

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

CM No. _____/2022.

In

In S.A # 1495/22

Ministry of Peshawar
Service Tribunal

Entry No. 1253

Dated 3/11/22

Gohar Zaman

Versus

I.G Peshawar and others

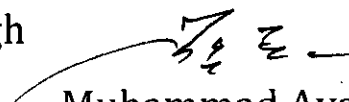
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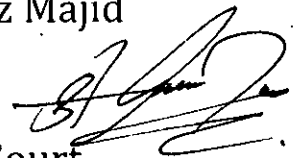
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Dated: 03-11-2022

Appellant

Through


Muhammad Ayaz Majid
&
Salman Khan
Advocate, High Court,
Peshawar.



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**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
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CM No. _____/2022.

In

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Gohar Zaman

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I.G Peshawar and others

**APPLICATION FOR EARLY HEARING OF THE
ABOVE TITLE CASE**

Respectfully Sheweth,

1. That the above title Service Appeal is pending adjudication before this Hon'ble Service Tribunal & is fixed for 07/12/2022.
2. That on 27/10/2022 this Hon'ble Tribunal directed learned council during preliminary arguments to submit inquiry report and appointment order of the appellant. (Copy of documents attached)
3. That if the captioned service appeal has not been fixed for an early date, the Appellant will suffer irreparable loss.

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4. That in the given circumstances early fixation of the instant service appeal is indispensable.

It is, therefore, most humbly prayed that on acceptance of this Application, the above title service appeal may kindly be fixed for an early date as convenient to this Hon'ble Tribunal.

Dated: 03-11-2022

Appellant

Through

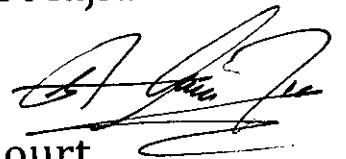

Muhammad Ayaz Majid

&

Salman Khan

Advocate, High Court,

Peshawar.



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**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
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Gohar Zaman

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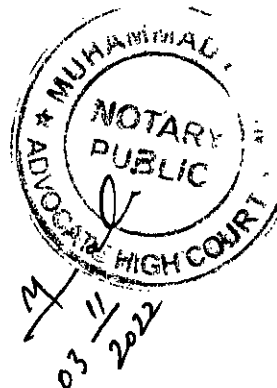
I.G Peshawar and others

AFFIDAVIT

I, **Salman Khan (Advocate High Court)**, do hereby solemnly affirm and declare on oath that all the contents of the instant application are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Court.


Advocate

ATTESTED


M
03/11/2022

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OFFICE OF THE
DISTRICT POLICE OFFICER SWABI
PHONE# 0938-920050 FAX# 0938-920054
EMAIL: dpo_swabi@yahoo.com

CHARGE SHEET UNDER KPK POLICE RULES-1975

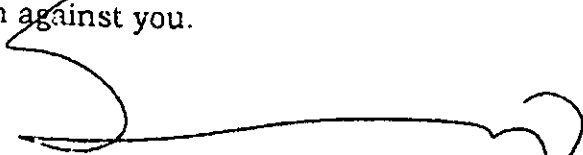
Certified to be true Copy.

Whereas I am satisfied that formal enquiry as contemplated by Khyber Pakhtunkhwa Police Rules 1975 is necessary and expedient.

And whereas I am of the view that the allegations if established would call for Major/Minor penalty as defined in Rules 4 (b) a & b of the aforesaid Rules.

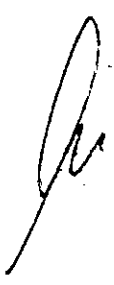
Now therefore as required by Rules 6(1) of the aforesaid Rules I **Muhammad Shoaib Khan, PSP**, District Police Officer Swabi charge you **Constable Gohar Zaman No.917**, on the basis of statement of allegations attached to this charge sheet.

In case your reply is not received within seven days without sufficient cause it will be presumed that you have no defence to offer and ex parte action will be taken against you.


(MUHAMMAD SHOAIK KHAN) PSP
DISTRICT POLICE OFFICER, SWABI

ATTESTED


P/O
District Police Officer, Swabi



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OFFICE OF THE
DISTRICT POLICE OFFICER, SWABI
PHONE: 0933 920050 FAX: 0933 920011
EMAIL: dpo_swabi@yahoo.com

DISCIPLINARY ACTION UNDER KPK POLICE RULES-1975

I, Muhammad Shoab Khan, District Police Officer, Swabi as competent authority am of the opinion that Constable Gohar Zaman No.917, has rendered himself liable to be proceeded against as he has committed the following acts/omission within the meaning of section 02 (iii) of KPK Police Rules-1975.

STATEMENT OF ALLEGATIONS

Swabified to be for 6000

That Constable Gohar Zaman No.917 while posted to Police Lines Swabi absented himself from duty w.a. from 12.07.2021 till date without any leave/prior permission of the competent authority. Therefore, he was issued with Show Cause Notice. He has been directed time and again to receive his Show Cause Notice but all these directions fell on deaf ears, hence summary of allegations.

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

For the purpose of scrutinizing the conduct of the said official, Mr. Noor ul Amn DSP H.Qrs Swabi is hereby deputed to conduct proper departmental enquiry against the aforesaid official, as contained in section 6 (b) (a) of the afore mentioned rules, the enquiry officer after completing all proceedings shall submit his verdict to this office within (7) days, Constable Gohar Zaman No.917, is directed to appear before the enquiry officer on the date, time and place fixed by the later (enquiry officer) a statement of charges sheets is attached herewith.

[Handwritten signature]

[Handwritten signature]

MUHAMMAD SHOAB KHAN) DSP
DISTRICT POLICE OFFICER, SWABI

APPROVED
[Handwritten signature]

No. 131 /CC/PA

Dated: 19/10 /2021

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**OFFICE OF THE DEPUTY SUPERINTENDENT OF POLICE,
HEADQUARTER, SWABI.**

Phone No. 0938-280279, E-Mail: dspluswabi@gmail.com

To The District Police Officer,
Swabi.

No. 591 /Hqrs. Swabi dated 29.11.2021.

Subject: - **DEPARTMENTAL ENQUIRY AGAINST CONSTABLE GOHAR ZAMAN NO. 917**

Kindly refer to your office Endorsement No. 131/CC/PA dated 12.10.2021 on the subject cited above.

SUMMARY OF ALLEGATION:-

It is alleged that Constable Gohar Zaman No. 917, posted to Police lines, Swabi, absented himself from duty w.e. from 12.07.2021 till date without any leave/prior permission of competent authority. Therefore, he was issued show cause notice but all these directions fell on deaf ears, hence summary of allegations. This amounts to grave mis-conduct on his part, warranting departmental action against him.

PROCEEDINGS:

The delinquent constable was summoned vide this office letter No. 445/Hqrs dated 13.10.2021 to appear before the undersigned but he failed to comply. He was issued warning under KP Police Rules 1975 (section 5:6) on his home address through DSP, Swabi vide this office letter No. 478/Hqrs dated 02.11.2021. He was further contacted on his cell No. 0313-9350450 but he could not be reached. After the expiry of warning period, and having failed to reach the constable through any means, whatsoever, ex-parte action is initiated.

FINDINGS: -

In view of the aforementioned proceedings the instant enquiry is hereby closed with the fact that either the delinquent officer has no regards for departmental proceedings or he has nothing to offer in his defense before the enquiry officer.

RECOMMENDATIONS:

He is therefore, recommended for Ex-Parte Action, if agreed, please.

(NOOR-UL-AMIN KHAN)
Deputy Superintendent of Police,
H Qrs, Swabi

ATTESTED

PIO
District Police Officer, Swabi

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FINAL SHOW CAUSE NOTICE

I Muhammad Shoaib Khan, District Police Officer, Swabi as competent authority under Police Disciplinary Rules 1975, hereby serves upon you, **Constable Gohar Zaman No.917** as follow:

Whereas you Constable Gohar Zaman No.917 while posted to Police Lines Swabi absented yourself from duty w.e.f 12.07.2021 till date without any leave/prior permission of the competent authority. Your this act is highly against the discipline and amounts to gross mis-conduct.

Certified to be True Copy,

Therefore, you were issued a Show Cause Notice and were directed time and again to receive your Show Cause Notice but all these directions fell on deaf ears.

In this connection you were issued charge sheet alongwith with summary of allegations and DSP, H.Qrs Swabi, was appointed to conduct proper departmental enquiry. The enquiry officer held enquiry and submitted his findings. However, after proper enquiry he recommended you Constable Gohar Zaman No.917, for ex parte proceedings for the mis-conduct and recommended you for Major punishment.

You are hereby directed to Show Cause Finally of your irresponsible acts towards performing your professional responsibilities within 07 days, as to whether you will not be punished as defined by Police rules.

In case of none submission of your reply within 07-days of its delivery in the normal course of circumstances, it shall be presumed that you have no defense to offer, and ex-parte action shall be taken against you.



MUHAMMAD SHOAIB KHAN (PSP)
DISTRICT POLICE OFFICER,
SWABI

ATTESTED


Station Officer, Swabi

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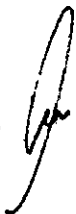
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ORDER

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

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

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



MUHAMMAD SHOAIB KHAN (PSP)
DISTRICT POLICE OFFICER, SWABI

O B No. 1102

Dated 15/12 /2021.

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI.

No. 1118-82 /PA, dated Swabi, the 17/12 /2021

Copies to the:

1. DSP H.Q. Swabi
2. Establishment Clk.
3. Pater Misal Clk.

ATTESTED

Police

Certified to be True Copy.

SHOW CAUSE NOTICE

Muhammad Shoaib Khan, District Police Officer, Swabi is competent authority under Police Discipline Rules 1975, hereby issued upon you Constable Gohar No.917 as follow

Whereas you Constable Gohar No 917 while posted to Police Station you absented yourself from duty work from 12/07/2021 till date without any leave/prior permission of the competent authority which is against the discipline and amounts to gross misconduct

You are hereby directed to show cause of your irresponsible acts towards performing your professional responsibilities within 07 days, as to whether you will not be punished as defined by Police rules.

In case of none submission of your reply within 07 days of its delivery in the normal course of circumstances, it shall be presumed that you have no let use to offer, and ex parte action shall be taken against you.

MUHAMMAD SHOAIB KHAN (PSP)
DISTRICT POLICE OFFICER,
SWABI

ATTESTED

PIO

District Police Officer, Swabi

Date of Presentation of this notice: 02/11/2022
Copy to: MLC
Total: (06)
Name of: Rashid Ali
Date of: 02/11/2022
Date of receipt of: 02/11/2022