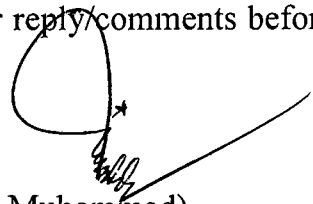


27.09.2022

Clerk of learned counsel for the appellant present. Mr. Naseer-Ud-Din Shah, Assistant Advocate General alongwith Mr. Yaqoob, H.C for the respondents present.

Reply/comments on behalf of respondents not submitted. Representative of the respondents requested for time to submit reply/comments. Adjourned. To come up for reply/comments before the S.B on 09.11.2022.




(Mian Muhammad)
Member (E)

06th July, 2022

Counsel for the appellant present and heard.

The appeal is within time which is admitted to full hearing. The appellant is directed to deposit security and process fee within 10 days. Out district respondents be summoned through TCS, the expenses of which be deposited by the appellant within three days. To come up for written reply/comments on 01.09.2022 before the S.B.


Rs-100/-
Appellant Deposited
Security & Process Fee


Chairman

01.09.2022

Clerk to counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Farooq Khan, DSP for the respondents present.

Reply/comments on behalf of respondents not submitted. Representative of the respondents requested for time to submit reply/comments. Adjourned. To come up for reply/comments on 27.09.2022 before S.B.

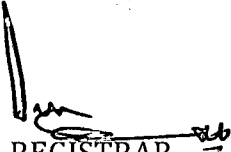


(Mian Muhammad)
Member (E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 953 /2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/06/2022	<p>The appeal of Mr. Imran Khan resubmitted today by Uzma Syed Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	4-7-22	<p>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put there on <u>6-7-22</u>. Notices be issued to appellat and his counsel for the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Imran Khan Constable no. 420 District Bannu received today i.e. on 15.06.2022 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- Annexure-D of the appeal is illegible which may be replaced by legible/better one.
- 3- Wakalat nama is not filled by the counsel.
- 4- Two more copies/sets of the appeal along annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2032/S.T,

Dt. 16/6 /2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Uzma Syed Adv. Pesh.

Resubmitted after removal of all objection

Uzma Syed
24/6/22

rather authenticates his and her link of criminal conspiracy act of May, 2017.

VIII. His claim of working as Driver for 3 years in his reply (point 4) is false as he worked for 1 year 4 months, i.e from the date of detailment w.e.f 07.07.2015 to 23.11.2016. Ms. Faiza Shafi has rightly withdrawn his services as no such detailment was allowed and no logic was there in the presence of Gul Wali, the official well-trained driver.

IX. He only applied for the post of Driver during the tenure of Ms. Samina, DEO(F) on 25.02.2016, in the presence of Gul Wali, official Driver of DEO(F).

In the light of above, his key role in engineering criminal proceeding, misstatements, gross misconduct is evident/proved.

2. CHARGE OF WILLFUL ABSENCE, MISCONDUCT AND DEFIANCE:

He was relieved by Ms. Faiza Shafi, Ex-DEO(F) on 05.05.2017, which was unjustified as it was wrongly addressed to the DC Abbottabad instead to Director E&SE Khyber Pakhtunkhwa Peshawar; the same unjustified order was withdrawn on the same day. Then he was relieved on the grounds of illegal/illegitimate activates and unfit for female institution vide letter No. 3070 dated 09.05.2017, i.e after raid of 03.05.2017. The Director E&SE, Khyber/Pakhtunkhwa later on placed him on the disposal of DEO(M) Abbottabad vide Endst No. 4467-69 dated 25.05.2017. It is concluded that Ms. Faiza Shafi, DEO(F) Abbottabad lost all the grounds of initiating any disciplinary actions or request after 25.05.2017 as his services were placed under the DEO (M) Abbottabad, competent authority to initiate any required disciplinary action. His willful absence, misconduct and open defiance are evident from the following:

i. His plea that he did not receive his transfer order issued on disciplinary grounds on the request of DEO(F) having complaints of teachers, PSHT GGPS Kareempura Letter No. vide Director ESE KP Peshawar Endst No:

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 953/2022

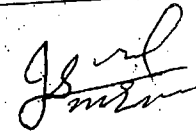
Imran khan

V/S

Police Deptt:


INDEX

S.No.	Documents	Annexure	Page No.
1.	Memo of Appeal	-----	1-6
2.	Copy of Judgment	-A-	07-13
3.	copy of reinstatement order	-B -	14
4.	Copy of departmental appeal	-C-	15
5.	Copy of impugned Appellate Order	-D-	16
6.	Vakalat Nama	-----	17


APPELLANT
Imran khan

THROUGH:


(UZMA SYED)

&

SYED NOMAN ALI BUKHARI
ADVOCATES, HIGH COURT

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

APPEAL NO. _____/2022

Imran Khan Constable No. 420,
District Bannu.

(APPELLANT)

VERSUS

1. The Regional Police officer Bannu Region Bannu.
2. The District Police officer Bannu.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE APPELLATE FINAL ORDER DATED 18.05.2022 RECEIVED ON 23/05/2022, WHEREBY THE PUNISHMENT OF APPELLANT HAS BEEN SET-ASIDE AND PERIOD W.E.FROM 19.07.2014 TO 08.12.2014 TOTAL 04 MONTHS AND 20 DAYS WAS TREATED AS LEAVE WITHOUT PAY AND BACK BENEFITS OF INTERVENING PERIOD WAS ALSO DENIED ORALLY.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, IMPUGNED ORDER DATED 18.05.2022 MAY KINDLY BE MODIFIED TO THE EXTENT OF THAT "ABSENCE PERIOD TREATED AS LEAVE WITHOUT PAY" AS PERIOD SPENT ON DUTY WITH ALL BACK AND CONSEQUENTIAL BENEFITS AND THE RESPONDENT MAY ALSO BE DIRECT TO PAY BACK BENEFITS OF INTERVENING PERIOD W.E.FROM 25.02.2015 TILL 17.03.2022. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO, IS AWARDED IN FAVOR OF APPELLANT.

(2)

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant is working on the post of constable in police deptt: and worked with full zeal and zest.
2. That the appellant was dismissed from service vide order dated 25.02.2015. The appellant being aggrieved from the said order filed service appeal no. 729/2016 against the order dated 25.02.2015 and 24.06.2016, in the Hona'ble Service Tribunal Peshawar, the said appeal was accepted and the direction was given to respondent department to hold denovo inquiry within period of 60 days. **Copy of judgment is attached as Annexure-A.**
3. That the appellant was re-instated in to service after denovo inquiry vide order dated 17.03.2022 and Absence period for 4 months and 20 days (19-07-2014 to 08-12-2014) is treated as leave without pay, whereas 03-weels period from 28.06.2014 to 18.07.2014 is treated as medical leave. Moreover, the back benefits of intervening period are also not allowed to the appellant orally. **Copy of reinstatement order is attached as Annexure-B.**
4. That appellant filed departmental appeal against the order dated 17.03.2022 which was accepted vide order dated 18.05.2022 recived on 23.05.2022 by the Regional Police officer Bannu and set-aside the order dated 17.03.2022 and the appellant was exonerated but the period w,e,from 19.07.2014 to 08.1.2.2014 treated as leave without pay and leaving the intervening period un-decided but orally denied to the appellant. The appellant being feeling aggrieved filing the instant service appeal on the following grounds. **Copy of departmental appeal and appellate impugned order is attached as Annexure-C & D.**

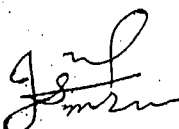
GROUND:

- A) That the impugned orders dated 17-3-2022 and 18-5-2022 is against the law, rules and material on record, therefore liable to be modified to the extent of period treated as leave without pay.
- B) That according superior court judgment when the appellant was re-instated in to service, the Grant of back benefits is right and refusal is exception in appellant remained Gain fully during that period. So the appellant is entitled to all back benefits according to superior court judgment and latest judgment of this Hon'able Tribunal titled as "Muhammad Noman Vs Police Deptt:".



- 2 25
- (3)
- C) That the period appellant remained out of service, it is fault of the department not of the appellant, so the any irregularities committed by the department not held the appellant responsible according to superior courts judgment.
- D) That if the grievance of the appellant is not resolved then the appellant will face huge financial loss even it will affect the pension of the appellant.
- E) That the appellant cannot be held responsible for the lapse/irregularities committed by the department and in such case the Hon'able Supreme Court of Pakistan has held the department responsible not the appellants.
- F) That when the punishment of the appellant was set-aside, it is illegal to be treated period as leave without pay in light of superior court judgment.
- G) That has the appellant was not applied not gainfully intervening period therefore keeping in view the judgment reported of Honorable Supreme Court reported as 2007 PLC (C.S) Page#346 the appellant is entitled to all salaries and emoluments removed in the intervening period.
- H) That the relevant authorities restrain the appellant from performance of duty due there improper exercise of official power, therefore, the appellant cannot be deprived from his legal right of salary.
- I) That the appellant was not remained gainful employee during the period of not adjustment so the appellant is fully entitled to salaries for that period.
- J) That another case reported as 2007 SCMR Page # 855 the Honorable Supreme Court of Pakistan his held that the grant of service back benefits to an employed who has been illegally kept away from employment is the rule and the denial of such benefits to such a reinstated employee is an exception on the proof of such a person having remained gainfully employed during such period. As the appellant has already furnished affidavit to the competent authority regarding not remained gainfully employed therefore the appellant is also entitle to back benefits.
- K) That denovo inquiry was conducted against the appellant in which denovo inquiry was conducted the illness and plea of the appellant was admitted by the inquiry officer. So according to R-13 of the leave rules 1981. Medical leave shall not be refused, so the appellant is entitled for the absence period because he was serious ill.

- (u)
- L) That the department references the rule 19 of the leave rules 1981 in impugned order which was not applicable to the appellant. Further it is added that in rule 19 of the leave rules 1981 use exception means it is applicable to those who remains absent not beyond his control and not applicable to those where circumstances beyond his control. So the appellant is entitled for the salary of period during which remains absent due to illness beyond his control.
- M) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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


APPELLANT
Imran Khan

THROUGH:


(UZMA SYED)
&

SYED NOMAN ALI BUKHARI
ADVOCATES, HIGH COURT

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2022

Imran Khan

V/S

Police Deptt


CERTIFICATE:

It is certified that no other service appeal earlier has been filed between the present parties in this Tribunal, except the present one.

DEPONENT

LIT OF BOOKS:

1. Constitution of the Islamic Republic of Pakistan, 1973.
2. The ESTA CODE.
3. Any other case law as per need.


(UZMA SYED)
ADVOCATE HIGH COURT

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2022

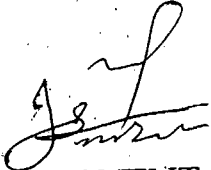
Imran khan

V/S

Police Deptt

AFFIDAVIT

I, IMRAN KHAN, (Appellant) do hereby affirm that the contents of this service appeal are true and correct, and nothing has been concealed from this honorable Tribunal.


DEPONENT

Imran Khan

(A) (B)

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



Service Appeal No. 720 /2016

720
18/7/2016

Imran Khan S/o Hafeez ur Rehman,
Ex-Constable No.420, District Bannu.....Appellant

VERSUS

1. Inspector General of Police, Civil Secretariat,
Khyber Pakhtunkhwa, Peshawar
2. Deputy Inspector General of Police. Bannu, Region
Police Line Bannu.
3. District Police Officer, Police Line Bannu
...Respondents

Appeal against order dated 24.06.2016
passed by respondent No.1, whereby
appeal filed by appellant against
dismissal order dated 11.07.2014 passed
by respondent No.1 was rejected

PRAYER IN APPEAL:

To set aside impugned orders dated
24.04.2016 & 11.07.2014 passed by
respondent No.1 & 3 respectively and to
reinstate the appellant with all back
benefits.

Filed to-day
[Signature]
Registrar 18/7/16

ATTESTED

[Signature]
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.**

Service Appeal No. 729/2016

Date of Institution ... 18.07.2016

Date of Decision ... 09.12.2021



Imran Khan S/O Hafeez-ur-Rehman, Ex-Constable No. 420,
District Bannu. ... (Appellant).

VERSUS

Inspector General of Police, Civil Secretariat, Khyber
Pakhtunkhwa, Peshawar and two others. ... (Respondents)

MR. AMANULLAH MARWAT,
Advocate --- For appellant.

MR. MUHAMMAD ADEEL BUTT,
Additional Advocate General --- For respondents.

MR. AHMAD SULTAN TAREEN --- CHAIRMAN
MR. SALAH-UD-DIN --- MEMBER (JUDICIAL)

JUDGMENT:

SALAH-UD-DIN, MEMBER:-

Precise facts giving rise to filing of the instant service appeal are that disciplinary action as initiated against the appellant on the allegations that he while deputed on duty with Army at Cantonment Bannu proceeded for night pass on 27.06.2014 to 28.06.2014, however after availing the night pass, the appellant remained absent and did not made arrival to the place of his duty/posting. Vide impugned order dated 25.02.2015 bearing O.B No. 186 passed by the competent Authority, the appellant was dismissed from service with effect from 20.02.2015 and the absence period from 28.06.2014 to

ATTESTED

CHAIRMAN
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

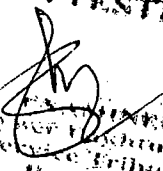
08.12.2014 was treated as without pay. The appellant being aggrieved of the order dated 25.02.2015, challenged the same through filing of departmental appeal on 02.03.2015, which as per assertion of the appellant was not decided, therefore, the appellant preferred an appeal to the Inspector General of Police Khyber Pakhtunkhwa Peshawar, which was rejected vide order dated 24.06.2016, hence the instant service appeal.

2. Notices were issued to the respondents, who submitted their comments, wherein they denied the assertions made by the appellant in his appeal.

3. Learned counsel for the appellant has contended that the absence of the appellant from duty was not willful, rather the appellant was unable to attend his duty due to severe illness and the matter was brought in the knowledge of the concerned Incharge; that the absence period of the appellant was itself regularized by the competent Authority by treating the same as leave without pay, therefore, the impugned penalty of dismissal of the appellant from service was legally unwarranted; that the appellant was awarded major penalty of dismissal from service through summary proceedings which has caused prejudice to the appellant as it has been held by the august Supreme Court of Pakistan that for imposing major penalty on a delinquent officer/official, conducting of regular inquiry is must; that the disciplinary proceedings were conducted in a slipshod manner without complying of relevant provisions of Police Rules, 1975; that the impugned orders being wrong and illegal are liable to be set-aside and the appellant is entitled to be reinstated in service with all back benefits.

4. On the other hand, learned Additional Advocate General for the respondents has contended that the appellant remained absence for more than 04 months without seeking leave or permission of the competent Authority and has been guilty of misconduct; that the allegations of willful absence from duty were proved against the appellant and he was also found involved in a criminal case of moral turpitude, therefore,

ATTESTED

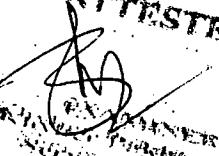

 Additional Advocate General
 Khyber Pakhtunkhwa
 Peshawar

he has rightly been dismissed from service; that the appellant was provided opportunity of self defense as well as personal hearing, however he was unable to justify his willful absence from duty; that the disciplinary proceedings were carried out against the appellant by complying the relevant provisions of Police Rules, 1975. In the last he requested that the impugned orders may be kept intact and the appeal in hand may be dismissed with costs.

5. We have heard the arguments of learned counsel for the appellant as well as learned Additional Advocate General for the respondents and have perused the record.

6. A perusal of the record would show that disciplinary action was taken against the appellant on the allegations of his willful absence from duty. The appellant was issued show-cause notice by the District Police Officer, Bannu on 11.07.2014, wherein it is mentioned that sufficient evidence was available against the appellant warranting to dispense with proper departmental inquiry. However, on submission of reply to the show-cause notice by the appellant on 21.07.2014, District Police Officer Bannu directed DSP Headquarter Bannu to report as to whether the Constable had made arrival on duty or not and as to whether he was actually ill or not. It is astonishing that on one hand the District Police Officer Bannu dispensed with regular inquiry on the ground that sufficient evidence was available against the appellant, however on receiving of reply of the appellant, he asked DSP Headquarter to submit report as mentioned above. The impugned order dated 25.02.2015 passed by the District Police Officer Bannu would show that reliance has been placed on fact finding inquiry made by the DSP Headquarter. August Supreme Court of Pakistan has held in numerous judgments that for the purpose of awarding major penalty, conducting of regular inquiry is must. Moreover, in the impugned order, the absence period of the appellant has been shown with effect from 28.06.2016 to 08.12.2016, while the appellant has admittedly submitted reply to the show-cause notice on

Jun


ATTESTED

 District Police Officer
 Bannu

21.07.2014 meaning thereby that he was not absent from duty on the said date.

7. Departmental appeal of the appellant was filed by Regional Police Officer Bannu on note sheet on 13.03.2015. The appellant was neither afforded any opportunity of personal hearing nor any order was communicated to the appellant that his appeal has been filed. The appellant then filed an appeal to Inspector General of Police Khyber Pakhtunkhwa, which was treated as revision under Rule 11-A of Police Rules, 1975 and vide order dated 19.02.2016 passed by Inspector General of Police Khyber Pakhtunkhwa Peshawar, the case of the appellant was remanded to the Regional Police Officer Bannu with the observations reproduced as below:-

"Keeping in view the explanation advanced by the petitioner behind his absence from duty and the fact that he has seven years service at his credit, the Board decided that the case of petitioner may be remanded back to the RPO Bannu for examining it afresh by confirming and verifying the defense plea advanced by the appellant"

The defense plea taken by the appellant regarding his absence from duty was that he was suffering from jaundice as well as Typhoid. The appellant had further alleged in his appeal before the Regional Police Officer Bannu that his plea of illness was verified by Medical Superintendent Khalifa Gul Nawaz Hospital Bannu. The RPO Bannu was thus required to have probed the said defense plea taken by the appellant, however he asked report from the SHO Police Station Township through DSP Saddar Circle Bannu. According to the report so submitted by the said SHO, the appellant was charged and arrested in case FIR No. 425 dated 22.05.2015 under section 381-A PPC Police station Civil Line Gujranwala. On the basis of said report, Regional Police Officer Bannu sent report dated 13.05.2016 to the Provincial Police Officer Khyber Pakhtunkhwa mentioning therein that the defense plea of the appellant was not

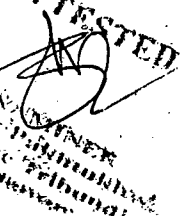
ATTESTED

 REGIONAL POLICE OFFICER
 Bannu
 Khyber Pakhtunkhwa
 Police Tribunal
 Peshawar

requiring consideration as he was found involved in the aforementioned criminal case. The Regional Police Officer Bannu thus totally ignored the directions issued to him by the Inspector General of Police Khyber Pakhtunkhwa Peshawar vide order dated 19.02.2016 and did not bother to verify the plea of illness taken by the appellant regarding his absence from duty. It is, however astonishing that on receipt of the report of the RPO Bannu, Inspector General of Police Khyber Pakhtunkhwa Peshawar rejected the revision petition of the appellant vide order dated 24.06.2016, whereby the same was held as barred by time.

8. The appellant was not proceeded against on the charge of his involvement in criminal case registered vide FIR No. 425 dated 22.05.2015 under Section 381-A PPC Police Station Civil Line Gujranwala, however the same was considered as a ground for rejection of revision filed by the appellant under Rule 11-A of Police Rules, 1975. The respondents were not justified in considering the involvement of the appellant in criminal case as a ground for taking adverse inference against the appellant particularly, when he has been acquitted in the aforementioned criminal case, vide order dated 01.02.2019 passed by Magistrate Section-30 Gujranwala.


9. In view of the above discussion, the impugned orders dated 25.02.2015, 13.03.2015 and 24.06.2016 stand set-aside and the appellant is reinstated in service, leaving the competent Authority at liberty to conduct de-novo inquiry against the appellant if he deems appropriate but strictly in accordance with relevant rules and making proper probe for verifying the defense plea taken by the appellant by associating him in the inquiry proceedings and giving him fair opportunity of defending himself. In case competent Authority decides conducting of de-novo inquiry, the same shall be completed within a period of 60 days of receipt of copy of this judgment and if not conducted and concluded within the stipulated period then in that case the appellant shall be considered to have been reinstated with all back benefits by


J. I.

ATTESTED

 OFFICER
 PESHAWAR
 KHYBER PAKHTUNKHWA

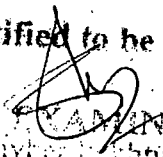
treating the period of his absence from duty as leave without pay. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
09.12.2021


(SALAH-UD-DIN)
MEMBER (JUDICIAL)


(AHMAD SULTAN TAREEN)
CHAIRMAN

Certified to be true copy


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 21/12/2021
Number of Words 2800
Copying Fee 30/-
Urgent _____
Total 30/-
Date of Completion of Copy 05/01/22
Date of Delivery of Copy 05/01/22

ORDER:

In compliance with the order of Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar Judgment dated 09.12.2021 in the Service Appeal No.729/2016, and outcome of the denovo enquiry Ex-Constable Imran Khan No. 420, is hereby permanently re-instated into service. The absence period for 04-months & 20-days (from 19-07-2014 to 08-12-2014) is treated as leave without pay, whereas 03-weeks period (from 28.06.2014 to 18.07.2014) is treated as medical leave. Moreover, "stoppage of two annual increments with cumulative effect" is hereby ordered with immediate effect.

OB No. 413
Dated: 17/03 /2022.


District Police Officer,
Bannu.

No. 1660-68 dated Bannu, the 18/03/2022.

Copy of above is submitted to:

1. The Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar w/r to his Judgment dated 09.12.2021 in Service Appeal No. 729/2016.
2. The Regional Police Officer, Bannu Region, Bannu w/r to his office Endst: No. 1039/EC dated 14.03.2022 for favour of information please.
3. The District Accounts Officer, Bannu.
4. DSP Legal, Reader, Pay officer, SRC, OHC, Line Officer Bannu, for information and necessary action.


District Police Officer,
Bannu.

اہل نوساطت افسران بالا

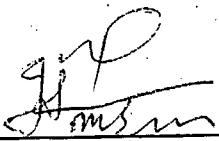
بمخبر جناب والا شان ریجنل پولیس آفیسر صاحب بنوں ریجن بنوں

استدعا: اپیل بہ استدعا یہ کہ سروس ٹریبونل KPK پشاور کے مجاریہ حکم بحالی سائل بہ عہدہ کانسٹیبل، مکمل کرنے Denovo انکوائری اندر 60 یوم برخلاف من کانسٹیبل۔ بصورت دیگر من کانسٹیبل Back Benefits کے ساتھ بحال تصور کیا جائے گا۔ لیکن میرے خلاف Denovo انکوائری اندر معیاد مکمل ہونے کا حکم نہ ہوا۔ جو مورخہ 16-03-2022 کو مطلوب تھا۔ اس کے برعکس DPO صاحب بنوں نے مورخہ 16-03-2022 کے بجائے 17-03-2022 کو بحوالہ OB نمبر 413 حکم جاری کیا۔ اور سائل کو بحوالہ مشمونہ آرڈر OB سزا دی گئی۔ جو غیر قانونی تصور کی جاتی ہے۔ کیونکہ عدالت کے حکم کے مطابق نہیں ہے۔ اور انکوائری آفیسر نے بھی انکوائری میں تمام شواہد کو نظر انداز کر کے وہی پرانی انکوائری دہرائی گئی ہے۔ جو کہ پہلے سے سروس ٹریبونل پشاور نے کالعدم کیا جا چکا ہے۔ کیونکہ مذکورہ انکوائری میں میرے غیر حاضری بارے کوئی ٹھوس ثبوت یا روزنامچہ رپورٹ وغیرہ پیش نہ کر سکا۔ جس سے میری نوکری پر موجودگی ثابت ہو گئی ہے۔

جناب عالی!

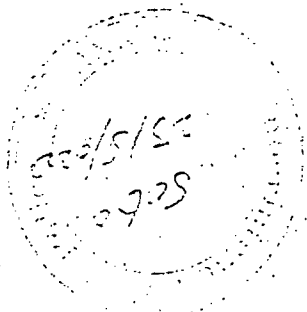
مکثرین عاجزانہ / ماتحتانہ آنجناب کے حضور اپیل کرتا ہے کہ:

جناب DPO صاحب بنوں نے بحوالہ OB نمبر 413 مورخہ 17-03-2022 سائل کو جو سزا دی ہے۔ یہ حکم سروس ٹریبونل کے مجاریہ حکم کے خلاف ہے۔ اور کیونکہ انکوائری آفیسر نے بھی کوئی ٹھوس ثبوت، روزنامچہ رپورٹ وغیرہ پیش نہ کر سکا۔ اس لئے عدالتی حکم کے مطابق مصدرہ سزا کا اطلاق سائل پر کرنا غیر قانونی ہے۔ حکم کاپی عدالت۔ حکم DPO صاحب کے نقول شامل کیے جاتے ہیں۔ مصدرہ حکم DPO صاحب بنوں کالعدم فرمایا جاوے اور عدالتی حکم کے مطابق سائل کو جملہ حقوق دلانے کا حکم فرمایا جاوے۔

سائل

 کانسٹیبل عمران خان متعینہ پولیس لائن بنوں

رابطہ نمبر: 0334-1534596

24.3.2022



per M/...

SRC / OASI

No.420 for record in your office. It may be acknowledged, please.
to above along with complete information and Service Bill of Constable Imran Khan
DPO-Bannu for information and necessary action with his office letter No.420

Regional Police Officer
Bannu Region
Bannu

ORDER ANNOUNCED
OB No. 154
Dated 17/05/2022

08.12.2014) be treated as leave without pay.
dated 17.03.2022. His period of absence for 04 months and 20 days (from 19.7.2014 to
1975 (amended in 2014) hereby set aside the order of DPO Bannu issued vide OB No.413
Bannu. In exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules,
Therefore, I Sd/- Asstg. Amwn. Regional Police Officer, Bannu Region
Commander, Bannu Region vide his letter No.2243/SRC, dated 29/04/2022
were received and forward. The appellant was also being in person in orderly room held on
12.05.2022. His period of absence was found pertaining to some extent.

vide CPD (Bannu) Order No. S-767-16 dated 24.6.2016.
after rejection of his appeal by the Inspector General of Police, Khyber Pakhtunkhwa
appellate tribunal. Appeal No.229/2016 before the KP Service Tribunal
from service. DPO Bannu vide OB No.186 dated 25.02.2015. Later on the
above allegation and after conducted proper enquiry, the appellant was dismissed
proper charge sheet and statement of allegation were issued to the appellant on the
7 months to 2 years
any sanctioned leave or permission of the competent authority for a period of
make his appeal such on his date of duty and accordingly desisted himself without
for night pass on 27.11.14 to 28.6.2014 but after awaiting the night pass, he failed to
That the appellant while deployed with Pak Army at Cantonment Bannu, proceeded

by CPD Bannu vide OB No. 413 dated 17.03.2022 on the following allegations:-
the absence period of 4 months to 25 days treated as 'leave without pay', imposed upon him
minor punishment of 'stoppage of two annual increments with cumulative effect as well as
Khan No.420 of District Police Bannu, wherein he has prayed for setting aside the order of
This order will dispose of departmental appeal preferred by Constable Imran

ORDER

16

Better Copy

D

This order will be dispose of Departmental Appeal preferred by Constable Imran Khan No. 420 of district Police Bannu wherein he has prayed for setting aside the order of minor punishment of stoppage of two annual increments with immediate effect as well as the absence period of 04 months and 20 days treated as leave without pay imposed upon him by DPO Bannu vide OB _____ dated 17/03/2022 on the following allegations:

That the appellant while deputed with the Pak Army at Cantonment Board proceeded for night pass on 27/06/2014 to 28/06/2014 but after availing the night, passed he failed to make his arrival back on his place of duty and deliberately absented himself without any sanctioned leave or prior permission of the competent authority of a period 04 months and 20 days.

Proper charge sheet and statement of allegation were issued to the appellant i=on the above allegation and after conducted proper inquiry, the appellant was dismissed from service by then DPO Bannu vide OB No. 186 dated 25/02/2015. Later on the appellant submitted Service Appeal No. 229/2016 before the KP Service Tribunal after rejection of his appeal by the Inspector General of Police Khyber Pakhtunkhwa vide CPO Peshawar vide Order No. S/4664/2016 dated 24/06/2022.

Comments from DPO Banni vide his letter No. 2242/SRC dated 20/04/2022 were received and perused. The appellant was also heard in person in orderly on 12/05/2022 . His plea about absence was found convincing to some extent.

" Therefore, I Syed Ishfaq Anwar, Regional Police Officer, Bannu Region Bannu, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules 1975 (amended in 2014) hereby set aside the order of DPO Bannu issued vide OB NO. 413 dated 17/03/202 2. His period of absence i.e (04 months and 20 dqays) FROM 19/04/2014 TO 08/12/2014 be treated as leave without pay.

ORDER ANNOUNCED

OB No. 154

Dated: 15/05/2022

Regional Police Officer

Bannu Region

Bannu

No. 2050/FC dated the 18/05/2022

Copy to:

Dpo Bannu for information and necessary action to w/r to his office letter No referred to above alongwith complete character and service Rolls of constable Imran Khan No 420 for record your office which may be acknowledge please.

VAKALATNAMA

17

NO. _____ /2022

IN THE COURT OF KP Service Tribunal, Peshawar

-----Imran Khan-----

Appellant
Petitioner
Plaintiff

VERSUS

-----Police-----

Respondent (s)
Defendants (s)

I/WE Imran Khan

do hereby appoint and constitute the **SYED NOMAN ALI BUKHARI Advocate High Court** for the aforesaid Appellant(s), Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party to commence and prosecute / to appear and defend this action / appeal / petition / reference on my / our behalf and all proceedings that may be taken in respect of any application connected with the same including proceeding in taxation and application for review, to draw and deposit money, to file and take documents, to accept the process of the court, to appoint and instruct council, to represent the aforesaid Appellant, Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party agree(s) ratify all the acts done by the aforesaid.

DATE 15-6 /2022

Imran Khan

(CLIENT)

ACCEPTED

Syed Noman Ali Bukhari

SYED NOMAN ALI BUKHARI
ADVOCATE HIGH COURT

Attested
Accepted

“A”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

S.B

No.

APPEAL No..... 453 of 20 22

Raid

Imyan Khan

Appellant/Petitioner

Versus

The R-P-O Bannu

RESPONDENT(S)

Notice to Respondent No. 2 Appellant/Petitioner

The Distt. Police Officer Bannu.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 1/9/2022 at 9. am

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

copy of appeal is attached for Reply

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.