


17.06.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General present.

Security and process fee not deposited. Learned counsel for the appellant submitted an application for extension of time to deposit security and process fee; allowed with the direction to deposit the same within 3 working days. Whereafter, notices be issued to respondents for reply/comments. To come up for written reply/comments on 19.08.2022 before S.B at Camp Court Abbottabad.

Rs-500/-  
Appellant Deposited  
Security & Process Fee  
A. J. 22/6/22

  
(Fareeha Paul)  
Member (E)  
Camp Court A/Abad

21<sup>st</sup> Oct., 2022

Nemo for the appellant. Kabirullah Khattak, Addl. AG for the respondents present. Lawyers are on strike.

Learned AAG seeks adjournment in order to contact the respondents and submit reply/comments. Fresh notices be issued to appellant and his counsel for the date fixed. To come up for reply/comments on 27.12.2022 before S.B.

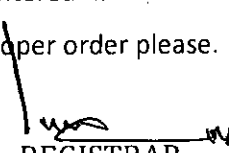

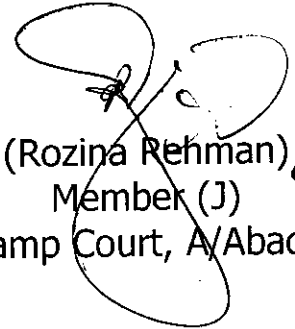
  
(Fareeha Paul)  
Member(E)

Form- A

FORM OF ORDER SHEET

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

Case No.- 174/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge		
1	2	3		
1-	09/02/2022	<p>The appeal of Mr. Muhammad Nadeem presented today by Mr. Mohammad 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>2-</p>	18.04.2022	<p>This case is entrusted to touring S. Bench at Abbottabad for preliminary hearing to be put there on <u>18-04-2022</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Appellant present through counsel. Preliminary arguments heard. Record perused.</p> <p>Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of reply/comments. To come up for reply/comments on 17.06.2022 before S.B at Camp Court, Abbottabad.</p> <p style="text-align: right;"> (Rozina Rehman), Member (J) Camp Court, A/Abad</p>

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Appeal No.....

Muhammad Naeem S/O Chanzeb (Ex-Constable No. 36,  
District Police Torghar) R/O Mohall Nainrin, Village Khwari, Tehsil  
& District Mansehra..... **(Appellant)**

**VERSUS**

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Torghar. **(Respondents)**

**SERVICE APPEAL**

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4.	Impugned Order dated 04-11-2021 of DPO	"E"	12
5.	Daily Diaries dated 04-09-2021 & 08-10-2021	"F&G"	13-14
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Through

*M. Aslam*  
**Appellant**

*M. Aslam*  
(Mohammad Aslam Tanoli)  
Advocate High Court  
at Haripur

Dated: 07-02-2022

①

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

**Appeal No.....**

Muhammad Naeem S/O Chanzeb (Ex-Constable No. 36,  
District Police Torghar) R/O Mohall Nainrin, Village Khwari, Tehsil  
& District Mansehra..... **(Appellant)**

**VERSUS**

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Torghar. **(Respondents)**

**SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL  
ACT 1974 AGAINST ORDER DATED 04-11-2021 OF THE DISTRICT  
POLICE OFFICER TORGHAR WHEREBY THE APPELLANT HAS BEEN  
"DISMISSED FROM SERVICE" AND ORDER DATED 13-01-2022 OF  
THE REGIONAL POLICE OFFICER HAZARA REGION ABBOTTABAD  
WHEREBY APPELLANT'S DEPARTMENTAL APPEAL HAS BEEN FILED.**

**PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL BOTH  
THE IMPUGNED ORDERS DATED 04-11-2021 AND 13-01-2022 OF  
THE RESPONDENTS MAY GRACIOUSLY BE SET ASIDE AND  
APPELLANT BE RE-INSTATED IN SERVICE FROM THE DATE OF  
DISMISSAL WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.**

I

Respectfully Sheweth:

1. That appellant while posted as Constable, at District Torghar was served upon with a charge sheet dated 27-07-2021 by the District Police Officer Torghar which was replied on 08-08-2021 explaining all facts and circumstances of the matter and the allegations were denied. **(Copies charge sheet and its reply are attached as Annex-"A & B")**.

2. That thereafter the District Police Officer Torghar issued a final show cause notice dated 04-09-2021 which was also replied. The allegations were vehemently denied. **(Copies of final show cause notice and its reply are attached as Annex-"C & D")**.
  
3. That proper departmental enquiry was not conducted. Copy of enquiry findings, if any, was not issued to the appellant with the final show cause notice. Even opportunity of personal hearing was not provided to appellant and he was condemned unheard.
  
4. That the District Police Officer Torghar without giving any consideration to the stance taken by appellant in his reply dismissed him from service vide order dated 04-11-2021 in a whimsical and cursory manner and that too without any reason and proof. **(Copy of dismissal order dated 04-11-2021 is as Annex-"E")**.
  
5. That appellant is a permanent resident of District Mansehra and employed in police department as Constable at District Torghar. Appellant's father was also a police constable and martyred during duty at District Kohistan. Appellant beside his wife has an aged ailing/weak mother. Appellant while performing duty at Police Post Township District Mansehra his mother fell ill. He informed his Incharge and took permission to avail 10 days leave. He neither absented himself nor availed leave without permission. Again due to illness of mother appellant obtained 02 days leave from his In-charge but on expiry of leave he reached late on 30-06-2021 thus was marked as absent in Daily Dairy though not absented.

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6. That so far as absence from 04-09-2021 to 04-11-2021 is concerned, it was misconceived and incorrectly reported because appellant including others constables were transferred from District Torghar to District Mansehra for seasonal duty. Some of them were communicated orders to report back at District Torghar on 04-09-2021 and as were relieved the reported accordingly. Appellant and those not relieved could not report thus were marked absent. **(Copy of report dated 04-09-2021 is attached as Annex-"F")**.
7. That other 5 to 6 constables including appellant were informed and relieved from Mansehra on 08-10-2021 they after availing joining time reported for duties. In the meanwhile so-called inquiry was initiated against the appellant and he was dismissed from service on 04-11-2021 illegally and without any reason. **(Copy of Relieving order dated 08-10-2021 is attached as Annex-"G")**.
8. That appellant alongwith his family lives in a village in hilly area. There are no MBBS doctors rather Hakims and dispensers provide medicines and they do not issue any medical certificate. Therefore, appellant was unable to produce any medical certificates of his mother's illness which had been made base for appellant's dismissal.
9. That appellant aggrieved of the dismissal orders preferred departmental appeal dated 19-11-2021 before the Regional Police Officer, Hazara Region, Abbottabd which was rejected on 13-01-2022 without giving any heed to the grounds taken by appellant in his memo of appeal. **(Copies of departmental Appeal dated 19-11-2021 and its**

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rejection order 13-01-2022 are attached as Annex-"H & I"), hence instant service appeal, inter alia, on the following amongst other:-

**GROUND:**

- A) That orders dated 19-11-2021 and 13-01-2022 of respondents are illegal, unlawful, against the facts, departmental rules & regulation, passed in a cursory, whimsical and arbitrary manner; hence are liable to be set aside.
- B) That proper departmental enquiry was not conducted. Copy of enquiry findings, if any, was also not issued to the appellant before serving final show cause notice. Even opportunity of personal hearing was not provided to appellant and he was condemned unheard thus principle of natural justice was seriously violated in his case.
- C) That appellant neither absented himself from his duty nor availed any leave without permission of his officers. The allegations of absence are incorrect and are propounded with exaggeration. Appellant is jobless and facing financial hardships since his dismissal from service.
- D) That the appellate authority has also failed to abide by the law and even did not take into consideration the grounds taken in the memo of appeal. Thus the impugned order of appellate authority is contrary to the law as laid down in Police Rules read with section 24-A of General Clause Act 1897 and Article 10A of the Constitution of Islamic Republic of Pakistan 1973.

5

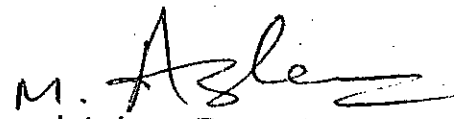
F) That instant service appeal is well within time and this honorable Service Tribunal has got every jurisdiction to entertain & adjudicate upon the lis.

**PRAYER:**

It is, therefore, humbly prayed that on acceptance of instant Service appeal order dated 04-11-2021 and 13-01-2022 of respondents may graciously be set aside and the appellant be reinstated in his service from the date of dismissal with all consequential service back benefits. Any other relief which this Honorable Tribunal deems fit and proper in circumstances of the case may also be granted.

  
Appellant

Through:

  
(Mohammad Aslam Tanoli)  
Advocate High Court  
At Haripur

Dated 09-02-2022

**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 09-02-2022

  
Appellant



6

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Muhammad Naeem S/O Chanzeb (Ex-Constable No. 36,  
District Police Torghar) R/O Mohall Nainrin, Village Khwari, Tehsil  
& District Mansehra..... **(Appellant)**

**VERSUS**

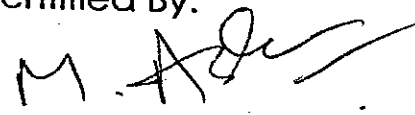
1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Torghar. **(Respondents)**

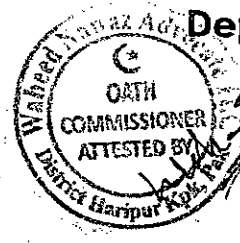
**SERVICE APPEAL**

**AFFIDAVIT:**

I, Mohammad Naeem, 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 Honorable Service Tribunal.

Dated: 09-02-2022

Identified By:  
  
Mohammad Aslam Tanoli  
Advocate High Court  
At Haripur



**Deponent/Appellant**

  
**Appellant**

7

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL PESHAWAR**

Muhammad Naeem S/O Chanzeb (Ex-Constable No. 36,  
District Police Torghar) R/O Mohall Nainrin, Village Khwari, Tehsil  
& District Mansehra..... **(Appellant)**

**VERSUS**

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Torghar. **(Respondents)**

**SERVICE APPEAL**

**CERTIFICATE**

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

  
**APPELLANT**

Dated: 07-02-2022



**DISCIPLINARY ACTION**

✓ *Amir-A*

I. Mr. Syed Mukhtar Shah, District Police Officer, Torghar as competent authority of the opinion that FC Naeem No.36 while posted as PP Township district Mansehra (summer season duty), has rendered himself liable to be proceeded against departmentally as you committed the following act/omission within the meaning under the Khyber Pakhtunkhwa, Police Rules, 1975 (with amendment 2014).

**SUMMARY OF ALLEGATION**

As per letter No.12767/OHC, dated, 13.07.2021 of District Police Officer, Mansehra, according to which you while posted at Police Post Township, absented yourself from your official duties vide DD No.05 dated, 08.06.2021 to 18.06.2021 (10 days) and 30.06.2021 to ~~10-8-2021~~ ~~till date~~, without any leave or permission of the competent authority which shows gross misconduct on your part.

For the purpose of scrutinizing the conduct with reference to the above allegation, an Enquiry committee of the following is constituted:

**Mr. Yousuf Khan DSP/ Circle Kandara is deputed as Enquiry Officer.**

The Enquiry Officer / Committee shall in accordance under the provision of this above mentioned rules, provide reasonable opportunity of hearing to the accused, record finding and make within 25 days of the receipt of this order, recommendation as to punishment or take other appropriate action against the accused.

The accused shall appear in the departmental proceedings on the date, time and place fixed by the Enquiry Officer/Committee.

(Syed Mukhtar Shah)  
District Police Officer,  
Torghar

No. *577-78*/PA, dated Torghar the *27* / *10* / 2021.

FC Naeem No.36 while posted as PP Township district Mansehra (summer season duty), with the direction to submit his written statement to the Enquiry Officer, the receipt of the charge sheet/statement of allegations and also to appear before Enquiry Officer on the date, time and place fixed for purpose of departmental proceedings.

*Attested*  
*N. Azeem*

حنا علی

اروں جان بیٹے کا 577.78 مرہم 27/7/21 قدر چنا۔ 500 روپے  
حصہ و حصہ چونا

ارم 86/21  
اور مرہم 6/21 کو مال کسے دیکھو مرہم 6/21 کو مال کسے  
سے غیر چاہتا اور اب دماغ غیر طوری میں چکی ٹاؤن میں  
کئی میں سائٹ کو 18 روزہ 18 روزہ 8/21 کو بھی غیر عام رہا اور ارم  
86/21 کو میں سائٹ کے لیے طوری کی اجازت کی

ارم 30/21 کو اور کسے طوری میں سائٹ کے لیے اجازت کی  
میرا نام مرہم 7/21 کے لیے طوری میں سائٹ کے لیے

ارم چھوڑ کر اب ہم نے غیر طوری اجازت کی ہے میرا میں بہن  
اور میں سائٹ کے لیے وہ چھوڑ کر کوئی چیز نہیں رہے۔ والد کی  
الشراعت پر طہارت اور زخمی رہنا ہے اور والد مرہم  
چلے کر جہان میں دروازہ چھوڑ کر میں مقصد چھوڑ کر جس کا  
سائٹ کا والدہ کا کوئی اور چیز چھوڑ کر ہے

ارم چھوڑ کر میں سائٹ کے لیے اور چھوڑ کر کوئی چیز نہیں رہے غیر طوری  
حصہ و حصہ سائٹ کے لیے اور چھوڑ کر کوئی چیز نہیں رہے

سائٹ کے لیے 30/21 مرہم حال میں سائٹ کے لیے چھوڑ کر کوئی چیز نہیں رہے

8/19/21 Attested  
M.A. Hussain

10

Amir C

**OFFICE OF THE DISTRICT POLICE OFFICER, TORGHAR**

No. 742/PA dated, Torghar the 24/09/2021.

**FINAL SHOW CAUSE NOTICE**

(Unit Rule (3) KPK Police Rules, 1975 Amendments in 2014)

1. That You Constable Naeem No.36 while posted as PP Township District Mansehra ( Summer Season Duty), rendered yourself liable to be proceed under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 for the following misconduct:

i. A letter vide Memo: No. 12767/OHC dated, 13.07.2021 received from District Police Officer, Mansehra. As per report of SI, PS City vide DD No.05 dated 10.08.2021, you was absented herself from official duty without any leave or permission of the competent authority w.e.f 08.06.2021 to 18.06.2021 & 30.06.2021 to 10.08.2021 Total (51 days)/ Similarly, you was again absented from Police lines Judbah w.e.f 04.09.2021 to till date. You were served with a charge sheet vide this office Memo: No. 577-78/PA dated, 27.07.2021 and the enquiry entrusted to DSP/Hqrs. Who conducted to detail enquiry into the allegation and recommended you for Major Punishment. After regarding report you are being served with this final showcase notice, if you have any evidence in support of your defense otherwise ex-parte action will be taken against you.

ii. During proper departmental enquiry the allegations have been proved against you.

2. That by reason of above as sufficient material is placed before the undersigned therefore is decided to proceed against you in general Police proceedings without aid of enquiry officer.

3. That the misconduct on your part is prejudicial to good order of discipline in the Police Force.

4. That your retention in the police force will amount to encourage inefficient and unbecoming of good Police Officer.

5. 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 kind of the punishments as provided in the rules.

6. You are, therefore, called upon to Final Show Cause Notice as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rule, 1975 for the misconduct referred to above.

7. You should submit reply to this Final Show Cause Notice within 07 days of the receipt of the notice failing which an ex-parte action shall be taken against you.

8. You are further directed to inform the undersigned that you wish to be heard in person or not.

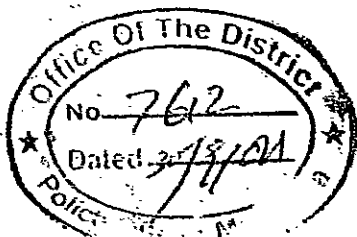
8. Ground of action are also enclosed with this Final Show Cause Notice.

*OPC/SRC  
for information*

*OPD/Mansehra  
24/9/21*  
No. 743 /PA

District Police Officer,  
Torghar

Copy of above is submitted to the District Police Office, Mansehra w/r to his office letter No. quoted above, for favor of information, that one copy of the same duly signed by him may be returned to this office please.



*Attested  
w/Amir C*

District Police Officer,  
Torghar

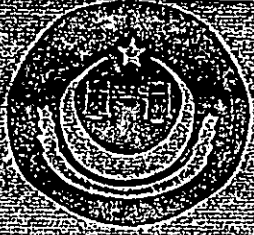
ذاتِ عالیٰ  
 خواجہ شہنشاہ شاکر خان ٹرسٹ برقی PA/742 742  
 09/24/2019 جاریہ حساب D.P.O صاحب توہمہ معروض خدمت ہوں  
 کہ جن سے سینئر ڈپٹی کیلئے ڈسٹریکٹ ٹائٹل ڈپٹی ڈائریکٹر  
 تعینات ہے۔ دورانِ تعیناتی والدہ ام کی طبیعت سخت نامناسب  
 ہو گئی جو کوئی سے 02 یومہ فصحت اتفاقاً حاصل کر کے والدہ کے  
 علاج معالجہ کیلئے گھر فرود کرا گیا۔ جو والدہ کی طبیعت بدستور  
 قرار دے رہی۔ علاج معالجہ سے کوئی احاطہ نہ ہوا۔ بدیں وجہ ڈپٹی  
 یہ حاضر ہونے میں تاخیر ہوئی۔ والدہ کا ہڈی کھل مہلہ لگ گیا۔

ذاتِ عالیٰ  
 چونکہ سائل گھم کا واحد سرپرستہ فرد ہے۔ والد ام جو کہ  
 حکیمانہ پولیس میں ملازم رہ کر دورانِ چھاپہ آئی فٹنگ ایجنٹ  
 پر لڑتے ہوئے شدید ایسٹ۔ والدہ ام اکثر اوقات علیل  
 رہتی ہیں جنکو بہ وقت علاج معالجہ کیلئے ہسپتال لے جانا  
 پڑتا ہے۔ جو انتہائی عبوری اور لاچارگی کے عالم میں ڈپٹی پر  
 اتنے میں تاخیر ہوئی۔

عالیہ  
 سائل کی عبوری، کلان قربانی اور درزع بالاحقائق کو  
 مدنظر رکھتے ہوئے جاری شدہ کائناتل شاکر خان کو تفسیر کسی  
 کلان کارروائی داخل دفتر فرمائے۔ سائل جس اوقات  
 خواب کے بلند احوال کیلئے دعا گو رہے گا۔

الس  
 کائناتل نسیم میر 36 صلح نور بخش  
 طالب سینئر ڈپٹی تعینتہ خری ماؤنس

Attested  
 7/11/2019



12

Annex - E

OFFICE OF THE DISTRICT POLICE OFFICER  
DISTRICT TORGHAR  
0997-920202  
0997-920202  
dpotorghar@gmail.com  
0345-4200227

**ORDER**

The departmental enquiry initiated against Constable Naeem No.36 of this district while he was posted for the Summer Season duty at District Mansehra, absented himself from his official duties w.e.f 08.06.2021 to 18.06.2021 (10 days), 30.06.2021 to 10.08.2021 (41 days) total (51 days). Similarly, he again absented himself from Police lines, Jubbah w.e.f 04.09.2021 to till now without any leave or permission of the competent authority and he was charge sheeted for the allegations mentioned above by the undersigned vide Memo No 577-78/PA dated 27.07.2021. The enquiry was entrusted to Yousuf Khan DSP/Circle Kandac. He after conducting detailed enquiry of the allegations recommended him for appropriate punishment in his enquiry report as he has been proved guilty for the allegations mentioned in the Charge sheet and statement of allegations. He was served with Final Show Cause Notice in response to which he submit his written explanation which was found not satisfactory and also not appeared in OR.

After going through enquiry file, his long absence mentioned above and in the light of recommendation of Enquiry Officer, I. Syed Mukhtar Shah, District Police Officer Torghar, being competent authority in exercise of power under the relevant provision of KPK Police Rules, 1975 (with amendment 2014) am constrained to award him major punishment. Therefore Constable Naeem No.36 is hereby awarded major punishment of "Dismissal from service" with immediate effect. His period of absence w.e.f 08.06.2021 to 18.06.2021 (10 days), 30.06.2021 to 10.08.2021 (41 days) total (51 days) and 04.09.2021 till the date of dismissal is treated as leave without pay. Order announced in his absence as he deliberately avoided appearance in OR as ex-parte.

(Syed Mukhtar Shah)  
District Police Officer,  
Torghar

OB No.            /             
Dated:            /            / 2021



for information and necessary action to the

*Attested  
M. Akmal*

صلو نور علیہ

13

پولہ لائن - Annex-F

نقل رپورٹ نمبر 16 از تاریخ 04/09/02

صفحہ 16

آندر ٹاکس رازہ 04/09/02 وقت 18:20 بجے اسٹریٹ کسٹبلان عبدالحمید 93

حاضرین 309 و جمع اللہ 184، شاہد 560، نقل اریحہ 377، سب

الحکم افسران بالا لکھ افغان ڈیپارٹمنٹ ڈپٹی سیزن

کا سپرہ 3 ساکن سرکار، نجی سے لائن جذا حافر آئین میں

جدا کسٹبلان نعیم 36، مجید اللہ 54 محمد اعظم 481، فخرت شیر 695

سواند 698، پارس خان 483، رعن سید 456، سعادت 546

فرمان اللہ 423، شہال انتظار کے باوجود لائن جذا میں لپٹی صاف

کی رپورٹ نہیں کی ہے۔ کے خلاف رپورٹ غیر صافوں کے خلاف لپٹی صاف

کی نقل رپورٹ علیہ دیکھ کر لپٹی افسران بالا لکھ جذا میں ارسال ہوئی ہے

مباح علیہ

نقل مباح علیہ

mm-Pl - The  
09-11-02

Attested  
by Ameer



(14)

چوک ٹاؤن شپ 9-Annex

ضلع مانسہرہ

تفانہ سٹی تعلیمی بورڈ، 10 روزنامہ 08/10/04

روانگی 91 - 08/10/04 وقت 14:50 بجے اس وقت منشی ذہین تقانہ سٹی  
 نے بذریعہ سرکاری نمبر 10 کے اطلاع دی کہ کمانیشن لایٹنگ  
 جس کا تبادلہ ڈسٹرکٹ ٹورنٹر ہو چکا ہے جسکو فوری روانہ ڈسٹرکٹ  
 ٹورنٹر کیا جاوے جس پر کمانیشن لایٹنگ کو مہم سادان نیچی ویرگاری  
 کے حکم افسران بالا لکھورن تبادلہ چوک چھڑا سے ڈسٹرکٹ ٹورنٹر  
 کاروانہ کر کے چھڑا سے مناسب پوری۔

جناب عالی،

تعلیم و صحت اعلیٰ

سٹی

MLHC-PP-T-Ship

08-10-04

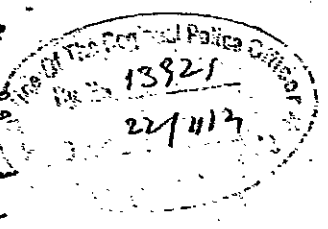
Attested  
M. Anwar

تاریخ ۱۲/۱۱/۲۰۲۱ء عالی

سائل کو صبا - صاحبہ تو عمر نے جو ہم غیر جانبدار  
حکم سے برخواست کر دیا ہے اتنا اس کے سائل کو اس  
پر بحال فرماتے ہو۔ فرمائیں۔

صبا عالی

جو بیان گزارش ہے سائل عمر ۱۱ سال ہے محکمہ پولیس میں ایسی  
فرمائیں انجام دے رہا ہے۔ اس دوران سائل نے بھی یہ  
سینئر انسپران کو شکایت کا موقع فراہم نہیں کیا۔ سائل نے والد  
محکمہ پولیس میں تسخیر کیے گئے تھے۔ کئی مہینوں میں دوران  
تعمیر ہو گئے تھے وہی شہادت کے جوہر تھے ساری خدمت داری  
سائل پر تھیں۔ سائل کی بڑی والدہ صاحبہ اکثر بیمار رہتی ہیں  
عقلمند علاج عالی کے لئے اکثر ادویات ڈاکٹر کے پاس لے کر جانا پڑتا  
ہے۔ سائل فریڈم لائبریری کا ریاضی اور ریاضی اور دیگر میں لڑتا  
والدہ صاحبہ کی بیماری کی وجہ سے غیر جانبدار برقی آئینہ جتا رہی ہیں  
جی اور کسی قسم کی شکایت کا موقع فراہم نہیں ہو سکا۔ سائل نے جو  
مختلف شکایتیں مختلف مسئلوں میں زیر تھیں جن میں سے کئی  
واجب الادا میں عدم سائل کا اور کئی ذریعہ معاش جو نہیں ہے سائل کی  
غیر جانبدار کو جو جوائنٹ فرمائیں تھیں



NO=26495/PA  
dt 22-11-2021

DPO Targhan  
For comments  
alongwith service  
received pl.

لہذا صبا - سے ضرور اس کے سائل کو اپنا کورس پر بحال فرماتے  
مشورہ فرمائیں سائل کے بیان میں کہ آئینہ جی بھی شکایت کا موقع  
فراہم نہیں ہو سکا۔

19/11/2021

محکمہ پولیس سائل کے ذریعہ  
سائل محمد خیم خبر 36 سالہ پولیس سائل کے ذریعہ

22/11

0341 9516325

Alleged  
Not Accused



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Annex

OFFICE OF THE REGIONAL POLICE OFFICER  
HAZARA REGION, ABBOTTABAD

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NO: 782 /PA DATED 13/01/2022

ORDER

This order will dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by Ex. Constable Muhammad Naeem No.36 of district Torghar against the order of punishment i.e. *dismissal from service* awarded by DPO Torghar vide OB No.315 dated 04.11.2021.

Brief facts leading to the punishment are that the appellant while posted for summer season duty at District Manschra absented himself from his for total 111 days.

From	To	Total days
08.06.2021	18.06.2021	10 days
30.06.2021	10.08.2021	41 days
04.09.2021	04.11.2021	60 days

The appellant was issued charge sheet alongwith summary of allegations and DSP Circle Kandar, Torghar was deputed to conduct departmental enquiry. The EO held the appellant responsible of misconduct and recommended him for suitable punishment. The appellant was issued final show cause notice but he failed to advance any cogent reason before the competent authority. Consequently, DPO Torghar awarded him major punishment of dismissal from service. Hence, the appellant submitted this present appeal.

After receiving his appeal, comments of DPO Torghar were sought and examined/perused. The undersigned called the appellant in OR and heard him in person. However, the appellant failed to advance any plausible justification in his defense. The appellant contended that he was absent due to medical condition of his mother, however he failed to produce any medical record or written account regarding his mother's illness. It is relevant to mention here that he was earlier dismissed from service due to his negligent attitude. Hence, the disciplinary action taken by the competent authority seems suitable and appeal liable to be dismissed. Therefore, in exercise of the powers conferred upon the undersigned under Rule 11-4 (a) of Khyber Pakhtunkhwa Police Rules, 1975 the instant appeal is hereby *filed/rejected* with immediate effect.

Mirvais Niaz (PSP)

REGIONAL POLICE OFFICER  
HAZARA REGION, ABBOTTABAD

No. 783 /PA, dated Abbottabad the

13/01/2022.

CC.

DPO Torghar for information and necessary action with reference to his office-Memo No. 2144/GB dated 27-12-2021. Service Roll and Fuji Missal containing enquiry file of the appellant is returned herewith for record.

*Accepted*  
*M. Anwar*

# وکالت نامہ

کورٹ فیس قیمت

بعدالت جناب **حکیم حسین صاحب** صدر **فیڈریشن خواتین سروس سوسائٹی** اور  
منجانب **ایڈیشن محمد نعیم**

محمد نعیم **198/PPD KPKA**

دعویٰ یا جرم **سرسری اپیل** باعث تحریر آنکہ  
مندرجہ بالا عنوان میں اپنی طرف سے پیروی و جوابدہی مقام **ایڈیشن آباد شاہ**

**محمد نعیم** ایڈووکیٹ و وکیٹ بدیں شرط وکیل مقرر کیا۔ کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی پیشی پر منظر حاضر نہ ہوں۔ اور حاضری کی وجہ سے کسی وجہ پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی اور جگہ یا کچہری کے مقرر اوقات سے پہلے یا بروز تعطیل پیروی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ مقام کچہری کے کسی اور جگہ سماعت ہونے پر یا بروز کچہری کے اوقات کے آگیا یا پیچھے ہونے پر منظر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے رابطے کسی معاوضہ ادا کرنے مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کل ساختہ پرواختہ صاحب مثل کردہ ذات خود منظور و قبول ہوگا اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجرا کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور پیرو تالی و راضی نامہ و فیصلہ برخلاف کرنے اقبال دعوے کا اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم اتناعی یا ڈگری قبل از فیصلہ اجراءے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ پیروی مختار نامہ کرینکا مجاز ہوگا۔ اور بصورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا بیرسٹر کو بجائے اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو۔ پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا اظہار کلمہ ہے کہ سند رہے مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا اور منظور ہے۔

Accepted  
By Asst. 09-02-2022

محمد نعیم ایڈیشن