

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR
AT CAMP COURT ABBOTTABAD.

Service Appeal No. 9614/2020

Date of Institution ... 15.10.2019

Date of Decision ... 21.07.2022

Muhammad Sarfaraz Ex-Constable No. 468, R/O Kakmangh Tehsil
& District Abbottabad.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Home &
Tribal Affairs Peshawar and three others.

... (Respondents)

MR. ZULFIQAR AHMAD,
Advocate

--- For appellant.

MR. KABIRULLAH KHATTAK,
Additional Advocate General

--- For respondents.

MR. KALIM ARSHAD KHAN
MR. SALAH-UD-DIN

--- CHAIRMAN
--- MEMBER (JUDICIAL)

JUDGMENT:

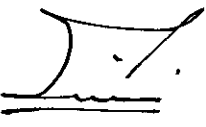
SALAH-UD-DIN, MEMBER:- Shortly stated the facts giving rise to filing of the instant service appeal are that departmental action was taken against the appellant on the ground of his absence from duty. On conclusion of the inquiry, the appellant was awarded major penalty of dismissal from service vide order dated 31.01.2018 passed by District Police Officer Abbottabad. The departmental appeal of the appellant was also filed vide order dated 09.03.2018 passed by ^{the} Regional Police Officer Hazara Region Abbottabad. The appellant then submitted Revision Petition, which was allowed by ^{the} Regional Police Officer Hazara Region Abbottabad vide order dated 21.06.2018 and the penalty of dismissal from



service was converted into minor punishment of censure, however no order was passed regarding the period of his absence from duty as well as the period during which the appellant remained out of service on account of his dismissal from service. The appellant then submitted a petition, requesting therein that he may be paid the salaries for the period during which he remained out of service on account of his dismissal from service. The petition of the appellant was dismissed vide order dated 20.12.2018 issued from the office of Inspector General of Police Khyber Pakhtunkhwa Peshawar, hence the instant service appeal.

2. Respondents failed to submit reply/comments, despite several opportunities being granted to them, therefore, their right of submission of reply/comments was struck off vide order dated 20.12.2021.

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


4. A perusal of the record would show that the appellant was not exonerated from the allegations leveled against him, rather the Regional Police Officer Hazara Region Abbottabad had converted the penalty of dismissal from service into minor penalty of censure. The appellant has not challenged the said penalty and is only seeking the relief that he may be paid the salaries for the period of his absence from duty as well as for the period during which he remained out of service on account of his dismissal. The penalty of censure awarded to the appellant is still intact and has not been challenged by the appellant, therefore, his request for payment of salaries for the period of his absence as well as for the period during which he remained out of service, is legally not tenable. While going through the order dated 21.06.2018 passed by Regional Police Officer Hazara Region Abbottabad as well as order dated 20.12.2018 issued from the office of Inspector General of Police Khyber Pakhtunkhwa Peshawar, we have observed that nothing has been mentioned therein as to how the period of absence as well as

the period during which the appellant remained out of service shall be treated.

5. In view of the above discussion, it is held that the appellant is not entitled to the salaries for the period during which he either remained absent or remained out of service. However in order to bridge up the service gap of the appellant, the period of his absence from duty as well as the period during which he remained out of service may be treated as extra-ordinary leave without pay. The appeal in hand is disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
21.07.2022



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



(KALIM ARSHAD KHAN)
CHAIRMAN
CAMP COURT ABBOTTABAD

O R D E R
21.07.2022

Appellant alongwith his counsel present. Mr. Shamraiz Khan, ASI alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, it is held that the appellant is not entitled to the salaries for the period during which he either remained absent or remained out of service. However in order to bridge up the service gape of the appellant, the period of his absence from duty as well as the period during which he remained out of service may be treated as extra-ordinary leave without pay. The appeal in hand is disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
21.07.2022



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad



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


16.02.2022 Due to retirement of the Hon'ble Chairman, the Tribunal is defunct, therefore, the case is adjourned for the same on 19.05.2022.


Reader

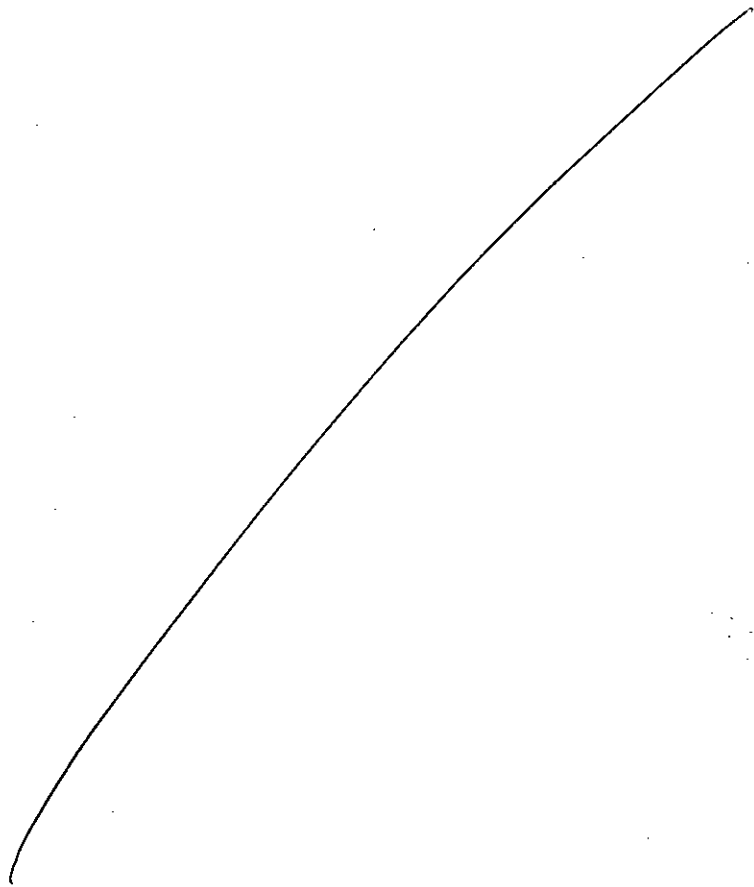
19.05.2022 Learned counsel for the appellant present. Syed Naseer Ud Din, Assistant Advocate General for respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not prepared the brief. To come up for arguments before D.B on 21.07.2022 at camp court Abbottabad.




(Fareeha Paul)
Member(E)

(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad



20.12.2021

Clerk of learned counsel for the appellant present. Mr. Shamraiz Khan, ASI alongwith Mr. Riaz Ahmed Painsakhel, Assistant Advocate General for the respondents present.

Respondents have failed to submit their written reply/comments even today. Vide pervious order dated 27.09.2021 it was directed that the respondents shall positively submit reply/comments in office within 10 days, if the respondents have not submitted written reply/comments within the stipulated time, their right of submission of written reply/comments stands struck off. The right of submission of written reply/comments of respondents thus stands struck off. To come up for arguments on 16.02.2022 before the D.B at Camp Court Abbottabad.



(Salah-Ud-Din)
Member (J)

Camp Court Abbottabad

19.05.2021

Due to cancellation of tour, Bench is not available. Therefore, case to come up for the same as before on 27.09.2021.


Reader

27.09.2021

Counsel for the appellant and Mr. Muhammad Riaz Khan Paindakhel, Asstt AG alongwith Abid Hussain, H.C for the respondents present.

Representatives of the respondents seek further time to submit reply/comments. Request is accorded but as last chance. Respondents are directed to furnish written reply/comments in office within 10 days, positively. If the respondents have not submitted written reply/comments within the stipulated time, their rights of filing of reply/comments stands struck off and the case will be heard and decided on the basis of available record. Case to come up on 20.12.2021 before the D.B at Camp Court, Abbottabad.


Chairman
Camp Court, A/Abad

18.11.2020

Mr. Sardar Muhammad Azeem, Advocate, for appellant is present.

The epitome of what has been addressed at the bar is that in consequence of his dismissal from service, he was later on reinstated in service however, he has not been allowed the benefits of the intervening period, agitating the matter before the quarter concerned, having no positive result, he has come in the present service appeal.

The point so agitated at the bar needs consideration. The appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 16.02.2021 before S.B at Camp Court, Abbottabad.

Appellant Deposited
Security & Process Fee
6/12/20

(MUHAMMAD JAMAL KHAN)
MEMBER
CAMP COURT ABBOTTABAD

16.02.2021

Junior to counsel for the appellant present. Mr. Riaz Khan Paindakhel learned Asst. AG alongwith Mr. Shamraiz Khan ASI for respondents present.

Written reply/comments on behalf of respondents not submitted. Representative of respondents requested for time to submit reply/comments. Granted. To come up for reply/comments on 19.05.2021 before S.B at Camp Court. A/Abad.

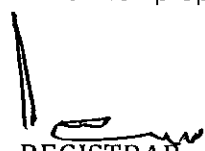
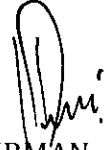
(Atiq-Ur-Rehman Wazir)
Member (E)
Camp Court, A/Abad

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 9614 /2020


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/08/2020	<p>The appeal of Mr. Muhammad Sarfaraz Khan resubmitted today by post through Mr. Zulfiqar Ahmad 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>18-11-2020</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

The appeal of Mr. Muhammad Sarfraz Ex-Constable no. 468 District A.Abad received today i.e. on 15.10.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Annexures of the appeal may be attested.
- ③ Copy of departmental appeal/revision petition against the impugned order dated 21.06.2018 mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- ④ Four more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

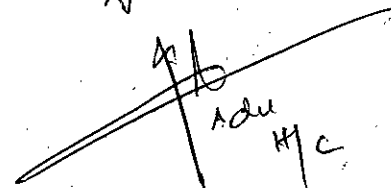
No. 1777 /S.T,

Dt. 17/10 /2019.

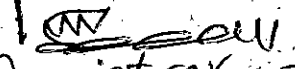

REGISTRAR -
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Zulfiqar Ahmad Adv.
High Court A.Abad

Sir,
Objection reviewed on 3/12/19
and removed objection.


Adm
H/C

The present appeal received to-day 10/12/19 by post-i.e. on 12-12-2019, objections No. 374 are still stand. Therefore, the same is returned again to the counsel for the appellant for completion and resubmission with 15 days.


Registrar -

NO. 2186 /S.T

⑮ days time dt. 13-12- /2019
further extended.

P.T.O


15/12/20

~~15 days time may be allowed for the same~~
~~15 days time may be allowed for the same~~
~~15 days time may be allowed for the same~~

Sir,

Compliance has been carried
out and may please be sent to
tribunal for further legal
proceeding.

~~_____~~
J/S
Sew

6

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTUN
KHWA PESHAWAR

Muhammad Sarfraz.

VERSUS


Government of KPK & Others


SERVICE APPEAL

INDEX

S. No.	Description	Annexure	Pages
1	Service Appeal with affidavit, Petition for condonation of delay with affidavit		1 To 5(A)
2	Copy of Dismissal order	"A"	6
3	Copy of departmental appeal	"B"	7
4	Copy of order passed by RPO	"C"	8
5	Copy of revision	"D"	9
6	Copy of order of setting aside dismissal from service	"E"	10
7	Copy of impugned order	"F"	11
8	Wakalatnama	"G"	12

Dated 04/04/2019


..... APPELLANT
Through


(ZULFIQAR AHMED)
Advocate High Court
Abbottabad

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTUN
KHWA PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

APPEAL NO. 9614

Diary No. 1457

Dated 15/10/2019

Muhammad Sarfraz Ex. Constable, No. 468 R/O
Kakmangh Tehsil & District Abbottabad.

... APPELLANT

VERSUS

Government of KPK through Secretary Home & TA
Peshawar.
Provincial Police Officer, KPK, Peshawar.
Regional Police Officer, Hazara Region, Abbottabad.
District Police Officer Abbottabad.

...RESPONDENTS

Right of sub-judicial
of party struck
off vide order
dt: 20/12/21
of respondent.

=====

APPEAL UNDER SECTION 4 OF SERVICE
TRIBUNAL ACT 1974 AGAINST THE ORDER OF
RESPONDENT # 2 DATED 20/12/2018 WHEREBY
THE PERIOD OF ALLEGED ABSENCE PERIOD AS
WELL AS THE PERIOD DURING WHICH THE
APPELLANT REMAIN OUT OF SERVICE WAS
NOT CONSIDERED AND DENIED SALARY WHICH
IS WITHOUT ANY PLAUSABLE EXPLANATION
ILLEGAL, VOID WITHOUT LAWFUL
AUTHORITY, WITHOUT JURISDICTION AND
SAME IS NOT TENABLE IN THE EYES OF LAW
AND ARE LIABLE TO BE SET ASIDE.

Filed to-day

[Signature]
Registrar
15/10/19

Re-submitted to-day
and filed.

[Signature]
Registrar
24/8/2021

PRAYER:- ON ACCEPTANCE OF INSTANT
APPEAL THE ORDER OF RESPONDENTS NO 2
MAY KINDLY BE SET ASIDE AND RESPONDENTS
BE DIRECTED TO RELEASE THE PAY FROM
9/11/2017 TO 21/06/2018 THE DATE WHEN THE
APPELLANT WAS RE-INSTATED IN SERVICE IN
ORDER TO MEET THE ENDS OF JUSTICE.

Respectfully Sheweth; -

The facts giving rise to the instant appeal are arrayed as under.

FACTS:-

1. That the appellant was recruited as Constable in police department when on 31/01/2018 he was dismissed from service vide letter No. 258-59/PA by the respondent No. 4 (DPO, Abbottabad). **(Copy of dismissal order is attached as "A")**.
2. That the departmental appeal was lodged to the RPO (Respondent No. 3) on 02/02/2018. **(Copy of departmental appeal is attached as "B")**.
3. That through an order No. 1041/PA dated 09/03/2018 the RPO filed the departmental appeal and found the dismissal order as genuine. **(Copy of order passed by RPO, is attached as "C")**.
4. That a revision petition was moved to the respondent No. 3. **(Copy of revision is attached as "D")**.
5. That the submission and revision petition was very kindly accepted by the respondent No. 3, who called the appellant in OR on 20/06/2018 and heard in person and the appellant explained his domestic problems, therefore, keeping in view the prolong service and contention of appellant, the respondent No. 3 by taking lenient vies set aside the punishment of dismissal from service and only awarded minor punishment of censure vide his office order No. 2774-A dated 21/06/2018, thereafter the appellant was taken back in service after about **7 Months and 12 days**. The order about period of alleged absence and the one consumed during the process till reinstatement could not be passed. Copy of the order was forwarded to respondent No. 4 for information and necessary action. **(Copy of order of setting aside dismissal from service is attached as "E")**.
6. That the appellant when asked the respondent No. 4 to release the pay of above mentioned period but was not acceded to and finally the respondent No. 2 through the impugned order No. S/ 4973-82/18 dated 20/12/2018 the matter of release of outstanding pay was decided in negative. **(Copy of the impugned order is attached as "F")**.

That feeling aggrieved the instant appeal inter alia on the following grounds:-

GROUNDS:

- a) That the order of denial of the out standing pay amount by respondent No. 2 is against the facts, law and circumstances of the case hence not tenable.
- b) That the respondent No. 3 while accepting and deciding the review petition has not denied the previous pay to the appellant and had directed / informed the respondent No. 4 for further necessary action, hence denial by the respondent No. 2 was never recommended by the respondent No. 3 for such an illegal order.
- c) That the review petition made to respondent No. 3 and the order to this effect is comprehensive where by the punishment of dismissal from service was set aside and only minor punishment of censure was made keeping in view the comprehensively appraising the explanation. submitted by the appellant and that is the reason that the passed salary of above mentioned period was not considered as without pay.
- d) That as the reviewing authority was satisfied that the absence of period of 74 days (which was made basis for dismissal order of the appellant) was fully explained in view of the circumstances faced by the appellant, therefore, no adverse order with regard to the previous pay and absence period was passed.
- e) That the order of respondent No. 2 is not having any force as have not been recommended by respondent No. 3, therefore, needs to be reversed as it has caused financial strains to the appellant was not even justified to be expelled from service.
- f) That the appeal of the Petitioner is competent and this Honorable tribunal has got jurisdiction in the matter.
- g) That further points will be submitted at the time of arguments.

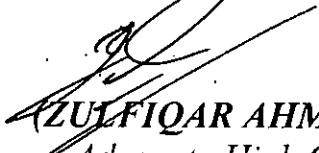
PRAYER:-

ON ACCEPTANCE OF INSTANT APPEAL
THE ORDER OF RESPONDENTS NO 2 MAY
KINDLY BE SET ASIDE AND
RESPONDENTS BE DIRECTED TO
RELEASE THE PAY FROM 9/11/2017 TO
21/06/2018 THE DATE WHEN THE
APPELLANT WAS RE-INSTATED IN
SERVICE IN ORDER TO MEET THE ENDS
OF JUSTICE.

Dated: 04/04/2019

Through


...APPELLANT


(ZULFIQAR AHMAD)
Advocate High Court
Abbottabad

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTUN
KHWA PESHAWAR

Muhammad Sarfraz

VERSUS

Government of KPK & Others

=====

SERVICE APPEAL

AFFIDAVIT

Muhammad Sarfraz Ex. Constable, No. 468, District Abbottabad.,
do hereby solemnly affirm and declare 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 therein. No such appeal is pending
an any other court.

Sarfraz
..DEPONENT

Dated 04/04/2019

Identified by -

Zulfiqar Ahmad
(ZULFIQAR AHMAD)
Advocate High Court
Abbottabad



5A

BEFORE THE SERVICES TRIBUNAL KHYBER
PAKHTUN KHWA, PESHAWAR

Muhammad Sarfraz **Versus** **Govt. of KPK & Others**
SERVICE APPEAL

PETITION FOR CONDONATION OF DELAY

Respectfully Sheweth; -


- That the titled appeal is pending hearing before this Honorable tribunal.
- That the delay if any was not intentional as the appeal has remained pending before the tribunal.
- That a huge loss to the appellant will be caused if the unintentional delay is not condoned as the impugned orders are against law and facts.

PRAYER

It is therefore most humbly prayed that on acceptance of instant petition delay may graciously be condoned in the best interest of justice.

...PETITIONER

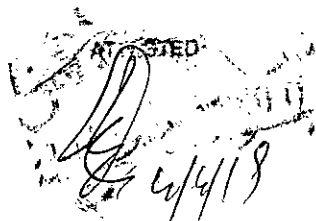
Dated: 04/04/2019

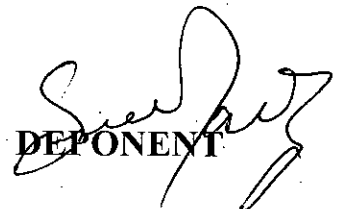
Through

(ZULFIQAR AHMAD)
Advocate High Court
Abbottabad

AFFIDAVIT

I, Muhammad Sarfraz Ex. Constable No. 468 R/O Kakmangh Tehsil & District Abbottabad, do hereby solemnly affirm and declare on oath that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein.

Dated: 04/04/2019


4/4/19


DEPONENT

جنور صاحب خان صاحب فوارہ روپم ایبٹ آباد

پہلے برائے بحالی سردرس

- 1 جناب صاحب
- 2 جناب صاحب اور ڈسٹریکٹ آرڈر نمبر 59-255 طرف 21/1/2018 جناب صاحب
- 3 ایبٹ آباد میں نوکری سے برخاستہ کرنا۔ جناب صاحب اور صاحب
- 4 میں جناب صاحب اور صاحب سے چھٹی لینے کو دفعہ پیشوں اور
- 5 اور تبدیلی پولیس لائن کے لئے یہاں پیش ہوئے۔
- 6 جناب صاحب اور صاحب نے نہ چھٹی دیا اور نہ ہی بیر ایبٹ آباد لکریا
- 7 جناب صاحب اور صاحب سے کارڈ لیا تھا۔ اور فوڈ بھی پہنچا تھا۔
- 8 پھر مکتوب رقم کارڈ لیا تھا۔ اور فوڈ بھی پہنچا تھا۔
- 9 چھٹی نہ ملنے کا پرہیز سے غیر عافریا عہدہ میں بلکہ بااثر چھوڑا
- 10 یا۔ غیر عافریا پر چھے سردرس سے لکھا دیا۔
- 11 میرا سردرس 11 گیارہ سال ہو چکا ہے۔
- 12 اور انہی بڑے سزاؤں کے قابل نہیں ہوں۔ میرا ایبٹ
- 13 اور میرا سے عورت بنایا جاو اور بحالی کا حکم صادر فرمایا

ایبٹ آباد 2/2/2018

468 بر فاسٹنڈہ
سزاؤں کے لئے
کتاب فوائز ایبٹ آباد

RAJANAR SUJAN
Registration & Licenses Section
By Licensee Name: RAJANAR SUJAN
Serial No: 22/2018
Fee Received: Rs. 1000/-
Sig: [Signature]

ORDER

ATTIESTED
ZULFIQAR AHMED
Advocate High Court Abbottabad

⑧

This order is hereby passed to dispose off departmental appeal under Rule 11-A of ~~Police Rules 1975~~ ~~Police Rules 1975~~ submitted by **Ex-Constable Sarfraz No:468** of ~~Abbottabad District~~ ~~Abbottabad District~~ against the order of punishment i.e. **Dismissal from Service** awarded by ~~DPO Abbottabad~~ ~~DPO Abbottabad~~ vide his Order No: 258-59/PA, dated 31.01.2018.

Facts leading to his punishment are that He while posted at PS Sherwan, ~~Abbottabad himself~~ ~~Abbottabad himself~~ vide DD No: 17 dated 09.11.2017 to 24.01.2018 (total 74 days).

After receiving his appeal, comments of DPO were obtained which were perused. The undersigned called him in OR on 07.03.2018 and heard in person. He failed to explain any plausible reason in his defence. From the perusal of record it appears that the appellant has been dismissed from service on three occasions, and is habitual ~~delinquent~~ ~~delinquent~~ who is not taking keen interest in the performance of duty. Therefore the punishment awarded to him by the DPO Abbottabad i.e. **Dismissal from service** seems to be genuine, ~~and hence~~ ~~and hence~~ his appeal is **filed**.

[Signature]
REGIONAL POLICE OFFICER
Hazara Region Abbottabad

1041 /PA Dated Abbottabad the 09/3 /2018.

Copy of above is forwarded to the DPO Abbottabad w/r to his Memo: No: 493/ ~~21.02.2018~~ ~~21.02.2018~~ for information and necessary action.

Fauji Missal containing enquiry file is returned for your office record.

[Signature]
REGIONAL POLICE OFFICER
Hazara Region Abbottabad

Granted
11/3/18
EA/PA/OASI
FWS N/A
2
DPO/Alid
12/03

OFFICE OF DISTRICT POLICE OFFICER
By No 33011
Date 14.3.2018
Abbottabad

To:

The Regional Police Officer,
Hazara Region, Abbottabad.

Subject: -

REVISION OF PETITION.

R/Sir,

It is to bring into your kind notice that I have been awarded punishment of dismissal from service by the District Police Officer, Abbottabad vide order Endst: No. 1041/PA, dated 09-03-2018 on the following charges:-

"While posted at Police Station Sherwan absented vide DD No. 13, dated 09-11-2017 to 31-01-2018 (53 days) without any leave o permission".

In this connection it is submitted that:-


1. I appeared before the District Police Officer, Abbottabad for grant of leave at 02 occasions and transfer to Police Lines but my both the requests were thrown down.
2. I was fell ill of typhoid disease for which I have also submitted medical certificates for 25 days (photo copies are attached).
3. Secondly, my wife also fell ill whose operation garlic was held in DHQ, Abbottabad, whose photocopies medical certificates/prescription are also attached.
4. Despite my verification made through Mr. Amjad Khan, DSP (enquiry officer) I was ignored of my genuine requests.
5. The enquiry officer after satisfaction has recommended for grant of medical leave of the period for which I submitted medical certificates and for the remaining period leave without pay. This recommendation of enquiry officer was also turned down by the DPO Sahib.

Sir,

Keeping in view my above mentioned submissions I may kindly be re-instated in service.

I shall pray for your long life and prosperity please.

Yours Obediently,


(Muhammad Sarfraz)
Ex -Constable, No. 468,
District Abbottabad.

ORDER

ATTESTED
ZULFIKAR AHMED
Advocate High Court Abbottabad

10

This order is hereby passed to dispose off departmental review/ mercy petition under Rule 11-A of Khyber Pakhtunkhwa Police Rules 1975 submitted by *Ex. Constable Sarfaraz No. 468* Abbottabad District against the order of punishment i.e. "*Dismissal from service*" awarded to him by the DPO Abbottabad vide order No. 258-59PA dated 31.01.2018 and the undersigned filed his appeal vide this office Order Endst: No: 1041/PA, dated 09.03.2018.

Facts leading to punishment are that he while posted at PS Sherwan absented himself vide DD No. 17 dated 09.11.2017 to 24.01.2018 (total 74 days).

After receiving his review/mercy petition, the undersigned called appellant in O.R on 20.06.2018 and heard in person where he explained his domestic financial problems and he also belongs to a poor family. He further promised that in future he will give no chance of complain to his superior officers. Therefore, keeping in view his this contention and prolonged service, being only the source of income of his family, I take lenient view and punishment awarded to him by the DPO Abbottabad of i.e. "*Dismissal from service*" is set aside and he is awarded minor punishment of **Censure**. However, he is also reprimanded with a warning to be careful in future.

REGIONAL POLICE OFFICER
Hazara Region Abbottabad

No.

2774-A
/PA Dated Abbottabad the

21.6.

/2018.

Copy of above is forwarded to the District Police Officer, Abbottabad for information and necessary action.

REGIONAL POLICE OFFICER
Hazara Region Abbottabad

بجسور جناب ریجنل پولیس آفیسر صاحب، ہزارہ ریجن ایبٹ آباد۔

جناب عالی!

۱۔ یہ کہ سائل مسمی محمد سرفراز کنسٹیبل نمبر 468 کو بحوالہ آرڈر نمبری 258-59PA مورخہ 31-01-2018 جناب DPO صاحب ایبٹ آباد نے نوکری سے برخاست کر دیا تھا۔

۲۔ یہ کہ سائل کی اپیل پر جناب RPO صاحب ہزارہ نے بحوالہ آرڈر نمبر 2774-A/PA مورخہ 21-06-2018 کو IDPO ایبٹ آباد کے متذکرہ بالا حکم نامہ کو Set aside کر کے سائل کو نوکری پر بحال فرما دیا تھا۔ بحالی کے بعد ماہ جولائی سے تنخواہ جاری ہو گئی لیکن عرصہ برخاستگی کی تنخواہ سائل کو ابھی تک نہیں دی گئی۔ (آرڈر کی فوٹو کاپی لف ہے)

۳۔ یہ کہ سائل ایک غریب، کم تنخواہ دار پولیس ملازم ہے، ضعیف العمر والدین اور چھوٹے چھوٹے بچوں کی ذمہ داری سائل کے کمزور کندھے پر ہے۔ سائل نے دوران برخاستگی اپنے رشتہ داروں سے قرض ادھار لیکر وقت گزارا اور والدین اور بیوی بچوں کی کفالت کی ذمہ داری پوری کی اور اس عرصہ میں سائل مبلغ چھ لاکھ کا مقروض ہو گیا ہے۔

۴۔ یہ کہ سائل کی اس قلیل ماہانہ تنخواہ سے بمشکل گھر کے اخراجات پورے ہوتے ہیں۔

لہذا گزارش کی جاتی ہے کہ سائل کو عرصہ برخاستگی کی پوری تنخواہیں ادا کرنے کا حکم صادر فرمائیں، سائل اور پورا خاندان جناب کی درازی عمر و بلند مقامی کیلئے دعا گو ہوگا۔

المرقوم:- 03-10-2018

الارض

محمد سرفراز ولد محمد عجب

کنسٹیبل نمبر 468 حال متعینہ پولیس لائن ایبٹ آباد۔

رابطہ نمبر:- 0316-9204688

KHYBER PAKHTUNKHWA
PESHAWAR.

No. SI/ 4975

/18, dated Peshawar the 20/12/2018.

ORDER

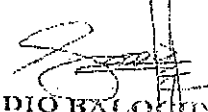
This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Constable Sarfaraz No. 468.

The brief, yet relevant, facts of the case are that the above named official was dismissed from service by District Police Officer, Abbottabad vide order Endst: No. 258-59/PA, dated 31.01.2018 on the charge of absence from duty w.e.f 09.11.2017 to 24.01.2018 for a period 74 days. He preferred appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules 1975 to Regional Police Officer, Hazara which was filed vide order Endst: No. 041/PA, dated 09.03.2018. He again preferred appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules 1975 to Regional Police Officer, Hazara. Regional Police Officer, Hazara set aside his punishment of dismissal from service and awarded him minor punishment of censure and he was also reprimanded with a warning to be careful in future vide order Endst: No. 2774-A/PA, dated 21.06.2018. His period of absence i.e. 74-days & the period during which he remained out of service was not decided to either treated with or without pay.

Meeting of Appellate Board was held on 13.12.2018 wherein petitioner was heard in person. During hearing petitioner contended that his absence was not deliberate but his wife was ill.

Petitioner failed to advance any plausible explanation in rebuttal of the charges. He has earned 15 had entries during his short service. Therefore, the Board decided that his petition is hereby rejected.

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


(SADIQ BAITOKITI) PSF
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

No. SI/ 4974-02/18.

Copy of the above is forwarded to the:

1. Regional Police Officer, Hazara at Abbottabad.
2. District Police Officer, Abbottabad. Service Record and Fauji Missal alongwith copy of enquiry file of the above named Constable received vide your office Memo: No. 6236, dated 03.12.2018 is returned herewith for your office record.
3. PSO to ICP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/IQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/IQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

Handwritten notes and signatures on the right margin, including a large '11' in a circle at the top and various scribbles below.

وکالت نامہ

کورٹ فیس

بعدالت لہذا سرکل ٹریڈ منسٹر اور گورنمنٹ کورٹ آف ایپل اہمار

عنوان: سرفراز بنام گورنمنٹ

منجانب: اسپیکر سنٹ

نوعیت مقدمہ: سرکل آف ایپل

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دی کل کاروائی متعلقہ آن مقام

سردار محمد عظیم ایڈووکیٹ اہمار

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف دینے اقبال دعویٰ اور بصورت دیگر ڈگری

کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت

ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی

بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا

ساختہ پر داختمہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے

مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا

حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں

کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد

استجارت نالاش بصیغہ مفلسی کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کیا تاکہ سند رہے۔

198 - 11 - 20

Accepted
Sardar Muhammad
Azeem
Advocate Abbottabad

بمقام: اے ایم اے