours Punishment. Absent period treated live with OT pay

and his pay his revised vide of no 949

30-12-2015

Superintendent of Police,
FRP Kohat Range,
Kohat

Charges: Absented himself from 15-01-2016 to 11-02-2016
and 17-02-2016 to 14-03-2016 (Total Absence 52 days)
Punishment: Absence treated as leave without pay.

vide OB No. 243
dt. 29-03-2016

Superintendent of Police,
FRP Kohat Range,
Kohat

charges: Absented himself from 23-4-16 to 5-5-16
(Total absence 12 days)

Punishment: The captioned period of his absence
is treated as Leave without pay vide
OB No. 488 dated 24-05-2016.

Charges: Absented him self from

16⁵/₁₆ to 20⁵/₁₆

Superintendent of Police,
FRP Kohat Range,
Kohat

4 days 15

Punishment: Leave with out Pay.

ORDER

(11)

My this order will dispose off departmental enquiry conducted against Constable Javed Iqbal No. 1449/FRP under & bybes Pakhtoonkhwa Police Disciplinary Rules 1975 (Amended in 2014)

The allegations against defaulted official are that he while posted at in FRP Platoon No. 116 at Kherak, was deputed for special duty in P's Dacca District Hangu. He was found absent during Roll Call on 31-3-2017 vide DD No. 5 dated 31-3-2017 and not report back for duty till submission of finding report by BO. In this regard he was issued Charge Sheet with Summary of allegations vide this office no. 199/PA dated 6-4-2017 & Ri FRP Khat was appointed as enquiry officer to unearth the actual facts. The charge sheet with Summary of allegation was sent through LHC Baskatullah for service upon him which was received by his brother namely Tariq Iqbal. He neither submitted reply to charge sheet nor joined enquiry proceedings. The enquiry officer submitted his finding report wherein he recommended for suitable punishment. A final notice was published against the said Constable in daily news Papers namely "Awarne Dastak" on 04-05-2017 & "Aaj" dated 23-5-2017. In pursuance of Publication of notice in news papers, he made arrival report on 24-5-2017 & also submitted statement wherein he claimed that he had fallen from motorcycle due to which he was unable to attend official duty. He provided Medical Prescription dated 31-3-2017 of Private Doctor who had also advised him (one and half 1/2 month rest w.e.f 31-3-2017 to 15-5-2017.

His service record perused which revealed that he was appointed as Constable on 11-8-2009. There are 34 beg entries against him with no good entry in his Credit. From perusal of record it further revealed that Previously he had remained absent from duty on different dates for 509 days in total & he was awarded punishment for the same. Lastly he was awarded minor punishment of stoppage of 02 year Annual increment w/o cumulative effect

and Censure by me vide OB No 185 Dated 16.2.2017 and OB No 374 Dated 28.4.2017 on account of absence from duty for 22 days and seven days respectively. At that time I took lenient view with him for the reason that he made commitment with me that he will not absent himself in future but he again absented himself from duty. The plea taken by him is not worth consideration because if he had in fact fallen from motor cycle and received injury etc, he was required to have informed his platoon incharge as well as his office for grant of proper leave but he did not do so and managed a medical Certificate from a private Doctor to cover his absence report. He is a malinger and habitual absentee official which is clear from his previous record as such he is not entitled to be given any concession retention of such type official in force will definitely affect adversely performance/ discipline of other members of the force. Moreover after submission of report, he again absented himself from duty vide DD No 09 Dated 30.5.2017 till date. It clearly indicates that he is not taking interest in his job and is performing duty according to his own will and wishes.

(13)

Wherefore, I Mian Jamiaz Gul SP FRP Kohat Range, Kohat in exercise of power vest in me under rule 5(5) of Khyber Pakhtunkhwa Police Rules 1975 (Amended in 2014), award him a major Punishment of "Dismissal" from service. His absence period is treated as absence from duty i.e. without pay.

OB No. 481

Dated. 31-5-2017.

Superintendent of Police,
FRP Kohat Range,
Kohat

ORDER

This order shall dispose of Departmental Appeal under rule 11 of Khyber Pakhtunkhwa Police Rules 1975, lodged by Ex-Constable Tareq Iqbal No. 1419 of FRP Kohat Range against the order of SP FRP Kohat Range, wherein he was dismissed from service.

Brief facts of the case are that the defaulter official while posted in FRP Platoon No. 116 at Garask was deputed for special duty to PS Deaba District Hangu. He was found absent during roll call vide DD report No. 05 dated 13-03-2017.

In this regard he was issued Charge Sheet with Summary of allegations vide office No. 199/PA dated 6-4-2017 & RI FRP Kohat was appointed as enquiry officer to unearth the actual facts. The Charge Sheet with Summary of allegation was sent through special messenger for service upon him at his home address which was received by his brother namely Tariq Iqbal. He neither submitted reply to Charge Sheet nor joined enquiry proceedings. The enquiry officer submitted his findings report wherein he recommended him for suitable punishment.

PTO

Finally he was called through daily newspapers "AWAMI DASTAK" on 4-5-2017 and there after daily newspapers "AAT" dated 23-5-2017. In pursuance of publication of notice in newspapers, he made arrival report on 24-5-2017 and also submitted statement wherein he claimed that he had fallen from Motor cycle due to which he was unable to attend official duty and in this regard he produced medical prescription dated 31-3-17 from a private doctor who had advised him 1 1/2 months rest w.e from 31-3-2017 to 15-5-2017.

His service record perused which revealed that he was appointed as Constable on 11-8-2009. There are 34 bad entries against him with no good entry in his credit. Besides he previously remained absent from duty on different occasion for 509 days in total to which he was awarded distinct punishment.

It is pertinent to mention here that on the account of absence the applicant was made commitment with the competent authority that he will not absent himself in future but he did not mend his way again remained absent from duty. The plea taken by him in his statement is not worth consideration because if he had in fact fallen from motor cycle and received injury etc, he was required to have informed his platoon in charge as well as office of his superior for grant of proper leave but he did not do so and managed as Medical Certificate from a private doctor to cover his absence report. He is a malinger and habitual absentee which is evident from his previous record. It is worth mentioning here that after submission of reply, he again absented himself from duty vide OD report no. of dated 30-5-17 till order of his dismissal. Therefore, he was awarded a major punishment of dismissal for service vide office OB No. 481 dated 31-05-2017.

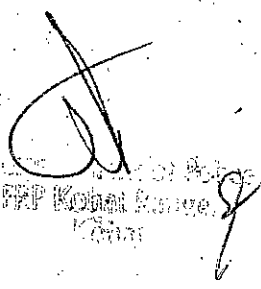
After going through the available record, it has pointed out that a proper enquiry has already been initiated against the applicant and thereafter he was dismissed from service.

The applicant was heard in person in orderly room held on 13-7-17 but he failed to satisfy the undersigned

Keeping in view the facts mentioned above there is no cogent reason to interfere in the order of SP FPD Kohat Range Kohat therefore, his appeal is hereby rejected

Order announced.

NO. 5416/EC
Dated, 17-07-2017


Superintendent of Police
F.P.D. Kohat Range
Kohat

CHARACTER ROLL OF

(Continued)

Serial No

14. COMMENDATORY ENTRIES

ORDER

Constable Javed Iqbal No 1449/FRP while Posted at FRP Platoon No-116 P S City Karak intentionally absented him self from his lawful with effect from 26-12-2016 to 17-01-2017 (total Absence Period is 22 days) without any Prior Permission of the Comertent authority. to this effect his absence report was recorded vide Daily Diary No 12 Dated 26-12-2016 which was forwarded to this office for further necessary action against him. Punishment and award him Punishment of stoppage of two annual increment for two years without Cumulative effect. His absence Period is treated as absence from duty and his Pay be released.

OBNO 185. Dated. 16-02-17

Superintendent of Police
Sr FRP Kohat Range
Kohat

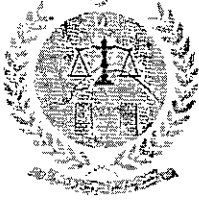
ORDER

Constable Javid Iqbal No 1449/FRP while Posted at FRP Platoon No 116 P S City Karak intention absented him self from duty with effect from 02-11-2016 to 02-12-2016 (total Absence Period is 30 days) with any Prior Permission of the Competent authority. to this effect his absence report was recorded vide DD No-06 Dated 02-11-16 which was forwarded to this office for taking departmental action against him. Punishment of forfeiture of His absence Period is treated as absence from duty and his Pay be released.

186

16-16

Superintendent of Police
Sr FRP Kohat Range
Kohat



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

No: _____/ST Dated: ____/____/2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

To,

Superintendent of Police, FRP,
Kohat Range, Kohat.

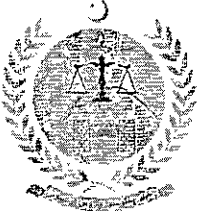
Subject: JUDGMENT IN APPEAL NO. 63/2018 OF JAVID IQBAL VS POLICE.

I am directed to forward herewith a certified copy of Judgement dated 20.05.2022 passed by this Tribunal on the above subject for information.

Encl: As Above.


(WASEEMAKHTAR)

REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

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KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR