

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

Service Appeal No. 913/2019

Date of Institution ... 29.04.2019  
Date of Decision ... 01.07.2022

Mrs. Shabana Fareed Lady Constable No.3320 Resident of Peshawar.

... (Appellant)

**VERSUS**

Chief Capital City Police Officer (CCPO) Police Lines, Peshawar and two others.

... (Respondents)

Miss Roeeda Khan,  
Advocate,

... For appellant.

Noor Zaman Khan Khattak,  
District Attorney

... For respondents.

Salah-Ud-Din ...  
Rozina Rehman ...

Member (J)  
Member (J)

**JUDGMENT**

**ROZINA REHMAN, MEMBER (J):** The appellant has invoked the jurisdiction of this Tribunal through above titled appeal with the prayer as copied below:

**“On acceptance of this service appeal the impugned order dated 29.03.2019 of respondent No.1 and order dated 13.11.2015 of respondent may kindly be set aside and the appellant may kindly be ordered to be restored her one increment alongwith all back benefits”.**

2. Brief facts of the case are that the appellant was enlisted as Lady Constable on 29.10.2008 and she performed her duty with full devotion. She



applied for Ex-Pakistan leave for a period of six months which was duly sanctioned by the respondents vide order dated 25.06.2012. On the expiry of leave, she submitted an application seeking extension of leave on 09.01.2013. The respondent Department without proper decision on the said application initiated departmental proceedings on the back of appellant and appellant was removed from service on 04.07.2013. She filed departmental appeal which was rejected, therefore, she filed Service Appeal No.708/2014. Her service appeal was accepted and case was remitted to the Department to conduct fresh inquiry on the charge of her absence. During the proceedings of de-novo inquiry, appellant was awarded minor punishment of stoppage of one year annual increment and her leave was treated as leave without pay. She filed departmental appeal which was rejected, where-after, she filed petition under Rule. 11-A which was also rejected, hence, the present service appeal.


3. We have heard Miss. Roeeda Khan, Advocate learned counsel for the appellant and Noor Zaman Khan Khattak, learned District Attorney for respondents and have gone through the record and the proceedings of the case in minute particulars.

4. Miss. Roeeda Khan Advocate, learned counsel for the appellant inter-alia argued that the impugned orders are illegal, against law and facts as mandatory provisions of law were badly violated by the respondents and the appellant was not treated according to law and rules. She contended that neither charge sheet alongwith statement of allegations nor show cause notice were ever served upon appellant that she was condemned unheard. It was argued that the absence from duty was neither willful nor deliberate



rather the same was because of illness of appellant which circumstances were compelling in nature and were beyond the control of appellant. She, therefore, requested for acceptance of the instant service appeal.

5. Conversely, learned District Attorney submitted that she was enlisted in the Police Department but now she is serving in the Education Department as PST. That while posted at Women Police Station, she was granted 180 days Ex-Pakistan leave on her own request and she was due to report back on duty on 15.12.2012 but she deliberately absented from official duty without any permission or leave. He contended that she preferred an application for extension of Ex-Pakistan leave on 09.01.2013 while she was due to report on 15.12.2012. She did not prefer any application within time and was marked absent. He submitted that proper charge sheet alongwith statement of allegation was issued to her and proper departmental inquiry was conducted. On completion of inquiry, final show cause notice was issued to her and after observing all codal formalities, she was awarded appropriate major punishment of removal from service. He argued that she filed service appeal, which was accepted and case was remanded back to Department for de-novo inquiry which was accordingly carried out and she was awarded minor punishment.

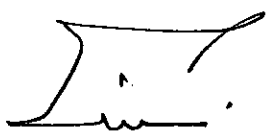


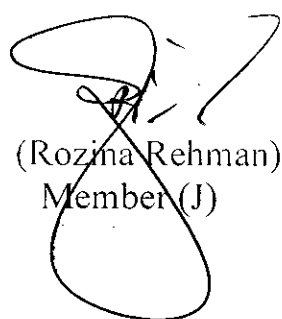
6. After hearing the learned counsel for the parties and going through the record of the case with their assistance and after perusing the precedent cases cited before us, we are of the opinion that the appellant while serving in Police Department, applied for Ex-Pakistan leave which was granted vide order dated 25.06.2012 for 180 days. According to this application, expiry date of leave was 25.12.2012 and it was on 09.01.2013 when she

sent another application seeking extension of leave. Her application was left redundant and departmental proceedings were initiated against her with the result that she was removed from service. In the earlier round of litigation, her case was remitted to the Department to conduct fresh inquiry on the charge of her absence. De-novo inquiry was conducted and the competent authority i.e. SP Headquarter, Peshawar awarded her the punishment of leave without pay for a period of 12 months and stoppage of one increment without cumulative effect vide order dated 13.11.2015 and the remaining six months were counted as Ex-Pakistan leave. So far as the objection of learned District Attorney in respect of limitation is concerned, no limitation runs in the matter relating to financial matters. From the impugned order, it is evident that her period of 18 months was properly adjusted by the competent authority as six months were counted as Ex-Pakistan leave while remaining period of absence of twelve months was treated as leave without pay. However, there was no need to stop one year annual increment without cumulative effect. As such instant appeal is allowed to the extent of stoppage of one year annual increment. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.

01.07.2022

  
(Salah-ud-Din)  
Member (J)

  
(Rozina Rehman)  
Member (J)

**ORDER**

01.07.2022


Appellant present through counsel.

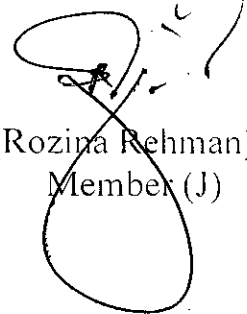
Noor Zaman Khan Khattak, learned District Attorney for respondents present.

Vide our detailed judgment of today of this Tribunal placed on file, instant appeal is allowed to the extent of stoppage of one year annual increment. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.

01.07.2022

  
(Salah Ud Din)  
Member (J)

  
(Rozina Rehman)  
Member (J)

S.A No. 913/2019

08.12.2021

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.


The Worthy Chairman is on leave, therefore, the bench is incomplete. Adjourned. To come up for arguments on 28.03.2022 before the D.B.



(Salah-ud-Din)  
Member (J)

28-3-2022

Proper DB not available the case is adjourned to come up for the same as before on 1-7-2022

  
Reader

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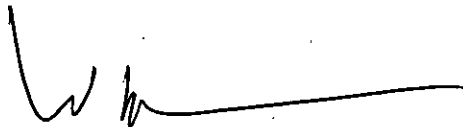
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02.09.2021

Appellant alongwith her counsel Ms. Roeeda Khan, Advocate, present. Mr. Riaz Ahmed Paindakheil, Assistant Advocate General for the respondents present.

Learned counsel for the appellant sought adjournment on the ground that she has not met preparation for arguments. Adjourned. To come up for arguments before the D.B on 08.10.2021.



(ATIQ-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)

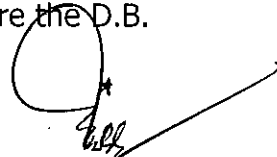


(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

08.10.2021

Counsel for the appellant and Mr. Muhammad Rasheed, DDA for the respondents present.

Learned counsel for the appellant seeks adjournment in order to further prepare the brief. Request is accorded. To come up for arguments on 08.12.2021 before the D.B.



(Mian Muhammad)  
Member(Executive)



Chairman



10.12.2020

Counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General alongwith Aziz Shah Reader for respondents present.

A request was made for adjournment in view of non-availability of relevant record in respect of the present appellant as she joined Education Department as P.S.T; granted with direction to respondents to make sure submission of reply/comments on 03.02.2021 positively, before S.B.

  
(Rozina Rehman)  
Member (J)

03.02.2021

Counsel for appellant and Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Aziz Shah, Reader, for the respondents present.

Representative of the department submitted written reply on behalf of respondents No. 1 to 3 which is placed on record. File <sup>to</sup> come up for rejoinder and arguments on 04.05.2021 before D.B.

  
CHAIRMAN

4.5.2021

*Due to COVID-19, the case is adjourned to 2.9.2021 for the same.*



23.04.2020 Due to COVID19, the case is adjourned to 20.07.2020 for the same as before.

  
Reader

20.07.2020 Junior counsel for appellant is present. Vide previous order sheet dated 23.04.2020 the case was adjourned on reader note due to public holidays on account of COVID-19, therefore, fresh notices be issued to the respondents for submission of written reply/comments. To come up for written reply/comments on 21.08.2020 before S.B.

  
(MUHAMMAD JAMAL KHAN)  
MEMBER

25.08.2020 Due to public holiday on account of 1<sup>st</sup> Moharram, the case is adjourned to 26.10.2020 for the same as before.

  
Reader

26.10.2020 Nemo for parties.

Kabir Ullah Khattak learned Additional Advocate General present.

Written reply was not submitted on behalf of respondents. Notice be issued to respondents by way of last chance for submission of reply/comments.

Adjourned to 10.12.2020 before S.B.

  
(Rozina Rehman)  
Member (J)

13.01.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

Learned AAG requests for time to furnish reply/comments. Adjourned to 20.02.2020 on which date the requisite reply/comments shall positively be furnished.

  
Chairman

20.02.2020

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG ~~for~~ for the respondents present. Written reply on behalf of respondents not submitted. Learned Additional AG seeks further time to furnish reply/comments. Adjourned to 17.03.2020 for written reply/comments before S.B.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

17.03.2020

Clerk to counsel for the appellant present. Mr. Kabirullah Khattak learned Addl. AG alongwith Raziq Head Constable for the respondents present and seeks time to furnish reply/comments. Last opportunity is granted. Adjourned. To come up for reply/comments on 23.04.2020 before S.B.

  
Member

09.10.2019

Appellant alongwith counsel present.

Learned counsel requests for time to further document the appeal by bringing on record the relevant salary slips of the appellant.

Adjourned to 21.11.2019 before S.B.

  
Chairman


21.11.2019

Counsel for the appellant present.

Contends that through the impugned order dated 13.11.2019 one portion of period of absence attributed to the appellant was counted as Ex-Pakistan leave while the other as without pay, however, the penalty of stoppage of one yearly increment without cumulative effect was imposed upon the appellant not observing/abiding by the mandatory provisions of Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011. The departmental appeal, as well as revision petition of appellant, were rejected solely on the ground that the former was barred by time. The cause of action in favour of appellant was a recurring one as it pertained to the increment in salary, it was argued.

In view of available record and arguments of learned counsel, instant appeal is admitted to regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 13.01.2020 before S.B.




  
Chairman

  
Appellant Deposited  
Security & Process Fee  
27/11/19

Form- A  
FORM OF ORDER SHEET

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

Case No.- 913/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/07/2019	<p>The appeal of Mst. Shabana Fareed resubmitted today by Rooda Khan 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 11/7/19</p>
2-	15/07/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>27/08/19</u>.</p> <p style="text-align: right;"> CHAIRMAN -</p>
27.08.2019		<p>Learned counsel for the appellant requests for adjournment in order to seek further instructions from the appellant.</p> <p>Adjourned to 09.10.2019 before S.B.</p> <p style="text-align: right;"> Chairman</p>

P-16  
delay?

The appeal of Mrs. Shabana Fareed Lady Constable No. 3320 resident of Peshawar received today i.e. on 29.04.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- The law under which appeal is filed is wrong.
- 2- Annexures A and B of the appeal are missing.
- 3- Copy of impugned order dated 13.11.2015 mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- 4- Copies of departmental appeal and revision petition mentioned in the memo of appeal are not attached with the appeal which may be placed on it.
- 5- Annexures of the appeal may be flagged.

No. 861 /S.T,


Dt. 30-4- /2019.


  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Noroz Khan Adv. Pesh.

ALL the objections Re-Submitted after Completion.  
has been removed

Noroz Khan Adv

 Noroz Khan Adv

  
NOROZ KHAN 4/5/19.  
Advocate Supreme Court of Pakistan  
14-A, Haroon Mansion Khyber Bazar  
Peshawar 0333-9159998

NOTE :-

The annexure "A" & "B" are attached, while the order as per Service book (dated 13/11/2015) is also attached as annexure "C-1" while the copies of ~~the order as per Service book~~ Revision petition is not provided by the respondents.

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. 413 /2019

Mrs. Shabana Fareed

**VERSUS**

Chief Capital City Police (CCPO) Police Lines Peshawar  
and Others

**INDEX**

S#	Description of Documents	Annex	Pages
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5.	Copy of decision of Service appeal	"A"	11 To 13
6.	Copy of order	"B"	14 To 18
7.	Copy of rejection order	"C"	16
8.	Copy of rejection order	"D"	17
9.	Wakalat Nama		

**APPELLANT**

Through

① **Roeda Khan**  
Advocate, High Court  
Peshawar.

Dated: 27/4/2019

② **Norooz Tchan**  
Advocate Supreme Court  
③ **Ameer Nawaz**

(1)

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 674

Dated 29-4-2019

In Re S.A No. 913 /2019

Mrs. Shabana Fareed Lady Constable No.3320  
Resident of Peshawar.

*....Appellant*

***VERSUS***

1. Chief Capital City Police (CCPO) Police Lines  
Peshawar.
2. SP Headquarters Police Lines Peshawar.
3. Provincial Police Officer Khyber Pakhtunkhwa  
Peshawar.

*....Respondents*

**APPEAL U/S-4 OF THE KHYBER**  
**PAKHTUNKHWA SERVICES TRIBUNAL ACT**  
**1974 AGAINST THE ORDER DATED 29/03/2019**  
**PASSED BY RESPONDENT NO.1 WHEREBY**  
**THE DEPARTMENTAL APPEAL OF THE**  
**APPELLANT FILED AGAINST THE ORDER**  
**DATED 13/11/2015 OF RESPONDENT HAS**  
**BEEN REJECTED ON NO GOOD GROUNDS**

**Prayer:-**

**ON ACCEPTANCE OF THIS SERVICE**  
**APPEAL THE IMPUGNED ORDER**  
**DATED 29/03/2019 OF RESPONDENT**  
**NO.1 AND ORDER DATED 13/11/2015 OF**

Filed to-day  
Registrar  
29/4/19  
Re-submitted to-day  
and filed.  
Registrar  
11/7/19



(2)

RESPONDENT MAY KINDLY BE SET  
ASIDE AND THE APPELLANT MAY  
KINDLY BE ORDER TO BE RESTORED  
HER ONE INCREMENTS ALONGWITH  
ALL BACK BENEFITS.

Respectfully Sheweth,

1. That the Appellant was enlisted as Lady Constable on 29/10/2008 with the Respondent department and performed her duty with full devotion and no complaint whatsoever has been made against her.
2. That the appellant applied for ex-Pakistan leave for a period of 6 months which has been duly sanctioned to the appellant vide order dated 25/06/2012 by the Respondent Department.
3. That on the expiry of the said leave the appellant submitted an application for the extension of leave on 09/01/2013.
4. That in the said application the appellant has been given her complete address but the Respondent department without proper decision on the said application initiated departmental proceedings on the back of the appellant and without fulfilling the

codal formality and removed the appellant from service on 04/07/2013.

5. That the appellant filed departmental appeal against the said impugned order dated 04/07/2013 and on rejection of the said departmental appeal the appellant filed service appeal NO. 708/14 which has been accepted on 29/06/2015 for denovo inquiry. **(Copy of decision of Service appeal is annexed as annexure "A")**
  
6. That during the proceeding of the denovo inquiry the appellant has been awarded the minor punishment of stoppage of one year annual increment as well as her leave has been treated as leave without pay on 13/11/2015. **(Copy of order is annexed as annexure "B")**
  
7. That the appellant came to know regarding the said impugned order dated 13/11/2015 on 05/12/2018 submitted departmental appeal on 04/01/2019 which has been rejected on 11/03/2019. **(Copy of rejection order is annexed as annexure "C")**
  
8. That after that the appellant filed 11-A petition against the impugned order dated

13/11/2015 which has been rejected on 29/03/2019 on no good grounds. (Copy of rejection order is annexed as annexure "D")

**GROUNDS:-**

- A. That the impugned orders are illegal and void-ab-initio.
- B. That mandatory provisions of law and Rules have badly been violated by the Respondents and the appellant has not been treated according to law and Rules and the appellant did nothing that amounts to misconduct.
- C. That no charge sheet and show cause notice were served upon the appellant.
- D. That exparte action has been taken against the appellant and he has been condemned unheard.
- E. That no inquiry was conducted to find out the true facts and circumstances.
- F. That the impugned order is defective as per FR 29 and as such not maintainable in the eyes of law.

(5)

G. That even otherwise the absence from duty was neither willful nor deliberate rather the same was because of illness of the appellant which circumstances were compelling in nature and were beyond the control of the appellant as well.

H. That the impugned orders are not speaking orders and thus not tenable in the eyes of law.

I. That the appellant was not provided the opportunity of personal hearing and the impugned order is defective as well.

J. That the punishment is harsh being in contrary to the principal of proportionality of sentence.

K. That the Respondent department has been granted double punishment to the appellant which is against the law.

L. That any other ground not raised here may graciously be allowed to be raised at the time full of arguments on the instant service appeal.

(6)

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

*Any other relief not specifically asked for may also graciously be extended in favour of the Appellant in the circumstances of the case.*

Dated: 27/4/2019

*[Signature]*  
APPELLANT

Through

*[Signature]*  
Roeda Khan  
Advocate, High Court  
Peshawar.

NOTE:-

As per information furnished by my client, no such like appeal for the same petitioner, upon the same subject matter has earlier been filed, prior to the instant one, before this Hon'ble Tribunal.

*[Signature]*  
Advocate.

(7)

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_/2019

Mrs. Shabana Fareed

**VERSUS**

Chief Capital City Police (CCPO) Police Lines Peshawar and  
Others

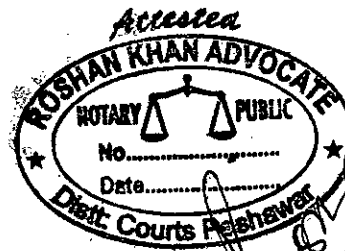
**AFFIDAVIT**

I, **Mrs. Shabana Fareed Lady Constable No.3320 Resident of Peshawar**, do hereby solemnly affirm and declare that all the contents of the **instant appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Court.

*§*  
**DEPONENT**

Identified by:

*Roeeda Khan*  
Roeeda Khan  
Advocate High Court  
Peshawar.



(8)

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_/2019

Mrs. Shabana Fareed

**VERSUS**

Chief Capital City Police (CCPO) Police Lines Peshawar  
and Others

**ADDRESSES OF PARTIES**

***PETITIONER.***

**Mrs. Shabana Fareed Lady Constable No.3320  
Resident of Peshawar.**

**ADDRESSES OF RESPONDENTS**

1. Chief Capital City Police (CCPO) Police Lines  
Peshawar.
2. SP Headquarters Police Lines Peshawar.
3. Provincial Police Officer Khyber Pakhtunkhwa  
Peshawar

*S*  
**APPELLANT**

Through

*R*  
**Roeeda Khan**  
Advocate, High Court  
Peshawar.

Dated: 21/05/2019

(9)

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_/2019

Mrs. Shabana Fareed

**VERSUS**

Chief Capital City Police (CCPO) Police Lines Peshawar  
and Others

**APPLICATION FOR CONDONATION OF DELAY (if any)**

***Respectfully Sheweth,***

Petitioner submits as under:

1. That the above mentioned appeal is filing before this Hon'ble Tribunal in which no date is fixed for hearing so far.
2. That the ground of the appeal be consider as integral part of this application
3. That the appellant after come to know of the punishment on when deductions started from his salary preferred departmental appeal before Respondent No.1 which was rejected on 29/03/2019'




15

4. That the final impugned order dated 13/11/2015 has been communicated to the appellant on 05/12/2018 and the absentee of the appellant was not deliberately, intentionally but due to sever illness.
5. That there are many judgment of the superior court that the cases should be decided on merit rather than on technically.

It is, therefore, requested that the limitation period (if any) may kindly be condone in the interest of justice.

  
APPELLANT

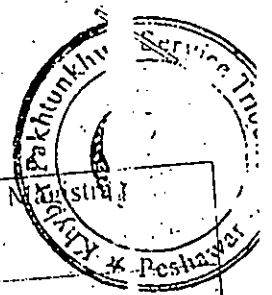
Through

  
**Roeeda Khan**  
Advocate, High Court  
Peshawar.

Dated: 27/11/2019

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Amir An



Order or other proceedings with signature of judge or Member

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 708/2014

(Shabana Farid vs- Superintendent of Police (SP) Head Quarter Police Lines Peshawar etc.)

Date of order proceeding

29.06.2015

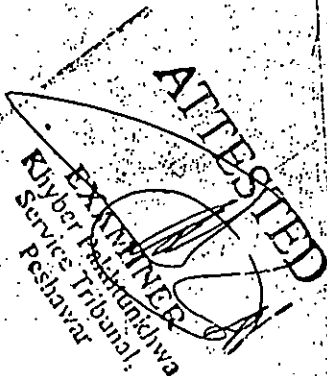
JUDGMENT

PIR BAKHSH SHAH MEMBER:

Appellant with counsel (Mr. Noroz Khan, Advocate) and Mr. Muhammad Jan, GP for the respondents present.

2. Appellant, Mst. Shabana Farid was removed from service by order of respondent No.2 dated 04.07.2013, his department appeal dated 20.08.2013 was also rejected on 15.04.2014, hence this service appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act-1974.

3. Learned counsel for the appellant submitted that the appellant joined Khyber Pakhtunkhwa Police as Lady Constable on 29.10.2008 and after rendering satisfactory service for four years as Computer Operator in the Traffic Branch, she applied for Ex-Pakistan leave for six months which was duly sanctioned in her favour. That she went to U.K to join her husband where she became pregnant and was unable to travel from England to Pakistan, that in these unavoidable circumstances, she applied for extension of her leave period vide application dated 09.01.2013. That in the said application she had given her complete address but the Police high-ups without proper decision on the said leave application and without any notice or information, initiated departmental proceedings and remove appellant from service vide order dated 04.07.2013. The departmental appeal of the appellant was also rejected vide order dated 15.04.2014. The Learned counsel submitted that in fact it was stated at the back of the appellant's...



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which she was not let to know. It was further submitted that the appellant had served for long 4 years and the record shows that the appellant gave birth to baby girl Mst. Hiba Khan at England at 08.11.2013. The learned counsel for the appellant while concluding his arguments submitted that the appellant has now come to Pakistan in order to join her duty and she is also present today before this Tribunal. He requested that the impugned orders may be set aside and the appellant may be reinstated in to service with all back benefits.

4. The learned GP on behalf of the state while resisting this appeal submitted that the appellant was allowed Ex-Pakistan leave w.e.f 25.06.2012 to 25.12.2013 where-after she was bound to report for duty but she did not. That in those early months, she has not shown that she was not capable of travelling to Pakistan. He further argued that she should have pursued her leave application which she did not and thus the department was justify to initiate departmental proceedings against her. He requested that the appeal may be dismissed.

5. We have heard arguments advanced on behalf of the parties and record perused with their assistance.

The record shows that Ex-Pakistan leave was granted to the appellant vide order dated 25.06.2012 for 180 days. According to this application expiry date of leave was 25.12.2012. But the record further reveals that on 09.01.2013 appellant sent another application for extension of leave for 365 days. This application besides her residential address also shows Mobile number and E-mail address. The department did not decide this application but record shows that charge sheet alongwith statement of allegation dated 07.02.2013 were prepared and inquiry officer D.SP Suburb Peshawar was appointed to conduct inquiry. His report dated 28.02.2013 shows that no efforts at all were made by the respondent department at her residential/ E-mail address of England or mobile number so much so that even on her local residential address...

EX-PAKISTAN LEAVE  
Service Suburb Peshawar  
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residential address. While the proceedings were taken without giving her chance of personal defense or personal hearing. Her presence in the Tribunal shows that she has come back to join the department. Since the department has allowed her to go abroad therefore she deserved an opportunity of explanation as to whether her further stay in England was willful absence or would really come in the ambit of unavoidable circumstances. For these reason the Tribunal is inclined to set aside both the impugned orders dated 04.07.2013 and dated 15.04.2014 and to remit the case to the respondent-department to conduct fresh enquiry on the charge of her absence and to decide the matter as seen as possible, within a period of two months from the receipt of this judgment but not later than <sup>that</sup> Back benefits will be subject to the out-come of the fresh proceedings. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
29.06.2015

*Edy Mr. Babbar Shah,*  
*Edy Abdul Latif,*

Certified to be true copy

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application 8.7.2015  
 Number of Words 1200  
 Copying Fee 8  
 Urgent 2  
 Total 10  
 Name of Copyist \_\_\_\_\_  
 Date of Completion of Copy 8.7.2015  
 Date of Delivery of Copy 8.7.2015

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ATTACHED

CHARACTER ROLL OF

SYB (14)

Serial No.

15. CENSURES AND PUNISHMENTS—Contd.

FO  
GAZE

ued

Keeping in view the enquiry conducted so far, revealed that the period of absence 18 months out of which 06 months were Ex-Patriation leave while remaining period of absence 12 months may be treated as leave without pay and also stoppage of one year Annual increment with accumulative effect

OB No. 4204

13-11-2015

Capital City Police Officer  
Peshawar.

(2015)

Pay provisionally fixed in the Revised Pay Scale

2015 in BPS No. 5 vide KP Finance Deptt. Letter

No. FD(PRC) 1-1/2015 dt 27 July 2015 at Rs. 8340/-

/PM w.e.f 01.07.2015.

- For CCPO, Peshawar

Pl as FC/HC in BPS No. 5  
at Rs. 8340/- PM w.e.f 01.12.2015

For CCPO, Peshawar

Approved w/o accumulation  
Effect OB No. 4204

13-11-15

ATTACHED

FORM No. 14.54 (4)  
ORDER BOOK

17-13-11-15

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No.	Section Head	Details of Order
4204	Continued/staff life increment - of	
2	Sobana 3720	While the remaining period of absence 12 months may be treated as leave with pay & also staff life of one year annual increment without cumulative effect
		(2) Ctl - Armat 4932 absented from duty w.e.f 4-2-13 to 11-3-13 (35 D.Ys) therefore awarded the punishment of staff life of 6 months increment (35 D.Ys) absence treated leave without pay -
		(3) Ctl - Kamran 5965 absented from duty w.e.f 29-9-14 to 29-10-14 therefore awarded the punishment of staff life of 1 year increment & absence for (30 D.Ys) is treated as leave with pay -
4205	P/L Belal 2304	for shift 20/11/15/absence w.e.f 29-8-15 to 31-9-15/issue S.C.N in P/L Belal -
4206	Transfer	The following transferred / Post of held by order
	(1) MLC Kamran 151	P/L/H2 post to Ps. KRS (100)
	(2) " Subhat 954	" " Ps. Phanda (100)
	(3) " Hanu 770	" " Ps. J/Abel (100)
	(4) " Faruk 3477	" " Ps. KRS (100)
	(5) MLC Rehman 3965	Ps. P/L/ke " MLC Ps. CHU
	(6) ASI Anwar 100	MASI - Ps. CHU " Ps. P/L/ke
	(7) " Subhat 352	Ps. J/Abel " P/L's
	(8) S/L Kamran 453	Ps. B/Mali " Ps. Tataba
	(9) " Hanu 797	Ps. Tataba " Ps. B/Mali
	(10) " Subhat 5113	CCP, Post " C/P
	(11) " Inam 209	C/P " CCP, Post
	(12) " Subhat 1-5027	Ps. Subhat " Ps. E/Co II
	(13) " Subhat 1569	Ps. E/Co II " Ps. Subhat
	(14) " Subhat 1270	Ps. Subhat " Ps. B/Mali
	(15) " Niaz 1427	Ps. B/Mali " Ps. Subhat
4207	Res. Lt	The following qualified for promotion
		1926 DT - 9-2015
	(1) Munir 5438	(2) P/L/ke (3) M. Aziz 4051
	(4) Subhat 22	(5) Subhat 127/712 (6) Jamil 376/317



OFFICE OF THE  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

Phone No. 091-9210989  
Fax No. 091-9212597

9

ORDER.

This order will dispose of the departmental appeal preferred by lady constable **Shabana Farid No.3720** who was awarded the **Punishment of leave without pay for a period of 12 months and stoppage of one increment without commulative effect** by SP/HQr: Peshawar vide OB No. 4204 dated 13.11.2015.

2- The allegations leveled against her were that she while posted at Women Police Station peshawar absented herself from her lawful duty for a total period of 18 months.

3- A denovo departmental enquiry was initiated against her on the direction of Honorable Services Tribunal Khyber Pakhtunkhwa passed in her service appeal filed against her major penalty of dismissal from service. After re-instatment into service she was issued proper charge sheet and summary of allegations by SP/HQr: Peshawar and DSP/Saddar Circle Peshawar was appointed as enquiry officer. The enquiry officer after conducting proper departmental enquiry submitted his finding and held her responsible for the charges leveled against her. The competent authority i.e SP/HQrs: Peshawar, after perusal of the enquiry report awarded her the punishment of leave without pay for a period of 12 months and stoppage of one increment without commulative effect vide OB No. 4204 dated 13.11.2015 and the remaining six months may be counted as Ex-Pakistan leave.

4- She was heard in person in O.R. The relevant record perused along with her explanation. During personal hearing the appellant failed to produced any plausible explanation in her defence to prove her innocence. Therefore, her appeal to set aside the punishment order passed by SP/HQr: Peshawar vide OB No.4204 dated 13-11-2015 is hereby rejected /dismissed being also time bared for 03 years and 02 months.

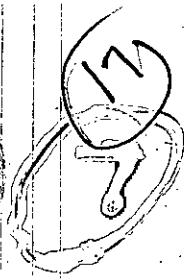
(QAZI JAMIL UR REHMAN)PSP  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

No. 421-25 /PA dated Peshawar the 11 / 03 /2019.

Copies for Information and n/a to the:-

1. SP-HQr: Peshawar.
2. PO/ OASI/ CRC
3. FMC along with FM
4. Official concerned

ATTESTED  
**NOROZ KHAN**  
Advocate Supreme Court of Pakistan  
14-A, Paroon Mansion Khyber Bazar  
Peshawar 0333-9159998



Amr D



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
Central Police Office, Peshawar.

No. S/ 960 /19, dated Peshawar the 29/03 /2019.

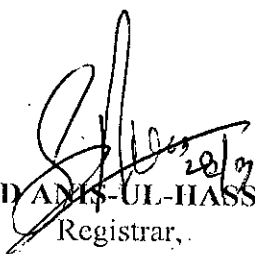
To: The Capital City Police Officer,  
Peshawar.


Subject: REVISION PETITION.

Memo:

The Competent Authority has examined and filed the revision petition submitted by Lady Constable Shabana Fareed No. 3720 of CCP Peshawar against the punishment of leave without pay for a period of 12 months and stoppage of one increment without cumulative effect awarded by SP/HQrs: Peshawar vide OB No. 4204, dated 13.11.2015, being badly time barred.

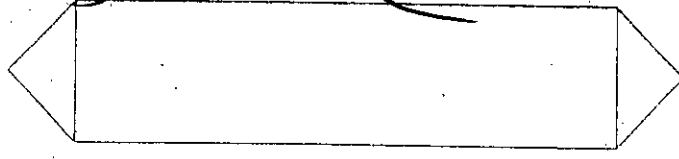
The applicant may please be informed accordingly.

  
(SYED ANIS-UL-HASSAN)  
Registrar,  
For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.

  
ATTESTED  
**NOROZ KHAN**  
Advocate Supreme Court of Pakistan  
14-A, Haroon Mansion Khyber Bazar  
Peshawar 0333-9159998



بعدالت حج برسہ لکھ سو فیصد



اسلام آباد  
لاہور  
پشاور

2019ء منجانب

سید فہد بنام

مورخہ

مقدمہ

دعویٰ

جرم

### باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کاروائی متعلقہ

آن مقام کے لیے روئے ہوئے والدین

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوفہ مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز

وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یا یکطرفہ یا اپیل کی برآمدگی

اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت

مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے

تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے

اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے

سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں

گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

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المرقوم

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مقام کے لئے منظور ہے۔

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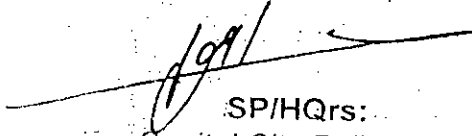
OFFICE OF THE  
CAPITAL CITY POLICE OFFICER  
PESHAWAR

Phone No. 091-9210757  
Fax: No. 091-9212597

ORDER

In pursuance of AIG/Establishment KP, CPO Peshawar letter No. 11809/E-IV, dated 11.12.2018 and memo No. 3902/E-IV, dated 10.04.2019, Lady Constable Shabana Fareed No. 3320/3720 of Capital City Police Peshawar is hereby relieved from this establishment with a direction to join Education department Khyber Pakhtunkhwa Peshawar as PST (BPS-12) with effect from 21.03.2019 (A/N).

However, her lien will not be retained in Police Department.

  
SP/HQrs:  
For Capital City Police Officer,  
Peshawar

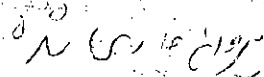
OB No. 1256

Dated: 11/1/2019

No. 11268-74 /CIRC. dated Peshawar the 12/1/2019.

Copy of above is forwarded for information and necessary action to the:-

1. Capital City Police Officer, Peshawar
2. AIG/Establishment KP at CPO Peshawar.
3. District Education Officer (female) Peshawar w/r to endst. No. 2836-3146 dt. 19.03.2019.
4. Pay Officer CCP, Peshawar
5. OAS & FMC
6. Official concerned.



18-5-2019

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

**Service Appeal No.913/2019.**

Ex- lady Constable Shabana Fareed No.3320 of CCP, Peshawar.....**Appellant.**

**VERSUS.**

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.
3. Superintendent of Police HQrs, Peshawar .....**Respondents.**

**Reply by Respondents No. 1, 2, &3.**

**Respectfully Sheweth:-**

**PRELIMINARY OBJECTIONS.**

1. That the appeal is badly barred by law & limitation.
2. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
3. That the appellant has not come to Hon'able Tribunal with clean hands.
4. That the appellant has no cause of action and locus standi.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant has concealed the material facts from Honorable Tribunal.
7. That the appeal is not maintainable being devoid of any merit.

**FACTS:-**

- (1) Correct to the extent that the appellant was enlisted in the respondent department and now she is serving in the education department as PST. Her performance in respondents department was not satisfactory.
- (2) Incorrect. In fact the appellant while posted at women Police station was granted 180 days ex- Pakistan leave on her own request vide order No.11768/CRC dated 25.06.2012. She was due to report back for duty on 15.12.2012, but she deliberately absented from official duty without any permission or leave.
- (3) Incorrect. In fact she preferred an application for extension of ex-Pakistan leave on 09.01.2013, while she was due to report for duty on 15.12.2012. She did not prefer an application with in time, and was marked absent vide DD No.28 dated 15.12.2012.
- (4) Incorrect. The appellant absented himself from his lawful duty w.e.f 15.12.2012. In this regard, proper charge sheet with statement of allegations was issued to her and proper departmental enquiry was conducted. On completion of enquiry, final show cause notice was issued to her and after observing all codal formalities, she was awarded appropriate major punishment of removal from service.

- (5) Correct to the extent that the appellant filed departmental appeal, which after due consideration was filed/rejected. Then she filed Service Appeal, this Honorable Tribunal accepted her appeal and remanded the case back to the respondents department for conducting de-novo enquiry.
- (6) Incorrect. In compliance with the directions of Honorable Service Tribunal, de-novo enquiry was carried out wherein the charges leveled against her were proved, hence she was awarded the minor punishment of stoppage of 01 year annual increment without cumulative effect and 12 months absence period was treated as leave without pay.
- (7) Incorrect. Departmental appeal of appellant was after inordinate delay of about 03 years 02 months and 18 days, was filed/ rejected on the grounds of facts and limitation by the competent authority.
- (8) Incorrect. Mercy petition of appellant was filed/rejected on the ground of limitation and facts.

**GROUND:-**


- A. Incorrect. The punishment orders are based on facts, justice, and legal have been passed in accordance with law/rules.
- B. Incorrect. The appellant was treated as per law/rules and no violation of law has been done by the replying department.
- C. Incorrect. Proper charge sheet with statement of allegations and a final show cause notice were issued to her and regular inquiry was conducted wherein the charges were established.
- D. Incorrect. The appellant was provided full opportunity of personal hearing and self defense, but she failed to disprove the charges.
- E. Incorrect. Proper department enquiry was conducted against her as per law/rules.
- F. Incorrect. The appellant was treated as per law/rules. Charges commensurate major punishment, but being a woman, taking lenient view, minor punishment was awarded.
- G. Incorrect. The appellant deliberately absented herself from his lawful duty. She was provided full opportunity of defense, but she failed to defend the proved charges.
- H. Incorrect. The punishment order is speaking and passed by the competent authority in accordance with established charges and rules.
- I. Incorrect. The appellant was provided all the opportunities of personal hearing and self defend but she failed to disprove the proved charges of misconduct.
- J. Incorrect. Proved charges commensurate major punishment, but being a woman, taking lenient view, minor punishment was awarded.

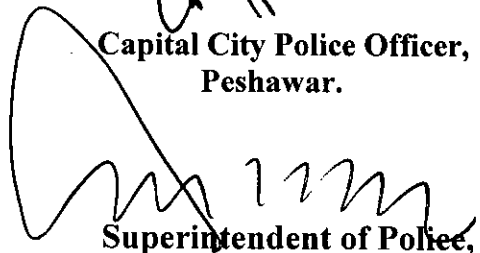
- K. Incorrect. The punishment order passed by the competent authority is lenient, based on facts and rules. She has willfully absented from official duty without leave, therefore the said period was treated as leave without pay.
- L. Respondents also seek permission of this Honorable Tribunal to raise additional grounds at the time of arguments.

**PRAYERS:-**

In view of the above, and keeping in view the gravity of slackness, willful negligence and misconduct of appellant, it is prayed that appeal being devoid of merit, and barred by limitation may kindly be dismissed with cost please.

  
Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar.

  
Capital City Police Officer,  
Peshawar.

  
Superintendent of Police,  
HQs, Peshawar.

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

**Service Appeal No.913/2019.**

Ex- lady Constable Shabana Fareed No.3320 of CCP, Peshawar.....**Appellant.**


**VERSUS.**

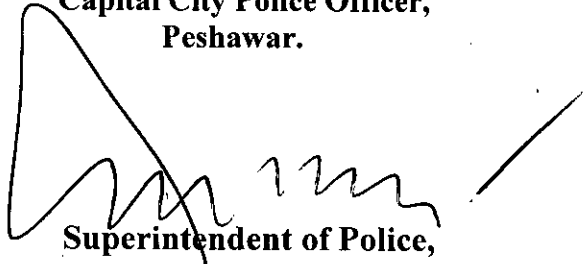
1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.
3. Superintendent of Police HQrs, Peshawar .....**Respondents.**

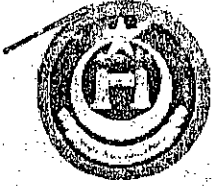
**AFFIDAVIT**

We respondents No. 1 ,2 & 3 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and nothing has concealed/kept secret from this Honorable Tribunal.

  
**Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar.**

  
**Capital City Police Officer,  
Peshawar.**

  
**Superintendent of Police,  
HQrs, Peshawar.**



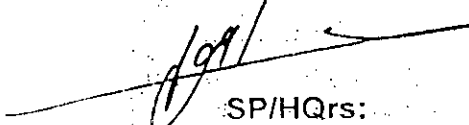
OFFICE OF THE  
CAPITAL CITY POLICE OFFICER  
PESHAWAR

Phone No. 091-9210757  
Fax: No. 091-9212597

ORDER

In pursuance of AIG/Establishment KP, CPO Peshawar letter No. 11809/E-IV, dated 11.12.2018 and memo: No. 3902/E-IV, dated 10.04.2019, Lady Constable Shabana Fareed No. 3320/3720 of Capital City Police Peshawar is hereby relived from this establishment with a direction to join Education department Khyber Pakhtunkhwa Peshawar as PST (BPS-12) with effect from 21.03.2019 (A/N).

However, her lien will not be retained in Police Department.

  
SP/HQrs:  
For Capital City Police Officer,  
Peshawar

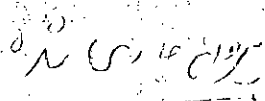
OB No. 1256

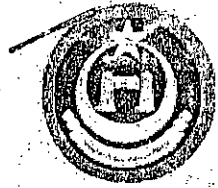
Dated: 11/14 /2019

No. 11268-74 /CRC, dated Peshawar the 12/14 /2019.

Copy of above is forwarded for information and necessary action to the:-

1. Capital City Police Officer, Peshawar
2. AIG/Establishment KP at CPO Peshawar.
3. District Education Officer (female) Peshawar w/r to endst. No. 2836-3146 dt. 19.03.2019.
4. Pay Officer:CCP, Peshawar
5. OASI & FMC
6. Official concerned:

  
18-5-2019



(7)

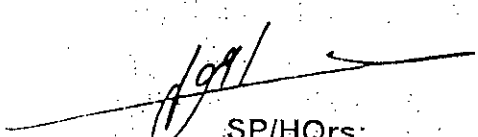
**OFFICE OF THE  
CAPITAL CITY POLICE OFFICER  
PESHAWAR**

Phone No. 091-9210757  
Fax: No. 091-9212597

ORDER

In pursuance of AIG/Establishment, KP, CPO Peshawar letter No. 11809/E-IV, dated 11.12.2018 and memo: No. 3902/E-IV, dated 10.04.2019, Lady Constable Shabana Fareed No. 3320/3720 of Capital City Police Peshawar is hereby relieved from this establishment with a direction to join Education department Khyber Pakhtunkhwa Peshawar as PST (BPS-12) with effect from 21.03.2019 (A/N).

However, her lien will not be retained in Police Department.

  
SP/HQrs:  
For Capital City Police Officer,  
Peshawar

OB No. 1256

Dated: 11/1/2019

No. 11268-74 /CIRC, dated Peshawar the 12/1/2019.

Copy of above is forwarded for information and necessary action to the:-

1. Capital City Police Officer, Peshawar
2. AIG/Establishment KP at CPO Peshawar.
3. District Education Officer (female) Peshawar w/r to endst. No. 2836-3146 dt: 19.03.2019.
4. Pay Officer-CCP, Peshawar
5. OASI & FMC
6. Official concerned:

N (S) 10 (19)

18-5-2019



**Denvo Proceedings**

(16)

**CHARGE SHEET**

I, Superintendent of Police, Headquarters, Capital City Police Peshawar, as a competent authority, hereby, charge that Lady Constable Shabana Farid No.5528/662 of Capital City Police Peshawar with the following irregularities.

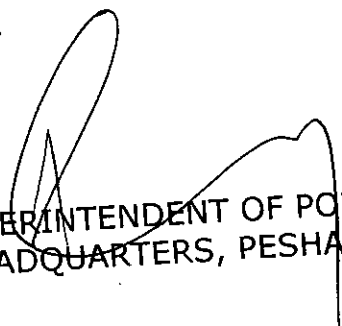
"That you Lady Constable Shabana Farid No.5528/662 while posted at Women Police Station, Peshawar were absent from duty w.e.f 15.12.2012 to 04.07.2013 without taking permission or leave. This amounts to gross misconduct on your part and is against the discipline of the force."

You are, therefore, required to submit your written defence within seven days of the receipt of this charge sheet to the Enquiry Officer committee, as the case may be.

Your written defence, if any, should reach the Enquiry Officer/Committee within the specified period, failing which it shall be presumed that have no defence to put in and in that case exparte action shall follow against you.

Intimate whether you desire to be heard in person.

A statement of allegation is enclosed.

  
SUPERINTENDENT OF POLICE,  
HEADQUARTERS, PESHAWAR

NO. 1641-PA  
dt: 18.8.15

Denovo Proceedings

DISCIPLINARY ACTION

NO. 3320

I, Superintendent of Police, Headquarters, Capital City Police Peshawar as a competent authority, am of the opinion that Lady Constable Shabana Farid No.5528/662 has rendered him-self liable to be proceeded against under the provision of Police Disciplinary Rules-1975

STATEMENT OF ALLEGATION

"That Lady Constable Shabana Farid No.5528/662 while posted at Women Police Station, Peshawar absented himself from duty w.e.f 15.12.2012 to 04.07.2013 without taking permission or leave. This amounts to gross misconduct on his part and is against the discipline of the force."

For the purpose of scrutinizing the conduct of said accused with reference to the above allegations an enquiry is ordered and SDPo Sadar Circle is appointed as Enquiry Officer.

2. The Enquiry Officer shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused officer, record his finding within 30 days of the receipt of this order, make recommendations as to punishment or other appropriate action against the accused.

3. The accused shall join the proceeding on the date time and place fixed by the Enquiry Officer.

SUPERINTENDENT OF POLICE,  
HEADQUARTERS, PESHAWAR

No. 159 /E/PA, dated Peshawar the 05/08 /2015

1 SDPo Sadar Circle is directed to finalize the aforementioned departmental proceeding within stipulated period under the provision of Police Rules-1975.

2. Official concerned

The Superintendent of Police,

HQrs: Peshawar.

NOI- 159 - PA / HQrs  
13/11/15

SUBJECT: DEPARTEMENTAL ENQUIRY AGAINST LADY CONSTABLE SHABANA FARID NO. 3320 OF WOMEN POLICE STATION, PESHAWAR.

Memo:

Please refer to your office end: No. 159/E/PA dated 05.08.2015 on the subject cited above.

ALLEGATIONS:

There were allegations against Lady Constable Shabana Farid No. 3320 that she while posted at Women Police Station, Peshawar absented himself from his lawful duty with effect from 15.12.2012 to 04.07.2013 without leave or permission. In this connection the undersigned was appointed as enquiry officer to scrutinize the conduct of the said Lady Constable.

PROCEEDING:-

The alleged Lady Constable Shabana Farid No. 3320 was summoned to the office of the undersigned to hear in person and record her statement. However, she appeared before the undersigned and she produced her written reply wherein she stated that she approached to High-Ups for the 6 months of Ex-Pak leave and also she was went to London alongwith her husband. She further stated that during her stay in London she was ill and she was admit in the Barts Health NHS Newham University Hospitals Glen road London. After this she was dispatched some applications to the High-Ups for more leave, but she received no any response. Therefore, on 02.08.2015 she was come back to Pakistan and also reported her arrival in the Police Lines Peshawar. She was informed that she was dismissed from service. Furthermore, she approached to the service Tribunal Peshawar while the competent Court she was re-instate on her service and also up till now she has been performed her duty at different pleases.

RECOMMENDATION.

Keeping in view, the enquiry conducted so far, revealed that the period of absence 18 months, out of which 06 months may be counted as Ex-Pakistan leave while the remaining period of absence 12 months may treated as leave without Pay and also stoppage of one year Annual Increment without cumulated effect, if approad.

Enc: (32)

CCPO  
QB No. 4204  
Date 10/11/15  
Peshawar

(MUHAMMAD YASEEN KHAN)  
DEPUTY SUPERINTENDENT OF POLICE  
SADDAR CIRCLE, PESHAWAR

W.SP/HQrs: Peshawar, please.

No. 2547 /PA.

Dated: 10/11/2015

Approved as recommended by E.C.

[Signature]