

S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
4	2	3
	3 rd June, 2022	<p style="text-align: center;">KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, <u>PESHAWAR.</u></p> <p style="text-align: center;">Service Appeal No. 6172/2021</p> <p>Noor Badshah, Ex- Head Constable No. 436, Police Lines Timergara, Dir Lower. ... (Appellant)</p> <p style="text-align: center;"><u>Versus</u></p> <ol style="list-style-type: none"> 1. The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar. 2. The Regional Police Officer, Malakand Region at Saidu Sharif, Swat. 3. The Secretary, Finance Department, Khyber Pakhtunkhwa, Peshawar. 4. The District Accounts Officer, District Peshawar. <p style="text-align: right;">... (Respondents)</p> <p style="text-align: center;"><u>ORDER</u></p> <p style="text-align: center;"><u>KALIM ARSHAD KHAN CHAIRMAN.-</u> Mr. Mir Zaman Safi, Advocate for appellant present and heard.</p> <p>2. Learned counsel for the appellant submitted that in an early round of litigation by the appellant, his appeal No: 1001/2019, filed against the order awarding major penalty of dismissal from service on account of absence, was dismissed in limine on 07.11.2019 and he, on 04.03.2021, filed an application to the Inspector General of Police for grant of 2/3rd Compassionate Allowance in the light of Section 19(3) of the Khyber Pakhtunkhwa Civil Servants Act, 1973 or conversion of his dismissal order dated 09.05.2015 into compulsory retirement to him. The said departmental appeal was never responded, compelling the appellant to file this appeal before this Tribunal on 14.06.2021, which, according to him, was within time.</p> <p>3. When confronted with the situation whether second appeal</p>

would lie after dismissal of the first appeal, the learned counsel submitted that second appeal would maintain because he had a fresh cause of action.

4. It is found that the alleged cause of action, which has been agitated in the present appeal was available to the appellant at the time of his filing the first appeal, which alleged cause of action he had not urged at the relevant point of time. Therefore, this appeal would not be competent/maintainable in view of Rule 23 of the Khyber Pakhtunkhwa Service Tribunal Rules, 1974. Dismissed in limine. Consign.

5. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal this 3rd day of June, , 2022.*




(KALIM ARSHAD KHAN)
Chairman

07.01.2022

Nemo for the appellant.


Notices be issued to appellant and his learned counsel for the next date. Case to come up for preliminary hearing on 03.03.2022 before S.B.



(Rozina Rehman)
Member (J)

3.3.2022

Due to retirement of the House
Chairman the case is adjourned to
come up for the same as before
on 3/6/2022


Reader

02.12.2021

Learned counsel for the appellant present. Preliminary arguments heard.

02. The question involved in the instant service appeal is that of maintainability as the appellant who was proceeded against departmentally and awarded the major penalty of dismissal from service vide impugned order dated 09.07.2015 is seeking relief of compassionate allowance under Section 19(3) of the Khyber Pakhtunkhwa Civil Servants Act, 1973 because he has rendered more than 13 years service in respondent-department. His earlier appeal bearing No. 1001/2019 stands dismissed in limine vide judgement dated 07.11.2019. Learned counsel for the appellant argued that the appellant has been dismissed from service under the wrong law i.e Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011 whereas he was Head Constable in Police Department and was required to have been proceeded against under the Khyber Pakhtunkhwa Police Rules 1975. Moreover, to seek relief under Section-19(3) of the Khyber Pakhtunkhwa Civil Servants Act, 1973 precedent is available where such an appeal has been remitted to the orders of departmental authority by the Service Tribunal. In support of his arguments, he relied on Service Tribunal judgement dated 06.02.2018 delivered in service appeal No. 391/2016 titled Ahmad Hussain S/O Irshad Hussain, Ex-ADEO, Elementary and Secondary Education-vs-Government of Khyber Pakhtunkhwa.

03. So far Section-19(3) of the Khyber Pakhtunkhwa Civil Servants Act, 1973 is concerned, the power to grant 2/3 compassionate allowance in cases of dismissal or removal from service, rests and falls in the domain of government which may sanction Compassionate Allowance to such civil servants. It is, therefore, not mandatory and obligatory that the government shall sanction compassionate allowance but it is left to the circumstances, facts and nature of the case upon which the government may sanction such relief i.e Compassionate Allowance. The appellant has availed the opportunity when he submitted departmental appeal to the authority on 04.03.2021 but not responded to by the respondent-department.

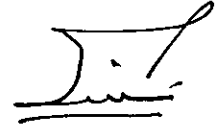
04. His service appeal stands dismissed in limine on 07.11.2019 on the legal touchstone of limitation as well as case laws relied on, in support thereof. Moreover, Rule-23 of the Service Tribunal Rules, 1974 is a bar to entertain the instant Service appeal having been decided as restjudicata.

05. In view of the discussion in the preceding paras, pre-admission notice be issued to the respondents. To come up for preliminary hearing on 07.01.2022 before S.B.


(Mian Muhammad)
Member(E)

06.10.2021

Mr. Kamran Khan, Advocate, as proxy for learned counsel for the appellant present and requested for adjournment on the ground that learned counsel for the appellant is ill today. Adjourned. To come up for arguments on the point of maintainability before the S.B on 02.12.2021.



(SALAH-UD-DIN)
MEMBER (JUDICIAL)



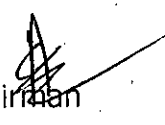
10/10/2021

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. - 6172 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/06/2021	<p>The appeal of Mr. Noor Badshah presented today by Mr. Mir Zaman Safi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	06.08.2021	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>06/08/2021</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Nemo for the appellant. Lawyers are on strike today.</p> <p>It is there in the memorandum of appeal that appellant was dismissed from service on 09.07.2015 against which he had filed Service Appeal No. 1001/2019 which also dismissed vide order dated 07.11.2019. Through instant appeal, the appellant has sought compassionate Allowance in the light of Section 19(3) of the Khyber Pakhtunkhwa Civil Servants Act, 1973 and failing to get remedy from the department has approached this Tribunal. Let this appeal be argued on the point of maintainability in the given factual position. Case to come up on 06.10.2021 before S.B.</p> <p style="text-align: right;"> Chairman</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2021

NOOR BADSHAH

VS

POLICE DEPTT:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of appeal	1- 3.
2.	Affidavit	4.
4.	Application	A	5.
5.	Impugned order	B	6.
6.	Departmental appeal	C	7.
7.	Service appeal & judgment	D & E	8- 12.
8.	Departmental appeal	F	13.
9.	Wakalat nama	14.

APPELLANT

THROUGH:


MIR ZAMAN SAFI
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 6172 /2021

Mr. Noor Badshah, Ex-Head Constable No. 436,
Police Lines Taimergara, Dir Lower.....

APPELLANT

Khyber Pakhtunkhwa
Service Tribunal

VERSUS

Diary No. 6570

- 1- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar, dated 14-6-2021
- 2- The Regional Police Officer, Malakand Region at Saidu Sharif, Swat.
- 3- The Secretary, Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 4- The District Account Officer, District Peshawar.

.....RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE INACTION OF THE RESPONDENTS BY NOT ALLOWING/GRANTING TWO THIRD COMPASSIONATE ALLOWANCE TO APPELLANT IN LIGHT OF SECTION 19(3) OF THE CIVIL SERVANT ACT, 1973 AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PRAYER:

That on acceptance of this appeal the appellant may very kindly be allowed/granted two third compassionate allowance in light of Section 19(3) of the Civil Servant Act, 1973. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

- 1- That appellant was the employee of respondent Department and has served ~~the~~ the department for more than 13 years as head constable quite efficiently and upto the entire satisfaction of his superiors.
- 2- That during service the appellant was absented from duty due to some domestic problems and after resolving the said demostic problems the appellant approached the concerned quarter for re-joining of his duty but the same was refused to the appellant.
- 3- That lastly the appellant submitted an application before the respondents to give any response to the appellant requests. That on the said request of the appellant the respondents finally handed over the impugned order dated 09.07.2015 whereby the appellant was dismissed from service. Copies of

Filed to-day

Registrar

14/6/2021

application and impugned dismissal order are attached as annexure.....A & B.

4- That appellant feeling aggrieved from the impugned order dated ⁰⁷09.05.2015 preferred departmental appeal followed by service appeal No.1001/2019 but the same was dismissed vide judgment dated 07.11.2019. Copies of the Departmental appeal, service appeal and judgment are attached as annexure.....C, D & E.

5- That after dismissal of the aforementioned service appeal the appellant preferred Departmental appeal for the grant of 2/3rd of compassionate allowance in light of Section-19(3) of the Khyber Pakhtunkhwa Civil Servant Act, 1973 but no reply has been received so far. Copy of the Departmental appeal is attached as annexure.....F.

6- That appellant feeling aggrieved and having no other remedy but to file the instant service appeal before this august tribunal on the following grounds amongst the others.

GROUNDS:

A- That the inaction of the respondents by allowing/granting two third pension to the appellant is against the law, facts, norms of natural justice and materials on the record hence not tenable in the eye of law.

B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 hence not tenable and liable to be set aside.

C- That appellant had served the Police Department for more than 23 years but in spite of that the respondent Department is not willing to issue two third compassionate allowance in favor of the appellant.

D- That the respondent Department acted in arbitrary and malafide manner while not issuing two third compassionate allowance to the appellant.

E- That the inaction of the respondent Department is discriminatory while not issuing two third compassionate allowance in light of section, 19(3) of the Civil Servant Act, 1973 to the appellant.

F- That in light of section-19 of the Civil Servant Act-1973 the appellant is fully entitle for receiving two third compassionate allowance of his service which is about 24 years.

G- That appellant seeks permission to advance other 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.

Dated: 14.06.2021.


APPELLANT
NOOR BADSHAH

THROUGH: 
MIR ZAMAN SAFI
ADVOCATE

CERTIFICATE:

It is certified that no other earlier appeal was filed between the parties.


DEPONENT

LIST OF BOOKS:

- 1- CONSTITUTION OF PAKISTAN, 1973
- 2- SERVICES LAWS BOOKS
- 3- ANY OTHER CASE LAW AS PER NEED

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2021

NOOR BADSHAH

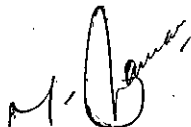
VS

POLICE DEPTT:

AFFIDAVIT

I Mir Zaman Safi, Advocate High Court, Peshawar on the instructions and on behalf of my client do hereby solemnly affirm and declare that the contents of this **service appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.




MIR ZAMAN SAFI,
Advocate
High Court, Peshawar

کریٹ جنرل ڈیپوٹ پولیس امیسر ڈیپوٹ ٹیمر گڑھ

0-0
A-5

حفاظت برائے اعزازت نامہ ڈیپوٹی سر ایچ ایم دینے

جناب والا! میں نے گزارش ہے کہ میں محکمہ پولیس میں بطور ہیڈ کانسٹیبل ڈیپوٹی سر ایچ ایم دینے کے دوران ڈیپوٹی چھو گھڑیوں مسائل کی بنا پر غیر حاضر رہا۔

جناب والا! میں کافی عرصے سے دفتر سے حاکم لگا رہا ہوں تاکہ اپنی ڈیپوٹی دوبارہ جاری رکھ سکوں لیکن دفتر نہ اسے مجھے کوئی فائل روانہ ہوا ہے جس میں اصل برتاؤ ہے۔

پولیس محکمہ کے اندر ایسے ہیوں کیونکہ اس وقت میری فائل کوئی کھانا دے نہیں رہا ہے۔ اس کے علاوہ میری دلی خواہش ہے کہ میں ڈیپوٹی سر ایچ ایم کے اسلٹ پر اپنے ملک و قومی فرائض کروں اور ایشیہ میں رہا ہوں۔

میں نے اپنا تمام وقت اسلٹ پر ہی گزارا ہے تاکہ میری فائل جلد سے جلد جاری ہو سکے اور میری فائل کو کبھی بھی ڈیپوٹی سر ایچ ایم سے کھینچا جائے۔

المعروفہ: 5/6/2018

ATTESTED

Handwritten signature

رہبر بادشاہ

436

ڈیپوٹ ٹیمر گڑھ

OFFICE OF THE DISTRICT POLICE OFFICER, DIR LOWER AT TIMERGARA


ORDER

This order will dispose of the departmental enquiry conducted against Head Constable Noor Badshah No.436, who while posted at Police Lines Timergara absented himself from his lawful duty with effect from 03/01/2015 to 22/01/2015 (19 days), 27/03/2015 to 01/04/2015 (04 days), 04/04/2015 to 08/04/2015 (04 days) and from 16/05/2015 to date, therefore he was served charge sheet coupled with statement of allegation and Mr. Aqiq Hussain DSF HQrs. was appointed as enquiry officer to conduct proper departmental enquiry and submit his finding.

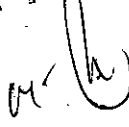
The enquiry officer during the course of enquiry recorded the statement of all concerned, as well as the delinquent official. The Enquiry Officer in his finding report recommended him for major Punishment and also suggested that his absence period may be counted is leave without pay.

Therefore, I Qasim Ali (PSP), District Police Officer, Dir Lower in exercise of power vested to me under (E & D) Rules 1975 with amendment 2014, agree with the finding report of the enquiry officer, and awarded him a major punishment of Dismissal from service with immediate effect and the period of absence with effect from 03/01/2015 to 22/01/2015 (19 days), 27/03/2015 to 01/04/2015 (05 days), 04/04/2015 to 08/04/2015 (04 days), 16/05/2015 to 24/06/2015 (38 days) and 02/07/2015 to date is counted as leave without pay.

ORDER ANNOUNCED


District Police Officer,
Dir Lower at Timergara

OB No. 627 /EC,
Dated 9-7-2015.

ATTESTED


BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2019

D-8

Mr. Noor Badshah, Ex- Head Constable No. 436,
Police Lines Timergara, Dir Lower.....**APPELLANT**

VERSUS

- 1- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2- The District Police Officer, District Dir Lower.

.....**RESPONDENTS**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 09.07.2015 COMMUNICATED TO THE APPELLANT ON 13.06.2018 WHEREBY MAJOR PENALTY OF DISMISSAL FROM SERVICE WAS IMPOSED ON THE APPELLANT AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PRAYER:

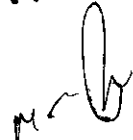
That on acceptance of this appeal the impugned order dated 09.07.2015 communicated to the appellant on 13.6.2018 may very kindly be set aside and the appellant may be re-instated into service with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

ATTESTED

R/SHEWETH:

ON FACTS:

- 1- That appellant the employee of the respondent Department and has served the Department as Head Constable for more than 13 years quite efficiently and up to the entire satisfaction of his superiors.
- 2- That during service the appellant was absented himself from his lawful duty due to some domestic problems. That when the said domestic problems were resolved the appellant approached the concerned quarter for re-joining his duty but the same was refused to the appellant.
- 3- That lastly the appellant submitted an application before the respondents to give any response to the appellant requests. That on the said request of the appellant the respondents finally handed over the impugned order dated 09.07.2015 communicated to the appellant on 13.06.2018. Copies of the application and impugned order are attached as annexure.....**A & B.**



9

- 4- That appellant feeling aggrieved from the impugned order dated 09.07.2015 communicated to the appellant on 13.6.2018 filed Departmental appeal but no reply has been received so far. Copy of the Departmental appeal is attached as annexure.....C.
- 5- That appellant feeling aggrieved and having no other remedy filed the instant service appeal on the following grounds amongst the others.

GROUND:

- A- That impugned orders dated 09.07.2015 communicated to the appellant on 13.06.2018 is against the law, facts, norms of natural justice and materials on record and hence not tenable and liable to be set aside.
- B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the codal formalities required for the major penalty was not fulfilled by the respondents while issuing the impugned order dated 09-07-2015.
- D- That no charge sheet and statement of allegation has been issued to the appellant by the respondents.
- E- That no show cause notice has been served on the appellant before issuing the impugned order dated 09.07.2015.
- F- That no publication has whatsoever been made by the respondents before issuing the impugned order dated 09-07-2019 which is necessary as per Rule-9 of the Efficiency and disciplinary Rules, 2011.
- G- That, the impugned order dated 09-07-2019 is issued in a hasty manner by the respondents, hence the respondents have acted in an arbitrary & malafide manner.
- H- That, no chance of personal hearing/defense was given to the appellant while issuing the impugned order dated 09-07-2019.
- I- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

ATTESTED
m

Dated: 25-07-2019

(10)

APPELLANT

NOOR BADSHAH

THROUGH:

NOOR MOHAMMAD KHATTAK

SHAHZULLAH YOUSAFZAI

&

MIR ZAMAN SAFI
ADVOCATES

ATTESTED

M. (Signature)

E-11

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Appeal No. 1001/2019

Date of institution ... 31.07.2019
Date of decision ... 07.11.2019

Mr. Noor Badshah, Ex-Head Constable No. 436, Police Lines, Timergara,
Dir Lower. ... (Appellant)

Versus

The Inspector General of Police, Khyber Pakhtunkhwa Peshawar and one
other. ... (Respondents)

Present

Mr. Mir Zaman Safi,
Advocate

... For appellant.

MR. HAMID FAROOQ DURRANI,

... CHAIRMAN


JUDGMENTHAMID FAROOQ DURRANI, CHAIRMAN:-

1. The appellant is aggrieved of order dated 09.07.2015 passed by respondent No. 2/District Police Officer, Dir Lower at Timergara, whereby, he was awarded major penalty of dismissal from service on account of absence without leave, at different intervals. The period of absence was counted as leave without pay. He is also aggrieved of inaction on the part of respondent No. 1 in responding to his departmental appeal/revision dated 03.04.2019.

2. Learned counsel for the appellant heard and available record gone through.

It was mainly contended that the impugned order of dismissal from service was not communicated to the appellant and upon gaining knowledge the requisite departmental appeal was preferred. He was of

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

12

the view that the delay on the part of the appellant in submission of appeal was to be overlooked in the case in hand. Reference was made to 2012-TD(Service)348, PLD 2002-Supreme Court-84 and 2002-PLC(C.S) 218. As an alternative, the appellant was entitled to Compassionate Allowance as provided in Section 19 of the Khyber Pakhtunkhwa Civil Servants Act, 1973, it was added.

3. On one hand, the contents of departmental appeal dated 03.04.2019 nowhere suggest that the impugned order was conveyed/communicated to the appellant with such enormous delay while, on the other, it is beyond perception that having been dismissed from service in the year 2015 the appellant remained unaware of termination of his service till filing of departmental appeal. Obviously, he was not performing any duty nor was paid any salary during such period. The departmental appeal was clearly and formidably barred by time, therefore, the appeal in hand would not be competent. Guidance is sought from judgments reported as 2006-SCMR-453 and 2012-SCMR-195.

4. In view of the above, the appeal in hand does not merit admission for regular hearing, therefore, is dismissed in limine. The appellant shall, however, be at liberty to seek remedy by way of award of compassionate allowance in accordance with law.

File be consigned to the record.

(HAMID FAROOQ DURRANI)
Chairman

Certified to be true copy

EX-11
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

ANNOUNCED
07.11.2019

Date of Presentation of Application 04/03/21
Number of Words 1250
Copying Fee 14.00
Urgent 4.00
Total 18.00
Name of Copy _____
Date of Completion of Copy 04/3/21
Date of Delivery of Copy 04/3/21

To,

The Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

F-13

Subject: **DEPARTMENTAL APPEAL FOR THE GRANT OF 2/3RD OF COMPASSIONATE ALLOWANCE IN LIGHT OF SECTION 19(3) OF THE KHYBER PAKHTUNKHWA CIVIL SERVANT ACT, 1973 OR THE IMPUGNED DISMISSAL ORDER DATED 09.05.2015 COVERTED INTO COMPULSORY RETIREMENT**

Respected Sir,

With due respect it is stated that i was the employee of your good self-department and had served the department as Head Constable No.436 for more than thirteen (13) years quite efficiently and up to the entire satisfaction of my superiors. That during service I was absented from duty due to my some domestic problems. That when the aforementioned domestic problems were resolved I approached the concerned quarter for re-joining of my duty but the same was refused by the authorities. That lastly I was submitted an application before the worthy District Police Officer, Dir Lower for giving any response on the repeated requests of the undersigned and lastly the concerned authority handed over the order dated 09.07.2015 whereby major penalty of dismissal from service has been imposed on the undersigned. That feeling aggrieved I preferred Departmental appeal before your good self but no response was received from the quarter concerned. That subsequently I filed service appeal 1001/2019 but the same has been dismissed vide judgment/order dated 07.11.2019. That, above all, I have 14 years of service at my credit, therefore, the undersigned is fully entitle for the grant of 2/3rd of compassionate allowance in light of Section 19(3) of the Khyber Pakhtunkhwa Civil Servant Act, 1973.

It is therefore, most humbly prayed that on acceptance of this Departmental appeal 2/3rd of compassionate allowance may very kindly be granted to the undersigned in light of Section 19(3) Khyber Pakhtunkhwa Civil Servant Act, 1973. Any other remedy which your good self deems fit that may also be awarded in favor of the undersigned.

Dated: 04.03.2021

ACCEPTED

Your Obediently

NOOR BADSHAH, Ex- Head Constable,
Police Lines Timergara, Dir Lower

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

_____ OF 2021

Noor Badshah

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS


Police Deptt.

(RESPONDENT)
(DEFENDANT)

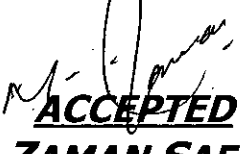
I/We Noor Badshah

Do hereby appoint and constitute **MIR ZAMAN SAFI, Advocate, 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 cost. 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.

Dated. ____/____/2021



CLIENT


ACCEPTED
MIR ZAMAN SAFI
ADVOCATE

OFFICE:
Room No.6-E, 5th Floor,
Rahim Medical Centre, G.T Road,
Hashtnagri, Peshawar.
Mobile No.0323-9295295

Serial No. of
Order/
Proceeding

2

Order or other proceedings with signature of Judge or Magistrate.

3



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Appeal No. 391/2016

Date of Institution 04.04.2016

Date of Decision ... 06.02.2018

Ahmad Hussain son of Irshad Hussain resident of village & P.O
Kalu Khan District Swabi, Ex. E.D.O Elementary & Secondary
Education, Mardan.

Appellant

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar.
2. Secretary Government of Khyber Pakhtunkhwa, Elementary & Secondary Education Department, Civil Secretariat Peshawar.
3. Director Elementary & Secondary Education Department, Dabgari Garden, Peshawar.
4. Noor Zada District Officer BPS-18 of Education Department, Mardan.

Respondents

06.02.2018

JUDGMENT

MUHAMMAD HAMID MUGHAL, MEMBER: Learned

counsel for the appellant present. Mr. Muhammad Jan, Learned Deputy District Attorney for official respondents present.

2. Learned counsel for the appellant stated that the present service appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 is confined to extent of the prayer of the appellant for the grant of compassionate allowance not exceeding two third of the pension.

3. Record perused, in the light of arguments of the parties and it

ATTENDED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

transpired that vide order dated 06.08.2009 the appellant "Ex E.D.O (I&SE) Mardan" was awarded major penalty of dismissal from service on the charge of illegal appointments and financial irregularities. Appeal of the appellant before the Service Tribunal was dismissed vide order dated 31.05.2011. Petitioner filed CIVIL PETITION before august Supreme Court against the judgment of Service Tribunal, which was also dismissed vide order dated 16.12.2011. The appellant also filed Writ Petition bearing No.2727-P/2015 before Hon'ble Peshawar High Court Peshawar which Writ Petition was also dismissed in *limini* vide judgment/order dated 09.02.2016. Where after, the appellant again approached this Tribunal on 04.04.2016 and now as per contention of the learned counsel for the appellant the only issue before this Tribunal is the entitlement of the appellant for the grant of companionate allowance not exceeding two third of the pension.

4. Learned counsel for the appellant argued that under Sub Section 3 of Section 19 of the Khyber Pakhtunkhwa Civil Servant Act 1973 the government may sanction compassionate allowance not exceeding than two third of the pension to such civil servant who is dismissed from service for the reason of discipline. Learned counsel for the appellant also contended that it is within the domain of the Provincial Government to allow compassionate allowance and for that purpose the appellant has already submitted application/representation dated 06.06.2015 but the application/representation of the appellant was not responded.

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

5. As against that learned Deputy District Attorney while opposing the present service appeal, controverted the arguments of learned counsel for the appellant and stated that in view of the dismissal of appellant from service on serious charges the appellant is not entitled to any compassionate allowance.

6. Arguments heard. File perused.

7. Nothing found available on record to suggest that the representation of the appellant for the grant of compassionate allowance was examined by the departmental authority as no order of the departmental authority is available on file.

8. In the stated circumstances this Tribunal is of the considered view to remit the case of the appellant to the departmental authority with the direction to examine the case of the appellant and to decide his representation dated 06.06.2015 with speaking order within a period of three (03) months of the receipt of this judgment. The present appeal is disposed of accordingly. Parties are left to bear their own costs. Copy of record of the present case including the application/representation of the appellant dated 06.06.2015 alongwith copy of this judgment be sent to departmental authority/respondent department. File be consigned to the record room:

ANNOUNCED
06.02.2018

Self-Muhammad Hamid Maghal,
Member

Self-Gulzeb Khan,
Member

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 03/6/21
Number of Words 1222
Copying Fee 4.00
Urgent 18.02
Total 18.02
Name of Applicant 03/6/21
Date of Completion of Copy 03/6/21
Date of Delivery of Copy 03/6/21

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No. 6172/2021

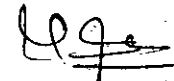
Noor Badshah Ex-Head Constable Appellant.

VERSUS.

- 1) Provincial Police Officer, Khyber Pakhtunkhawa Peshawar.
- 2) Regional Police Officer Malakand at Saidu Sharif, Swat.
- 3) Secretary Finance Khyber Pakhtunkhawa
- 4) District Accounts Officer Peshawar Respondents.

INDEX

S.#	Description of documents	Annexure.	Pages
1.	Para wise comments	-	1-2
2.	Power of Attorney.	-	3
3.	Affidavit.	-	4
4.	Copies of bed entries.	"A" to "G"	5-11
5.	Copy of finding report.	"H"	12-13
6.	Copy of dismissal order.	"I"	14



(MUQADAR KHAN)
Inspector Legal
Dir Lower

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No. 6172/2021

Noor Badshah Ex-Head Constable Appellant.

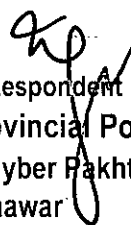
VERSUS.

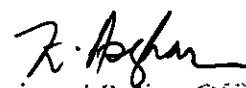
- 1) Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
- 2) Regional Police Officer Malakand at Saidu Sharif, Swat.
- 3) Secretary Finance Khyber Pakhtunkhwa....
- 4) District Accounts Officer Peshawar..... Respondents.

POWER OF ATTORNEY

Mr. Muqadar Khan Inspector Legal Dir Lower is hereby authorized to appear on our behalf before the Honorable service Tribunal in the above Service appeal and pursue the case on each and every date.

He is also authorized to submit all the relevant documents in connection with the above Service Appeal.


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


 Regional Police Officer,
 (Respondent No. 02)
 Malakand Region,
 Regional Police Officer,
 Saidu Sharif, Swat
Malakand at Saidu Sharif
 Swat

(Respondent No. 03)
Secretary Finance
 Khyber Pakhtunkhwa
 Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No. 6172/2021

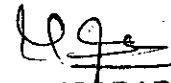
Noor Badshah Ex-Head Constable Appellant.

VERSUS.

- 1) Provincial Police Officer, Khyber Pakhtunkhawa Peshawar.
- 2) Regional Police Officer Malakand at Saidu Sharif, Swat.
- 3) Secretary Finance Khyber Pakhtunkhawa
- 4) District Accounts Officer Peshawar..... Respondents.

INDEX

S.#	Description of documents	Annexure.	Pages
1.	Para wise comments	-	1-2
2.	Power of Attorney.	-	3
3.	Affidavit.	-	4
4.	Copies of bed entries.	"A" to "G"	5-11
5.	Copy of finding report.	"H"	12-13
6.	Copy of dismissal order.	"I"	14



(MUQADAR KHAN)
Inspector Legal
Dir Lower

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No. 6172/2021

Noor Badshah Ex-Head Constable Appellant.

VERSUS.

**Khyber Pakhtunkhwa
Service Tribunal**

- 1) Provincial Police Officer, Khyber Pakhtunkhawa Peshawar.
- 2) Regional Police Officer Malakand at Saidu Sharif, Swat.
- 3) Secretary Finance Khyber Pakhtunkhawa....
- 4) District Accounts Officer Peshawar..... Respondents.

Diary No. 148

Dated 3/6/2022

PARA WISE REPLY BY RESPONDENTS.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS.

- 1) That the present service appeal is not maintainable in its present form.
- 2) That the appellant has not come to this August Tribunal with clean hands.
- 3) That the present appeal is barred by law and limitation.
- 4) That this Honorable Service Tribunal has no jurisdiction to entertain the present Appeal.
- 5) That the appellant has got no cause of action and locus standi to file the instant appeal.
- 6) That the appellant has suppressed the material facts from this Honorable Tribunal.

ON FACTS:

1. Correct to the extent that appellant remained employee of the department but his service period tainted with bed entries (Copies of bed entries enclosed as annexure "A" to "G")
2. Incorrect, the appellant is habitual absentee, man of indiscipline attitude, involved in deliberate absence, fraudulent deals in sale purchase of vehicles and therefore he was proceeded against departmentally for his own conduct.
3. Incorrect, proper enquiry against the appellant was conducted to scrutinize the conduct of appellant and the enquiry officer in his detail finding report recommended for major penalty. The competent authority issued dismissal order vide OB No. 627 dated 09.07.2015 after observing all codel formalities under the rules. (Copy of finding report and dismissal order enclosed as annexure "H" and "I")
4. Departmental appeal of the appellant was found groundless, therefore rightly filed under the law/rules.
5. Incorrect, the record is silent.


6. The appellant has got no cause of action to file the present appeal and the Service Tribunal has no jurisdiction to entertain the present appeal.


GROUND.


- A) Incorrect, the 15 years service carrier of the appellant is full of bed entries. Moreover the service period of the appellant is less than qualifying service for pension and all the process carried out by the respondents is in accordance with law /rules and no illegality is committed by the respondents.
- B) Incorrect, the appellant was treated by the respondents in accordance with law/rules and no violation of the Constitution of Pakistan is committed by the respondents.
- C) Incorrect, the service period of the appellant is about 14/15 years including period of absence etc, therefore he is not entitled as per rules.
- D) Incorrect, no malafide is committed by the respondents with appellant.
- E) Incorrect, no discrimination has been committed by the respondents with the appellant.
- F) Incorrect, the service period of appellant is not 24 years but only 14/15 years including the period of absence. Moreover qualifying service is 25 years with age of 55 years under the new amendment in pension rules by government of Khyber Pakhtunkhwa.
- G) The respondents also seek leave of this honorable Tribunal to rely on additional grounds at the time of arguments/ hearing.

PRAYER:

It is therefore humbly prayed that on acceptance of this para-wise reply, the service appeal being not maintainable may graciously be dismissed with costs.


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


 Regional Police Officer,
 Malakand at Saidu Sharif
 Swat


 (Respondent No. 03)
 Secretary Finance
 Khyber Pakhtunkhwa
 Peshawar.

4

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No. 6172/2021

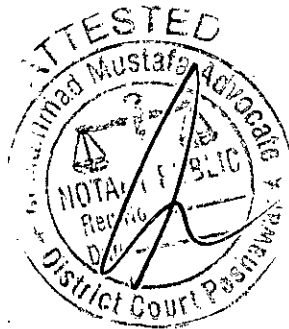
Noor Badshah Ex-Head Constable Appellant.

VERSUS.

- 1) Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
- 2) Regional Police Officer Malakand at Saidu Sharif, Swat.
- 3) Secretary Finance Khyber Pakhtunkhwa
- 4) District Accounts Officer Peshawar..... Respondents

AFFIDAVIT.

I Muqadar Khan Inspector Legal Dir Lower do hereby solemnly affirm and declare on oath, that the contents of the Para wise reply is true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Court.



Muqadar Khan
(MUQADAR KHAN)
Inspector Legal
Dir Lower

0364-8979897

(5)

annex "A"

لوگین لائن رقم نوہ

نقد 57 روز نامہ 22% 15
436


وامزی مخبر بادشاہ HC مورخہ 22% 15 وقت 20:55 اس وقت ملے
غیر حاضر شدہ کوالیٹی 37 روز نامہ 22% 15 سے حاضر ایک
الو دنیا انگریزی

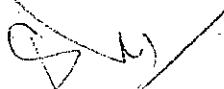
صاف عالی

صاف عالی

نقد بمطابق اصل

مذکورہ HC کے (19) رقم پر حاضر ہو گیا ہے
سنت سے سنت سنرا کی کاروائی


MMDL T gava
22-01-015



Kant gava
26-01-015


(19)

مذکورہ رقم پر حاضر ہو گیا ہے
مذکورہ سنرا کی کاروائی
سنرا کی کاروائی

تاریخ
سنرا کی کاروائی

مجموع = (19) + 5 + 4 = 28
مجموع = 28 = 4 + 5 + 19


DSP H. H. H.
30.1.015

Attested

E.O.

436

(6)

Amex 9B

شماره روزنامہ 16/2/15

پولیس لاٹری نمبر

تاریخ 18/2/15

دفعہ 57 کی رو سے غیر ماہری ماہ 16/2/15 کو 16:00 بجے اور 18/2/15 کو 08:00 بجے کے درمیان وقت گزر جائے گا۔

دفعہ 67 کی رو سے غیر ماہری ماہ 16/2/15 کو 16:00 بجے اور 18/2/15 کو 08:00 بجے کے درمیان وقت گزر جائے گا۔

میں نے

نقل بمطابق

MM T. Gara

18-2-15

(R)

شماره روزنامہ 18/2/15

دفعہ 57 کی رو سے غیر ماہری ماہ 18/2/15 کو 18:00 بجے اور 18/2/15 کو 08:00 بجے کے درمیان وقت گزر جائے گا۔

دفعہ 67 کی رو سے غیر ماہری ماہ 18/2/15 کو 18:00 بجے اور 18/2/15 کو 08:00 بجے کے درمیان وقت گزر جائے گا۔

میں نے

نقل بمطابق

MM T. Gara

18-2-15

Sir For official

Signature

MM T. Gara

18-2-15

میں نے اس کی کاپی لے لی ہے۔
دفعہ 57 کی رو سے غیر ماہری ماہ 18/2/15 کو 18:00 بجے اور 18/2/15 کو 08:00 بجے کے درمیان وقت گزر جائے گا۔

Signature

MM T. Gara

23-2-15

دفعہ 57 کی رو سے غیر ماہری ماہ 18/2/15 کو 18:00 بجے اور 18/2/15 کو 08:00 بجے کے درمیان وقت گزر جائے گا۔

Signature

DSP MANS

10-03-15

Approved

Signature

MM T. Gara

259

ضلع دیوبند

نمبر 436

37

33

شماره روزنامہ 20/15

Anwar

میرنگ

لارڈان ایر اسٹیشن پر غازی دورہ 20/15 وقت 18:30 بجے اس وقت گنتی ملا زمان
جملہ ورکار ڈپوٹی ملازمان گنتی میں موجود ہاگے ماسوائے ہڈ کنسٹبل فور باجا HC جو مدم
جو ریکارڈ میں کیلاؤ ایر اسٹیشن پر غازی دورہ روزنامہ کی گنتی۔ جہاں عالی!

نقل بمطابق اصل سے

M.M. P. Line. T. Gara
23.03.15

نقل 23 روزنامہ 23/15

23 حاضر ہی فور باجا HC دورہ 23/15 وقت 10:10 بجے اس وقت میں غیر حاضر شدہ بحوالہ نمبر 47
روزنامہ 20/15 سے دفتر آکر اپنا حاضری دورہ روزنامہ کی گنتی کے دستور پر

جہاں عالی!

نقل بمطابق اصل سے

M.M. P. Line. T. Gara
23.03.15

Sir

Handwritten signature/initials

Lo. P. Line. T. Gara
24.03.15

کھینچ پینڈ کنسٹبل اصل 2/15 یوم (15) کھینچ اور (20)

نٹ خیراً مزہ چمکا ہے۔ برائے خواہ میں شمار
کرنے کی گزارش کی جاتی ہے۔

- Three days w/ou pay,
- Three days extra drill is suggested

3 days absence period
Treated as leave with
one day and awarded
3 days extra drill

D.S.P.(H.Qrs)
Timergara
Dist Lower

Ri. Police line. T. Gara
27.3.15

Handwritten notes at the bottom

Handwritten signature and notes at the bottom right

Annex (D) 46
گنتی ملازمتان

تعلیم 46 فوراً 25 3/15
436
۵۵۵۵۵۵۵۵

صلح دریم نوین

۵۵ فوراً 25 3/15 وقت ۱۸:۰۰ اس وقت گنتی ملازمتان گنتی جملہ
پورٹ پٹر حاضری فارغ از در لڑائی ملازمتان گنتی میں موجود رہا سوائے فوراً باجی خان
عدم موجود یا کہ جن بنوائے پورٹ پٹر حاضری راج روزنامہ گنتی

جینا عالی

نقل عطا توں اصل ہے

10

MHT Gora
29-03-15

تعلیم 25 فوراً 26 3/15
۵۵۵۵۵۵۵۵

25 فوراً حاضری 26 3/15 وقت 10:20 اس وقت فوراً باجی خان H.C. پٹر حاضری شہرہ والہ
۴۶ روزنامہ 25 3/15 سے حاضری اگر بیانی جسکے میں نوہ فیوری شہرہ
پوچھا بولے حاضری آیا میری حاضری کیوں الوداعی اگر پٹر سے
۴۶ فوراً کی حاضری راج روزنامہ گنتی

جینا عالی

نقل عطا توں اصل ہے

10

MHT Gora
29-03-15

Sid
Forwarded
he line T go
30-03-20

۲۰ گنتی (20) عت غیر حاضر
۱۶ گنتی (16) فزونیہ گنتی
۲۰ گنتی (20) عت غیر حاضر

one day L/i
pay
one day e.
drill is Bug.

Ri-Police line T. Gora
31-3-15

one day absence period
Treated as leave
with out pay and
awarded one day
extra drill

EB one

354
15/4/15

1/10/15

ضلع ریدر لوئر

436

9

Annex (B)

میں لائن برقرار

نقلمند 48 روزنامہ 23 02 015

مرد 48 گنتی ملازمان ایلوڑا یوٹو فری 40 فورم 23 02 015 وقت 18:10 بجے اس وقت گنتی ملازمان ٹھیکے
جملہ ملازمان گنتی میں موجود یا کمرہ سولے نو یا ایچ سی جودرم موجود یا کمرہ جس گنتی اور ایلوڑا
غیر حاضرہ درج روزنامہ کی گنتی۔
صناب عالی!

نقل بمطابق اصل ہے

MM PL Tgara
25 02 015

نقلمند 10 روزنامہ 26 02 015

حاضرہ نو یا ایچ سی 40 فورم 26 02 015 وقت 08:40 بجے اس وقت میں غیر حاضرہ کوال
مرد 48 روزنامہ 23 02 015 سے حاضر آیا اور دستخطا انگریز کے بعد وراں دینی
صناب عالی!
جواب دونوں۔

نقل بمطابق اصل ہے

MM PL Tgara
26 02 015

صناب عالی!
مردودہ پندرہ (3) کی گنتی
آج کل کے دنوں میں
گنتی میں
گنتی میں
گنتی میں

3
مردودہ گنتی کا نام غیر حاضرہ میں
مردودہ گنتی میں شمار کرنے کی سفارش
کیجائی ہے۔

02-03-015

Ri-Police line. t. Gera

03-3-015

Approved.

صناب عالی!
3
آج کل کے دنوں میں
مردودہ گنتی میں شمار کرنے اور
مردودہ گنتی میں شمار کرنے اور
مردودہ گنتی میں شمار کرنے اور

259
OB-NO
115

DSP - HQ's
5-3-015

Entry Made
for the purpose

70

Annex (F)

OFFICE OF THE DISTRICT POLICE OFFICER, DIR LOWER AT TIMERGARA


ORDER

This order will dispose of the departmental enquiry conducted against Head Constable Noor Badshah No.436, who while at BDS Staff Police Lines Timergara found absented from duty without any leave or prior permission from his superior and also involved in case FIR No.604, dated 06/11/2014 u/s 419/420/468/471 PPC, PS Ocuh. Therefore, he was served charge sheet coupled with statement of allegation and Mr. Hidayat Ullah Shah SDPO Adenzai, was appointed as Enquiry Officer to conduct proper departmental enquiry and submit his finding.

The enquiry officer during the course of enquiry recorded the statement of all concerned as well as the delinquent official. Thus Enquiry Officer in his finding report suggested that the period of absence is counted as leave out pay and also recommended him for suitable punishment.


Therefore, I Qasim Ali (PSP), District Police Officer, Dir Lower in exercise of power vested to me under Police (E& D) Rules 1975, with amendment 2014, agree with finding report of the enquiry officer, and awarded him a **punishment of forfeiture of his two annual increment with cumulative effect**, the period of absence with effect from 02/12/2014 to 02/01/2015 total 31 days is counted as leave without pay and re-instated him into service from the date of suspension, also Pay released.

ORDER ANNOUNCED


District Police Officer,
Dir Lower at Timergara

OB No. 400 /EC,
Dated 17/5 2015.

5/5/15


5/5/15
[Handwritten notes in Urdu]

[Handwritten notes in Urdu]
Entry made for
File file
[Signature]
17/5/15

فائینڈنگ رپورٹ

Please file

17 (انٹرنیٹ پر خلاف ہیڈ کونسل اور بادشاہ 436 پولیس لائن نمبر)

جناب عالی!

حوالہ انٹرنیٹ نمبر 1513/EB 30-5-14 بمخلاف ہیڈ کونسل اور بادشاہ 436 جاریہ حساب DPCC صاحب معروض ہوں کہ مذکورہ 7 کا صرف 2006 ہے۔ BDU پولیس لائن میں تعینات ہے جہاں مذکورہ بحوالہ 54 روزانہ 12/4 پر غیر حاضر مذکورہ کی خواہ بحوالہ OB 494 23-4-14 تاریخ غیر حاضری سے سزا کٹ گئی ہے۔ مذکورہ پر غیر حاضر رہنے پر حساب DPCC صاحب نے مذکورہ کے خلاف انٹرنیٹ من DSP کو مارک کی ہے۔

حسب قاعدہ انٹرنیٹ شروع کر کے ہیڈ کونسل مذکورہ کی طبی لاپرواہی کیلئے بیرونہ سرور پولیس لائن کو جاری کیا گیا۔ ہیڈ کونسل اور بادشاہ 436 مورخہ 04 اپریل کو کر جسکا بیان قلمدار کے مذکورہ بیانی ہے کہ میں سال 2007 سے کم ڈسٹریکٹ کوارڈر میں تعینات ہوں۔ مورخہ 04 اپریل 09 میں شب باسی پر گھر خود گیا تھا۔ دوران شب باسی گھر درد کی تکلیف میں مبتلا ہو کر ڈاکٹر غلام حسین ہسپتال قحانہ مدد کئے اور جیسی سے رجوع کر کے ڈاکٹر صاحب نے دوائی تجویز کی اور آرام کرنے کا مشورہ دیا ساتھ ہی دوبارہ معائنہ کرنے کیلئے ہندوہ دن بعد آنے کی ہدایت کی پھر وقتاً فوقتاً ڈاکٹر غلام حسین سے معائنہ کرتا رہا ہوں۔ اس بناء غیر حاضر ہو چکا ہوں۔ جملہ غیر حاضری اپنے علاج سالجہ کی خاطر کر چکا ہوں۔ میڈیکل کانسڈت گھر خود میں رہ چکے ہیں۔ جملہ میڈیکل کانسڈت کل رپورٹ کرونگا۔ سائیل کی بیماری کو حد نظر رکھ کر معافی دیا جائے۔

ORDER
1) Period 7 absence in number
2) No E/leave
3) Pay release

EE

Date of Furlough
Bad Fortis
only one day absence.

اسی طرح سرور پولیس لائن، ایچ BDS جسٹس کے بیانات قلمدار کے لف انٹرنیٹ ہیڈ کونسل مذکورہ نے مورخہ 03/14 پر حاضری کی ہے۔ قلمدار تھانوی/غیر حاضری بھی شامل انٹرنیٹ کی ہے۔
قلمدار تھانوی بیانات من DPCC اس نتیجہ پر ہوا کہ ہیڈ کونسل اور بادشاہ 436 شب باسی پر گھر خود گیا تھا۔ جو دوران شب باسی بیمار ہو کر جسٹس ڈاکٹر غلام حسین ہسپتال قحانہ مدد کئے اور جیسی سے اپنے علاج سالجہ کیا ہے۔ جملہ غیر حاضری کی میڈیکل کانسڈت رپورٹ کی ہے۔ جو لف انٹرنیٹ ہے۔ چونکہ مذکورہ دوران شب باسی گھر درد کی بیماری میں مبتلا ہو کر پولیس لائن سے حسب قاعدہ روائی/اسی بیس کی ہے۔ لہذا ہیڈ کونسل اور بادشاہ 436 کی آیام غیر حاضری 52 دن یوم میڈیکل کانسڈت یا رخصت کلاں پر شمار کرنیکی سفارش کی جاتی ہے۔ فائینڈنگ رپورٹ (روٹیشن) ہے۔

class
at
2016
Entry in
in S-Reli
OR
Quinn

ENQUIRY REPORT

REFERENCE

ENQUIRY NO.1632/EB DATED 16-06-2015, marked under No.12894-95/EC, dated 16-06-2015.

ACCUSED

HC Noor Badshah-436.

ALLEGATIONS

That he while posted at Police lines Timergara absented himself from his lawful duty w.e.f 03-01-2015 to 22-01-2015 (19) days, 27-03-2015 to 01-04-2015 (05) days, 04-04-2015 to 08-04-2015 (04) days & from 16-05-2015 to date without any leave or prior permission from his superior, which is a gross misconduct on his part.

APPOINTMENT

05-07-2000

PRESENT RECORD

ABSENCE

03-01-2015 to 22-01-2015 (19) days, 27-03-2015 to 01-04-2015 (05) days, 04-04-2015 to 08-04-2015 (04) days & from 16-05-2015 to 24-06-2015 (38) days.
From 02-07-2015 to date.

CHARGE SHEET

HC Noor Badshah-436 was charge sheeted vide No.12896/EC, dated 16-06-2015 & Enquiry was entrusted to the undersigned vide NO.12896-95/EC, dated 16-06-2015.

PREVIOUS RECORD

As per OSI report dated 23-06-2015; HC Noor Badshah-436 has already been punished with following details;

- OB No.757, dated 02-0007-2014, his 52 days absence was counted as leave without pay.
- OB No.259, dated 17-03-2015, his 02 days absence was counted as leave without pay with 02 days extra drill.
- OB No.259 dated 17-03-2015, his 03 days was counted as leave without pay with 03 days extra drill.
- OB No.333, dated 08-03-20156, his 03 days absence was counted as leave without pay with 03 days extra drill.
- OB No.354, dated 15-04-2015, his 01 day absence was counted as leave without pay with 01 day extra drills.
- OB NO.400, dated 05-03-2015, his 31 days absence was counted as leave without pay with stoppage of two increments.

➤ OB NO.461, dated 01-06-2015, his 02 days absence was counted as leave without pay with 02 days extra drill.

OBSERVATION

The aforementioned HC replied to charge sheet & he stated therein, that he was admitted in LRH Peshawar due to his two years old injuries in his ribs.

Cross

HC told in response to question that he cannot produce medical leave or relevant medical papers.

He further told that on 27-06-2015 he will produce medical papers.

He further stated that he is being posted in BDS Timergara.

He further disclosed that he did not make departure from Police Lines Timergara to hospital.

CONCLUSION


HC Noor Badshah-436 remained absent from duty w.e.f;

- a) 03-01-2015 to 22-01-2015 (19) days,
- b) 27-03-2015 to 01-04-2015 (05) days,
- c) 04-04-2015 to 08-04-2015 (04) days &
- d) from 16-05-2015 to 24-06-2015 (38) days.
- e) From 02-07-2015 to date.

Being a habitual absentee, holder of an undisciplined attitude, involved in deliberate absence, fraudulent dealing in purchase and sale of the vehicles as observed in previous enquiry, therefore the said HC is recommended for **major penalty** & also his absence period, mentioned above, may be counted as leave without pay, please.

⑱ Pages.

W/DPO


 8/7/15.
 (Enquiry Officer)
 Deputy Superintendent of Police, HQrs,
 District Dir Lower at Timergara.

[Faint, illegible handwritten notes and stamps at the bottom of the page]

Amed GTS

OFFICE OF THE DISTRICT POLICE OFFICER, DIR LOWER AT TIMERGARA

ORDER

This order will dispose of the departmental enquiry conducted against Head Constable Noor Badshah No.436, who while posted at Police Lines Timergara absented himself from his lawful duty with effect from 03/01/2015 to 22/01/2015 (19 days), 27/03/2015 to 01/04/2015 (04 days), 04/04/2015 to 08/04/2015 (04 days) and from 16/05/2015 to date, therefore he was served charge sheet coupled with statement of allegation and Mr. Aqiq Hussain DSP HQrs. was appointed as enquiry officer to conduct proper departmental enquiry and submit his finding.

The enquiry officer during the course of enquiry recorded the statement of all concerned, as well as the delinquent official. The Enquiry Officer in his finding report recommended him for major Punishment and also suggested that his absence period may be counted is leave without pay.

Therefore, I **Qasim Ali (PSP)**, District Police Officer, Dir Lower in exercise of power vested to me under (E & D) Rules 1975 with amendment 2014, agree with the finding report of the enquiry officer, and awarded him a **major punishment of Dismissal from service** with immediate effect and the period of absence with effect from 03/01/2015 to 22/01/2015 (19 days), 27/03/2015 to 01/04/2015 (05 days), 04/04/2015 to 08/04/2015 (04 days), 16/05/2015 to 24/06/2015 (38 days) and 02/07/2015 to date is counted as leave without pay.

ORDER ANNOUNCED

agree with findings

[Signature]
District Police Officer,
Dir Lower at Timergara

OB No. 627 /EC.
Dated 9-7-2015.

Sm

*Entry made
Plz file
[Signature]*

[Handwritten notes and signatures]
19