

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR CAMP COURT ABBOTTABAD.**

BEFORE: **KALIM ARSHAD KHAN ... CHAIRMAN**
FAREEHA PAUL ... MEMBER (Executive)

Service Appeal No.11495/2020

Waqar Ali S/O Mohammad Miskeen Ex-Constable No. 568, District Police Upper Kohistan, R/o Village Khan Jamber, P.S Beer, Tehsil & District Haripur.

.....(*Appellant*)

Versus

1. **Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.**
2. **Regional Police Officer, Hazara Region, Abbottabad.**
3. **District Police Officer, Upper Kohistan.**

.....(*Respondents*)

Present:

Mr. Muhammad Aslam Tanoli,
Advocate.....For appellant.

Muhammad Jan,
District Attorney.....For official respondents.

Date of Institution.....02.10.2020
Dates of Hearing.....21.09.2022
Date of Decision.....21.09.2022

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST ORDER DATED 22.11.2019 OF THE DISTRICT POLICE OFFICER KOHISTAN WHEREBY APPELLANT HAS BEEN DISMISSED FROM SERVICE AND REGIONAL POLICE OFFICER HAZARA REGION ABBOTTABAD ORDER DATED 09.03.2020 WHEREBY HIS DEPARTMENTAL APPEAL HAS BEEN REJECTED AND ORDER DATED 17.09.2020 OF PROVINCIAL POLICE OFFICER KHYBER PAKHTUNKHWA WHEREBY APPELLANT'S MERCY APPEAL HAS BEEN REJECTED.

JUDGMENT


KALIM ARSHAD KHAN CHAIRMAN.: The facts surrounding the appeal are that the appellant was appointed as Police Constable in the

Police department on 27.07.2007; that mother of the appellant dwll seriously ill with diseases of cancer, sugar and high blood pressure; that the appellant took three days casual leave and thereafter applied for two months long leave; that the appellant was served a final show cause notice on 30.05.2019, which was duly replied explaining all the facts of his mother's illness; that the appellant was dismissed from service vide impugned order dated 22.11.2019; that the appellant filed departmental appeal on 12.12.2019, which was rejected on 09.03.2020; that the appellant preferred mercy petition on 14.03.2020, which was also rejected vide order dated 17.09.2020 and he then filed this appeal on 02.10.2020.

2. On receipt of the appeal and its admission to full hearing, the respondents were summoned, who, on putting appearance, contested the appeal by filing written reply raising therein numerous legal and factual objections. The defence setup was a total denial of the claim of the appellant.

3. We have heard learned counsel for the appellant and learned District Attorney for the respondents.

4. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned District Attorney controverted the same by supporting the impugned order.


21.09.22

5. Admittedly the appellant remained absent without obtaining any leave. The appellant contends that because of ailment of his mother he absented himself from his official duty. He had not filed any application for leave nor could he justify his absence for quite long time, therefore, the impugned action appears to be well founded and needs no interference of this Tribunal.

6. As a resultant consequence this appeal fails and is dismissed. Costs shall follow the event. Consign.

7. *Pronounced in open Court at Abbottabad and given under our hands and the seal of the Tribunal on this 21nd day of September, 2022.*



KALIM ARSHAD KHAN
Chairman
Camp court Abbottabad



FAREEHA PAUL
Member (Executive)
Camp court Abbottabad

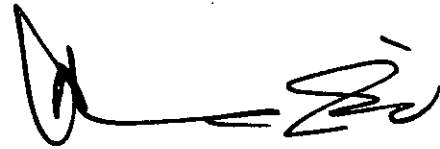
ORDER

21st Sept 2022

1. Counsel for the appellant present. Mr. Muhammad Jan, District Attorney alongwith Mr. Shams Ur Rehman, SI for respondents present.

2. Vide our detailed judgment of today, separately placed on file, this appeal fails and is dismissed. Costs shall follow the event. Consign.

3. *Pronounced in open court in Abbottabad and given under our hands and seal of the Tribunal on this 21st day of Sept, 2022.*



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad



(Fareeha Paul)
Member(E)
Camp Court Abbottabad

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**

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FAREEHA PAUL ... MEMBER (Executive)

Service Appeal No.11495/2020

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Versus

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3. **District Police Officer, Upper Kohistan.**

.....(*Respondents*)

Present:

Mr. Muhammad Aslam Tanoli,
Advocate.....For appellant.

Muhammad Jan,
District Attorney.....For official respondents.

Date of Institution.....02.10.2020
Dates of Hearing.....21.09.2022
Date of Decision.....21.09.2022

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JUDGMENT

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Police department on 27.07.2007; that mother of the appellany^{fell} seriously ill with diseases of cancer, sugar and high blood pressure; that the appellant took three days casual leave and thereafter applied for two months long leave; that the appellant^{was served with} issued a final show cause notice on 30.05.2019, which was duly replied explaining all the facts of his mother's^{is} illness; that the appellant^{was} dismissed from service vide impugned order dated 22.11.2019; that the appellant filed departmental appeal on 12.12.2019, which was rejected on 09.03.2020; that the appellant preferred mercy petition on 14.03.2020 which was also rejected vide order dated 17.09.2020 and^{he} then filed this appeal on 02.10.2020.

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4. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned District Attorney controverted the same by supporting the impugned order.

5. Admittedly the appellant remained absent without obtaining any leave. The appellant contends that because of ailment of his mother he absented ^{himself from ~~his~~ his official duty.} He had not filed any application for leave nor could he justify his absence for quit long time, therefore, the impugned action appears to be well founded and needs no interference of this ^{tribunal.} appeal.

6. As a resultant [✓] consequence this appeal fails and is dismissed. Costs shall follow the event. Consign.

7. *Pronounced in open Court at Abbottabad and given under our hands and the seal of the Tribunal on this ^{21st} ~~20th~~ day of September, 2022.*

KALIM ARSHAD KHAN
Chairman
Camp court Abbottabad

FAREEHA PAUL
Member (Executive)
Camp court Abbottabad

20th July 2022 Counsel for the appellant present. Mr. Noor Zaman Khattak, District Attorney alongwith Mr. Azhar Nawaz, ASI for the respondents present.

Written reply submitted on behalf of the respondents which is placed on file. To come up for arguments on 21.09.2022 before D.B at camp court Abbottabad.



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

24.09.2021

Mr. Mohammad Aslam Tanoli, Advocate, for the appellant present. Preliminary arguments heard.

Points raised need consideration, hence the appeal is admitted to regular hearing subject to all legal and valid objections. The appellant is directed to deposit security and process fee within 10 days, where-after notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written 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 before the D.B on 23.12.2021 at Camp Court Abbottabad.

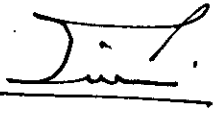
Appellant Deposited
Security & Process Fee


(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT ABBOTTABAD

23.12.2021

Learned counsel for the appellant present. Mr. Muhammad Haq Hashmi, PSO alongwith Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for the respondents present.

Respondents have failed to submit their written reply/comments even today, therefore, last opportunity given to the respondents with the direction to submit reply/comments on the next date positively, failing which their right for submission of reply/comments shall be deemed as struck off. To come up for submission of written reply/comments on 16.02.2022 before the S.B at Camp Court Abbottabad.


(Salah-Ud-Din)
Member (J)
Camp Court Abbottabad

16.2.22

Due to retirement of worthy Chairman the Tribunal non functional to come up for the same on dated. 20.7.22 at camp court A.Abed

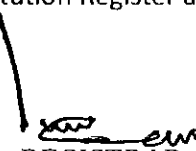
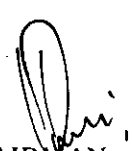
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Reader

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 11495 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	02/10/2020	<p>The appeal of Mr. Waqar Ali presented today by Mr. Muhammad Aslam Tanoli 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> <p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>22-01-2021</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Due to covid 19, case is Adjourned to 24-9-21 for the same.</p> <p style="text-align: right;">\$ Reader</p>
2-	22-1-21	

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No.....

Waqar Ali S/O Mohammad Miskeen Ex-Constable No. 568,
District Police Upper Kohistan, R/O village Khan Jamber, P.S.
Beer, Tehsil & District Haripur.

Appellant

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer Upper Kohistan.

Respondents

SERVICE APPEAL

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4.	Departmental appeal dated 12-12-2019 & appeal rejection order dated 09-03-2020	"D&E"	12-13
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7.	Wakalatnama		


Appellant

Through


(Mohammad Aslam Tanoli)
Advocate High Court
at Haripur

Dated: ~~2-10~~ 2-10-2020

①

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Khyber Pakhtunkhwa
Service Tribunal

Appeal No...11495

Dir. No. 10933

Dated 02/10/2020

Waqar Ali S/O Mohammad Miskeen Ex-Constable No. 568,
District Police Upper Kohistan, R/O village Khan Jamber, P.S.
Beer, Tehsil & District Haripur.

Appellant

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Upper Kohistan.

Respondents

**SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL
ACT 1974 AGAINST ORDER DATED 22-11-2019 OF THE DISTRICT
POLICE OFFICER KOHISTAN WHEREBY APPELLANT HAS BEEN
"DISMISSED FROM SERVICE" AND REGIONAL POLICE OFFICER
HAZARA REGION ABBOTTABAD ORDER DATED 09-03-2020
WHEREBY HIS DEPARTMENTAL APPEAL HAS BEEN REJECTED AND
ORDER DATED 17-09-2020 OF PROVINCIAL POLICE OFFICER KPK
WHEREBY APPELLANT'S MERCY APPEAL HAS BEEN REJECTED.**

**PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL
IMPUGNED ORDERS DATED 22-11-2019, 09-03-2020 AND 17-09-
2020 OF RESPONDENTS MAY GRACIOUSLY BE SET ASIDE AND
APPELLANT BE RE-INSTATED IN HIS SERVICE FROM THE DATE OF
DISMISSAL WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.**

Respectfully sheweth,

1. That appellant was enrolled in police department as constable on 27-07-2007 in District Police Haripur and
subsequently in the year 2014 he was transferred to
District Upper Kohistan.

Filed to-day
Registrar
02/10/2020

2. That on in December, 2018 appellant mother fell ill seriously with diseases of Cancer, Sugar and High blood

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pressure. As the appellant is permanent resident of District Haripur, therefore, his family residing at Haripur. Appellant was telephonically informed about illness of his mother. Firstly appellant took 03 days Casual Leave and reached his home at Haripur. Thereafter, appellant applied for 02 months long leave. Though appellant was assured by his immediate boss that his leave would be got sanctioned but the he was never informed about grant or rejection of leave application.

3. That a Final Show Cause Notice dated 30-05-2019 was delivered to the appellant by the District Police Officer Upper Kohistan which was replied explaining all the facts of his mother's illness. **(Copies of Final Show Cause Notice and its reply are annexed- "A & B")**.
4. That thereafter the District Police Officer Upper Kohistan without considering the grounds taken by the appellant in his reply to the Final Show Cause Notice imposed the penalty dismissal from service upon the appellant vide order dated 22-11-2019. **(Copy of order dated 22-11-2019 is attached as annexure- "C")**.
5. That appellant aggrieved of the above order filed a departmental appeal dated 12-12-2019 before the Regional Police Officer, Hazara Region, Abbottabad which was filed vide order dated 09-03-2020. **(Copies departmental appeal dated 12-12-2019 and order dated 09-03-2020 are annexed as-"D & E")**.

3

6. That in fact towards the end of 2018 the illness of appellant's mother took a serious turn and she became paralyzed and confined to bed. She was taken to different Hospitals at Haripur and Rawalpindi for medical treatment of different diseases like Cancer, Sugar and Blood Pressure etc. As there was no one to look after her, appellant himself had to care his mother at home as well as at Hospitals. On different occasions the appellant had to take her for medical treatment at Military Hospital Rawlpindi and she was admitted there as an indoor patient. Appellant had to stay with her as an attendant. **(Copies of Medical Treatment (10 pages) are attached herewith as annexure- "F").**

7. That appellant has rendered more than 11/12 years service in the police department and is the only bread earner of his large family. The appellant is jobless since his dismissal and is under the stress financial hardships.

8. That appellant aggrieved of the orders of the Regional Police Officer Hazara Region Abbottabad preferred a MERCY APPEAL dated 14-03-2020 under Rule-16-32 of Police Rules 1934 before the Provincial Police Officer KPK Peshawar which was also rejected vide order dated 17-09-2020 **(Copies of mercy appeal dated 14-03-2020 and order dated 17-09-2020 are attached as Annexure-"G & H")**, hence instant service appeal before this Honourable Service Tribunal, inter alia, on the following as well as other grounds:-

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• GROUNDS:

- a) That impugned orders dated 22-11-2019, 09-03-2020 and 17-09-2020 of respondents are illegal, unlawful against the facts and circumstances of the matter hence are liable to be set aside.
- b) That no proper departmental inquiry was conducted. No Charge Sheet was issued. Copy of inquiry findings, if any, were not provided to the appellant. Even he was not afforded the opportunity of personal hearing.
- c) That the respondents have not treated the appellant in accordance with law, departmental rules & regulations and policy on the subject and have acted in violation of Article-4 of the constitution of Islamic Republic of Pakistan 1973 and unlawfully issued the impugned orders, which are unjust, unfair hence not sustainable in the eyes of law.
- d) That the appellate authority and the Authority hearing Mercy Appeal have also failed to abide by the law and even did not take into consideration the grounds incorporated in the memo of appeal as well as mercy appeal. Even the penalty with which the appellant was awarded was illegal. Thus the impugned orders of respondents are contrary to the law as laid down in the KPK Police Rules 1934, other departmental rules regulations read with section 24-A of General Clause Act 1897 read with Article 10A of the Constitution of Islamic Republic of Pakistan 1973.

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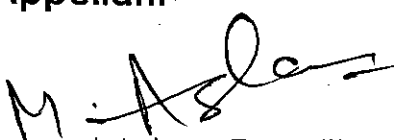
- e) That appellant never absented willfully from his duties rather he had to seek leave due to serious illness of his mother there being no one at home to look after her, but his serious and genuine cause was given no heed by respondents and he was punished for the circumstances beyond his control.
- f) That instant appeal is well within time and this honorable Service Tribunal has got every jurisdiction to entertain and adjudicate upon the same.

PRAYER:

It is, therefore, humbly prayed that on acceptance of instant Service Appeal both the orders dated 22-11-2019, 09-03-2020 and 17-09-2020 of respondents may graciously be set aside and appellant be re-instated in service with all consequential service back benefits. Any other relief which this Honorable Service Tribunal be deemed fit may also be granted.


Appellant

Through:


(Mohammad Aslam Tanoli)
Advocate High Court
At Haripur

Dated 2 ~~10~~-2020

VERIFICATION

It is verified that the contents of instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed thereof.

Dated 2 ~~10~~-2020


Appellant

6

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Waqar Ali S/O Mohammad Miskeen Ex-Constable No. 568,
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Beer, Tehsil & District Haripur.

Appellant

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer Upper Kohistan.

Respondents

SERVICE APPEAL


AFFIDAVIT:

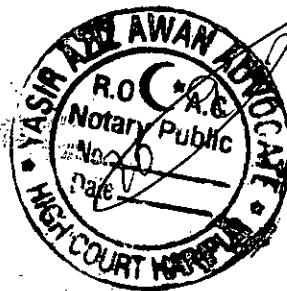
I, Waqar Ali S/O Mohammad Miskeen appellant do hereby solemnly declare and affirm on oath that the contents of the instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honourable Service Tribunal.


Deponent/Appellant

Dated: 2-10-2020

Identified By:


Mohammad Aslam Tanoli
Advocate High Court
At Haripur




Appellant

7

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Waqar Ali S/O Mohammad Miskeen Ex-Constable No. 568,
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Beer, Tehsil & District Haripur.

Appellant

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer Upper Kohistan.

Respondents

SERVICE APPEAL

CERTIFICATE

It is certified that no such Appeal on the subject has ever been
filed in this Honourable Service Tribunal or any other court prior
to instant one.


APPELLANT

Dated: 2-10-2020

8

BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Waqar Ali S/O Mohammad Miskeen Ex-Constable No. 568, District Police Upper Kohistan, R/O village Khan Jamber, P.S. Beer, Tehsil & District Haripur.

Appellant

VERSUS

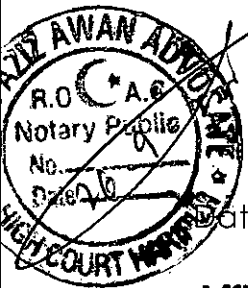
1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Kohat Region, Abbottabad.
3. District Police Officer, Upper Kohistan.....(**Respondents**)

APPLICATION FOR CONDONATION OF DELAY IN FILING SERVICE APPEAL BEFORE THIS HONOURABLE SERVICE TRIBUNAL.

Respectfully Sheweth:

1. That applicant/appellant has filed today a Service Appeal, which may be considered as part and parcel of this application, against order dated 22-11-2019, 09-03-2020 and 17-09-2020 passed by respondents, whereby respondents awarded the appellant with penalty of dismissal from service and the period he remained as leave without pay and his departmental as well as Mercy Appeal were rejected.
2. That as the orders of departmental authorities have been passed in violation and derogation of the statutory provisions governing the terms and condition of service of the appellant and facts of the case, therefore, causing a recurring cause of action to the applicant/appellant can be challenged and questioned irrespective of a time frame.
3. That though the appellant on receipt of order of the DPO Upper Kohistan had filed departmental appeal well in time but the appellate authority/the DIG Hazara Region Abbottabad/PPO KPK passed the impugned appellate orders on 09-03-2020 & 17-09-2020 respectively. That appellant has rigorously been pursuing his case. Therefore, the delay, if any, in filing instant service appeal is due to the forgoing reasons.
4. That instant application is being filed as an abundant caution for the condonation of delay, if any. The impugned orders are liable to be set aside in the interest of justice.

It is, therefore, respectfully prayed that on acceptance of the instant application the delay, if any, in filing of titled appeal may graciously be condoned.



Dated: 2-10-2020

Affidavit:

It is verified that the contents of the instant application/ appeal are true and correct to the best of my knowledge & belief & nothing has been suppressed.

Dated: 2-10-2020

Through:

ali
Applicant/Appellant
M. Aslam
(Mohammad Aslam Tanoli)
Advocate High Court
Haripur

ali
Applicant/Deponent

(9) Annex-A

OFFICE OF THE DISTRICT POLICE OFFICER, UPPER KOHISTAN

No. 1095 /PA.Dated 30/05/2019

FINAL SHOW CAUSE NOTICE

I. ABDUL SABOOR KHAN, psc District Police Officer, Upper Kohistan as competent authority under Police Rule -1975 do hereby serve you CONSTABLE WAQAR ALI NO. 568 while posted at Police Station Looter has committed following misconducts:-

1. That you have remained absent vide DD No.22, dated 15-12-2018 to till now without any information/permission of his seniors, which clearly indicates your irresponsible attitude towards your work which amounts to a gross misconduct on your part.
 3. That a department enquiry has also initiated against you by Mr. Jahan Zeb Khan, DSP/Hqrs: Kohistan (Enquiry Officer), vide this office Endst: No. 190-91/PA, dated 06-02-2019, but neither face the enquiry nor submit written reply in your defense.
 4. That your pay has also been stopped vide this office OB No.01 dated 14-01-2019.
 5. That you are irresponsible attitude, disinterests toward your duty, made you liable for departmental action against you being a discipline force.
- ii. That by reason of above, as sufficient material is placed before the undersigned; it is decided to proceed against you in general Police proceeding without aid of enquiry officer.
 - iii. That the misconduct on your part is prejudicial to good order & discipline in the Police Force.
 - iv. That your retention in the police force will amount to encourage inefficient and unbecoming of good police officers.
 - v. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the rules. You are, therefore called upon to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 for the misconduct referred to above.
 - vii. You should submit reply to this Final Show Cause Notice within Seven (07) days of the receipt of the notice failing which an ex-parte action shall be taken against you.
 - viii. You are further directed to inform the undersigned that you wish to be heard in person or not.

Abdul Saboor Khan
Waqar Ali

(ABDUL SABOOR KHAN) psc
District Police Officer,
Upper Kohistan
Dated _____/_____/2019

Received by _____

Dated _____/_____/2019

ORDER

(11)

Annex-C

Constable Waqar Ali No.568 was absented himself vide DD No.22 dated 15-12-2018 to DD No.8 dated 23-07-2019 (total absence period 7 months and 8 days).

Charge Sheet & Disciplinary Action was issued to him vide this office Memo: NO.190-91/PA dated 06-02-2019 and Mr. Jahan Zeb Khan DSP/Hqr Dassu has been appointed as an enquiry officer, but the said official neither received/collected Charge Sheet nor submitted reply in his defense.

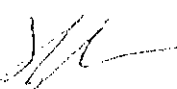
Final Show Cause Notice was issued to him and the same has been sent to his home address for service upon through DPO Haripur, vide this office latter No.1343/PA dated 28-06-2019, which was served upon him through local police vide DPO, Haripur on 12-07-2019, and submitted reply and made his arrival report in this district vide DD No.8 dated 23-07-2019 and again absented himself vide DD No.07, dated 16-08-2019 and he is still absent from last three (03) months.

Keeping in view the recommendations of Enquiry Officer, it revealed that constable Waqar Ali No.568 is a habitual absentee and does not take interest in his duty/job, so, I came to this conclusion that he cannot become a good police officer in future.

Therefore, in exercise of the powers vested in the undersigned under Rules-2 of Police department Rules – 1975, I, **Abdul Saboor Khan, PSP, District Police Officer, Upper Kohistan** as a competent authority am constrained to award him the punishment of "*Dismissal from service*" from the date of absence i.e. **15-12-2018**, with immediate effect.

Order announced.

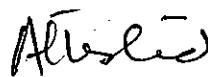
OB NO 127
dt 21-11-2019


(**ABDUL SABOOR KHAN**)PSP
District Police Officer,
Upper Kohistan

No. 1972 /OHC, dated 22 / 11 / 2019.

c.c

1. Establishment Assistant.
2. Pay Officer DPO office Upper Kohistan.
3. OHC DPO office Upper alongwith complete enquiry file containing 39 pages for completion of record.





بھنور جناب D.P. صاحب پولیس نڈرار ریجن ایسٹ آباد

رحم اپیل بنارافی حکم صدرہ بھواد آرڈر نمبر 127
 مورخہ 21/11/2019، جسٹس انگریزی ع 1972/544
 مورخہ 22/11/2019 بھاراز و فتر جناب D.P. صاحب
 اوپر کوستان جسٹس فریجے جناب D.P.
 صاحب نے میری زائیدہ از تیسرہ سال ملازمت
 کو جس میں مسائل نے مذکور کوئی رخصت رعایتی
 گزارہ میری خانگی مجبور یوں جو بوجھ والہ
 کی آٹے دن کی بیماری جو کئیس کی بیماری کی
 وجہ سے اسے لاحق رہتی ہے۔ کے ازالہ
 کی بجائے مجھے ملازمت سے ڈسمنس
 فرما دیا۔

استدعا یہ کہ رحم اپیل بھواد منظور فرمائی جا کر
 مسائل کو تاریخ ڈسمنس سے ملازمت پر
 بحال فرمایا جا کر مسائل کو ضلع ہری پور میں تبدیل
 فرمایا جاوے۔

جناب عالی . عوجبات اپیل عرض ذیل ہیں .

یہ کہ مسائل مورخہ 27/07/2007 کو حکم پولیس ضلع ہری پور میں بطور سٹیبل
 بھرتی ہونے کے بعد مسائل نے ہمہ سٹریٹ ایسٹ آباد میں قائم شدہ
 ریکروٹ ٹریننگ سنٹر پولیس میں ریکروٹ کورس پاس کر کے ضلع
 ہری پور میں خدمات سرانجام دیتے ہوئے سال 2014 میں مسائل
 کو کوستان تبدیل کر دیا گیا . جہاں پر مسائل خوش اسلوبی سے خدمات
 سرانجام دیتا رہا .

2، یہ کہ شرمی قسمت سے مسائل کی ضعیف العمر والدہ کو اس ضعیف العمری

میں کیسے سر کی بیماری لاحق ہو جانے پر چونکہ میرے سوا میرے گھر میں میری
 بیمار اور ضعیف والدہ کو علاج معالجہ کیلئے ہسپتال یا کسی پرائیویٹ
 ڈاکٹر کے کلینک میں لے جانے والا کوئی نہ ہونے کی وجہ سے جب فی
 والدہ کی بیماری کی اطلاع ملی تو میرے فلگ ان عمید سیران اور بالہ افران
 سے رخصت طلب کرنے پر مجھے کسی نے میری اس مجبوری کے ازالہ
 کیلئے رخصت یا اجازت نہ دینے پر مسائل کو چھوڑا والدہ کے
 علاج کو اپنے کیلئے گھر جانے کی اجازت نہ ملنے پر مسائل کو مورخہ 15
 کو غیر حاضر ہونا پڑا۔ جو اس غیر حاضری کے دوران مسائل کو کافی عرصہ
 تک والدہ کے علاج معالجہ کروانے کے دوران نہ تو مسائل کو میری غیر حاضری
 کا کوئی نوٹس ملا۔ نہ ہی مسائل کو ڈیوٹی پر حاضر ہونے کیلئے کوئی
 اطلاع ملی۔ اور نہ ہی مسائل کو والدہ کے علاج معالجہ سے کوئی رخصت
 ملی۔ جو مسائل کو بزرگہ قحطی پولیس تھانہ بیڑ میں پورا اطلاع ملنے پر
 مسائل نے اپنی حاضرگی کی رپورٹ اپنی جائے تعیناتی تھانہ لوٹر
 اوپر کوستان میں کردی۔

جو مجھے تھانہ لوٹر میں ہی پھر میری والدہ پر بیماری کے حملے
 سہرنے کی اطلاع ملنے پر میری زبانی استعداؤں کے باوجود مجھے رخصت
 یا اجازت نہ ملنے پر والدہ کی بیماری کا سن کر نہ رہا گیا۔ جو میں نے
 گھر پہنچ کر والدہ کو ڈاکٹر کے پاس لیجانے پر اس کا علاج معالجہ شروع
 کروایا۔

چونکہ تو میری پہلی غیر حاضرگی کسی نے کوئی انکو اٹری کی
 اور نہ ہی دوسری بار کی کوئی انکو اٹری کی گئی اور مجھے بغیر کسی انکو اٹری
 کے اور میری مشکلات کے ازالے کی بجائے مجھے ڈسٹنس کر دیا گیا۔

استعدا عمید میری رحم اپیل پڑا میرے دروازے پر فرمایا
 جا کر مسائل کی رحم اپیل منظور فرمائی جا کر مسائل کو ملا حظت پر
 بحال فرمایا جا کر یہی پور ضلع میں تعینات فرمایا جا کر طے عایش
 لیجاویں۔ دعا گو رہوں گا۔

12 12
 المرقوم 2019

13302-0328215-7

القلمی سابق کیٹل 568 ایرو کوستان ولد محمد حسین سکنہ خنجر
 علاقہ تھانہ بیڑ تحصیل و ضلع میری پور
 Ali
 Ali

(13)

Annex - E



OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

0992-9310021-22

0992-9310023

r.rpohazara@gmail.com

0345-9560687

NO: 7380 /PA DATED 09/03/2020

ORDER

This order will dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by Ex. Constable Waqar Ali No. 568 of District Upper Kohistan against the order of punishment i.e. *Dismissal from service* awarded by District Police Officer, Upper Kohistan vide OB No. 127 dated 21.11.2019.

Brief facts leading to the punishment are that the appellant absented himself from duty vide DD No. 22 dated 15-12-2018 to DD No. 08 dated 23-07-2019 (total absence period 07 months and 08 days) without any leave or permission.

Subsequently District Police Officer, Upper Kohistan issued charge sheet to the official alongwith summary of allegations vide Endst: No. 190-91/PA dated 06-02-2019 and deputed DSP Headquarters to conduct departmental enquiry. However the official failed to appear before the EO and join the enquiry proceedings. As a result final show cause notice was issued, however he failed to advance any cogent reason in his defence. The official was called in OR by DPO Upper Kohistan but he did not appear till date of dismissal.

After receiving his appeal, comments of DPO Upper Kohistan were obtained and examined/perused. The undersigned called the official in OR and heard him in person. Consequently it has been concluded that the official despite being part of a disciplined force remained absent for such a long period, which shows lack of interest and inefficiency on his part. Moreover the appellant failed to advance any plausible reason/justification in his defence. Therefore in exercise of the powers conferred upon the undersigned under Rule 11-4 (a) of Khyber Pakhtunkhwa Police Rules, 1975 appeal of the official is hereby *filed* with immediate effect.

Jamir

Qazi Jamil ur Rehman (PSP)
Regional Police Officer
Hazara Region, Abbottabad

No. 7381 /PA, dated Abbottabad the 09- 03 /2020.

CC.

1. The District Police Officer, Upper Kohistan for information and necessary action with reference to his office Memo No 874/Legal dated 26-12-2019. Service Roll and Fuji Missal containing enquiry file of the appellant is returned herewith for record.

Attested
Ali

(17)

CSSR Annex-F

MILITARY HOSPITAL RAWALPINDI
DISCHARGE NOTES AND FOLLOW UP PROFORMA

Department

FSW18

Tel. No.

3096156
Attending Physician

Dated:

22/1/19

Name of Patient

M/O LNK
M. Imtiaz

Age:

65 yrs

Address/Unit:

14 MD

Date of discharge:

28/1/19

Short History and Progress:

Δ BCC NOSE

Pt. Known case of BCC for 15 yrs.

Operated last month for reconstruction of nose.

Important Positive Findings:

Rib Graft on 23/1/19
Nasal Reconstruction

+ Thinning of Forehead flap.

Important Investigations:

Hb 14.1

ALT 119

PIT 224

Chest Xray /NAD

BSE 6.2

Treatment given in Hospital:

- Inj. Augmentin 1.2g

- Tab. Neoproxin

- Inj. Amikin

- Cap. Risch

- Inj. Diclovan. TDS.

Progress:

Stable & afebrile

Attested

- R4 for discharge.

[Signature]

7-2011

Discharge

- Tab. Neoprox 500mg 1/1

- Tab. Zantac 1/1

- Polyfax Ointment ①

- Tab. Ciprin 500mg 1/1

- Review after ① week

② week

Dr. Maria Astam
AMC

Alexis
@li



15

ABDOMINAL ULTRASOUND

Name: Zaitoon bibi Age: _____ Years: _____
Referred By: _____ Date: 17-03-19

- ▽ Liver:-
Size is Normal, Texture is Normal, Contour is Normal,
No Focal Defect Such as Mass, Cyst or Abscess seen, Intra Hepatic Channels are not Dilated.
- ▽ CBD:-
Not Dilated (Diameter 3mm)
- ▽ GB:-
Size is Normal, Wall thickness is Normal, No Sludge or calculi in the Lumen.
- ▽ Vessels:-
IVC, Hepatic Veins, Portal vein & Aorta are of Normal Diameters and appearance.
- ▽ Spleen:-
Size is Normal, Parenchymal texture is Normal No focal defect seen.
- ▽ Pancreas:-
Size is Normal, Texture is Normal, No focal Defect seen. Main Pancreatic duct is not dilated.
- ▽ Kidneys:-
Rt. Size is Normal, Position is Normal, Parenchymal texture & thickness is Normal.
No Calculi, Hydronephrosis or pelvicalyceal dilation seen.
Lt. Size is Normal, Position is Normal, Parenchymal texture & thickness is Normal.
No Calculi, Hydronephrosis or pelvicalyceal dilation seen.
- ▽ Fluids:-
No Peritoneal, or Pleural effusion seen.
- ▽ Urinary Bladder:-
Full, Wall thickness is normal, No Calculi or mass seen.

Acute cholecystitis + cholelithiasis
present.

Attended

(Signature)

P. 5.0

Gallbladder distended measuring
11.7 x 4 cm. Wall thickened to
7 mm. Lumen full of sludge.

② calculi of 21 & 19 mm sizes seen
Peri wall edema present.

CBD → 5-6 mm.

Mild left hydronephrosis present

Alister
Ali

7/6

CMH RAWALPINDI MED. CASE SHEET

A & D SERIAL NO.

3096156

NO.

RANK

Zailan

NAME

M/D IMA M Integ

UNIT

14 MP

DISEASE

Date and Time

14-6-19

S/S Col. Tahir

H/o proctored flap for BCC exc
+ cheiloplasty & ulcer heal.

Pls → flap Dissect + inseting
under Z/A

→ Adv

→ Admitt on MH

→ Sorel blood cp / - urgent
Hep. Bcc

→ shift to OT as tomorrow
morning (CMH)

Admitted



Basil Clinic, Sadiq Plaza, Adda Darband, Haripur 22620 KPK. 0995627199/03325098022

ULTRASOUND REPORT

Name: _____

Zaitoon Bi Bi

Date: _____

25/10/2019

Liver:

Size, contour and parenchymal texture are normal. There is no focal defect or sign of intrahepatic cholestrasis.

Gall Bladder:

Size and wall thickness are normal. There is no calculus, sludge or mass. Ultrasound guided murphy's sign is not present. Common bile duct is not dilated.

Pancreas:

Size and texture are normal. No focal defect or calcification seen, No peri-pancreatic fluid seen.

Spleen:

Size, Texture and hilum are normal No focal defect seen.

Right Kidney: _____

and Left Kidney: _____

Normal size contour, Position and parenchyma No sign of hydronephrosis, pelvi-calyceal congestion, calculus, cyst or mass. No hydroureter seen.

Urinary Bladder:

Normal wall thickness and volume. No stone, diverticulum or mass seen.

Pelvis:

Normal Genital Viscerae. There is no free or encysted fluid in pleural, peritoneal or Pericardial cavity. Para aortic and portahepatic lymph nodes are not enlarged. No abnormal gut wall thickness seen in any quadrant. Gut motility, gaseous distention intraluminal fluid are normal. Normal peri-gut fatty tissue.

Inferior vena cava, portal vein and abdominal aorta are normal.

Opinion:

Both kidneys are of normal size
No hydronephrosis
No calculi
Normal Pelvic organs
Rt Kidney
A. Masood
MD

At times single ultrasound study may be inconclusive and re-scanning the patient becomes necessary to elucidate an abnormality. The inference is based solely on echographic features and does not imply the final diagnosis for which clinical data and other diagnostic tests are mandatory.

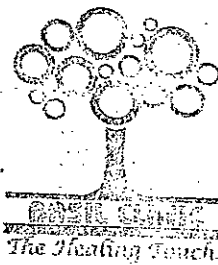
BASIL CLINIC

The Healing Touch

PHD



S48B-1



Dr. Ejaz Masood

MBBS, FCPS

Medical Specialist

Member American Association of Clinical Endocrinologists

Member American College of Physicians

Professional Member American Diabetes Association

Zaibon bly

23.10.19

R

Mixend 70/30 SL

34

10

Jentel Met 50/500 / Atmet 50/500

60

Acrosa 10

30

Mohral 25

90

Isulin 20

30

Profes 40

30

Insulin 10

90

Attested

Handwritten signature and text in Urdu/Arabic script.

LAB INVESTIGATION PROFORMA

CMI RAWALPINDI



D.O.A _____ **Z. No** _____ **A&D No** _____ **Bed No** _____
No. 3096156 **Rank** M/70 **Name** M. Jabeer **Unit** 14
Date 18-11-19 **Disease** _____ **Ward** _____

S/No	Test Name	Parameter	Result	Ref Range
1	ESR	ESR	/	0-15 mm at 1 st Hour
2	CP	TLC	6.9	4.0-10.0 x 10 ⁹ /l
		Fb	13.1	13-18 g/l
		Platelets	244	150-400 x 10 ⁹ /l
		Neutrophils	23	40-80 %
		Lymphocytes	30	20-40 %
		Eosinophils	0.2	1-6 %
		Monocytes	0.5	2-10 %
		Basophils	/	0-2 %
		MP	/	
		Others	/	
3	Plasma Glucose	Glucose Fasting	6.9	3.3-5.5 mmol/l
		Glucose Random	/	3.3-11.0 mmol/l
4	RFTs	Urea	5.3	3.3-6.7 mmol/l
		Creatinine	0.9	55-100 mmol/l
5	Electrolytes	Sodium	/	136-149 mmol/l
		Potassium	/	3.5-5.0 mmol/l
6	LFTs	Bilirubin	15	<17 μmol/l
		ALT	19	<42 U/l
		Alk Phosphatase	301	65-306 U/l
		Albumin	4.4	35-50 g/l
7	Bilirubin Direct & Indirect	Direct Bilirubin	/	
		Indirect Bilirubin	/	
8	Coagulation Profile	PT	15	0-14 Sec
		PTTK	32	0-32 Sec
		D-Dimer	/	<200 ng/l
		Fibrinogen	/	200 mg/dl
		INR	/	1.0
9	Bone Profile	Calcium	/	2.1-2.55 mmol/l
		Magnesium	/	0.56-1.0 mmol/l
		Phosphate	/	0.8-1.3 mmol/l
10	Lipid Profile	Total Cholesterol	/	<5.2 mmol/l
		Trig	/	0.46-1.60 mmol/l
		HDL-C	/	>1.1 mmol/l
		LDL-C	/	<2.59 mmol/l
11	Cardiac Enzyme	LDH	/	230-460 U/l
		AST	/	<37 U/l
		CK	/	25-195 U/l
		CKMB	/	<25 U/l
12	Serology	EBsAg	Negative	
		HCV	Negative	
		CRP	/	<6 mg/l
		RA	/	
		ASOT	/	<200 IU/ml
13	Other	Amylase	/	<86 U/l
		Uric Acid	/	90-410 μmol/l

Attended
M. Jabeer

MILITARY HOSPITAL RAWALPINDI
DISCHARGE NOTES AND FOLLOW UP PROFORMA

20

Department

3096156

Tel. No. _____

Attending Physician

Cpt. Tahir Mansoor

Dated: 25-11-19

Name of Patient Ahmed

Age: 65 yr

m/o C.M. M. Inayatullah

Address/Unit:

14 MP

Date of discharge:

02-12-19

Short History and Progress:

Basal cell carcinoma
nose

Important Positive Findings:

NAD

Important Investigations:

NAD

Treatment given in Hospital:

Bilateral nasolabial
flaps

Progress:

good

Attended
@ Dr

Treatment advice on Discharge:

Small text at bottom right corner, possibly a stamp or reference code.



A/P
Col. Tahir
Mansoor

→ Age dress

→ Fit for discharge

→ Tab Acyten
625 - 1+1+1 / 5dy

→ Tab Paedol
2+2+2

→ Polyferoidate

→ Parafin gauze

→ Roll gauze / altant

→ Crepe bandage / eye

mlu

PAA Run in P/S OPD.
after 1 wk

Repaton 2d/1
CP - 23/1

Lt Col (Dr)
DANISH ALMAS
Classified Surgical Spec
Plastic Surgery Dept
CMH Rawp

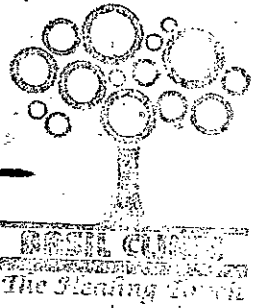
DR. QURAT UL AIN
CMF

Q

S4813-12

BASIL CLINIC

The Healing Touch



Dr. Ejaz Masood

MBBS, FCPS

Medical Specialist

Member American Association of Clinical Endocrinologists

Member American College of Physicians

Professional Member American Diabetes Association

Zaitoon Bibi

06/10/20

Ascarid 75

→ 100 ←

Naproxen

→ 500 ←

Selagin met 200

→ 50 ←

Mixtral

200 20

200 20

Magnif 200 200

500 200

200 20

→ 100 ←

Judicial

→ 50 ←

Attest

[Signature]

درد و ناراحتی
در شکم

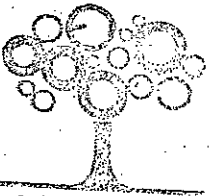
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OP 24

Dr. Ejaz Masood

MBBS, FCPS
Medical Specialist
Member American Association of Clinical Endocrinologists
Member American College of Physicians
Professional Member American Diabetes Association

S41813-12



BASIL CLINIC
The Healing Touch
0995627199

Zartoon Bilal

انٹی البیروائی سے سول ڈار باند

Repin 10
سول ڈار باند

Silage 20
سول ڈار باند

Pantomdo
سول ڈار باند

Stsallo
سول ڈار باند

9 Amp 2amp
200 wt 1011 Shu ATM

Attested
[Signature]

1. انٹی البیروائی سے سول ڈار باند
2. سول ڈار باند
3. سول ڈار باند
4. سول ڈار باند
5. سول ڈار باند



Basil Clinic, Sadiq Plaza, Adda Darband, Haripur 22620 KPK. 0995627199/03325098022
Reg. # 01865 / Haripur.

ULTRASOUND REPORT

Name: Mrs Zaitoon Iqbal Date: 02/09/20

Liver: Size, contour and parenchymal texture are normal. There is no focal defect or sign of interhepatic choleliths.

Gall Bladder: Size and wall thickness are normal. There is no calculus, sludge or mass. Ultrasound guided murphy's sign is not present. Common bile duct is not dilated.

Pancreas: Size and texture are normal. No focal defect or calcification seen, No peri-pancreatic fluid seen.

Spleen: Size, Texture and hilum are normal No focal defect seen.

Right Kidney: _____ and **Left Kidney:** _____ Normal size contour, Position and parenchyma No sign of hydronephrosis, pelvi-calyceal congestion, calculus, cyst or mass. No hydroureter seen.

Urinary Bladder: Normal wall thickness and volume. No stone, diverticulum or mass seen.

Pelvis: Normal Genital Viscerae. There is no free or encysted fluid in pleural, peritoneal or Pericardial cavity. Para aortic and portahepatic lymph nodes are not enlarged. No abnormal gut wall thickness seen in any quadrant. Gut motility, gaseous distention intraluminal fluid are normal. Normal peri-gut fatty tissue.

Inferior vena cava, portal vein and abdominal aorta are normal.

Opinion:

Endermeth < 1cm
Early fatty change in liver
Mustaq
[Signature]

At times single ultrasound study may be inconclusive and re-scanning the patient becomes necessary to elucidate an abnormality. The inference is based solely on echographic features and does not imply the final diagnosis for which clinical data and other diagnostic test are mandatory.

24

Anna-G

بخدمت جناب IG صاحب خیبر پختونخواہ پشاور

رحم اپیل بنا راضی حکم مصدرہ بحوالہ آرڈر بک نمبر 127 مورخہ 27.11.2019، چٹھی
انگریزی نمبر 1972/OHC مورخہ 22.11.2019 جاریہ دفتر
جناب DPO صاحب اپر کوہستان جس کے ذریعے جناب DPO صاحب نے
میری زائد از تیرہ سال ملازمت کو جس میں سائل نے نہ تو کوئی رخصت رہائشی گزاری
میری خانگی مجبور یوں جو بوڑھی والدہ کی آئے دن کی بیماری جو کینسر کی بیماری کی وجہ سے
اسے لاحق رہتی ہے کے ازالہ کے بجائے مجھے ملازمت سے Dismiss فرمادیا۔

استدعا ہے کہ رحم اپیل ہذا منظور فرمائی جا کر سائل کو تاریخ ڈسمبل سے ملازمت پر بحال
فرمایا جا کر سائل کو ضلع ہری پور میں تبدیل فرمایا جاوے۔

جناب عالی! مہوجبات اپیل ذیل عرض ہے۔

(۱)۔ یہ کہ سائل مورخہ 27.07.2007 کو محکمہ پولیس ضلع ہری پور میں بطور کنسٹیبل
بھرتی ہونے کے بعد سائل نے FF سنٹر ایبٹ آباد قائم شدہ ریکروٹ ٹریننگ
سنٹر پولیس میں ریکروٹ کورس پاس کر کے ضلع ہری پور میں خدمات سرانجام
دے رہا تھا کہ سال 2014ء میں سائل کو کوہستان تبدیل کر دیا گیا۔ جہاں پر
سائل خوش اسلوبی سے خدمات سرانجام دیتا رہا۔

(۲)۔ یہ کہ بد قسمتی سے سائل کی ضعیف العمر والدہ کو اس ضعیف العمری کینسر کی بیماری
لاحق ہو گئی چونکہ میرے سوا میرے گھر میں میری بیمار اور ضعیف العمر والدہ کو
علاج معالجہ کیلئے ہسپتال یا کسی پرائیویٹ ڈاکٹر کے کلنک میں لے جانے والا
کوئی دوسرا نہ ہونے کی وجہ سے جب مجھے والدہ کی بیماری کی اطلاع ملی تو
میرے نگران عہد یداران اور بالا افسران سے رخصت طلب کرنے پر مجھے
میری اس مجبوری کے ازالہ کیلئے رخصت یا اجازت نہ دینے پر سائل کو مجبوراً
والدہ کے علاج کروانے کیلئے گھر جانے کی اجازت نہ ملنے پر سائل کو
مورخہ 15.12.2018 کو غیر حاضر ہونا پڑا جو اس غیر حاضری کے دوران

Attested

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میری غیر حاضری کا کوئی نوٹس ملا نہ ہی سائل کو ڈیوٹی پر حاضر ہونے کیلئے کوئی

کو بذریعہ مقامی پولیس تھانہ بیڑہر پور اطلاع ملنے پر سائل نے اپنی حاضری

کی رپورٹ ایجا ~~تھانہ بیڑہر پور کو~~ میں کر دی۔ جو مجھے تھانہ

لوٹری میں یہ پھر میری والدہ پر بیماری کے حملے ہونے کی اطلاع ملنے پر میری

زبانی استدعاؤں کے باوجود مجھے رخصت یا اجازت نہ ملنے پر والدہ کی بیماری

کاسن کرنے رہا گیا۔ جو میں نے گھر پہنچ کر والدہ کو ڈاکٹر کے پاس لیجانے پر اس

کا علاج معالجہ شروع کروایا۔ جو نہ تو میری بیٹی غیر حاضری کی کسی نے کوئی

انکوائری کی اور نہ ہی دوسری بار کی کوئی انکوائری کی گئی اور مجھے بغیر کسی انکوائری

کے اور میری مشکلات کے ازالے کے بجائے مجھے ڈسمس کر دیا گیا۔ سائل نے

حسب ضابطہ جناب RPO صاحب ہزارہ پراپیل کی مگر وہاں سے بھی شنوائی

نہ ہوئی اور میری اپیل کو خارج کر دیا گیا (آرڈر کی کاپی ہمراہ لف ہے)۔

استدعا ہے کہ میری رحم اپیل ہذا پر ہمدردانہ غور فرمایا جا کر سائل کی رحم اپیل منظور

فرمائی جا کر سائل کو ملازمت پر بحال فرمایا جا کر ہر پور ضلع میں تعینات فرمایا

جا کر احسان عظیم فرمائیں۔ سائل تاحیات جناب کیلئے دعا گو رہے گا۔

المرقوم 14.03.2020

Wala

وقار علی سابق کنسٹیبل 568 اپرکو ہستان ولد محمد مسکین سکنہ خجہ علاقہ تھانہ بیڑہر ضلع و تحصیل

ہر پور۔ سائل

رابطہ نمبر 0342-9535365

Attested

Wala



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OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

Annex-H

No. S/ 3721 /20, dated Peshawar the 17/08/2020.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Waqar Ali No. 568. The petitioner was dismissed from service by District Police Officer, Upper Kohistan vide OB No. 127, dated 21.11.2019 on the allegations of absence from duty w.e.f 15.12.2018 to 23.07.2019 and w.e.f 16.08.2019 till date of dismissal from service i.e. 21.11.2019 for total period of 10 months & 13 days. His appeal was filed by Regional Police Officer, Hazara vide order Endst: No. 7381/PA, dated 09.03.2020.

Meeting of Appellate Board was held on 24.08.2020 wherein petitioner was heard in person. During hearing petitioner contended that his mother was ill.

Perusal of the record reveals that the petitioner remained absent for long period of 10 months & 13 days. He has earned 11 bad entries during his service. He is habitual absentee and there is no prospects of mending his ways. Therefore, the Board decided that his petition is hereby rejected.

This order is issued with the approval by the Competent Authority.

Sd/-

DR. ISHTIAQ AHMED, PSP/PPM
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/ 3722-30 /20,

Copy of the above is forwarded to the:

1. Regional Police Officer, Hazara at Abbottabad.
2. District Police Officer, Upper Kohistan. One Service Roll and one original complete enquiry file (45-pages) of the above named Ex-FC received vide your office Memo: No. 746/Legal, dated 24.06.2020 is returned herewith for your office record.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

Attested
Di

(KASHIF ZULFIQAR) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

DBA.No: _____

201

S.No: 82314

BC No: _____

Name of Advocate: _____

محمد اسماعیل تنوکی

وکالت نامہ



بعدالت: _____
 عنوان: (قمار علی) _____
 منجانب: اسرار اللہ _____
 نوعیت مقدمہ: سرکاری کیس _____
 باعث تحریر آئیکہ: _____

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا تصدیق مقدمہ مقام اسرار اللہ کیلئے
 کو حسب ذیل شرائط پروکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بروقت
 پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر منظر حاضر نہ ہو اور مقدمہ میری
 غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب
 موصوف صدر مقام کچہری کے علاوہ کسی جگہ یا کچہری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ
 ہوں گے اور مقدمہ کچہری کے علاوہ کسی اور جگہ سماعت ہونے پر یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے
 پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ دار نہ ہوں گے اور اس کے واسطے کسی معاوضہ کے ادا کرنے یا محنتانہ کے واپس کرنے کے بھی صاحب
 موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر ذاختہ صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو
 عرض دعویٰ یا جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی
 اختیار ہوگا اور اور کسی حکم یا ڈگری کرانے اور سر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور
 اس کے ثالثی و راضی نامہ و فیصلہ بر حلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیر و نجات از کچہری صدر
 اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا قرتی یا گرفتاری قبل از گرفتاری واجراءے ڈگری بھی صاحب
 موصوف کو بشرط ادائیگی علیحدہ محنتانہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ
 مذکور یا اس کے کسی جزو کی کاروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو
 بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ
 التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب
 موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی حکم کا صاحب موصوف کے
 برخلاف نہیں ہوگا۔

Acceptance
 M. A. J.

لہذا وکالت نامہ لکھ دیا ہے کہ سند ہے۔

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔ مورخہ: دن ماہ سال 2020

Wali

BEFORE HONORABLE KHYBER PAKHTUNKHUWA SERVICE TRIBUNAL
PESHAWAR CAMP COURT, ABBOTTABAD

APPEAL NO. 11495/2020

Mr. WAQAR ALI, Ex-Constable No. 568 Upper District APPELLANT

VERSUS

1. The Inspector General of Police, Khyber Pakhtunkhwa
2. The Regional Police Officer, Hazara Region, Abbottabad
3. The District Police Officer, Upper Kohistan..... **RESPONDENTS**

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Deponent

District Police Officer,
Upper Kohistan
M Respondent No. 3
District Police Officer
Upper Kohistan

BEFORE HONORABLE KHYBER PAKHTUNKHUWA SERVICE TRIBUNAL
PESHAWAR CAMP COURT, ABBOTTABAD

APPEAL NO. 11495/2020

Mr. WAQAR ALI, Ex-Constable No. 568 Upper District APPELLANT

VERSUS

1. The Inspector General of Police, Khyber Pakhtunkhwa
2. The Regional Police Officer, Hazara Region, Abbottabad
3. The District Police Officer, Upper Kohistan..... **RESPONDENTS**

PRELIMINARY OBJECTIONS

1. The appellant has no cause of action to file the instant appeal.
2. The appeal is not maintainable in its present form.
3. The appellant has concealed the real facts from this Honorable Court/Tribunal

PARA WISE COMMENTS/REPLY ON BEHALF OF RESPONDENT No.3

RESPECTFULLY SHEWETH

FACTUAL OBJECTIONS

1. That as per service record of the appellant, that the appellant was recruited as a constable in District Haripur on 27-07-2007. He was transferred to District Lower Kohistan, vide Respondent No. 2 office order No. 4922-23/E dated 31-03-2014 and also transferred from Lower Kohistan to Upper Kohistan, vide Respondent No. 2 office order No. 1784-86/E dated 28-01-2015.
2. That the appellant was posted at Police Station Looter Upper Kohistan, he was proceeded on causal leave, vide DD No. 11 dated 07-12-2018, but did not returned on due date and was absented, vide DD No. 22 dated 15-12-2018. Due to his absence departmental proceedings has been initiated against the appellant and Charge sheet along with summary of allegation was issued to him, vide this office No. 190-91/PA dated 06-02-2019 and Mr. Jehan Zeb Khan DSP Headquarters Dassu was appointed as enquiry officer. The enquiry officer used all available Sources to contact him, but neither he was contacted nor appeared before the enquiry officer. The police of this district has also contacted with local police of District Haripur, vide DD No. 5 dated 29-04-2019 of Police Station Dassu to serve the charge sheet and summary of allegation on his home address, but in vain.

Later on final show cause notice was issued to him , vide this office No. 1095/PA dated 30-05-2019 and the same was also sent to District Police Officer, Haripur for served upon, vide this office memo: No. 1343/PA dated 28-06-2019, the same was received on 10-07-2019 in person through local police of District Haripur. Reply of final show cause notice was submitted on 16-07-2019, as per his written reply he did not given any plausible reason in his defense. He made his arrival in Police Station Looter District Upper Kohistan on 23-07-2019 (Total absented period is 07 months & 06 days). He was not submitted any written application regarding earned leave till the date of dismissal.

Moreover, that he was again proceeded to home on leave in the eve of Eid ul Azha , vide DD 6 dated 11-08-2019 and his arrival due on 15-08-2019, but he was again absented himself from duty, vide DD No. 7 dated 16-08-2019 of Police Station Looter. He was called in orderly room on 30-11-2019 by the undersigned (Respondent No. 3), but he did not appear till the date of dismissal i.e 21-11-2019. From the perusal of his service record it transpired that he remained absented from duty at many important occasions without any cogent reasons and also does not take interest in his official duty and there was no hope to become a good police officer in future. Hence on the recommendation of enquiry officer, he was awarded major punishment from dismissal of service; vide this office OB No. 127 dated 21-11-2019.

3. That final show cause notice was issued to him , vide this office No. 1095/PA dated 30-05-2019 and the same was also sent to District Police Officer, Haripur for served upon, vide this office memo: No. 1343/PA dated 28-06-2019, the same was received on 10-07-2019 in person through local police of District Haripur. Reply of final show cause notice was submitted on 16-07-2019, as per his written reply he did not given any plausible reason in his defense.
4. That after conducting a proper departmental enquiry and also on the recommendation of enquiry officer, he was awarded major punishment from dismissal of service; vide this office OB No. 127 dated 21-11-2019.
5. That the appellant was filed departmental appeal for re-instatement into service before the Respondent No. 2 and the appellant was called in orderly room and heard in person but the appellant failed to advance any plausible reason /justification on his defense due to which his appeal was filed, vide his office Order No. 7380-81/PA dated 09-03-2020.

6. That the appellant had not produced any documents before any officer till the date of dismissal.
7. That the appellant was not performed his legal duty with devotion and dedication, due to which the appellant was dismissed from service on merit.
8. That the appellant was submitted the Revision Petition before the Respondent No. 1, wherein meeting of appellate board was held on 24-08-2020 in which the appellant was also heard in person . During hearing appellant contended that his mother was ill. Perusal of the appellant service record reveals that appellant remained absent for long period of 10 months and 13 days on different occasions. Appellant has earned 11 bad entries during his service. Appellant was habitual absentee and there was prospects of mending his ways. Therefore, the board decided that his petition was hereby rejected, vide Respondent No. 1 office order No. 3721-30/2020 dated 17-09-2020.

GROUND

- A. That the orders dated 22-11-2019, 09-03-2020 and 17-09-2020 passed by respondents were truthful in the eye of law/rules, justice and is based on facts.
- B. Strongly incorrect, because charge sheet and summary of allegation has been issued against the appellant, vide this office No.30-31/PA dated 31-01-2018 and proper departmental enquiry was conducted. Consequently, the appellant found guilty in his sin.
- C. That the appellant has been treated according to the law and rules by the respondents department and did not violate any Article of the Constitution of Islamic Republic of Pakistan in this regard.
- D. That authority and the authority hearing mercy appeal have also abide by the law and the authority given full opportunity of hearing to the appellant and the appellant failed to given any plausible reason in his defense. The penalty awarded to the appellant is genuine and in the eye of law, rules, hence the appellate authority filed the departmental appeal /mercy petition of the appellant purely on merit basis and legal grounds were already mentioned in orders issued by the appellate authority.

E. Strongly incorrect, because the appellant was absented about 10 months and 13 days at different occasion during short Spain of service. During the course of whole enquiry the appellant did not produced any documentary proof regarding illness of his mother before any forum.


F. That the appellant does not having any evidences in his defense and wasting the precious time of Honorable tribunal /Court of Law.

PRAYER

It is therefore, most humbly prayed that on acceptance of Para wise reply on behalf of respondents, the instant appeal of the appellant may graciously be ordered to be dismissed with cost.

VERIFICATION:-

Verified on oath that the contents of foregoing Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable court/Tribunal.


**District Police Officer,
Upper Kohistan
Respondent No. 3
District Police Officer
Upper Kohistan**

BEFORE HONORABLE KHYBER PAKHTUNKHUWA SERVICE TRIBUNAL
PESHAWAR CAMP COURT, ABBOTTABAD

APPEAL NO. 11495/2020

Mr. WAQAR ALI, Ex-Constable No. 568 Upper District APPELLANT


VERSUS

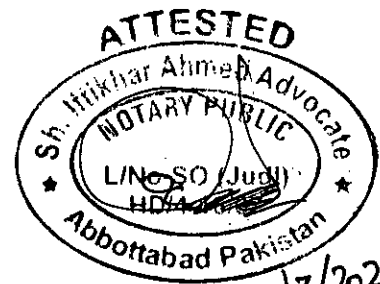
1. The Inspector General of Police, Khyber Pakhtunkhwa
2. The Regional Police Officer, Hazara Region, Abbottabad
3. The District Police Officer, Upper Kohistan..... **RESPONDENTS**

AFFIDAVIT /COUNTER AFFIDAVIT

I Respondent No. 3 do hereby solemnly affirm and declare on oath that the content of the accompanied Para Wise comments are true and correct to the best of my knowledge and belief and nothing has been suppressed/concealed from this Honorable Court.

Deponents


District Police Officer,
Upper Kohistan
Respondent No. 3
District Police Officer
Upper Kohistan



20/7/2022