

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

Service Appeal No. 1182/2020

Date of Institution ... 14.01.2020

Date of Decision ... 14.07.2022

Shah Khalid, Ex-Constable No. 2195, PS City District Mardan.

... (Appellant)

VERSUS

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

... (Respondents)

MISS. UZMA SYED,  
Advocate

--- For appellant.

MR. MUHAMMAD RIAZ KHAN PAINDAKHEL,  
Assistant Advocate General

--- For respondents.

MR. SALAH-UD-DIN  
MS. ROZINA REHMAN

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

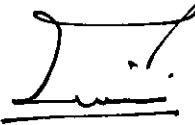
JUDGMENT:

SALAH-UD-DIN, MEMBER:- Briefly stated the facts giving rise to filing of the instant service appeal are that disciplinary action was taken against the appellant on the allegations of his absence from duty and he was dismissed from service vide the impugned order dated 18.10.2012 passed by the then District Police Officer Mardan. The departmental appeal of the appellant was also filed by the then Deputy Inspector General of Police Mardan Region-I, Mardan vide order dated 04.02.2013. The appellant then preferred appeal before Provincial Police Officer Khyber Pakhtunkhwa Peshawar, which was also filed vide order dated 30.12.2013, hence the instant service appeal.

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

3. Learned counsel for the appellant has argued that the appellant was straightaway issued show-cause notice and no regular inquiry was

conducted in the matter; that whole of the proceedings were carried out at the back of the appellant and no opportunity of personal hearing or self defense was provided to him; that the appellant had submitted proper reply to the show-cause notice issued to him, however the same was not considered by the competent Authority and the impugned order of dismissal of the appellant was passed in derogation of mandatory provisions of Police Rules, 1975; that the appellant was awarded punishment with retrospective effect, therefore, the impugned order passed by the competent Authority is void ab-initio and no limitation would run against the same; that the appellant was entangled in blood feud enmity, therefore, his absence from duty was not intentional; that the appellant has not been treated in accordance with law and has been condemned unheard; that the appellant was awarded major penalty of dismissal from service without regular inquiry, therefore, the impugned orders are not sustainable in the eye of law and are liable to be set-aside. Reliance was placed on 2007 SCMR 834, 2003 SCMR 1126, 1987 SCMR 1562, 2009 SCMR 339 and PLJ 2016 Tr.C (Services) 335.

  
4. On the other hand, learned Assistant Advocate General for the respondents has contended that the appellant was in habit of remaining absent from duty without any sanctioned leave and his previous absence of 96 days was treated as leave without pay by the competent Authority, however the appellant again remained absent for 147 days without leave/permission of the competent Authority; that the conduct of the appellant would show that he was not at all interested in performing of his duty; that the appellant was issued show-cause notice, which was personally served upon him but he did not even bother to submit reply to the show-cause notice; that the reply so annexed by the appellant alongwith his appeal is regarding the previous show-cause notice issued to the appellant regarding another absence period of 96 days; that the departmental appeal/mercy petition of the appellant was declined by Provincial Police Officer Khyber Pakhtunkhwa Peshawar vide order dated 30.12.2013, which was required to be challenged within a period of 30 days but the instant appeal has been filed on 14.01.2020, which is badly time barred; that as the appellant had himself avoided to appear before the competent Authority despite receiving of the show-cause notice, therefore, he was rightly proceeded against ex-parte; that the impugned orders were passed after

complying all legal and codal formalities, therefore, the same may be kept intact and the appeal in hand may be dismissed with cost. Reliance was placed on 1987 SCMR 92 and 2011 SCMR 08.

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


6. A perusal of the record would show that the appellant was dismissed from service vide impugned order dated 18.10.2012, which was challenged by the appellant through filing of departmental appeal, however the same was also filed vide order dated 04.02.2013. The appellant then preferred appeal before Provincial Police Officer Khyber Pakhtunkhwa Peshawar, which was filed vide order dated 30.12.2013. The appellant was required to have challenged the aforementioned order through filing of service appeal within 30 days, however the appellant has filed the instant service appeal on 14.01.2020 i.e after a delay of about 07 years, which is badly time barred. The appellant was required to justify the delay of each day, however while going through the application filed by the appellant for condonation of delay, we have observed that one of the justification raised by the appellant for condonation of delay is that question of limitation was nothing more but a technicality, which is an incorrect approach. August Supreme Court of Pakistan in its judgment reported as 2011 SCMR 08 has held that question of limitation cannot be considered a technicality simpliciter as it has got its own significance and would have substantial bearing on merits of case. The other ground agitated by the appellant in his application for condonation of delay is that as the appellant was awarded punishment with retrospective effect, therefore, the impugned order passed by the competent Authority is void ab-initio and no limitation would run against the same. Although an employee could not be awarded penalty with retrospective effect, however where an employee has been proceeded against departmentally on the ground of his absence from duty, then penalty could be awarded to him retrospectively from the date of his absence from duty and the same is an exception to the general rule that penalty could not be imposed with retrospective effect. The impugned order dated 18.10.2012 thus could not be considered as void merely on the ground that the same was passed with retrospective effect. August Supreme Court of Pakistan in its




judgment reported as 1987 SCMR 92 has held that when an appeal is required to be dismissed on limitation, its merits need not to be discussed.

7. In view of the above discussion, the appeal in hand stands dismissed being time barred. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
14.07.2022



(ROZINA REHMAN)  
MEMBER (JUDICIAL)



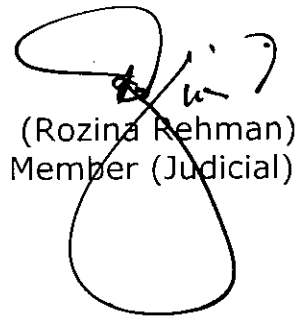
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

ORDER  
14.07.2022

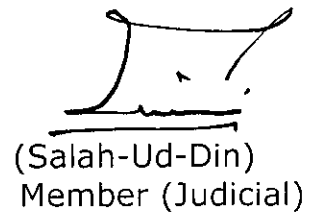
Learned counsel for the appellant present. Mr. Atta-ur-Rehman, Inspector (Legal) alongwith Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present. Arguments heard and record perused.

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

ANNOUNCED  
14.07.2022



(Rozina Rehman)  
Member (Judicial)




(Salah-Ud-Din)  
Member (Judicial)

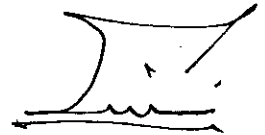
09.05.2022

Mr. Muhammad Kamran, Advocate, as proxy for learned counsel for the appellant present. Mr. Atta-ur-Rehman, Inspector (Legal) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Muhammad Kamran, proxy stated at the bar that learned counsel for the appellant has telephonically contacted him that as he is busy in some domestic engagement, therefore, adjournment may be granted. Adjourned. To come up for arguments on 14.07.2022 before the D.B.



(Mian Muhammad)  
Member (E)



(Salah-ud-Din)  
Member (J)



Stipulated period passed reply not submitted.

29.07.2021


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

  
Chairman

11.11.2021

Syed Noman Ali Bukhari, Advocate, for the appellant present. Mr. Kheyal Roz, Inspector (Legal) Mr. Javed Ullah, Assistant Advocate General for the respondents present.

Reply/comments on behalf of respondents received through office, which have been placed on file and copy the same is handed over to learned counsel for the appellant. Adjourned. To come up for rejoinder, if any, as well as arguments on 02.02.2022 before the D.B.

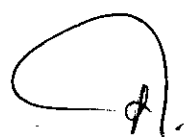
  
(Atiq-Ur-Rehman Wazir)  
Member (E)

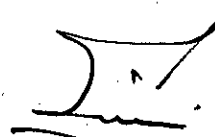
  
(Salah-Ud-Din)  
Member (J)

02.02.2022

Learned counsel for the appellant present. Mr. Abdul Baseer Inspector alongwith Mr. Kabir Ullah Khattak learned Additional Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not prepared the brief. Adjourned. To come up for arguments on 09.05.2022 before the D.B.

  
(Rozina Rehman)  
Member (J)

  
(Salah-Ud-Din)  
Member (J)

18.02.2021

The learned Member Judicial Mr. Muhammad Jamal Khan is under transfer, therefore, the case is adjourned. To come up for the same before S.B on 30.06.2021.

  
Reader

30.06.2021

Appellant with counsel present.

Preliminary arguments heard. Record perused.

Points raised need consideration. Appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to the respondents for submission of reply/comments in office within 10 days of the receipt of notices, positively. If the reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 11.11.2021 before the D.B.

Appellant Deposited  
Security & Process Fee

  
(Rozina Rehman)  
Member (J)



03.09.2020

Mr. Taimur Ali Khan, Advocate on behalf of learned counsel for the appellant present.

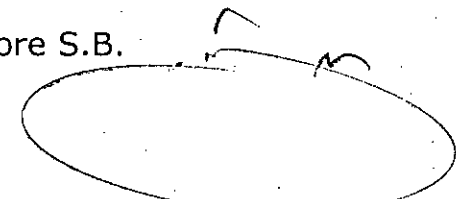
Requests for adjournment as learned counsel has gone out station in connection with professional engagement. Adjourned to 03.11.2020 before S.B.

  
Chairman

03.11.2020

Nemo for appellant.

Since the Members of the High Court as well as of the District Bar Association, Peshawar, are observing strike today, therefore, learned counsel for appellant is not available today. Adjourned to 19.01.2021 on which date to come up for preliminary hearing before S.B.

  
(Muhammad Jamal Khan)  
Member (Judicial)

19.01.2021

Appellant present through counsel.

A request for adjournment was made as issue involved in the present case is pending before Larger Bench of this Tribunal.

Adjourned to 18.02.2021 for preliminary hearing, before S.B.

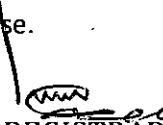



  
(Rozina Rehman)  
Member (J)

Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 1182 /2020


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/02/2020	<p>The appeal of Mr. Shah Khaled resubmitted today by Syed Nouman Ali Bukhari Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p> REGISTRAR 25/2/2020</p>
2-	02/03/20	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>03/04/2020</u></p> <p> MEMBER</p>
03.04.2020		<p>Due to public holiday on account of COVID-19, the case is adjourned to 29.06.2020 for the same. To come up for the same as before S.B.</p> <p> Reader</p>
29.06.2020		<p>The Worthy Chairman is on leave, therefore, the case is adjourned. To come up on 03.09.2020 before S.B.</p> <p> Reader</p>

The appeal of Mr. Shah Khaled Ex-Constable No. 2195 PS City District Mardan received today i.e. on 14.01.2020 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

Annexures-A and D of the appeal are illegible which may be replaced by legible/better one.

No. 94 /S.T,

Dt. 15-01 /2020.

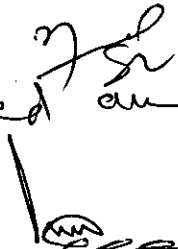
  
REGISTRAR -  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Syed Noman Ali Bukhari Adv. Pesh.

Sr.

objection ~~file~~ removal & file re-submission

objection still stand. Be removed and  
re-submitted within 10 days.

  
6/2/20

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 1182/2020

Shah khalid

V/S

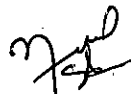
Police Deptt:

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**APPELLANT**  
Shah Khalid

THROUGH:

  
**SYED NOMAN ALI BUKHARI**  
Advocate, High Court  
Peshawar

Date: 13.01.2020

(D)

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 1182/2020

Shah Khalid Ex. Constable No.2195,  
PS City District Mardan.

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 350

Dated 14/01/2020

.....(Appellant)

VERSUS

1. The Registrar For inspector General of Police, KP. Peshawar.
2. The Deputy Inspector General of Police Mardan Region Mardan.
3. The District Police Officer, Mardan.

.....(Respondents)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 18.10.2012 WHEREBY, THE APPELLANT HAS BEEN DISMISSED FROM SERVICE AND AGAINST THE REJECTION ORDER DATED 04.02.2013 WHEREBY THE DEPTT APPEAL OF THE APPELLANT HAS BEEN REJECTED AND AGAINST THE REJECTION ORDER DATED 30.12.2013 RECEIVED BY THE APPELLANT ON 13.01.2020 WHEREBY THE REVIEW PETITION UNDER 11-A HAS BEEN REJECTED FOR NO GOOD GROUNDS.

Filed to-day

Registrar

14/01/2020

**PRAYER:**

THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDERS DATED 18.10.2012, 04.02.2013 and 30.12.2013 MAY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED INTO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND

Re-submitted to -day  
and filed.

Registrar

25/2/2020

**APPOPRIATE THAT MAY ALSO BE AWARADED IN FAVOUR OF APPELLANT.**

**RESPECTFULLY SHEWETH:**

**FACTS:**

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

1. That the appellant was appointed as Constable in Police force in the year 2010 and the appellant was performed his duties with entire satisfaction of his superiors.
2. That the appellant's blood feud enmity was taken place with nearest relative for this appellant's uncle has been murdered and the appellant is complainant of the case, for this reason appellant didn't performed his duties so the absentia of the appellant was not willing full but due to above mentioned reasons. **Copy of FIR is attached as annexure-A.**
3. That directly, the show cause notice was issued to the appellant without following proper procedure and the appellant properly replied to the showcause notice. **Copy of show cause and reply are attached as annexure-B & C.**
4. That thereafter, the impugned order dated 18.10.2012 was passed against the appellant whereby the appellant was dismissed from service. The appellant been aggrieved from the impugned dismissal order preferred departmental appeal which was rejected vide order dated 04.02.2013. Thereafter, the appellant filed review petition but the same has been rejected vide order dated 30.12.2013 which was received by the appellant thorough application on 13.01.2020, for

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no good grounds. (Copy of impugned order. departmental appeal, rejection order, review petition and rejection order is attached as Annexure-D, E, F, G & H).

5. That now the appellant come to this august Tribunal on the following grounds amongst others.

**GROUNDS:**

- A) That the impugned orders dated 18.10.2012, 04.02.2013 and 08.01.2020 are against the law, facts, norms of justice and void-ab-initio as has been passed with retrospective effect and material on record, therefore not tenable and liable to be set aside.
- B) That the impugned order was retrospective order which was void in the eye of law and according to Superiors Court Judgment reported as 2002 SCMR, 1129 and 2006 PLC 221.
- C) 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 proper inquiry the appellant was dismissed from the service vide order dated 18.10.2012 without given personal hearing with retrospective effect 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.
- D) That the appellant's blood feud enmity was taken place with nearest relative for this appellant's uncle has been murdered and the appellant is complainant of the case but the deptt failed to follow this process and therefore it is requested the case may be remanded to deptt to conduct denovo enquiry by providing full opportunity to the appellant to meet the end of justice.
- E) That the appellant has been condemned unheard and has not been treated according to law and rules.
- F) That no charge sheet 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.
- G) That according to superior court and this Hon'ble Tribunal judgment any order passed without following mandatory provisions of laws is void ab initio.


14

- 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 no chance of personal hearing was provided to the appellant and as such the appellant has been condemned unheard throughout.
- J) 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.

  
**APPELLANT**  
Shah Khalid

THROUGH:

  
**SYED NOMAN ALI BUKHARI**  
Advocates, High Court  
Peshawar

**AFFIDAVIT**

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

  
**DEPONENT**





**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. \_\_\_\_\_/2020

Shah khalid

V/S

Police Deptt:

.....  
**APPLICATION FOR CONDONATION  
OF DELAY IN THE INSTANT APPEAL**

**RESPECTFULLY SHEWETH:**

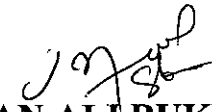
1. That the instant appeal is pending before this Honourable Tribunal in which no date has been fixed.
2. That the impugned order was passed with retrospective effect which was not admissible and void order according to Supreme Court Judgment reported as 2007 PLD (CS) 52(F) & 1985, SCMR, 1178.
3. That 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.
4. 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.
5. That, the appeal of the appellant on merit is good enough to be decided on merits.

(B)

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.

  
**APPELLANT**  
Shah Khalid

THROUGH:

  
**SYED NOMAN ALI BUKHARI**  
Advocate, High Court  
Peshawar

**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.

  
**DEPONENT**





OFFICE OF THE DISTRICT POLICE OFFICER MARDAN

No. 108 /PA/SCN/R

Date 13-2 /2012

SHOW CAUSE NOTICE UNDER POLICE RULES 1975

Whereas, you Constable Shah Khalid No. 2195, while posted at Police Station City, remained absent from duty for (96) days without any leave/permission of the competent authority vide DD report No. 42 dated 07.10.11 upto DD report No. 38 dated 11.01.12.


You are therefore, found guilty of misconduct, as defined in section 2 (iii) of NWFP Police Rules 1975 and as such are liable to action under section 3 of the said Rules.

Based on the above facts, I am satisfied that no enquiry is needed in this case as contained in section 5. 3 clauses (a) & (c) under the said Rules.

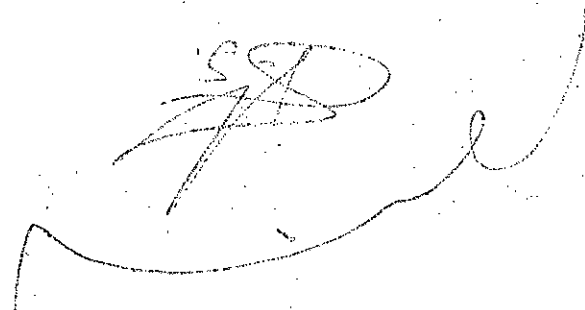
Now, therefore you Constable Shah Khalid are called upon under section 4 (1) of the NWFP Police Rules 1975, to show cause within 15 days of the issuance of this notice, as to why one or more penalties including major penalty of dismissal from service should not be imposed upon you.

NOTE.

Take note that if you failed to submit reply in compliance of this show cause notice within the stipulated time, it will be presumed that you have nothing to offer in your defense and in that case, an ex-parte action shall straightaway be taken against you without any further notice.

  
(Dr. Syed Zeeshan Reza) PSP  
District Police Officer,  
Mardan

Copy to SHO City, (Attention Moharrar) with the directions to deliver this notice upon Constable Shah Khalid No. 2195 and the receipt thereof should be returned to this office within (05) days positively.

  
ATTESTED

9 1

خامالی

کجو ال شوکار نوٹس مشمول معروضی خدمت ہیں  
کہ میں عادتاً غیر حاضر باش نہیں ہوں اور نہ ہی  
غیر حاضری کا شوقین ہوں۔

DI 0 EPST: 21.10.2008

Es nil

B. E. 0.5

leave in 156 days  
Credit

درحقیقت ہماری الوری علی ایضاً سہ ماہی  
کے ساتھ قتل مقابلہ کی دشمنی ہے۔ متذکرہ کسان  
نے کئی دفعہ مجھے جانی نقصان پہنچانے کی کوشش  
کیا۔ یہ کوششیں میں بھٹے دیکھے گئے اور  
مجھے بروقت اطلاع ملتی ہی راستہ بدل لیتا۔  
جب بھی رخصت ہو کر خود چاہتا تو مخالف فریق  
کو بخانے کس طرح معلومات حاصل ہو کر راستے میں  
مداخلت ہو جاتی۔

Abdul's Pen  
(96) days

O.R  
560  
27/2/12

نرخ 25/12/2011 کو میں معوالد ام اور چچاگان آنکھ سے  
جاتے ہوئے چچاگان کو رخصت کر رہے تھے کہ ملزمان  
مذکورہ بالا مسلح بغور وار ہو کر ہم پر ایڑھا دھندنا کر کے  
جس سے چچا ام کی عظمت شاہ لگ کر وقوع پر جان بچا ہوا  
معم دیکر بال بال ابھرتے گئے۔

PO/MO n  
W.P.  
91 days

اس بارہ میں میری رپورٹ پر قذافی علیہ السلام 329  
25-12-11  
تقاضا ختمی درجہ سٹر ہو چکی ہے۔ نقل FIR لف ہے  
ایلیٹ میری غیر حاضری بلوچ اشہد جبری واقعہ ہوئی ہے  
استدعا ہے کہ اس دفعہ درگزر فرما کر سزا آئندہ قواعد کے  
مخلاف ورزی کا موقع نہیں دیا جائے گا۔

السارفت  
2195

14/02/12

ATTESTED

6332-37 PA

Date 22/10/2012

**DISMISSAL ORDER**

Constable Shah Khalid No. 2195, while posted at Police Station City. (now PS SMT) remained absent from duty for (147) days without any leave/permission of the competent authority vide DD report No. 43 dated 12.04.2012 to DD report No. 55 dated 06.09.2012.

In this connection, he was served with a proper Show Cause Notice under NWFP Police Rules 1975, issued vide this office No. 410 P.A SCN/R dated 27.04.2012 and delivered its upon him in person on 15.05.2012 through local Police.

In compliance, he was bound to submit his reply within the stipulated time of fifteen days on receipt of notice, but he has failed to submit the requisite reply till-date, proving that he absented himself from duty intentionally and has nothing to present in his defense.

It is worth to mention here that he again remained absent from duty without any leave/permission of the competent authority vide DD report No. 50 dated 16.09.2012 Police Station Sheikh Maltoon till-date.

Keeping in view his long absence period of (147) days, now presenting his reply in compliance of delivered show cause notice and at present continuously absence since 16.09.2012 from Police Station Sheikh Maltoon. I am of the considered opinion that Constable Shah Khalid of Police Station SMT is not interested in Police service and his more retention in the Police Force will badly affect the other Constables, therefore I have taken ex-parte action against him by awarding major punishment of dismissal from Police Force with effect from 16.09.2012 with counting his absence's period of one hundred and forty seven (147) days as leave without pay with immediate effect, in exercise of the power vested in me under NWFP Police Rules 1975 including last Para of the show cause notice.

Order announced

O.B.No. 2862

Dated 18/10/2012

**ATTACHED**

District Police Officer,

Mardan

Copy for information and necessary action:-

1. The DSP/HOrc Mardan

Better copy

OFFICE OF THE DISTRICT POLICE OFFICER MARDAN

PA

Date: \_\_\_\_\_ 2012

**DISMISSAL ORDER**

Constable Shah Khalid No.2195, while posted at Police Station City. (now PS SMT) remained absent from duty for (14&) days without any leave/permission of the competent authority vide DD report No.43 dated 12.04.2012 to DD report No.55 dated 06.09.2012

In this connection, he was served with a proper Show Cause Notice under NWFP Police Rules 1975, issued vide this office No.410 PA/SCN/R dated 27.04.2012 and delivered its upon him in person on 15.05.2012 through local Police.

In compliance, he was bound to submit his reply within the stipulated time of fifteen days on receipt of notice, but he has failed to submit the requisite reply till-date, proving that he absented himself from duty intentionally and has nothing to present in his defense.

It is worth to mention here that he again remained absent from duty without any leave/permission of the competent authority vide DD report No.50 dated 16.09.2012 Police Station Sheikh Multoon till-date.

Keeping in view his long absence period of (14&0 days non presenting his reply in compliance of delivered show cause notice and at present continuously absence since 16.09.2012 from Police Station Sheikh Maltoon. I am of the considered opinion that Constable Shah Khalid of Police Station SMT is not interested in Police service and his more retention in the Police Force will badly affect the other constables, therefore I have taken ex-parte action against him by awarding major punishment of dismissal from Police Force with effect from 16.09.2012 with counting his absence's period of one hundred and forty seven (147) days as leave without pay with immediate effect, in exercise of the power vested in me under NWFP Police Rules 1975 including last Para of the show cause notice.

**Order announced**

O.B.No. \_\_\_\_\_

Dated \_\_\_\_\_

Copy for information and necessary action to:-

1. The DSP/IQrs Mardan

E      (11)

**BEFORE THE DEPUTY INSPECTOR GENERAL OF POLICE**  
**MARDAN REGION-1. MARDAN.**

**SUBJECT: DEPARTMENTAL APPEAL AGAINST THE ORDER OF DISMISSAL**  
**PASSED BY THE DPO MARDAN VIDE OB. NO> 2862 DATED**  
**18.10.2012.**

Respected Sir,

With profound regards it is submitted that I have been dismissed from service by the DPO Mardan Vide order dated 18.10.2012 due to my Alleged absence for 5 months the order of dismissal is contrary to the rules as well as against the principal of justice. Because awarding of punishment without conducting proper departmental inquiry and charge sheet is void ab-initio.

That I have even did my duties with devotion and dedication. That the appellants blood feud enmity was taken place with nearest relative for this appellants uncle has been murdered and the appellant is complainant of the case but the deptt failed to follow this process and therefore it is requested the case may be remanded to deptt to conduct de-novo enquiry by providing full opportunity to the appellant to meet the end of justice

It is therefore, most humbly requested that impugned order dated 18.10.2012 may be set-aside and the appellant may kindly be re-instated with all back and consequential benefits.

Your Most Obediently

S. Kh. J. J.

Ex- Constable Shah Khalid No.2195  
Son of Zameen Shah  
r/o Dheri Likpani  
Tehsil and District Mardan

ATTESTED

Date: 15/11/12



ORDER.

My this order will dispose off the appeal preferred by Ex-Constable Shah Khalid No. 2195 of Mardan District Police against the order of dismissal issued by the District Police Officer, Mardan vide OB: No. 2862 dated 18.10.2012, on the basis of allegation that he while posted at Police station, City, Mardan (now Station Sheikh Maltoon) absented himself from his lawful duty for 05 Months & 06 days without any leave/permission of the competent authority. His absence report was entered in DD No. 43 dated 12.04.2012 and DD report No. 55 dated 06.09.2012.

In this connection, he was issued with a Show Cause Notice under NWFP Police Rules 1975, issued vide District Police Officer, Mardan office No. 410/PA/SCN/R dated 27.04.2012 and served upon the delinquent official in person on 15.05.2012 through local Police.

In compliance, he was bound to submit his reply within the stipulated time of fifteen days on receipt of notice, but he failed to submit the requisite reply till date, proving that he absented himself from duty intentionally/willfully and has nothing to offer in his defense.

It is worth mention here that he again remained absent from duty without any leave/permission of the competent authority vide DD report No. 50 dated 16.09.2012 Police Station Sheikh Maltoon till date.

I have perused the record and also heard the appellant in person in Orderly Room held in this office on 25.01.2013. He failed to justify his absence from duty and could not produce any plausible explanation for absence of 05 Months & 06 days. Therefore, I ABDULLAH KHAN KHAN (PSP) Deputy Inspector General of Police Mardan Region-I, Mardan in exercise of the powers conferred upon me reject the appeal and do not interfere in the legal order passed by the competent authority issued vide OB No. 2862 dated 18.10.2012, hence the appeal is filed.

ORDER ANNOUNCED

(ABDULLAH KHAN) PSP  
Deputy Inspector General of Police,  
Mardan Region-I, Mardan.

No. 389 /ES, Dated Mardan the 4/2 /2013.

Copy to District Police Officer, Mardan for information and necessary action w/r to his office memo No. 08/EB dated 01.01.2013. He may be informed accordingly.

His Service Record are returned herewith.

(S. R. U. Khan)

BEFORE THE HONARABLE PROVINCIAL POLICE OFFICER,  
KHYBER PAKHTUNKHWA PESHAWAR.

Through: Proper Channel:  
Prayers: APPEAL AGAINST THE ORDER OF DISMISSAL PASSED BY  
THE DPO MARDAN VIDE OB. NO. 2862, DATED 18.10.2012.

Respected Sir,

With profound regards it is submitted that I have been dismissed from service by the DPO Mardan vide OB. No. 2862, dated 18.10.2012 due to my alleged absence for 05 months. The order of dismissal is contrary to the rules as well as against the principles of Justice, because awarding of major punishment with out conducting proper departmental enquiry is against the law.

In this regard my humble submissions are as follow:

1. That I was enlisted in Police Force on 21.08.2010.
2. That I have even did my duties with devotion and dedication.
3. That the actual facts are that in my village a blood feud enmity was taken place with my nearest relative for this my uncle has been murdered and I am the complainant of the case for this reason I absent from my lawful duty now the accused has been arrested.
4. That I have no other source of income except the Police Service, therefore my family has suffered a lot of problems.

So keeping in view my long service it is very humbly requested that the punishment of dismissal may kindly be reinstated for which I and my whole family shall pray for your prosperity.

*Saeed Wazir  
D/O Mardar  
Please look  
into the matter  
and help  
Asad Qaiser,  
Speaker,  
Khyber Pakhtunkhwa Assembly*

Your's Most Obediently,  
*Saeed Wazir*  
Ex- Constable Shah Khalid No. 2195  
Son of Zameen Shah  
r/o Dheri Likpali  
Tehsil & District Mardan.

**ATTACHED**

جناب کا

گزارش ہے ساتھ ہی جو غیر کاہری صورتہ 10/12 22 جناب DPO

صوبہ سرحد نے درخواست کیا تھا جس کے خلاف ایپل کارڈ کی جس کا آڈٹ میں وصول ہوا

آپ سرحد سے تدریب درخواست التذکرہ ایپل کارڈ کا پی دینے کا حکم

صوبہ سرحد سے

10/20

5/1/20  
تہہ خالد نیر 2195  
FC  
الغالبہ

فوتو کاپی وصول کیا

AS

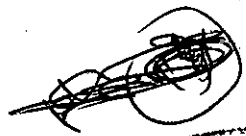
13-1-2020

EC  
For n/action

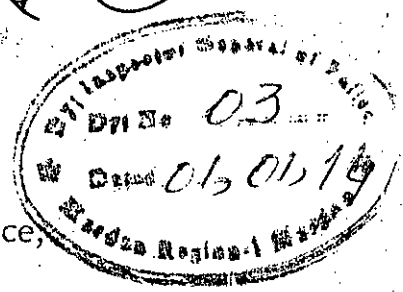
DPO  
10/1/20

ATTACHED

14-A



From: The Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar.



To: The Deputy Inspector General of Police,  
Mardan Region.

No. 31714 /E-II, dated Peshawar the <sup>30</sup> 1/2 /2013

Subject: APPEAL FOR RE-INSTATEMENT IN SERVICE

Memo: Please refer to your letter No. 5555/ES, dated: 28.11.2013.

The Mercy petition of Ex-Constable Shah Khalid No. 2195 of District Police Mardan for re-instatement in service examined & filed by this office. There is no provision in the rules for 2<sup>nd</sup> appeal/mercy petition.

The petitioner may be informed accordingly.

*PPS Paddy*  
*Handwritten initials*

31/12/2013

*Sir,*  
*PPS attached*  
*AL*  
*ALES*  
*MMU*

*Copy to D. P.O Mardan*

*In information necessary return*

*At No. 23/ES,*

*1/501/01/14. D. P.O Mardan*  
*1/3/2013*

*Recd*  
*13/1/2014*

(JAVED IQBAL)

Registrar

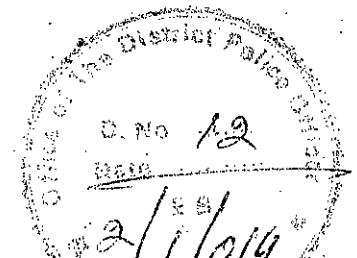
For Provincial Police Officer,  
Khyber Pakhtunkhwa  
Peshawar.




*Handwritten initials*  
*30/1/14*

EC

*Handwritten signature*  
DPO Mardan.

ATTESTED



قیمت 50 روپے	35568	  
ایڈوکیٹ: مسید نصال علی تجاری بار کونسل ایسوسی ایشن نمبر: رابطہ نمبر: 0806-5109638		
<b>پشاور بار ایسوسی ایشن، خیبر پختونخواہ</b>		

بعدالت جناب:

مخاطب:	دعویٰ:
شاہ خالد	علت نمبر:
بنام	مورخہ:
پولیس ڈسٹرکٹ	جرم:
	تھانہ:

**باعت تحریر آنکہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی مشلقہ

آن مقام سجاد کیلئے مسید جمال علی کی طرف سے کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقریر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا حاختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المقوم:

العبد گواہ العبد

مقام کے لیے منظور ہے۔

C

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL  
PESHAWAR.**

**Service Appeal No. 1182/2020**

Shah Khalid Ex-Constable No. 2195 District Mardan.....Appellant

**VERSUS**

The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and others.

.....Respondents

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<b>S. No.</b>	<b>Description of Documents</b>	<b>Annexure</b>	<b>Pages.</b>
1.	Written Reply.	----	1-3
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3.	Affidavit.	----	5
4.	Copy of Bad entries	A	6-8
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6.	Copy of serving Show Cause Notice	D	11-12
7.	Copy of dismissal order	--	13
8.	Copy of Authority Letter.	----	14

①

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL**  
**PESHAWAR.**

**Service Appeal No. 1182/2020**

Shah Khalid Ex-Constable No. 2195 District Mardan.....Appellant

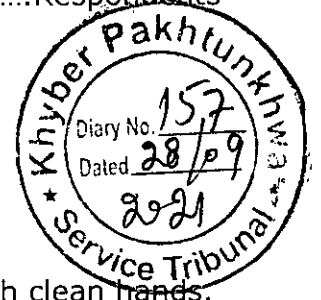
**VERSUS**

The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and others.

.....Respondents

**Para-wise comments by respondents:-**

**Respectfully Sheweth,**



**PRELIMINARY OBJECTIONS**

1. That the appellant has not approached this Hon'ble Tribunal with clean hands.
2. That the appellant has concealed the actual facts from this Hon'ble Tribunal.
3. That the appellant has got no cause of action or locus standi to file the instant appeal.
4. That the appellant is estopped by his own conduct to file the instant Service Appeal.
5. That the appeal is unjustifiable, baseless, false, flawless and vexatious and the same is liable to be dismissed with special compensatory cost in favour of respondents.
6. That the appeal is barred by law & limitation.

**REPLY ON FACTS**

1. Para to the extent of enlistment in Police Department of appellant pertains to record needs no comments, while rest of the Para is not plausible because every Police Officer / Official is under obligation to render meritorious service because in this department no room lies for lethargy. Moreover, his service record is tainted with bad entries (Copy of list of bad entries is attached as Annexure "A").
2. Incorrect. Plea taken by the appellant is not plausible, because he was habitual absentee, before this he was remained absent from duty for 96 days without any leave/permission of the competent authority. However, in light of above allegations absence, Show Cause Notice No. 108/PA/SCN/R dated 14.02.2012 was issued to appellant, to which his reply was received wherein he had also taken the same plea and called for Orderly Room on 29.02.2012 and the appellant presented the reasons of blood feud enmity before the then DPO Mardan. The then DPO Mardan satisfied from the above reasons of appellant and his absence period i.e 96 days was counted as leave without pay. Besides, being part of a disciplined force, the appellant is bound to submit application for leave but he failed to do so (Copy of Show Cause Notice and reply is attached as Annexure "B & C").
3. Incorrect. Stance taken by the appellant is baseless, because he annexed a wrong Show Cause Notice and reply which was already decided by the then DPO Mardan. As discussed earlier in detail in above para No.02. It is worth to add here that the

appellant again absented himself from his lawful duty and remained absent for 147 days. On the basis of said absence, he was issued Show Cause Notice No. 410/PA/SCN/R dated 27.04.2012, which was duly received by the appellant himself and in this regard he signed the photo copy as token of its receipts. The appellant was bound to submit his reply within stipulated time of fifteen days on receipt of notice, but he failed to submit his reply, however, after fulfillment of all legal and codal formalities, he was awarded major punishment of dismissal from service, with counting his absence period of 147 days as leave without pay, which does commensurate with the gravity of misconduct of the appellant (Copy of serving Show Cause Notice is annexed as Annexure "D").

4. Correct to the extent that the appellant preferred departmental appeal as well as revision petition which were also decided on merit because the appellant was provided full-fledged opportunity of defending himself before the appellate authorities but he bitterly failed to produce any cogent reasons in his defense. Therefore, the same were rejected/filed being devoid of any merit. However, pleas of the appellant regarding late receipt of Revision Order is totally ill-founded rather the story propounded by the appellant is tailored on just to cover the issue of limitation.
5. That appeal of the appellant is liable to be dismissed on the following grounds amongst the others.

**REPLY ON GROUNDS:**

- A. Incorrect. Orders passed by the competent authority as well as appellate authority are legal, lawful hence, liable to be maintained.
- B. Incorrect plea taken by the appellant is not plausible because respondents have no grudges against the appellant, hence, stance of the appellant is totally ill-founded.
- C. Incorrect. Stance taken by the appellant is totally devoid of merit because he has been properly proceeded against departmentally by issuing him Show Cause Notice as per Police Rules, which was received by the appellant himself and in this regard he duly signed the photo copy as token of its receipts. The appellant was bound to submit his reply within stipulated time on receipt of notice, but neither he did submit his reply nor did he appear before the competent authority and continuously absented from his lawful duty, however, after fulfillment of all legal and codal formalities, he was awarded major punishment of dismissal from service, with counting his absence period of 147 days as leave without pay, which does commensurate with the gravity of misconduct of the appellant. Moreover, order passed by the competent authority is legal, lawful hence, liable to be maintained.
- D. Incorrect. Plea taken by the appellant is not plausible, because he was habitual absentee, before this he was remained absent from duty for 96 days without any leave/permission of the competent authority. However, in light of above allegations Show Cause Notice No. 108/PA/SCN/R dated 14.02.2021 was issued to appellant, to which his reply was received and called for Orderly

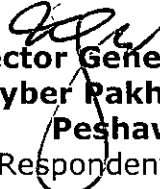


Room on 29.02.2012 and the appellant presented the reasons of blood feud enmity before the then DPO Mardan. The then DPO Mardan satisfied from the above reasons of appellant and his absence period i.e 96 days was counted as leave without pay. Besides, being part of a disciplined force, the appellant was bound to submit application for leave but he failed to do so.

- E. Incorrect the appellant has been treated in accordance with law, rules, policy & norms of natural justice. Hence plea of the appellant is devoid of any merits.
- F. Incorrect. Para already explained needs no comments.
- G. Incorrect. All the codal and legal formalities have been fulfilled during departmental probe.
- H. Incorrect the appellant has been treated in accordance with law, rules, policy & norms of natural justice. Hence liable to be maintained.
- I. Incorrect. Para explained earlier needs no comments.
- J. That the respondents also seek permission of this Honorable Tribunal to raise additional grounds at the time of arguments.

**PRAYER:-**

It is therefore, most humbly prayed that on acceptance of above submissions, appeal of the appellant being not maintainable may very kindly be dismissed with costs please.

  
**Inspector General of Police,  
 Khyber Pakhtunkhwa,  
 Peshawar.**  
 (Respondent No. 01)

  
**Regional Police Officer,  
 Mardan**  
 (Respondent No. 02)

  
**District Police Officer,  
 Mardan.**  
 (Respondent No. 03)

4

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL**  
**PESHAWAR.**

**Service Appeal No. 1182/2020**

Shah Khalid

**VERSUS**

Police Department

**Reply to the application for condonation of delay:-**

**Respectfully Sheweth,**


**PRELIMINARY OBJECTIONS**

1. That applicant has no cause of action to file the instant application.
2. That the application is barred by law.

**REPLY ON FACTS**

1. That the appeal filed by the applicant before this Honorable Tribunal may kindly be dismissed being a badly time-barred.
2. Incorrect. Stance taken by the applicant is baseless because the very conduct of the applicant by neither joining the enquiry proceedings nor submitting his replies is prima-facie, is of unbecoming of disciplined police officer.
3. Incorrect. Plea taken by the applicant is not plausible, because he failed to submit his appeal within time and tailored the instant story just to cover the limitation issue. It is worth to mention here that he has preferred service appeal to the appellate authority with a delay of 06 years & 02 weeks (2205 days) after rejecting his revision petition.
4. Incorrect, plea taken by the applicant is whimsical / concocted rather fanciful hence, liable to be set at naught. As the apex court of Pakistan has held that the question of limitation cannot be considered a "technicality" simpliciter as it has got its own significance and would have substantial bearing on merits of the case.
5. That the application of the applicant being badly time barred may kindly be dismissed with costs.

Keeping in view the above submission, it is humbly prayed that application of the applicant regarding condonation of delay may very kindly be dismissed please.

  
**Inspector General of Police,**  
**Khyber Pakhtunkhwa,**  
**Peshawar.**  
(Respondent No. 01)

  
**Regional Police Officer,**  
**Mardan.**  
(Respondent No. 02)

  
**District Police Officer,**  
**Mardan.**  
(Respondent No. 03)

5

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL.**  
**PESHAWAR.**

**Service Appeal No. 1182/2020**

Shah Khalid Ex-Constable No. 2195 District Mardan.....Appellant

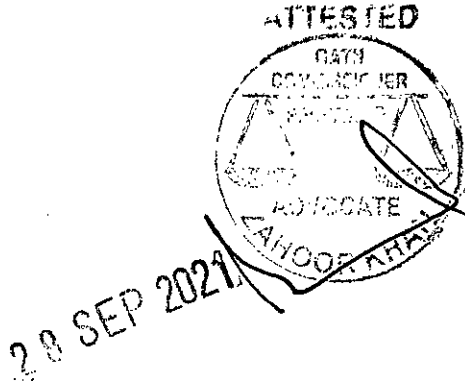
**VERSUS**


The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and others.

.....Respondents

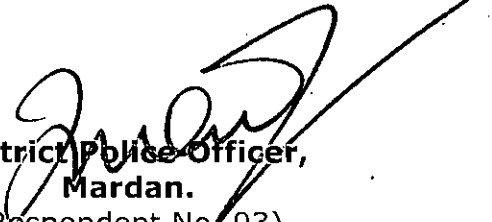
**COUNTER AFFIDAVIT**

We, the respondents do hereby declare and solemnly affirm on oath that the contents of the Para-wise comments in the service appeal cited as subject are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honourable Tribunal.



  
**Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar.**  
(Respondent No. 01)

  
**Regional Police Officer,  
Mardan**  
(Respondent No. 02)

  
**District Police Officer,  
Mardan.**  
(Respondent No. 03)

Serial No.

14. COMMENDATORY ENTRIES

Period Recruit course during the  
Term Ending 2-6-07 vide commdt  
P.C. Hanga Notification No-2633-57/5  
JT-15-12 CP.

C.B No - 261  
12-1-2010

DPG/17M

Disciplinary Order

Imposed a Major punishment  
as dismissed from police force  
with effect from 12-9-2011 with  
serving his absence's period of  
12 days on leave without pay with  
immediate effect.

OS No: 2862  
18-10-2012

[Signature]  
Dist. Police Officer  
Mangan

15-CENSURES AND PUNISHMENTS.

Punishment ③ Three days extra duty

CBRO-2275

24-6-10

160  
D.P. 1/2 hrs

Ammeex (B) 9  
**OFFICE OF THE DISTRICT POLICE OFFICER MARDAN** (2)

No. 108 /PA/SCN/R

Date 13-2 /2012

**SHOW CAUSE NOTICE UNDER POLICE RULES 1975**

Whereas, you **Constable Shah Khalid No. 2195**, while posted at Police Station City, remained absent from duty for (96) days without any leave/permission of the competent authority vide DD report No. 42 dated 07.10.11 upto DD report No. 38 dated 11.01.12.

You are therefore, found guilty of misconduct, as defined in section 2 (iii) of NWFP Police Rules 1975 and as such are liable to action under section 3 of the said Rules.

Based on the above facts, I am satisfied that no enquiry is needed in this case as contained in section 5. 3 clauses (a) & (c) under the said Rules.

Now, therefore you Constable Shah Khalid are called upon under section 4 (1) of the NWFP Police Rules 1975, to show cause within 15 days of the issuance of this notice, as to why one or more penalties including major penalty of dismissal from service should not be imposed upon you.

**NOTE.**

Take note that if you failed to submit reply in compliance of this show cause notice within the stipulated time, it will be presumed that you have nothing to offer in your defense and in that case, an ex-parte action shall straightaway be taken against you without any further notice.

  
(Dr. Syed Zeeshan Reza) PSP  
District Police Officer,  
Mardan

Copy to SHO City, (Attention Moharrar) with the directions to deliver this notice upon Constable Shah Khalid No. 2195 and the receipt thereof should be returned to this office within (05) days positively.

(2195)

Annexure "C"

خارجی

جو الر شوکار نوٹس مشمولہ معروف خدمت ہیں  
کہ میں عادتاً غیر جانہز باش نہیں ہوں اور نہ ہی  
غیر جانہزی کا شوقین ہوں۔

D/O ERST: 21.10.2008  
G. Es Nil  
B. Es 0.5  
leave in 156 days  
Credit

درحقیقت ہماری الوری علی۔ العام علی وغیرہ  
کے ساتھ قتل و قاتلہ کی دشمنی ہے۔ متذکرہ کسان  
نے کسی دفعہ مجھے جانی نقصان پہنچانے کیلئے مختلف  
رقامات پر گھات میں بھٹے دیکھے گئے اور  
مجھے بروقت اطلاع ملتی ہی راستہ بدل لیتا۔  
جب بھی رخصت پر گھر خود جانا تو مخالف فریق  
کو بخانے کس طرح معلومات حاصل ہو کر راستے میں  
مسلح بیٹھ جاتے۔

Absence's Period  
(96) days

✓  
O.R  
560  
03/29/2011

تاریخ 25<sup>12</sup> 2011 کو میں دو والد ام اور چچا گان ایک ساتھ  
جاتے ہوئے جونہی چچا گان کو رخصت کر رہے تھے کہ ملزمان  
مذکورہ بالا مسلح بنو وار ہو کر ہم پر انڈیا دھند فائرنگ کر کے  
جس سے چچا ام کا طمفت شاہ لگ کر موقع پر جا بحق ہوا  
ہم دیگر بال بال اسی طرح گئے۔

302  
324/34  
329  
25-12-11  
اگر بارہ میں میری رپورٹ پر مقدمہ نمبر 329  
تقاضا ختمی درجہ ضبط ہو چکی ہے۔ نقل FIR نمبر ہے  
اسلئے میری غیر جانہزی بوجہ اشد مجبوری واقع ہوئی ہے  
استدعا ہے کہ اس دفعہ درگزر فرما کر برائے آئندہ قواعد کی

الغائبین  
شاہ خالد  
2195  
تاریخ تقاضا  
14/02/12

11

Annexure D<sup>N</sup> 211

101

**OFFICE OF THE DISTRICT POLICE OFFICER MARDAN**

No. 410 /PA/SCN/R

Date 27-4 /2012

**SHOW CAUSE NOTICE UNDER NWFP POLICE RULES 1975**

Whereas, you **Constable Shah Khalid No. 2195**, while posted at Police Station City, remained absent from duty without any leave/permission of the competent authority vide DD report No. 43 dated 12.04.2012 **till-date**.

You are therefore, found guilty of misconduct, as defined in section 2 (iii) of NWFP Police Rules 1975 and as such are liable to action under section 3 of the said Rules.

Based on the above facts, I am satisfied that no enquiry is needed in this case as contained in section 5. 3 clauses (a) & (c) under the said Rules.

Now, therefore you Constable Shah Khalid are called upon under section 4 (1) of the NWFP Police Rules 1975, to show cause within 15 days of the issuance of this notice, as to why one or more penalties including major penalty of dismissal from service should not be imposed upon you.

**NOTE.**

Take note that if you failed to submit reply in compliance of this show cause notice within the stipulated time, it will be presumed that you have nothing to offer in your defense and in that case, an ex-parte action shall straightaway be taken against you without any further notice.

(Danishwar Khan)  
District Police Officer,  
Mardan

Copy to SHO/KTG, (Attention Moharrar) with the directions to deliver this notice upon Constable Shah Khalid s/o Zamin Shah r/o Dheri Likpani and the receipt thereof should be returned to this office within (05) days positively

نوٹ  
ایک ڈھم شوکار نوٹس کسٹل شاہ خالد  
پر قسماً کیا گیا ہے۔ دو سہر اکمالی البت ارسال  
کردہ ہے  
Asst PP - Dheri  
16.5.2012

ایک ڈھم شوکار نوٹس  
کسٹل شاہ خالد  
پر قسماً کیا گیا ہے۔  
17/5/2012



**OFFICE OF THE DISTRICT POLICE OFFICER MARDAN**

(13)

No. 6237-37 /PA

Date 22-10-2012

**DISMISSAL ORDER**

Constable Shah Khalid No. 2195, while posted at Police Station City, (now PS SMT) remained absent from duty for (147) days without any leave/permission of the competent authority vide DD report No. 43 dated 12.04.2012 to DD report No. 55 dated 06.09.2012.

In this connection, he was served with a proper Show Cause Notice under NWFP Police Rules 1975, issued vide this office No. 410/PA/SCN/R dated 27.04.2012 and delivered its upon him in person on 15.05.2012 through local Police.

In compliance, he was bound to submit his reply within the stipulated time of fifteen days on receipt of notice, but he has failed to submit the requisite reply **till-date**, proving that he absented himself from duty intentionally and has nothing to present in his defense.

It is worth to mention here that he again remained absent from duty without any leave/permission of the competent authority vide DD report No. 50 dated 16.09.2012 Police Station Sheikh Maltoon **till-date**.

Keeping in view his long absence period of (147) days, non presenting his reply in compliance of delivered show cause notice and at present continuously absence since 16.09.2012 from Police Station Sheikh Maltoon, I am of the considered opinion that Constable Shah Khalid of Police Station SMT is not interested in Police service and his more retention in the Police Force will badly affect the other Constables, therefore I have taken ex-parte action against him by awarding major punishment of dismissal from Police Force with effect from 16.09.2012 with counting his absence's period of one hundred and forty seven (147) days as leave without pay with immediate effect, in exercise of the power vested in me under NWFP Police Rules 1975 including last Para of the show cause notice.

*Order announced*

O.B No. 2862

Dated 18/10/2012

*District Police Officer,*  
*Mardan*

Copy for information and necessary action to:-

1. The DSP/HQrs Mardan.
2. The SHO Police Station City.
3. The SHO Police Station Sheikh Maltoon.
4. The Pay Officer (DPO) Mardan.
5. The E.C (DPO) Mardan
6. The OASI (DPO) Mardan with ( ) enclosures.

14

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL**  
**PESHAWAR.**

**Service Appeal No. 1182/2020**

Shah Khalid Ex-Constable No. 2195 District Mardan.....Appellant


**VERSUS**

The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and others.

.....Respondents

**AUTHORITY LETTER.**

Mr. Khyal Roz Inspector Legal, (Police) Mardan is hereby authorized to appear before the Honourable Service Tribunal, Khyber Pakhtunkhwa, Peshawar in the above captioned service appeal on behalf of the respondents. He is also authorized to submit all required documents and replies etc. as representative of the respondents through the Addl: Advocate General/Govt. Pleader, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

  
**Provincial Police Officer,**  
**Khyber Pakhtunkhwa,**  
**Peshawar.**  
(Respondent No. 01)

  
**Regional Police Officer,**  
**Mardan**  
(Respondent No. 02)

  
**District Police Officer,**  
**Mardan.**  
(Respondent No. 03)

تھانہ کی

لقلہ ۱۵ روزنامہ 83/12

مد ۱۵ رلوٹ عمر حافری عاشق حسین محرابی Asi وقت 3/10 23 و 3/12 83  
 درج قصیدہ کسٹل شاہ حالہ 2196 کی حطالوق رلوٹ چارٹ جو پرہ دم  
 لگاوی گئی تھی جنکی تدا اشتراک کسٹل لان اور حدود صانہ سن کسٹل  
 ملک در وجود پائے گئے سریدست کسٹل کسٹل کسٹل کسٹل کسٹل کسٹل کسٹل  
 عمر حافری درج روزنامہ کے لقلہ کو خواصا مناسب کاروانہ امر ان  
 مالکی خدمت میں پیش آجی

صانع

لقلہ لقا اصل

*Am*  
 mmpscily  
 83/12

FORWARDED TO  
 SHOLPS CITY

مفادہ سی

تعداد 28 روزانہ  $10^3/12$

2195

صلا

سر 28 خافری عاشق حسین فریضی ASI وقت 10.05 بجے  $10^3/12$   
 دفتر کسٹبل شاہ خالد 2195 غیر حاضر شدہ بحوالہ 10 روزانہ  $10^3/12$   
 سے آج دفتر  $10^3/12$  حاضر آکر بیان کیا کہ میں ابی غیر حاضر ہوا ہوں  
 بالائی ددران سٹی ذبانی بیان دوتھا میرا خافری اتنی حالت  
 پس آسودہ کسٹبل ابی خافری دیکھ روزانہ  $10^3/12$  کے لئے علیحدہ  
 مرتب کرنے لکڑیا مناسب کارروائی اسٹریٹن بالائی صورت میں ارسال ہوگی

صرا عا

نقل مخالف اصل

*[Signature]*  
 mm P. city  
 13.3.12

*[Signature]*  
 FORWARDED TO  
 SHOPS, CIV  
 $10^3/12$  8  $10^3/12$

*[Signature]*  
 DSP - 3 mandam  
 17.3.12

Two days absence  
 Period is counted as  
 Leave with out pay.

*[Signature]*  
 DSP Mandam

OB 87  
*[Circular Stamp]*

*[Signature]*

فناء سٹ

نقلمند 43 روزانہ 12/4/12

فناء سٹ

43 رپورٹ غیر قانونی عاصمہ حسین خیر ASI وقت 1720 بجے صبح 12/4/12  
 درجہ حقیقہ کرنل مشاہد ظالم 2195 کی تلاش بقدر حق ڈیوٹی حدود نقان  
 ومارن کنڈر ان میں کسی دیگر دستیاب نہ ہو گیا ہے سرپرست کرنل  
 مکتوبہ بالا کے خلاف رپورٹ غیر قانونی درجہ روزانہ 43 مور نقلمند  
 بقدر حق کارروائی اور ان کے خلاف ہیضت سے ارباب کی

فناء سٹ  
 نقلمند علی احمد

12-4-12  
 DSP/WT

Stamp  
 DSP/WT

ASI

Stamp  
 DSP/WT  
 16-4-12

stop pay issue show  
 Cause notice.

Approved.

Signature

DPO / Mandan

Signature  
 DSP/operation W.D.  
 18-4-2012

Stamp  
 DSP/WT

مردان

۱۶ شاه کلاهی ۱۹۵۲ وزیرستانه و سرحدی کلاهی کلاهی

۹۱

AM

تفاریق

نقل مسد 55 روزناچی 6 9/12 صلح مردان

مسد 55 حاضری سٹیبل خالی وقت 16:45 بجے 9/12 اس وقت

وقت کسٹبل شاہ خالد 2195 پیر جاندر شدہ بحوالہ مسد 43 روزناچی

12/12 سے جاندر بیان گیا کہ میں دوران پستی افسران بلا بیان

دونگا۔ اب جاندر آیا ہوں۔ جاندر کی جانے دے گی مذکورہ کسٹبل

کی جاندری درج روزناچی ہو کر نقل جاندر میں اماراتی افسران

جناب عالی

نقل عطائی لالہ

M.M.P.S. City



خواب عالی

جو الر شوکانز نوٹس مشمول معروفہ خدمت ہوں  
کہ میں عادتاً غیر جاہل نہیں ہوں اور نہ ہی  
غیر جاہلری کا شوقین ہوں۔

21/10/2008

nil

05

156 days

درحقیقت ہماری الور علی العالم علی وغیرہ  
کے ساتھ قتل قاتلہ کی دشمنی ہے۔ متذکرہ کسان  
نے کئی دفعہ مجھے جانی نقصان پہنچانے کی کئی مختلف  
رقامات پر گھات میں بٹھے دیکھے گئے اور  
مجھے بروقت اطلاع ملتی ہی راستہ بدل لیتا۔  
جب بھی رخصت پر گھر خود جانا تو مخالف فریق  
کو بخانے کس طرح معلومات حاصل ہو کر راستے میں  
مسلح بیٹھ جاتے۔

مورخ 25<sup>12</sup>/<sub>2011</sub> کو میں سو والد ام اور چچا گان ایک ساتھ  
جاتے ہوئے جونی چچا گان کو رخصت کر رہے تھے کہ ملزنا  
مذکورہ بالا مسلح بخودار ہو کر ہم پر انڈھا دھند فائرنگ کر کے  
بس سے چھا ام کی طرفت شاہ آگ کر وقع پر جا بحق ہوا  
ہم دیگر بال بال ایچ گئے۔

اس بارہ میں میری رپورٹ یہ قعدہ علیہ 329 نوم 302  
تقاضا ختمی درجہ جبر ہو چکی ہے۔ نقل FIR لف ہے 25-12-11  
ایلیٹے میری غیر جاہلری لوجہ اشد جبوری واقعہ ہوں  
استغناھیکر اس دفعہ درگنزر فرما کر سبر کے آئندہ قواعد کی  
خلاف ورزی کا وقوع بند ہو۔

العارضین ا  
شاہ خالد 2195  
مستیز تقاضا ختمی

14/02/12



Handwritten mark/signature at the top right.

تعمیرات شیخ حسن

درجہ اولیٰ

تعمیرات 50 روزہ

Handwritten mark/signature at the top left.

اپوزیشن چیئر مین کی: مینار خان PSI وقت 17:30 پر صبح 17:16 بجے  
ٹیکل شاہ شاہ 2195 کو بصورت تیار نہ دیا جان کر کارروائی  
پوشیا لائن مریوں سے بحوالہ 36 روزہ 15/12 کو کیا گیا  
تعمیرات دوران کیا گیا۔ مگر مریوں کی ٹیکل ماحول حاضر نہیں آ رہا  
میریاست مریوں کی ٹیکل کے خلاف اپوزیشن چیئر مینوں درج  
اور ڈیٹا کی ٹیکل کے لئے علیحدہ علیحدہ لیٹریں مناسب کارروائی  
افسران بالائی خدمت میں ارسال ہوئی

حساب داری

ٹیکل درمیان ملک

mmpps smt  
30-9-12

خزیرہ ٹیکل جنرل 16/12/12

بنا مناسب حکم صادر فرمائیے

Po.

stop via pay. 30/9/2012

Sir, Forwarded

18841 Ser.

Handwritten signature

DSP/SMT  
01-10-12

2782  
08/10/12

عمدہ خانہ SMT خاد میں نے

برائے چیئر مین فون اطلاع دے دی گئی

شاہ شاہ 2195 کو مریوں کی ٹیکل

میں برائے چیئر مین

Handwritten mark/signature

17-10-12  
مرحوم چیئر مین فون اپنی خدمت میں ارسال ہوئی