


Form- A

FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 1546/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/10/2022	<p>The appeal of Mr. Muhammad Ali presented today by Mr. Imdadullah Advocate. It is fixed for preliminary hearing before touring Single Bench at Swat on <u>02-11-2022</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

Service Appeal No. LS46 of 2022

Muhammad Ali Computer Operator BPS-16, District Police Office, District Swat.

...Appellant

VERSUS

The Provincial Police Officer Khyber Pakhtunkhwa, Peshawar and Others.

...Respondents

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Appellant/Through

Imdad Ullah

Advocate Swat

Office: Khan Plaza, Gulshone Chowk,  
Mingora Swat, Cell 0333 929 7746

①

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

Service Appeal No. 1516 of 2022

Muhammad Ali Computer Operator BPS-16, District  
Police Office, District Swat.

...Appellant

VERSUS

1. The Provincial Police Officer Khyber Pakhtunkhwa,  
Peshawar.
2. The Regional Police Officer Malakand at Saidu  
Sharif, District Swat.
3. The District Police Officer, Gulkada, District Swat.

...Respondents

PARTIAL SERVICE APPEAL UNDER  
SECTION 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL  
ACT, 1974 AGAINST THE ORDER NO.  
11778/E DATED 22-10-2022 WHEREBY  
THE PENALTY OF FORFEITURE OF  
THREE YEARS OF APPROVE D  
SERVICE WAS IMPOSED UPON THE  
APPELLANT AGAINST THE LAW,  
RULES AND FACTS AND IS LIABLE TO  
BE SET ASIDE.

---

**PRAYER:**

That on acceptance of this service appeal the order  
impugned may very kindly be set aside being void and  
against the law and rules and the service of the

*Appellant be counted and all the consequential benefits also granted.*

---

Respectfully Sheweth:

Facts:

- i. *That the Appellant joined the Police Department back in the year 2009 and since then is regularly performing his duties to the best of his abilities with great zeal, honestly, efficiently and with punctuality.*
- ii. *That the Appellant has performed his duties to the utter satisfaction of the authorities and till date no complaint has ever been received against the Appellant.*
- iii. *That all of a sudden the Appellant was issued and Charge Sheet coupled with Statement of Allegations, wherein the allegation of absence was levelled against the Appellant, although the Appellant has never absented himself willfully and for every single absence a proper application was timely submitted. The Appellant submitted a proper reply the same and denied the allegations. Copies of the Charge Sheet and Statement of Allegations are enclosed as Annexure "A" and that of the reply is enclosed as Annexure "B", respectively.*
- iv. *That the Appellant submitted the relevant documents regarding his absence, which include*

*the medical certificates and an application regarding the issue of his biometric attendance, as the bio metric scanner would not recognize the thumb impression of the Appellant. Copies of the medical certificates and that of the application are enclosed as Annexure "C".*

- v. That to the utter surprise of the Appellant neither the reply was considered nor the relevant documents were paid any heed to the utter detriment of the Appellant and a farce inquiry was initiated against the Appellant.*
- vi. That the inquiry was conducted with the pre-decided result and finding and the Appellant was never properly associated with the inquiry throughout.*
- vii. That neither was Appellant afforded any opportunity to defend himself nor was any chance of personal hearing ever afforded to the Appellant. Flabbergasting enough the Appellant was not even issued a Show Cause Notice, which reflects clearly the intentions of the inquiry committee.*
- viii. That the inquiry committee submitted its findings which are faulty, tainted with mala fide and lacunas and are not worth consideration at all. Copy of the finding report is enclosed as Annexure "D".*

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- ix. That the again very strange enough without issuing any Show Cause Notice to the Appellant major penalty of Dismissal from service imposed upon the Appellant vide order O.B. No. 126 dated 13-09-2022. Copy of the order dated 13-09-2022 is enclosed as Annexure "E".
- x. That the Appellant feeling aggrieved submitted a departmental appeal for the redressal of his grievances. Copy of the departmental appeal is enclosed as Annexure "F".
- xi. That the appeal of the Appellant was considered partially to the extent that the penalty of dismissal from service was converted into forfeiture of three years of approved service and the period out of service was converted into leave without pay vide order No. 11778/E dated 22-10-2022. Copy of the order dated 22-10-2022 is enclosed as Annexure "G".
- xii. That having no other option and still feeling aggrieved this Honourable Tribunal is approached on the following grounds.

Grounds:

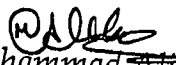


- a. That the Appellant has not been dealt with in accordance with the law and rules on the subject to the utter detriment of the Appellant, which makes the whole process a nullity in the eyes of law.

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- b. That the Appellant has not been condemned as unheard and also the mandatory provisions of the relevant law and rules have been bulldozed blatantly.
- c. That this is classic case of exercise of authority which is never vested in the Respondent No. 3, which makes the whole process a nullity in the eyes of law.
- d. That the Appellant has never absented himself willfully neither has the Appellant ever committed any action of commission or omission which may constitute any offence under any law.

It is, therefore, very respectfully prayed that on acceptance of this service appeal the order impugned may very kindly be set aside being void and the service of the Appellant be considered without any break along with all consequential benefits.

Any other relief deemed appropriate in the circumstances and not specifically prayed for may also very kindly granted.

Appellant  
  
Muhammad Att  
Through Counsels,  
  
Aziz-ur-Rahman  
  
Imdad Ullah  
Advocates Swat

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

Service Appeal No. \_\_\_\_\_ of 2022

Muhammad Ali Computer Operator BPS-16, District  
Police Office, District Swat.

...Appellant

**VERSUS**

The Provincial Police Officer Khyber Pakhtunkhwa,  
Peshawar and Others.

...Respondents

**AFFIDAVIT**

It is solemnly stated on Oath that all the contents of  
this service appeal are true and correct to the best of my  
knowledge and belief and nothing has either been  
misstated or kept concealed before this Honourable  
Tribunal.

**ATTESTED**



Deponent

*Muhammad Ali*  
Muhammad Ali



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

Service Appeal No. \_\_\_\_\_ of 2022

Muhammad Ali Computer Operator BPS-16, District  
Police Office, District Swat.

...Appellant

**VERSUS**

The Provincial Police Officer Khyber Pakhtunkhwa,  
Peshawar and Others.

...Respondents


**ADDRESSES OF THE PARTIES**

Appellant:

Muhammad Ali Computer Operator BPS-16, District  
Police Office, District Swat.

Respondents:

1. The Provincial Police Officer Khyber Pakhtunkhwa,  
Peshawar.
2. The Regional Police Officer Malakand at Saidu  
Sharif, District Swat.
3. The District Police Officer, Gulkada, District Swat.

Appellant  
Through Counsel,  
  
Imdad Ullah  
Advocate Swat

CHARGE SHEET

*M. A. 8*

I, Zahid Nawaz Marwat, PSP District Police Officer, Swat as a competent authority, hereby charge you, Computer Operator Muhammad Ali while posted as IC DC PC and Missing Persons of this office as follows;

You committed the following act/acts, which is/are gross misconduct on your part as defined in Rules 2 (iii) of Police Disciplinary Rules 1975 with amendments 2014 vide notification No.3859/Legal, dated 27-08-2014 of the Inspector General of Police, Khyber Pakhtunkhwa Peshawar.

On 23/05/2022 the undersigned checked the Biometric Attendance System of this office. It was found that you Computer Operator Muhammad Ali were absent on 05/04/2022, 07/04/2022, 11/04/2022 to 13/04/2022, 15/04/2022, 19/04/2022 to 09/05/2022 and w.e.f 11/05/2022 up till now. Which warrant strict departmental action against you. *43/2022*

2. By reasons of the above, you appear to be guilty of misconduct and rendered yourself liable to all or any of penalties specified in Rule-4 of the Disciplinary Rules 1975.

3. You are, therefore, required to submit your written reply within seven (7) days of the receipt of this Charge Sheet to the Enquiry officer.

4. Your written reply, if any, should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and, in that case, ex-parte action shall follow against you.

5. Intimate as to whether you desire to be heard in person or not.

6. A statement of allegations is enclosed.

*[Signature]*  
District Police Officer  
Swat

No. 44 /PA,

Dated: 30/05 /2022.

*Attested*  
*[Signature]*  
Advocate

(9)

**DISCIPLINARY ACTION**

I, Zahid Nawaz Marwat, PSP District Police Officer, Swat as competent authority, is of the opinion that he, Computer Operator Muhammad Ali while posted as I/C OG PG and Missing Persons of this office has rendered himself liable to be proceeded against departmentally as he has committed the following acts/omissions as defined in Rule 2 (iii) of Police Rules 1975 with amendments 2014 vide Notification No.3859/Legal, dated 27-08-2014 of the Inspector General of Police, Khyber Pakhtunkhwa, Peshawar, as per Provincial Assembly of Khyber Pakhtunkhwa Notification No. PA/Khyber Pakhtunkhwa/ Bills/ 2011/44905 dated 16/09/2011 and C.P.O. K.P.K. Peshawar Memo: No. 3037-62/Legal, dated 19/11/2011.

**STATEMENT OF ALLEGATIONS**

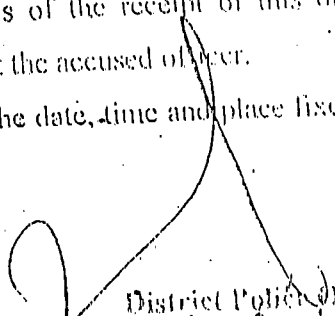
It has been reported that he while posted to I/C OG PG and Missing Persons of this office committed the following act/ acts, which is / are gross misconduct on his part as defined in Rules 2 (iii) of Police Rules 1975.

On 23/05/2022 the undersigned checked the Biometric Attendance System of this office. It was found that he Computer Operator Muhammad Ali was absent on 05/04/2022, 07/04/2022, 11/04/2022 to 13/04/2022, 15/04/2022, 19/04/2022 to 09/05/2022 and w.e.f 11/05/2022 up till now. Which warrant strict departmental action against him.

2. For the purpose of scrutinizing the conduct of the said officer with reference to the above allegations, Additional SP Lower Swat and DSP Legal Swat are appointed as Enquiry Officers.

3. The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused officer, record its findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

4. The accused officer shall join the proceedings on the date, time and place fixed by the enquiry officer.


  
District Police Officer  
Swat

No. 46 /PA dated Saidu Sharif the, 30/05/2022.

Copies of above to:-

1. Additional Superintendent of Police Lower, Swat and DSP Legal Swat for initiating proceeding against the accused Officer/ Official namely Computer Operator Muhammad Ali under Police Rules, 1975.
2. Computer Operator Muhammad Ali.  
With the direction to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer for the purpose of enquiry proceeding.

\*\*\*\*\*

Attested  


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Amman 3/3

جناب عالی!


بحوالہ مشمولہ چارج شیٹ نمبر PA/44 مورخہ 2022-05-30 بجاریہ جناب DPO صاحب سوات معروض

ہوں کہ سائیل دفتر میسنر پرسن اور OG/PG میں بحیثیت انچارج ڈیوٹی سرانجام دے رہا ہے۔ اور اپنا ڈیوٹی اچھی طریقے سے نبھاتا رہا ہے۔ جہاں تک چارج شیٹ میں مختلف آیام میں ڈیوٹی سے غیر حاضری کا تعلق ہے۔ تو اس بارے میں عرض ہے کہ ان دنوں سائیل غیر حاضر نہیں ہوا ہے۔ بلکہ باقاعدہ ڈیوٹی کیے ہے۔ بائیومیٹرک پرائیوٹ نہیں لگایا ہے۔ مگر کبھی انگوٹھ صحیح لگتا اور کبھی نہیں۔ مگر سائیل کو اس کا ریپانس ملا ہے۔ مجھے یہ معلوم نہیں کہ انگوٹھا لگ گیا یا نہ۔ جہاں کئی ایک دن بوجہ بیماری خود بغرض علاج معالجہ قریبی ہسپتال چلا گیا ہوں۔ ہو سکیں ان دنوں بائیومیٹرک نہیں کیا ہو۔ اس طرح میں نے متعلقہ اہلکار دفتر کو کئی بار کیا ہے۔ کہ فنگر پرنٹ کے بجائے میرا Face Detect کیا کرانا کہ یہی مسئلہ نہ ہو۔ چونکہ اب سائیل کو چارج شیٹ جاری ہو چکا ہے۔ اور سائیل سے جواب طلبی کیا گیا ہے۔ اس سلسلہ میں مذید عرض ہے۔ کہ سائیل مستقبل میں ایک اچھا پولیس آفسر بننا چاہتا ہے۔ اور یہی چارج شیٹ سائیل کے روشن مستقبل کے سامنے رکاز ڈٹ کا باعث بن سکتا ہے۔

\_\_\_\_\_ لہذا استدعا ہے کہ اس بار معافی دیجادے آئندہ محتاط رہوں گا اور چارج شیٹ بلا مذید

کاروائی داخل دفتر فرمایا جاوے، مہربانی ہوگی۔

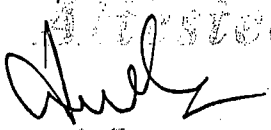
الارض

  
محمد علی خان (کمپیوٹر اپریٹر)

انچارج میسنر پرسن / OG/PG

DPO صاحب آفس سوات

مورخہ: 07-06-2022

  
Amman



SAIDU GROUP OF TEACHING HOSPITALS  
SAIDU SHARIF SWAT

Ph. 0946-9240126-27 Email: mssthsawat@yahoo.com

CASUALTY/TRAUMA UNIT

Name: علی احمد S/D/W: \_\_\_\_\_

Gender: M Age: 40 Address: چشمگیر

Yearly No: 19960 Department: \_\_\_\_\_ Date: 13 MAY 2022

Complaints:

لوose motion Diarrhea

Fever

Dermatological  
problem

Physical Examination:

Abd. soft N/A  
Dehydration

Investigations:

CBC EMP  
urine R/E

Provisional Diagnosis:

Tab. Norfloxacin 500mg  
QID

Tab. Colospas  
QID

Tab. Telegram albumin  
QID

Tab. E 800mg  
QID

Complete Bed Rest in (3) days  
at home.

Follow up: \_\_\_\_\_ Doctor Name: \_\_\_\_\_

Medical Officer  
Saidu Teaching Hospital  
Signature: [Signature]

Attested  
[Signature]  
Advocate



**SAIDU GROUP OF TEACHING HOSPITALS  
SAIDU SHARIF SWAT**

Ph. 0946-9240126-27 Email: [mssthswat@yahoo.com](mailto:mssthswat@yahoo.com)

**CASUALTY/TRAUMA UNIT**

12

Name: M. Ali S/D/W: \_\_\_\_\_

Gender: \_\_\_\_\_ Age: \_\_\_\_\_ Address: \_\_\_\_\_

Yearly No: 55051 Department: \_\_\_\_\_ Date: 14 FEB 2024

Complaints:

*AMI*

*Rx*

*Vib 2 mg in*

Physical Examination:

*Advised bed rest for 24 hrs.*

Investigations:

*[Signature]*  
Dr. Mohammad Iqbal  
DMC  
Saidu Teaching Hospital  
District Swat

Provisional Diagnosis:

Follow up: \_\_\_\_\_ Doctor Name: \_\_\_\_\_ Signature: \_\_\_\_\_

*Attested*  
*[Signature]*  
*Advocate*



SKIN LASER

& Hair Transplant Clinic

MUHAMMAD ALI

(13)

Dr. Insan Uddin

MBBS (Khyber Medical College)  
Fellowship in Skin Laser and Cutaneous Surgery (Thailand)

394401

29-12-2017

PDE

Handwritten Urdu text:  $\frac{1}{2}$  (u 10) ...

- Tab. Amoxicillin

- Tab. Deltacortril Somp

Handwritten Urdu text: ... 2+2

- Tab. Deltacortril Somp

Handwritten Urdu text: ... D.D

- cortivale-M. ointment

Handwritten Urdu text in a box: ...  
Caption: لوہ  
Caption: سٹین  
Caption: 10-01-2018  
Caption: OT MR

- Bactroban ointment

- Tab. Dvim. C

Contact: 0946-711899 0340-6352289 0334-9405599	www.careskin.info	Near Old Nadra Office Opposite to City Medical Complex, Saidu Sharif, Swat
--	-------------------	--

Handwritten signature and date: 29/12/17





Respected Sir,

It is submitted that I have a Paper B.A Examination (scheduled to be held) on 17/05/2022, 19/05/2022 and 02/06/2022 for which I need leave for paper days.

It is, therefore, requested that I may kindly be granted paper day casual leave and obliged.

Yours obediently,



Muhammad Ali Khan CO  
DPO Office, Swat  
Dated 16/05/2022

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Handwritten notes and signature in the right margin.

16

*Respected Sir,*

It is submitted that my sister is ill I going to Peshawar for treatment which I need one day leave.

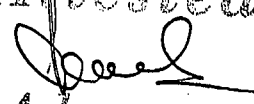
It is, therefore, requested that I may kindly be granted one day leave on 30/05/2022 and obliged.

Yours obediently,



Muhammad Ali Khan C.O  
DPO Office, Swat.  
Dated 30/05/2022

Allowed  
[Signature]  
30-5-22

*Attested*  
  
*Advocate*

(17)

جناب عالی!

گزارش تھیلہ سائل کی کیفیت اجازت OG و PG اور MPC تعینات ہے۔ سائل کے فنڈ پرینٹ میں کوئی مسئلہ ہے جسکی وجہ سے بائیومیٹرک سسٹم پر تصرف نہیں ہوتی اور سائل اس وجہ سے غیر حاضر تصور ہوتا ہے اور مشکلات کا سامنا ہوتا ہے۔

بذریعہ درخواست استرجاع تھیلہ سائل کے مشکلات کو منظر رکھو۔ بیوے بائیومیٹرک پر نشان انگشت کے متبادل ذریعہ بیو یا آنکھوں سے پیمانے ڈالنے کی اجازت فرمائی جائے۔

الحارصی

محمد علی انجارج OG و PG - MPC

دفتر حجاب - DPO صاحب

مورفہ 8/6/2022

Attested  
Abul  
Advocate

From The District Police Officer  
Swat

To: The Regional Police Officer  
Malakand Region

No. 14323 /15,

Dated Saidu Sharif the 28.09.2022

Subject: APPEAL

Memorandum:

Kindly refer to Region office lndst: No. 10010/15 dated 20/09/2022 on the subject noted above.

1. Brief facts of the case are that Computer Operator Muhammad Ali while posted as Incharge OG/PG and Missing Person Branch remained absent for 91 days i.e on 05/04/2022, 07/04/2022, 11/04/2022 to 13/04/2022, 15/04/2022, 19/04/2022 to 09/05/2022 and w.e.f 11/05/2022 up dismissal from service which warrant strict departmental action against him.

2. Consequently, he was issued charge sheet coupled with statement of allegations and Additional SP Lower Swat, DSP Legal Swat and Office Superintendent were appointed as Enquiry Officers to conduct proper Departmental Enquiry against him. The Enquiry Officers conducted proper departmental enquiry against the above named delinquent Computer Operator, and recorded statements of all concerned. The Enquiry Officers have provided ample opportunity to the delinquent Computer Operator to defend the charges leveled against him. After conducting proper departmental enquiry, the Enquiry Officers submitted his findings report wherein they intimated that having gone through the available record of biometric system and after personnel hearing of Computer Operator Muhammad Ali, the enquiry committee reached to the conclusion that he was posted as Incharge OG/PG and missing person Branch on dated 14/10/2021 and remained absent for 91 days as proved and available records. It reflects that the delinquent computer operator Muhammad Ali is a habitual absentee and did not take keen interest in the performance of his lawful duty. The allegations leveled against him were proved during course of enquiry in light of available record. Further the Enquiry Officers stated that the delinquent Computer Operator Muhammad Ali is no more interested in his job. The Enquiry Officer recommended him for major punishment.

3. Being found guilty of the charges leveled against him the delinquent Computer Operator was awarded major punishment of dismissal from service vide OB No. 126 dated 13/09/2022.

Submitted for perusal and appropriate order, please.

District Police Officer

Swat

0150946-9240093



ADDITIONAL SUPERINTENDENT OF POLICE  
LOWER SWAT  
PIF-0946-9240251



No 347718

Dated Saidu Sharif the 10/10/2022

To: The District Police Officer,  
Swat

Subject: ENQUIRY AGAINST COMPUTER OPERATOR MUHAMMAD ALI I/C  
OG/PG.

Memo:

Kindly refer to charge sheets No.44/PA dated 30-05-2022 on the subject cited above.

**Allegations:** As per allegations, the computer Operator Muhammad Ali remained absent w.e.f 01-04-2022 till now as per biometric verification.

**PROCEEDINGS:** Proper enquiry was initiated against the delinquent computer operator namely Muhammad Ali he was called by the enquiry committee an ample opportunity was given to the delinquent and his statement was recorded. Accordingly wherein he stated that he attended the office on daily basis by using biometric device but due to some fault in the device no result was shown to him, however during illness, he did not able to attend the office remained absent from duty on those days (statement attached).

Furthermore, the record of biometric device for 40 days was also obtained according to which, the delinquent computer operator remained absent for (51) days, which is also enclosed for your kind perusal.

**FINDINGS:** Having gone through the available record of biometric and after personal hearing of computer operator Muhammad Ali, the enquiry committee reached to the conclusion that he was posted as incharge OG/PG and missing person Branch on dated 14-10-2021 and remained absent for 91 days as, proved from available record. It reflects that the delinquent computer operator Muhammad Ali is a habitual absentee, and did not take keen interest in the performance of his lawful duty. The allegations leveled against him is proved during course of enquiring in light of available record. Therefore, we the enquiring committee are of the view that the delinquent computer operator Muhammad Ali remained absent without prior leave permission from high ups and absent from duty for total 91 days which a gross misconduct the delinquent official is still absent and dispute of enquiry initiated against him, he did bother to report for his duties. This act of delinquent official speaks him disinterest discharging his official duties. In light of above facts and circumstances, the members of enquiry committee reached to the conclusion that delinquent official computer operator Muhammad Ali is no more interest to carry on his job, therefore, the committee unanimously recommended him for major punishment submitted approved, please.

Enclose:(12)

Attested

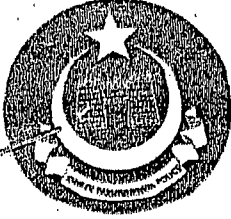
*[Signature]*

Advocate

Addl: Superintendent of Police,  
Lower Swat

*[Signature]*  
DSP/Legal, Swat

*[Signature]*  
Officer...



OFFICE OF THE  
DISTRICT POLICE OFFICER, SWAT  
Ph: 0946-9240393 & Fax No. 0946-9240402  
Email: [dposwat@gmail.com](mailto:dposwat@gmail.com)

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**ORDER**

This order will dispose of the departmental enquiry conducted against Computer Operator Muhammad Ali that on 23/05/2022 the undersigned checked the Biometric Attendance System of this office. It was found that he Computer Operator Muhammad Ali was absent on 05/04/2022, 07/04/2022, 11/04/2022 to 13/04/2022, 15/04/2022, 19/04/2022 to 09/05/2022 and w.e.f 11/05/2022 up till now. Which warrant strict departmental action against him.

He was issued charge sheet coupled with statement of allegations vide this office No. 26/PA, dated 08/03/2022 and Charge Sheet No. 44/PA dated 30-05-2022 and Additional SP Lower, Swat, DSP Legal Swat and Office Superintendent were appointed as Enquiry Officers to conduct proper Departmental Enquiry against him. The Enquiry Officers conducted proper departmental enquiry against the above named delinquent Computer Operator, and recorded statements of all concerned. The Enquiry Officer has provided ample opportunity to the delinquent Computer Operator to defend the charges leveled against him. After conducting proper departmental enquiry, the Enquiry Officers submitted his findings report wherein he intimated that having gone through the available record of biometric system and after personnel hearing of computer operator Muhammad Ali, the enquiry committee reached to the conclusion that he was posted as Incharge OG/PG and missing person Branch on dated 14/10/2021 and remained absent for 91 days as proved and available record. It reflects that the delinquent computer operator Muhammad Ali is a habitual absentee, and did not take keen interest in the performance of his lawful duty. The allegation leveled against him is proved during course of enquiry in light of available record. Further the Enquiry Officers stated that the delinquent Computer Operator Muhammad Ali is no more interest to carry on his job. The Enquiry Officer recommended him for major punishment.

Foregoing in view, the undersigned is of considered opinion that there are no chances that Computer Operator Muhammad Ali will become an efficient Police Official. His further retention in service is bound to affect the discipline of the entire force. Therefore, I, **ZAHID NAWAZ MARWAT, PSP** District Police Officer, Swat as a competent authority under Khyber Pakhtunkhwa efficiency and disciplinary rules 1973, amended in 2011 am agreed with finding report of the enquiry officers to award him Major punishment of Dismissal from service from the date of absence i.e 11-05-2022. While the absence period be treated as leave without pay.

Order announced.

Attested  
*[Signature]*  
Advocate

District Police Officer  
Swat

O.B. No. 126  
Dated 13/09/2022.

\*\*\*\*\*  
**OFFICE OF THE DISTRICT POLICE OFFICER SWAT**

No. \_\_\_\_\_/PA, dated Saidu Sharif the, \_\_\_\_\_/2022.

Copy to the;

- 1) Pay Officer, Swat.

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*Handwritten initials and a circular stamp.*

**BEFORE THE REGIONAL POLICE OFFICER MALAKAND RANGE, AT SAIDU SHARIF SWAT**

Muhammad Ali Ex-Computer Operator. ....Appellant

**VERSUS**

The District Police Officer District Swat. ....Respondent

Subject: **Departmental appeal against the order O.B. No. 126 dated 13-09-2022 of dismissal from service.**

Respected Sir,

*No 10010 / E  
Date 20-9-22*

*Ex/ops Swat  
for official  
Committee aulaywall  
Engi say Aulaywall*

Office Supdt:  
For: Regional Police Officer  
Malakand, at Saidu Sharif Swat

*20-9-22*

The Appellant submits as under;


1. That the Appellant joined the Police Force back in the year 2009 when whole of the Swat was under Tehrik Taliban Pakistan and no government writ was there.
2. That the Appellant performed his duties most efficiently with courage and regularly and not absented for a single day.
3. That due to the hard work and devotion the Appellant has got many good and excellent entries in his service record and that not a single bad entry is present in the complete record of the Appellant.
4. That the Appellant is regularly performing his duties and not a one day absence is present in the complete record.
5. That the Appellant dismissed from service on wrong and incorrect basis because <sup>that</sup> I never made a single absentee.
6. That the biometric system is not reading the Appellant fingerprint and I wrote many applications to change the system to eye reading. It was changed for a little time but again was removed and I was not given a reason.
7. That the inquiry is also not according to law and rules and I have been kept uninformed of the whole process.

*Attended  
Date*




- 8. That the order of dismissal from service is illegal and I was issued charge sheet only and was not given any personal hearing.
- 9. That the order of dismissal is worth cancelation because it is against the law and the rules.
- 10. That I may be humbly given the chance of personal hearing.

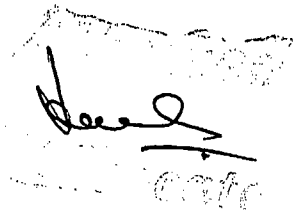
It is, therefore, very humbly requested that on acceptance of this departmental appeal the order of dismissal may be set aside and the Appellant reinstated back into service with all back benefits.

Appellant  
  
Muhammad Ali  
20/9/2022

Affidavit:

It is solemnly stated on oath that all the contents of this departmental appeal are true and correct to the best of my knowledge and belief.

Deponent  
  
Muhammad Ali







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OFFICE OF THE <sup>Annexure</sup>  
REGIONAL POLICE OFFICER, MALAKAND  
AT SAIDU SHARIF SWAT.  
Ph: 0946-9240388 & Fax No. 0946-9240390  
Email: ebmalakandregion@gmail.com

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**ORDER**

This order will dispose of appeal of Ex-Computer Operator Muhammad Ali (BPS-16) of Swat District in connection with major punishment awarded by the District Police Officer, Swat vide OB No.126, dated 13-09-2022, i.e. dismissal from service.

Brief facts of the case are that Ex-Computer Operator Muhammad Ali of Swat District while posted as Incharge OG/PG and Missing Persons Branch remained absent for 91 days i.e. on 05/04/2022, 07/04/2022, from 11/04/2022 to 13/04/2022, 15/04/2022, from 19/04/2022 to 09/05/2022 and w.e.f. 11/05/2022 up to dismissal from service which warrant strict departmental action against him. Consequently, he was issued charge sheet coupled with statement of allegations and Additional SP Lower Swat, DSP Legal Swat and Office Superintendent were appointed as Enquiry Officers to conduct proper Departmental Enquiry against him. The Enquiry Officers conduct proper Departmental Enquiry against the above named delinquent Computer Operator, and recorded statements of all concerned. The Enquiry Officers have provided ample opportunity to the delinquent Computer Operator to defend the charges leveled against him. After conducting proper departmental enquiry, the Enquiry Officers submitted their findings report wherein they intimated that having gone through the available record of biometric system and after personnel hearing of Computer Operator Muhammad Ali, the enquiry committee reached to the conclusion that he was posted as Incharge OG/PG and missing person Branch on dated 14/10/2021 and remained absent for 91 days as proved and available record. It reflects that the delinquent Computer Operator Muhammad Ali is a habitual absentee, and did not take keen interest in the performance of his lawful duty. The allegations leveled against him were proved during course of enquiry in light of available record. Further the Enquiry Officers stated that the delinquent Computer Operator Muhammad Ali is no more interested in his job. The Enquiry Officer recommended him for major punishment. Being found guilty of the charges leveled against him, the District Police Officer, Swat awarded him major punishment of dismissal from service vide OB No.126 dated 13/09/2022.

The appellant appeared before the undersigned and heard him in person. The appellant explained his innocence into the matter, therefore, taking a lenient view, his appeal is accepted and re-instated into service. Punishment awarded by the District Police Officer, Swat i.e. Dismissal from service is converted into "Forfeiture of Three (03) years approved service". While the period of absence as well as intervening period are treated as leave without pay.

No. 11778 /E.

Dated 22-10 /2022.

*F. Akbar*  
Regional Police Officer,  
Malakand Region Swat

Copy to the District Police Officer, Swat for information and necessary action with reference to his office Memo: No.14323/E, dated 28-09-2022 and No.10847/E, dated 04-10-2022.

*Attested*  
*Advocate*

(24)

(23)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

In the matter of:-

Muhammad Ali Appellant

VERSUS

Gouto G.P. Police Respondents

KNOWN ALL to whom these present shall come that I/we, the undersigned appoint

AZIZ-UR-RAHMAN and IMDAD ULLAH

Advocates High Court

To be the advocate for the Aedhand in the above mentioned case to do all the following acts, deeds and things or any one of them, that is to say:-

- ❖ To acts, appear and plead in the above mentioned case in this court or any other Court in which the same may be tried or heard in the first instance or in appeal or review or revision or execution or at any other stage of its progress until its final decision.
- ❖ To present pleadings, appeals, cross objections or petitions for execution review, revision, withdrawal, compromise or other petition or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of the said case in all its stages.
- ❖ To withdraw or compromise the said or submit to arbitration any difference or dispute that shall arise touching or in any manner relating to the said case.
- ❖ To receive money and grant receipts therefore, and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.
- ❖ To employ any other Legal Practitioner authorizing him to exercise the power and authorities hereby conferred on the Advocate wherever he may think fit to do so.
- ❖ I understand that the services of aforesaid lawyer are hired irrespective of the outcome of the case.

And I/We hereby agreed to ratify whatever the advocate or his substitute shall to do in the said premises.

And I/We hereby agree not to hold the Advocate or his substitute responsible for the result of the said case in consequences of his absence from the Court when the said case is called up for hearing.

And I/We hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the Advocate remaining unpaid, the Advocate shall be entitled to withdraw from the prosecution of the case until the same is paid.

IN THE WITNESS WHEREOF I/WE hereunto set my/our hand(s) to these present the contents of which have been explained to and understood by me/us, this 22 day of 10 2022

\_\_\_\_\_  
(Signature or thumb impression)

[Signature]  
(Signature or thumb impression)

\_\_\_\_\_  
(Signature or thumb impression)

Accepted subject to terms regarding fees

(AZIZ-UR-RAHMAN)

Advocate High Court

Office: Khan Plaza, Gulshone Chowk

G.T. Road Mingora, District Swat.

Cell No. 0300 907 0671

[Signature]  
(IMDAD ULLAH)

Advocate High Court

Office: Khan Plaza, Gulshone Chowk,

G.T. Road, Mingora, District Swat