

14.06.2022

Nemo for appellant. Lawyers are on general strike.

Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

Notice be issued to appellant/counsel for 18.08.2022 for arguments before D.B at Camp Court, Abbottabad.



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



(Rozina Rehman)
Member (J)
Camp Court, A/Abad

20th Oct, 2022

None for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asst: AG for respondents present.

Notices be issued to the appellant and his counsel through registered post. To come up for arguments on 27.12.2022 before D.B.



(Fareeha Paul)
Member(Executive)



(Kalim Arshad Khan)
Chairman

19.01.2022

Counsel for the appellant present. Mr. Muhammad Ishfaq, S.I alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Representative of the respondents requested that time may be granted for submission of written reply/comments on behalf of respondents. The request is acceded, however subject to payment of costs of Rs. 1000/-. Adjourned. To come up for submission of written reply/comments as well as costs of Rs. 1000/- on behalf of respondents on 20.04.2022 before the S.B at Camp Court Abbottabad.

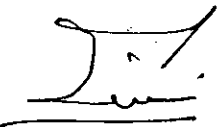
(Salah-ud-Din)
Member (J)
Camp Court A/Abad

18.04.2022

Learned counsel for the appellant present. Mr. Ahmad Ashfaq, S.I (legal) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Written reply on behalf of respondents submitted, which is placed on file and copy of the same handed over to learned counsel for the appellant.

The amount of cost of Rs. 1000/-, which was imposed by this Tribunal vide previous order sheet dated 19.01.2022 on the respondents, deposited by representative of the respondents today, which is handed over to learned counsel for the appellant and in this respect his written endorsement obtained at the margin of order sheet. Adjourned. To come up for rejoinder, if any, as well as arguments on 14.06.2022 before the D.B at Camp Court Abbottabad.


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

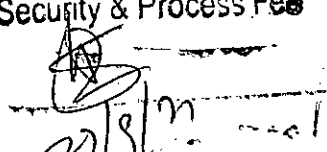
*Received Rs. 1000/- (one thousand only)
As an amount of cost from Respondents,
M. Adeel Butt
Adv*


24.09.2021

Mr. Mohammad Aslam Tanoli, Advocate, for the appellant present. Preliminary arguments heard.

Points raised need consideration, hence the appeal is admitted to regular hearing subject to limitation ^{to} as well as all legal and valid objections ^{including question of limitation.} The appellant is directed to deposit security and process fee within 10 days, where-after notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments before the D.B on 23.12.2021 at Camp Court Abbottabad.

Appellant Deposited
Security & Process Fee





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

23.12.2021

Learned counsel for the appellant present. Mr. Ahmad Ashfaq, Senior Clerk alongwith Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for the respondents present.

Respondents have failed to submit their written reply/comments even today, therefore, last opportunity given to the respondents with the direction to submit reply/comments on the next date positively, failing which their right for submission of reply/comments shall be deemed as struck off. To come up for submission of written reply/comments on 19.01.2022 before the S.B at Camp Court Abbottabad.

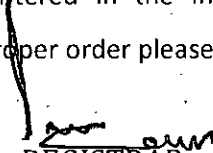


(Salah-Ud-Din)
Member (J)
Camp Court Abbottabad

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. - 11497 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	02/10/2020	<p>The appeal of Mr. Farraukh Mehmood presented today by Mr. Muhammad Aslam Tanoli Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>22.01.2021</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p><u>22-1-2021</u></p> <p>Due to covid 19, case is Adjourned to 24-9-21 for the same.</p> <p style="text-align: right;">\$ Reader</p>

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR.

SERVICE APPEL NO 11497 of 2020

Farakh Mehmood s/o kala Khan (Ex. Constable No. 221 police department) r/o village Murad-abad P.O Sera-e_saleh Tehsil & District Haripur.

.....Appellant

VERSUS

1. Provincial Police officer Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Torghar.

..... Respondents

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Deponent

①

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR.

SERVICE APPEL NO 11497 of 2020

Farakh Mehmood s/o kala Khan (Ex. Constable No. 221 police department) r/o village Murad-abad P.O Sera-e_saleh Tehsil & District Haripur.

.....Appellant

VERSUS

- 1) Provincial Police officer Khyber Pakhtunkhwa, Peshawar.
- 2) Regional Police Officer, Hazara Region, Abbottabad.
- 3) District Police Officer, Torghar.

..... Respondents

Reply/Comments On Behalf Of Respondents

RESPECTFULLY SHEWETH:-

PRELIMINARY OBJECTION:-

- a) The appeal is not based on facts and appellant has got no cause of action or locus standi.
- b) That appeal is not maintainable in the present form.
- c) The appeal is bad for non-joinder of necessary and mis-joinder of unnecessary parties.
- d) The appellant is estopped by his own conduct to file the appeal.
- e) The appeal is barred by the law and limitation.
- f) The appellant has not come to the Honorable Tribunal with clean hands.

FACTS:-

1. The appellant was posted in district Haripur on loan basis DPO Haripur vide letter No. 2705/OASl dated 02.05.2017 informed that the appellant while performing his official duties in district Haripur on loan

25

basis, has absented himself from lawful duty on the following occasions:-

- 27.10.2016 to 08.11.2016 (11 days).
- 08.02.2017 to till date of dismissal. (155 days)

He was dismissed from service vide O.B No. 290 dated 12.07.2017 by the than DPO Torghar. The departmental appeal against dismissal order of the appellant was rejected by the Regional Police Officer, Hazara Region Abbottabad. **(Copy of Dismissal order is enclosed as Annexure A).**

2. The appellant approached the Khyber Pakhtunkhwa Service Tribunal, Camp Court, Abbottabad through service appeal No. 254/2018, which was partially accepted and the appellant was reinstated in service vide judgment dated 21.05.2019. The tribunal directed the department to conduct Denovo enquiry. **(Copy of court order is enclosed as annexure B).**
3. The appellant was properly charge sheeted and he was given full opportunity of defense.
4. The appellant deliberately absented himself without any leave or permission hence he is not entitled for any benefit.
5. Incorrect, the appellant absented himself as such he could not be traced to convey him his dismissal order O.B No. 263 dated 28.08.2019. **(Copy of dismissal order is enclosed as annexure C)**
6. Incorrect, the absence of appellant was deliberate, he did not inform his seniors about illness of his brother. The appellant is a habitual absentee and irresponsible official who does not care of rule / regulation or discipline that's why no sympathy could be extended. The penalty of dismissal is accordance with law and inevitable for such diligent officials.


7. Correct to the extent he preferred departmental appeal before the respondent No. 02 which was meritless, hence rejected vide order dated 23228/PA dated 16.09.2020. **(copy of rejection order is enclosed as annexure D).**

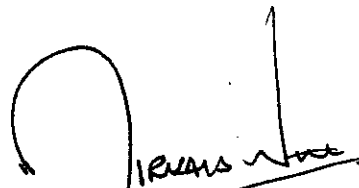
GROUNDS:-

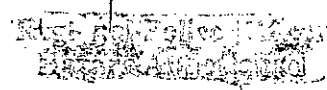
- A. Incorrect. The impugned orders are legal, lawful and tenable in the eye of law.
- B. Incorrect. A proper enquiry was conducted and he was given opportunity to participate in the proceedings.
- C. Incorrect. The appellant was treated in accordance with law / rule and regulations.
- D. Incorrect. The appellate authority has followed the law/ rule and regulations in deciding the appeal.
- E. Incorrect.
- F. Incorrect. The instant appeal is badly time barred.

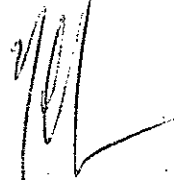
PRAYER:

In view of the above mentioned facts, the appeal in hand may kindly be dismissed being devoid of any legal force and badly time barred case.


**Provincial Police Officer
Khyber Pakhtunkhwa Peshawar
(Respondent No. 1)**


**Regional Police Officer
Hazara Region Abbottabad
(Respondent No. 2)**




**District Police Officer
Torghar
(Respondent No. 3)
District Police Officer
Torghar.**

(5)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR.

SERVICE APPEL NO 11497 of 2020

Farakh Mehmood s/o kala Khan (Ex. Constable No. 221 police department) r/o village Murad-abad P.O Sera-e_saleh Tehsil & District Haripur.

.....Appellant

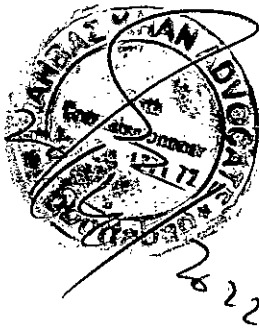
VERSUS

- 1) Provincial Police officer Khyber Pakhtunkhwa, Peshawar.
- 2) Regional Police Officer, Hazara Region, Abbottabad.
- 3) District Police Officer, Torghar.

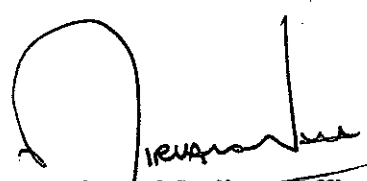
..... Respondents

AFFIDAVIT

We respondents, do hereby solemnly affirm and declare that the contents of comments are true and correct to the best of our knowledge and belief and nothing has been concealed or suppressed from this Honorable Tribunal.




Provincial Police Officer
Khyber Pakhtunkhwa Peshawar
(Respondent No. 1)


Regional Police Officer
Hazara Region Abbottabad
(Respondent No. 2)


Regional Police Officer
Hazara Abbottabad


District Police Officer
Torghar
(Respondent No. 3)
Torghar.

ORDER

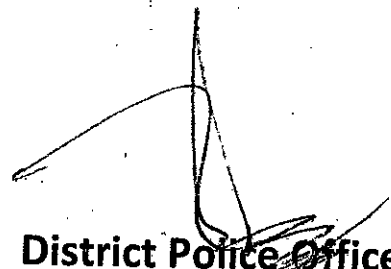
Constable Farukh Mehmood No.456 of this district presently performing his duty in Haripur District on loan basis absented himself from duty w.e.f 27-10-2016 to 08-11-2016 and 18-02-2017 to uptill now without any information/permission of the competent authority .

District Police Officer, Haripur recommended him for major punishment i.e. Dismissed from service vide DPO Haripur Memo: No.2705/OASI dated, 02-05-2017.

Keeping in view, I Sardar Khan, District Police Officer, Torghar competent authority under Police Rule E & D rule 1975, is hereby agreed with the recommendation of DPO Haripur , and he is hereby dismissed from service from the date of received recommendation i.e. 02-05-2017.


Order announced

OB No. 290 12/7/2017


District Police Officer
Torghar

Copy to the:-

- 1. Pay Officer, Torghar
- 2. SRC, Torghar
- 3. OASI, Torghar


District Police Officer
Torghar

Annexure B

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CAMP COURT ABBOTTABAD.

Service Appeal No. 254/2018

Date of Institution ... 23.02.2018

Date of Decision ... 21.05.2019



Farrukh Mehmood S/O Kala Khan (Ex-Constable No.414 Police Department) R/O
Village Muradabad, P.O. Sera-e-Saleh, Tehsil and District Haripur.
... (Appellant)

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa and two others.
... (Respondents)

MR. MUHAMMAD ASLAM TANOLI,
Advocate --- For appellant.

MR. MUHAMMAD BILAL,
Deputy District Attorney --- For respondents

MR. AHMAD HASSAN --- MEMBER (Executive)
MR. MUHAMMAD AMIN KHAN KUNDI --- MEMBER (Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the
parties heard and record perused.

ARGUMENTS.

2. Learned counsel for the appellant argued that after having rendered ten years
satisfactory service in Police Department, suddenly his elder brother fell ill. To
look-after his ailing brother the appellant had no other option but to reach home.
Through Moharrir of the Police Station concerned, he submitted an application for
grant of two months leave. The leave was not sanctioned. On 18.04.2017 another
application for leave was submitted by him but to no avail. The respondents did not
allow him to join duty and was marked absent. In 2016, he was transferred/posted
from District Haripur to District Torghar. On 01.08.2017 the appellant approached

ATTESTE

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

the DPO for duty. However, he was informed that vide order dated 12.07.2017, he had been dismissed from service w.e.f 02.05.2017. He filed departmental appeal on 17.08.2017, which was dismissed on 14.11.2017, hence, the present service appeal. He further argued that absence on the part of the appellant was not deliberate and willful, rather was forced by the circumstances to stay away from duty and that too applications for grant of leave were submitted in time but not decided by the respondents. Impugned order was void ab-initio, arbitrary, whimsical and unlawful having been passed without observance of procedure laid down in Police Rules 1975. Major punishment was awarded without holding regular enquiry. In these circumstances, he was condemned unheard.

3. Learned Deputy District Attorney argued that vide letter dated 02.05.2017 DPO, Haripur informed DPO, Torghar that while performing duty in District Haripur on loan basis, he remained absent from duty without permission of the competent authority. In pursuance of the said letter DPO, Torghar awarded him major penalty of dismissal from service vide order dated 12.07.2017 after observance of all codal formalities.

CONCLUSION

4. The appellant an employee of District Police, Torghar was deputed to perform duty in District Haripur on loan basis. While performing duty all of a sudden his elder brother fell ill and perforce he had to reach home to provide timely treatment to the ailing patient. Before leaving for home he had submitted an application through Moharrir of the Police Station for grant of two months leave and was assured that leave would be sanctioned. On 18.04.2017 another application for two months extension in leave was submitted but was not sanctioned by the competent authority. On 01.08.2017, he reported for duty to the DPO, Torghar, where he was informed to have been dismissed from service vide order dated

ATTES
EXAMINI
Khyber Pakhtun
Service Tribunal
Peshawar

12.07.2017. In the impugned order a reference was made to a letter of DPO, Haripur dated 02.05.2017, whereby it was recommended to impose major penalty on the appellant. Request of the DPO was honored by issuing the impugned order.

5. It is strange that major penalty of dismissal from service was awarded to the appellant without resort to the procedure laid down in Police Rules 1975. No regular enquiry was conducted against the appellant and with a single stroke of pen, major penalty was awarded to him. Action on the part of respondents was patently void, illegal, unlawful and arbitrary. According to Article-10-A of the Constitution opportunity of fair trial was the fundamental right of the appellant which was deliberately and intentionally denied by the respondents. He was condemned unheard. There are numerous judgments of the superior courts that before imposing major penalty regular enquiry should be conducted.

6. As a sequel to above, the appeal is accepted, impugned orders dated 12.07.2017 and 14.11.2017 are set aside and the appellant is reinstated in service. The respondents are directed to conduct de-novo enquiry within a period of ninety days from the date of receipt of this judgment. The issue of back benefits shall be subject to the outcome of the de-novo enquiry. Parties are left to bear their own costs. File be consigned to the record room.

(AHMAD HASSAN),

Member

Camp Court Abbottabad.

(MUHAMMAD AMIN KHAN KUNDI)

Member

ANNOUNCED

21.05.2019

Certified true copy
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

ORDER

(10)
AMENDED

This order would dispose off the departmental enquiry, conducted against Constable Farukh Mehmood No.221 who had absented himself from his official duties without any leave or permission of the competent authority vide DD No.46 dated 27.10.2016 to DD No.48 dated 08.11.2016 (11days) and vide DD No.23 dated 18.02.2017 to the date of dismissal i/e OB No.290 dated 12/07/2017 (72 days). Consequent upon order vide OB No.313 dated, 02-05-2019 of District Police Officer, Haripur he was awarded major punishment of dismissal from service by the than District Police Officer, Torghar vide OB No.290 dated, 12.07.2017. He filed service appeal No.254/2018 before the Khyber Pakhtunkhwa, Service Tribunal, Peshawar for his re-instatement in service which was accepted vide judgment dated 21.05.2019 with the directions to the respondents to conduct de-novo enquiry into the allegations mentioned above.

He was reinstated in service vide this office order OB No.201 dated, 14-06-2019 in the light of judgment ibid and the above named defaulter official was again charge sheeted vide this office Memo: No.753-54/PA dated 21.06.2019 for the allegations of his willful absence from his official duties without any leave or permission of the competent authority, keeping in view the Para No.06 of the said judgment passed by Honorable Khyber Pakhtunkhwa, Service Tribunal, Peshawar in appeal No.254/2018.

Enquiry was entrusted to Mr. Gul Zar Khan, DSP/Hqrs. who conducted detail enquiry into the allegations and held him responsible / guilty for the allegations as envisaged in the charge sheet and statement of allegations. On 29.07.2019, he submitted enquiry report in which he recommended the defaulter official for major punishment. On receiving the same he was served with Final Show Cause Notice vide this office Memo: No.855/PA dated, 01-08-2019 in response to which he did not submit his written reply as prior to this on 29.07.2019, vide DD No.19 Police Lines he absented himself from his official duties. Therefore, Final Show Cause Notice was delivered to him through a special messenger at his home which was received by his brother namely Nadeem Shehzad s/o Kalo Khan r/o City Haripur and he assured that he will inform his brother Farukh Mehmood No.221 to appear in orderly room on 18-08-2019 but he did not do so. Again on 23-08-2019 he was called vide this office letter No.944 through District Police Officer, Haripur to appear in orderly room on 28-08-2019 but he failed and did not come forward to defend himself.

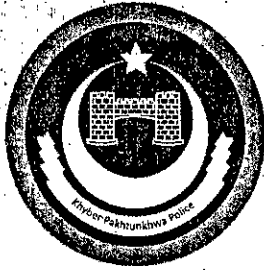
After having gone through the record/enquiry file coupled with recommendation of the enquiry officer and evidence brought on record it came to surface that the period of treatment of his brother which was given to him in the years 2015, 2018 & 2019 and the period of his absence falls in the years 2016 and 2017, as both illness and absence were happened in different time periods due to which he was not entitled for commiseration. Therefore, keeping in view of what has being stated above, **I. Mr. Hafiz Janis Khan, District Police Officer, Torghar**, being competent authority in exercise of the power vested in me under the Khyber Pakhtunkhwa, Police Rules, 1975 (with amendment 2014) am constrained to award him major punishment. Therefore, the defaulter official Farukh Mehmood No.221 is hereby awarded major punishment of dismissed from service with immediate effect. His period of absence is treated as leave without pay. Order announced in absence of the defaulter official namely Farukh Mehmood No.221.

OB No. 263 / Dated 28/08/2019.


District Police Officer,
Torghar

Copies to the :-

1. SRC, Torghar
2. Pay Officer, Torghar.



AMRUKSE - D
OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

0992-9310021-22

0992-9310023

✉ r.rpohazara@gmail.com

0345-9560687

NO: 23227/PA DATED 16/9/2020

ORDER

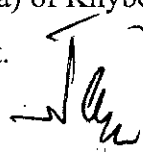
This order will dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by Ex-Constable Farakh Mehmood No.221 of District Torghar (on loan basis to district Haripur) against the order of punishment i.e. *dismissal from service* awarded by District Police Officer, Torghar vide OB No.263 dated 28.08.2019.

Brief facts leading to the punishment are that the appellant while performing his duty in District Haripur on loan basis absented from duty 27.10.2016 to 08.11.2016 (11 days) & 18.02.2017 to 12.07.2017 (total absence 155 days).

Consequently, appellant was awarded major punishment of dismissal from service by DPO Torghar vide 290 dated 12-07-2017. He preferred departmental appeal to the Regional Police Officer, Hazara which was filed by the appellate authority. Thereafter, the appellant intuited Service Appeal No.254/2018 in Khyber Pakhtunkhwa, Service Tribunal Camp Court Abbottabad against the punishment. The Honorable Service Tribunal vide its Judgment dated 21.05.2019 accepted the appeal, set aside the impugned orders and directed to conduct denovo enquiry.

As a result, DSP Hrqs Torghar was deputed to conduct de-novo enquiry. During the course of enquiry the allegations leveled against the appellant were proved and EO recommended him for major punishment. He was heard in person, however he failed to advance any cogent reason in his defence. Consequently, DPO Torghar awarded him major punishment of dismissal from service. Hence, the appellant submitted this present appeal.

After receiving his appeal, comments of DPO Torghar were sought and examined/perused. The undersigned called the official in OR and heard him in person. However the he failed to advance any plausible justification in his defence. Moreover, the instant appeal is badly time barred the appellant submitted the appeal after lapse of 08 months and 21 days. Therefore, in exercise of the powers conferred upon the undersigned under Rule 11-4 (a) of Khyber Pakhtunkhwa Police Rules, 1975 the instant appeal is hereby filed with immediate effect.


Qazi Jamil ur Rehman (PSP)
REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

No. 23228 /PA, dated Abbottabad the 16-9 /2020.
CC.

The District Police Officer, Torghar for information and necessary action with reference to his office Memo No 3456/GB dated 06-07-2020. Service Roll and Fuji Missal containing enquiry file of the appellant is returned herewith for record.

BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Appeal No....11497

Farraukh Mehmood S/O Kala Khan (Ex-Constable No. 221 Police Department) R/O Village Murad-abad, P.O. Sera-e-Saleh, Tehsil & District Haripur.

Appellant

VERSUS

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

Respondents

SERVICE APPEAL

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Appellant

Through


(Mohammad Aslam Tanoli)
Advocate High Court
at Haripur

Dated: 2-10-2020

BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Appeal No.....

Farraukh Mehmood S/O Kala Khan (Ex-Constable No. 221
Police Department) R/O Village Murad-abad, P.O. Sera-e-
Saleh, Tehsil & District Haripur.

Appellant

VERSUS

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

Respondents

SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL
ACT 1974 AGAINST ORDER DATED 28-08-2019 OF THE DISTRICT
POLICE OFFICER TORGHAR AND WHEREBY APPELLANT HAS BEEN
DISMISSED FROM SERVICE AND ORDER DATED 16-09-2020 OF THE
REGIONAL POLICE OFFICER HAZARA REGION ABBOTTABAD
WHEREBY HIS DEPARTMENTAL APPEAL REJECTED.

PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL
IMPUGNED ORDERS DATED 28-08-2019 AND 16-09-2020 OF
RESPONDENTS MAY GRACIOUSLY BE SET ASIDE AND APPELLANT
BE RE-INSTATED IN HIS SERVICE FROM THE DATE OF DISMISSAL
WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.

Respectfully sheweth,

1. That previously the appellant was dismissed from service by the District Police Torghar vide order dated 12-07-2017 with effect from 02-05-2017. The appellant preferred a departmental appeal dated 17-08-2017 before the Regional Police Officer, Hazara Region, Abbottabad which was also rejected on 14-11-2017.

2. That aggrieved of aforementioned orders, the appellant filed a service appeal No. 254/2018 before this Honourable KPK Service Tribunal Peshawar which was accepted and decided vide judgment and order dated 21-05-2019 and the appellant was re-instated in service with order of De-novo inquiry. **(Copy of judgment/decision dated 21-05-2019 is annexed- "A")**.
3. That in the light of judgment/order dated 21-05-2019 of the Honorable KPK Service Tribunal Peshawar, appellant was taken on duty on 14-06-2019 by DPO Torghar and a Charge Sheet dated 21-06-2019 was issued to him which was replied in detail explaining all facts and circumstance of the matter. **(Copies of Charge Sheet dated 21-06-2019 and its reply are attached as annexure "B & C")**.
4. That during this period no salary was given to the appellant despite he was deployed and he fully discharged his official duties. The appellant already under financial distresses due to his long unemployment from 2017 to 2019. Appellant had incurred handsome amount on litigation for his reinstatement in service. The period appellant spent at Torghar he was having not a single penny. Appellant had to pass his time by seeking loans from his fellow officials which appellant could not return till this day. When appellant demanded salary, he was replied by his officer to proceed home and when his case was decided he would be informed. In these circumstances

the appellant had to leave for his home at Haripur. Appellant neither absented himself from duty on 29-07-2019 nor was any show cause notice sent to him at his home address as has been alleged in the dismissal order. Appellant was never informed to appear before the competent authority for personal hearing. Appellant had provided the documents of his brother illness from 2015 to 2018. However, the DPO Torghar vide his order dated 28-08-2019 dismissed the appellant without taking into consideration his reply to Charge Sheet. **(Copy of order 28-08-2019 is annexed as "D")**.

5. That though the appellant was dismissed from service vide order 28-08-2019 yet neither he was informed about his dismissal nor was such order issued or sent on his home address rather appellant went to Torghar on 11-05-2020 and by presenting written application to DPO obtained copy of dismissal order dated 28-08-2019 through personal efforts. **(Copy of application dated 11-05-2020 is attached as annexure-"E")**.
6. That absence of the appellant was not deliberate or intentional rather due to serious illness of his younger brother. Appellant regularly submitted applications alongwith medical certificates to his officers for grant of leave. Because of illness of his younger brother the appellant was unable to get himself married till today as he has to give him three times meal, medicines, bath and wash his clothes. In these circumstances the appellant deserved to have been treated sympathetically and granted requested leave but

instead he was given harsh treatment and dismissed from services. Attached documents of the illness and medical treatment of appellant's brother will show his constraints. Appellant has rendered more than 10 years service and is the only bread earner of his family but is jobless since his dismissal. **(Documents of medical treatment are attached as annexure "F")**.

7. That appellant aggrieved of the orders of the District Police Officer Torghar preferred a departmental appeal before the Regional Police Officer Hazara Region Abbottabad which was rejected vide order dated 16-09-2020 **(Copies of departmental appeal and order dated 16-09-2020 are attached as Annexure-"G & H")**, hence instant service appeal before this Honourable Service Tribunal, inter alia, on the following as well as other grounds:-

GROUND:

- a) That impugned orders dated 28-08-2019 and 16-09-2020 of respondents are illegal, unlawful against the facts and circumstances of matter hence are liable to be set aside.
- b) That no proper departmental inquiry was conducted. No Show Cause Notice was issued. Copy of inquiry findings, if any, were not provided to the appellant. Even he was not afforded the opportunity of personal hearing.
- c) That the respondents have not treated the appellant in accordance with law, departmental rules & regulations

and policy on the subject and have acted in violation of Article-4 of the constitution of Islamic Republic of Pakistan 1973 and unlawfully issued the impugned orders, which are unjust, unfair hence not sustainable in the eyes of law.

- d) That the appellate authority has also failed to abide by the law and even did not take into consideration the grounds incorporated in the memo of appeal. Even the penalty with which the appellant was awarded was illegal. Thus the impugned orders of respondents are contrary to the law as laid down in the KPK Police Rules 1934, other departmental rules regulations read with section 24-A of General Clause Act 1897 read with Article 10A of Constitution of Islamic Republic of Pakistan 1973.
- e) That appellant never absented himself willfully or deliberately from his duties rather he had to seek leave due to serious illness of his brother there being no one at home to look after him. Appellant's genuine cause was not given any heed by respondents and he was punished for the circumstances beyond his control.
- f) That instant appeal is well within time and this honorable Service Tribunal has got every jurisdiction to entertain and adjudicate upon the same.

PRAYER:

It is, therefore, humbly prayed that on acceptance of instant Service Appeal both the orders dated 28-08-2019 and 16-09-2020 of respondents may graciously be set aside and appellant be re-instated in service with all consequential service back

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benefits. Any other relief which this Honorable Service Tribunal deems fit may also be granted.


Appellant

Through:



(Mohammad Aslam Tanoli)
Advocate High Court
At Haripur

Dated 2-10-2020

VERIFICATION

It is verified that the contents of instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed thereof.

Dated 2-10-2020


Appellant

Z

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Farrukh Mehmood S/O Kala Khan (Ex-Constable No. 221
Police Department) R/O Village Murad-abad, P.O. Sera-e-
Saleh, Tehsil & District Haripur.

Appellant

VERSUS

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

Respondents

SERVICE APPEAL

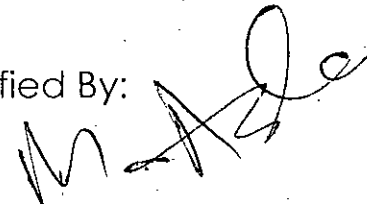
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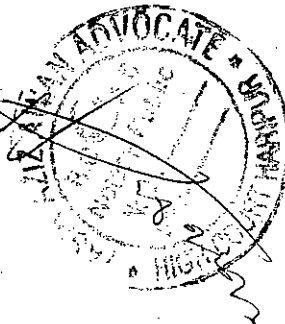
I, Farrukh Mehmood Ali S/O Kala Khan appellant do hereby
solemnly declare and affirm on oath that the contents of the
instant Service Appeal are true and correct to the best of my
knowledge and belief and nothing has been suppressed from
this Honourable Service Tribunal.


Deponent/Appellant

Dated: 2-10-2020

Identified By:


Mohammad Aslam Tanoli
Advocate High Court
At Haripur




Appellant

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Farraukh Mehmood S/O Kala Khan (Ex-Constable No. 221
Police Department) R/O Village Murad-abad, P.O. Sera-e-
Saleh, Tehsil & District Haripur.

Appellant

VERSUS

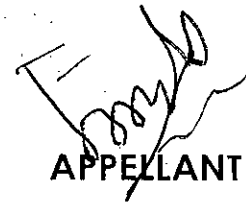
1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Torghar.

Respondents

SERVICE APPEAL

CERTIFICATE

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


APPELLANT

Dated: 2-10-2020

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Farraukh Mehmood S/O Kala Khan (Ex-Constable No. 221 Police Department) R/O Village Murad-abad, P.O. Sera-e-Saleh, Tehsil & District Haripur. **Appellant**

VERSUS

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

APPLICATION FOR CONDONATION OF DELAY IN FILING SERVICE APPEAL BEFORE THIS HONOURABLE SERVICE TRIBUNAL.

Respectfully Sheweth:

- 1. That applicant/appellant has filed today a Service Appeal, which may be considered as part and parcel of this application, against order dated 28-08-2019 and 16-09-2020 passed by respondents, whereby respondents awarded the appellant with penalty of dismissal from service and the period he remained as leave without pay and his departmental as well as Mercy Appeal were rejected.
- 2. That as the orders of departmental authorities have been passed in violation and derogation of the statutory provisions governing the terms and condition of service of the appellant and facts of the case, therefore, causing a recurring cause of action to the applicant/appellant can be challenged and questioned irrespective of a time frame.
- 3. That though the appellant on receipt of order of the DPO Torghar had filed departmental appeal well in time but the DIG Hazara Region Abbottabad passed appeal rejection order on 16-09-2020. That appellant has rigorously been pursuing his case. Therefore, the delay, if any, in filing instant service appeal is due to the forgoing reasons.
- 4. That instant application is being filed as an abundant caution for the condonation of delay, if any. The impugned orders are liable to be set aside in the interest of justice.

It is, therefore, respectfully prayed that on acceptance of the instant application the delay, if any, in filing of titled appeal may graciously be condoned.

Through:

Applicant/Appellant

(Mohammad Aslam Tanoli)
Advocate High Court
Haripur

Dated: 2-10-2020

Affidavit:

It is verified that the contents of the instant application/ appeal are true and correct to the best of my knowledge & belief & nothing has been suppressed.

Dated: 2-10-2020

Applicant/Deponent



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Annex. A

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CAMP COURT ABBOTTABAD.

Service Appeal No. 254/2018

Date of Institution ... 23.02.2018

Date of Decision ... 21.05.2019



Fatruxh Mehmood S/O Kala Khan (Ex-Constable No.414 Police Department) R/O Village Muradabad, P.O, Sera-e-Salch, Tehsil and District Haripur. ... (Appellant)

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa and two others. ... (Respondents)

MR. MUHAMMAD ASLAM TANOLI, Advocate	---	For appellant.
MR. MUHAMMAD BILAL, Deputy District Attorney	---	For respondents
MR. AHMAD HASSAN	---	MEMBER (Executive)
MR. MUHAMMAD AMIN KHAN KUNDI	---	MEMBER (Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the parties heard and record perused.

ARGUMENTS.

Learned counsel for the appellant argued that after having rendered ten years satisfactory service in Police Department, suddenly his elder brother fell ill. To look-after his ailing brother the appellant had no other option but to reach home. Through Moharrir of the Police Station concerned, he submitted an application for grant of two months leave. The leave was not sanctioned. On 18.04.2017 another application for leave was submitted by him but to no avail. The respondents did not allow him to join duty and was marked absent. In 2016, he was transferred/posted from District Haripur to District Torghar. On 01.08.2017 the appellant approached

ATTESTED

ADIL DINER
Member
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

the DPO for duty. However, he was informed that vide order dated 12.07.2017, he had been dismissed from service w.e.f 02.05.2017. He filed departmental appeal on 17.08.2017, which was dismissed on 14.11.2017, hence, the present service appeal. He further argued that absence on the part of the appellant was not deliberate and willful, rather was forced by the circumstances to stay away from duty and that too applications for grant of leave were submitted in time but not decided by the respondents. Impugned order was void ab-initio, arbitrary, whimsical and unlawful having been passed without observance of procedure laid down in Police Rules 1975. Major punishment was awarded without holding regular enquiry. In these circumstances, he was condemned unheard.

3. Learned Deputy District Attorney argued that vide letter dated 02.05.2017 DPO, Haripur informed DPO, Torghar that while performing duty in District Haripur on loan basis, he remained absent from duty without permission of the competent authority. In pursuance of the said letter DPO, Torghar awarded him major penalty of dismissal from service vide order dated 12.07.2017 after observance of all codal formalities.

CONCLUSION

4. The appellant an employee of District Police, Torghar was deputed to perform duty in District Haripur on loan basis. While performing duty all of a sudden his elder brother fell ill and perforce he had to reach home to provide timely treatment to the ailing patient. Before leaving for home he had submitted an application through Moharrir of the Police Station for grant of two months leave and was assured that leave would be sanctioned. On 18.04.2017 another application for two months extension in leave was submitted but was not sanctioned by the competent authority. On 01.08.2017 he reported for duty to the DPO, Torghar, where he was informed to have been dismissed from service vide order dated

ATTEST

DIPTI KUMAR
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

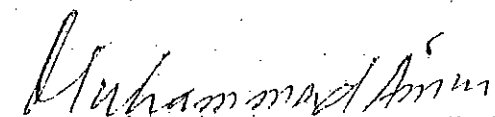
12.07.2017. In the impugned order a reference was made to a letter of DPO, Haripur dated 02.05.2017, whereby it was recommended to impose major penalty on the appellant. Request of the DPO was honored by issuing the impugned order.

5. It is strange that major penalty of dismissal from service was awarded to the appellant without resort to the procedure laid down in Police Rules 1975. No regular enquiry was conducted against the appellant and with a single stroke of pen, major penalty was awarded to him. Action on the part of respondents was patently void, illegal, unlawful and arbitrary. According to Article-10-A of the Constitution opportunity of fair trial was the fundamental right of the appellant which was deliberately and intentionally denied by the respondents. He was condemned unheard. There are numerous judgments of the superior courts that before imposing major penalty regular enquiry should be conducted.

6. As a sequel to above, the appeal is accepted, impugned orders dated 12.07.2017 and 14.11.2017 are set aside and the appellant is reinstated in service. The respondents are directed to conduct de-novo enquiry within a period of ninety days from the date of receipt of this judgment. The issue of back benefits shall be subject to the outcome of the de-novo enquiry. Parties are left to bear their own costs. File be consigned to the record room.

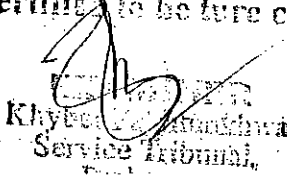
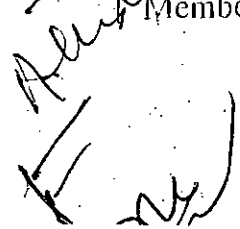


(AHMAD HASSAN)
Member
Camp Court Abbottabad.


(MUHAMMAD AMIN KHAN KUNDI)
Member

ANNOUNCED
21.05.2019

Certified to be true copy




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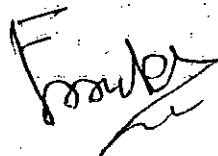
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OFFICE OF THE DISTRICT POLICE OFFICER, TORGHAR

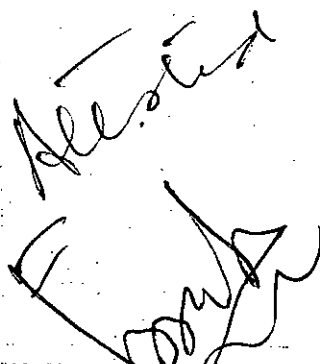
CHARGE SHEET

1. I, Mr, Hafiz Janis Khan, District Police Officer, Torghar as competent authority hereby charge you Constable Farukh Mehmood No.221/567 posted at Police lines Julbah for the allegation explained in the attached statement of allegations.
2. You appear to be guilty of misconduct under Khyber Pakhtunkhwa, Police Rules,1975 (with amendment 2014) and have rendered yourself liable to all or any of the penalties specified in the said rules.
3. You are therefore directed to submit your written defense within (07) Seven days on receipt of the charge sheet to the Enquiry officer.
4. Your written defense, if any, should reach the enquiry office within the specified period, failing which it shall be presumed that you have no defense to put in hand and in the case ex-parte action shall follow against you.
5. Intimate whether you desire to be heard in person or otherwise.
6. Summary of allegation is also enclosed.


District Police Officer,
Torghar



24/5/2019



DISCIPLINARY ACTION

I. Mr. Hafiz Janis Khan, District Police Officer, Torghar as competent authority of the opinion that **Constable Farukh Mehmood No.221/567 posted at Police lines, Judbah** has rendered himself liable to be proceeded against departmentally as you committed the following act/omission within the meaning under the Khyber Pakhtunkhwa, Police Rules, 1975 (with amendment 2014).

SUMMARY OF ALLEGATION

You Farukh Mehmood No.221/567, had absented yourself from your official duties without any leave or permission of the competent authority vide DD No.46 dated 27.10.2016 to DD No.48 dated 08.11.2016 (11days) and vide DD No.23 dated 18.02.2017 to the date of dismissal i/e OB No.290 dated 12/07/2017 for the allegation mentioned above. Consequent upon order vide OB No.313 dated, 02-05-2019 of District Police Officer, Haripur you were awarded major punishment of dismissal from service by the than District Police Officer, Torghar vide his office order dated, 12.07.2017. After availing remedy of departmental appeal, your service appeal No.254/2018 before the Khyber Pakhtunkhwa, Service Tribunal, Peshawar was accepted with the directions to respondents to conduct de-novo enquiry into the allegations mentioned above. Hence, you are again charge sheeted for the allegations of willful absence from official duties mentioned above, keeping in view, the Para No.06 of the judgment dated 21.05.2019 passed by Honorable Khyber Pakhtunkhwa, Service Tribunal, Peshawar in appeal No.254/2018, which tantamounts gross misconduct on your part.

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

Mr. Gul Zar Khan DSP/Hqrs: is deputed as Enquiry Officer

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

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

District Police Officer,
Torghar

No. 753-54 /PA, dated Torghar the 21/06 2019.

Copy of the above is forwarded to:-

Constable Farukh Mehmood No.221/567 posted at Police lines Judbah with the direction to submit his written statement to the Enquiry Officer the receipt of this charge sheet/statement of allegations and also to appear before Enquiry Officer on the date, time and place fixed for purpose of departmental proceedings.

جذبت صاحب ڈی این پی صاحبہ اللہ کو اسرار تو فر (اللہ ہی اعلم)۔

عنوان: - دارالافتاء شریف فورہ 27/10/19

صاحبہ: - لکھنؤ - کہ چاہے شریف شہر انڈیا میں ہو۔
کہ دار میں ذیل عنوان غور فرمائیں۔

1- میرا مندرجہ مکتوب دستبرد میں منسلک ہے۔ جو مندرجہ کو
2016 میں منسلک ہے اور کو لکھنؤ "On loan" ہے اور ادنیٰ فریق
بھی لکھا ہے۔ یہاں میں نے اپنی ذمہ داری ادا کر لی ہے اور باقی
-

2- میرا جہانگش فورہ 27/10/19 تا 08/11/19 تک صرف 11 دن
کو غور کیا گیا ہے اور شریف شہر میں ذکر کیا گیا ہے۔

اللہ نے مندرجہ میں سال 2016 میں باقی ماندہ دعوے کے بارے میں
میں کو مطلع کیا ہے اور اس کے بارے میں جو ریکارڈ موجود ہیں۔

3- میرا مندرجہ انصافی قلم خانہ غازی (منگول پور) فورہ 02/18
کو منسلک ہے اور اس کے بارے میں جو ریکارڈ موجود ہیں۔

میں مندرجہ میں مندرجہ ہے۔ مندرجہ میں مندرجہ ہے اور
Comma میں مندرجہ ہے۔

فورہ میں مندرجہ ہے اور اس کے بارے میں جو ریکارڈ
میں موجود ہیں اور اس کے بارے میں جو ریکارڈ

میں موجود ہیں اور اس کے بارے میں جو ریکارڈ
میں موجود ہیں اور اس کے بارے میں جو ریکارڈ

میں موجود ہیں اور اس کے بارے میں جو ریکارڈ
میں موجود ہیں اور اس کے بارے میں جو ریکارڈ

میں موجود ہیں اور اس کے بارے میں جو ریکارڈ
میں موجود ہیں اور اس کے بارے میں جو ریکارڈ

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4- بہترین مندرجہ ذیل بیجا کھالی کو اس سے متعلقہ ڈائریکٹوریٹ / سرکاری ادارے - لائسنس
 کو باقاعدگی سے جاری کیا جائے۔ لائسنس ہائولڈر کی شدت زیادہ ہونے کے باوجود
 لائسنس دینے سے روکنا اور اسے $\frac{4}{17}$ اور $\frac{1}{2}$ کو مزید $\frac{1}{2}$ سے $\frac{1}{2}$ کا کٹ لگانے سے
 روکنا۔ 2017ء کے 840۔ 740 نمبر غازی کو بھی جاری کیا۔ لائسنس ہائولڈر اس سے حادث
 سے آگاہ کیا۔ اگر اس بار کو بھی کچھ بھی منظور ہونے کی تھی تو اسے لائسنس دینا
 نہ ہوا۔

5- بہترین مندرجہ ذیل بیجا کھالی کو لائسنس دینے سے روکنا اور اسے غازی
 میں جانے سے روکنا۔ لائسنس ہائولڈر کی شدت زیادہ ہونے کے باوجود
 لائسنس دینے سے روکنا اور اسے $\frac{12}{17}$ سے $\frac{1}{2}$ کا کٹ لگانے سے روکنا۔
 لائسنس ہائولڈر اس سے حادث سے آگاہ کیا۔ اگر اس بار کو بھی کچھ بھی منظور ہونے کی تھی تو اسے لائسنس دینا
 نہ ہوا۔

6- بہترین مندرجہ ذیل بیجا کھالی کو لائسنس دینے سے روکنا اور اسے غازی
 میں جانے سے روکنا۔ لائسنس ہائولڈر کی شدت زیادہ ہونے کے باوجود
 لائسنس دینے سے روکنا اور اسے $\frac{5}{19}$ سے $\frac{1}{2}$ کا کٹ لگانے سے روکنا۔
 لائسنس ہائولڈر اس سے حادث سے آگاہ کیا۔ اگر اس بار کو بھی کچھ بھی منظور ہونے کی تھی تو اسے لائسنس دینا
 نہ ہوا۔

7- بہترین مندرجہ ذیل بیجا کھالی کو لائسنس دینے سے روکنا اور اسے غازی
 میں جانے سے روکنا۔ لائسنس ہائولڈر کی شدت زیادہ ہونے کے باوجود
 لائسنس دینے سے روکنا اور اسے $\frac{1}{2}$ سے $\frac{1}{2}$ کا کٹ لگانے سے روکنا۔
 لائسنس ہائولڈر اس سے حادث سے آگاہ کیا۔ اگر اس بار کو بھی کچھ بھی منظور ہونے کی تھی تو اسے لائسنس دینا
 نہ ہوا۔

بسم اللہ
 محمد علی

8۔ کہہ کر عطا فرمادی وہ وہ دانستہ نہ ہے۔ بلکہ یہ امر عجیب ہے کہ وہ وہی
 غیر حاضر نہ تھی۔ بلکہ بانٹا ہوا ہے۔ کہ وہ وہی نہ تھی۔ اور وہی
 انسانی ہمدردی اور انسانی کے تقاضے کو دیکھ کر کہہ کر بھی دیکھ کر بھی

9۔ یہ کہہ کر بھی کوئی حقیقت ہے۔ کہ والدین فوت شدہ ہیں۔ لیکن شادی نہ
 ہے جو ان کے عہدوں میں رہی ہے۔ ان کے پاس ہے جو وہ ان کے پاس ہے۔
 ان کے پاس ہے۔ یہاں کہہ کر بھی نہ لگتا ہے۔ اور ان کے پاس ہے۔
 نہ لگتا ہے۔ ان کے پاس ہے۔ اور ان کے پاس ہے۔

ایک فرد ضروری ہے۔ ان کے پاس ہے۔ اور ان کے پاس ہے۔
 اور میں یہ اس کے لئے بھی دیکھتا ہوں۔ اور ان کے پاس ہے۔ ان کے پاس
 میں ہر کوئی مددگار ہے۔ جب میں دیکھتا ہوں۔ تو شادی نہ
 ہونے میں ہے۔ اور ان کے پاس ہے۔ اور ان کے پاس ہے۔ اور ان کے پاس ہے۔
 کہہ کر چلی جاتی ہے۔ اور ان کے پاس ہے۔ اور ان کے پاس ہے۔ اور ان کے پاس ہے۔
 ہے۔ ان کے پاس ہے۔ اور ان کے پاس ہے۔ اور ان کے پاس ہے۔ اور ان کے پاس ہے۔

On loan سے ہر میری Request / ان کے پاس ہے
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- 4 -

10۔ کہہ کر نذر و سماند سے اس کے لئے - نہ تھے اس
 عرصہ تک کہ وہاں سے - لیکن یہ کہہ کر اس کے لئے تھے۔
 اس کے لئے ہے کہ اس کے لئے - تو اس کے لئے ہے
 وہ وہاں سے - جو کہ اس کے لئے ہے - C.D.P.O کے اختیار سے

11۔ کہہ کر اس کے لئے ہے کہ اس کے لئے ہے کہ اس کے لئے ہے
 نذر و سماند - C.D.P.O کے لئے ہے کہ اس کے لئے ہے
 کہ اس کے لئے ہے کہ اس کے لئے ہے کہ اس کے لئے ہے
 OB.No-313 - اس کے لئے ہے کہ اس کے لئے ہے
 5/2019 کو اس کے لئے ہے کہ اس کے لئے ہے کہ اس کے لئے ہے
 من مقرر کو فراموش نہ کیے

13۔ کہہ کر اس کے لئے ہے کہ اس کے لئے ہے کہ اس کے لئے ہے
 کہ اس کے لئے ہے کہ اس کے لئے ہے کہ اس کے لئے ہے
 کہ اس کے لئے ہے کہ اس کے لئے ہے کہ اس کے لئے ہے

کہ اس کے لئے ہے کہ اس کے لئے ہے کہ اس کے لئے ہے
 کہ اس کے لئے ہے کہ اس کے لئے ہے کہ اس کے لئے ہے
 کہ اس کے لئے ہے کہ اس کے لئے ہے کہ اس کے لئے ہے

6/2019
 کانٹریبل فرخ محمود 221/567
 ڈسٹرکٹ پولیس کوارٹرز -

Handwritten signature and stamp area.

ORDER

19

Annex

D

This order would dispose off the departmental enquiry, conducted against Constable Farukh Mehmood No.221 who had absented himself from his official duties without any leave or permission of the competent authority vide DD No.46 dated 27.10.2016 to DD No.48 dated 08.11.2016 (11 days) and vide DD No.23 dated 18.02.2017 to the date of dismissal i/e OB No.290 dated 12/07/2017 (72 days). Consequent upon order vide OB No.313 dated, 02-05-2019 of District Police Officer, Haripur he was awarded major punishment of dismissal from service by the than District Police Officer, Torghar vide OB No.290 dated, 12.07.2017. He filed service appeal No.254/2018 before the Khyber Pakhtunkhwa, Service Tribunal, Peshawar for his re-instatement in service which was accepted vide judgment dated 21.05.2019 with the directions to the respondents to conduct de-novo enquiry into the allegations mentioned above.

He was reinstated in service vide this office order OB No.201 dated, 14-06-2019 in the light of judgment ibid and the above named defaulter official was again chargesheeted vide this office Memo: No.753-54/PA dated 21.06.2019 for the allegations of his willful absence from his official duties without any leave or permission of the competent authority, keeping in view the Para No.06 of the said judgment passed by Honorable Khyber Pakhtunkhwa, Service Tribunal, Peshawar in appeal No.254/2018.

Enquiry was entrusted to Mr. Gul Zar Khan, DSP/Hqrs. who conducted detail enquiry into the allegations and held him responsible / guilty for the allegations as envisaged in the charge sheet and statement of allegations. On 29.07.2019, he submitted enquiry report in which he recommended the defaulter official for major punishment. On receiving the same he was served with Final Show Cause Notice vide this office Memo: No.855/PA dated, 01-08-2019 in response to which he did not submit his written reply as prior to this on 29.07.2019, vide DD No.19 Police Lines he absented himself from his official duties. Therefore, Final Show Cause Notice was delivered to him through a special messenger at his home which was received by his brother namely Nadeem Shehzad s/o Kalo Khan r/o City Haripur and he assured that he will inform his brother Farukh Mehmood No.221 to appear in orderly room on 18-08-2019 but he did not do so. Again on 23-08-2019 he was called vide this office letter No.944 through District Police Officer, Haripur to appear in orderly room on 28-08-2019 but he failed and did not come forward to defend himself.

After having gone through the record/enquiry file coupled with recommendation of the enquiry officer and evidence brought on record it came to surface that the period of treatment of his brother which was given to him in the years 2015, 2018 & 2019 and the period of his absence falls in the years 2016 and 2017, as both illness and absence were happened in different time periods due to which he was not entitled for commiseration. Therefore, keeping in view of what has being stated above, I, Mr. Hafiz Janis Khan, District Police Officer, Torghar, being competent authority in exercise of the power vested in me under the Khyber Pakhtunkhwa, Police Rules, 1975 (with amendment 2014) am constrained to award him major punishment. Therefore, the defaulter official Farukh Mehmood No.221 is hereby awarded major punishment of dismissed from service with immediate effect. His period of absence is treated as leave without pay. Order announced in absence of the defaulter official namely Farukh Mehmood No.221.

OB No. 263 / Dated 28/08/2019.

[Handwritten Signature]

QC

District Police Officer,
Torghar

Copies to the :-

1. SRC, Torghar
2. Pay Officer, Torghar.

[Handwritten Signature]

کھنڈی میں ڈسٹرکٹ ایجنسی کے آفس میں ٹیبلٹ
عوزین۔ درج ذیل کے آفس میں ٹیبلٹ

حصہ اولیٰ

1- سرول ٹریڈنگ کمپنی کے آفس میں ٹیبلٹ
کیا حکم دیا گیا ہے کہ اس آفس میں ٹیبلٹ
منع گورنمنٹ کی۔ 2019

2- ایک ایجنسی کے آفس میں ٹیبلٹ کی انٹرویو
کا نام - Demons

جارج شہید کا جوار دکان۔ اور دوران انٹرویو
جدا ہو گئے۔ لیکن میں باقاعدہ ڈیوٹی کے دوران
دستور - لیکن اس دوران مجھے تنخواہ نہ دی گئی۔

اور میں قرض اٹھا کر گھانا گھانا۔ اور دیگر لوگوں
کو کرایہ - لیکن نہ مجھے تنخواہ دی گئی۔ اور نہ

میں انٹرویو کے حکم دینا پڑا۔ آخر میں
میں حکم کی تعمیل کی۔ تو مجھے کیا کہہ کر مجھے
دے گئے۔ لیکن دوبارہ دیکھا گیا۔

3- DPPO/16
ضابطہ کے تحت آج دن تک کیا نہیں ہوا۔ حکم دیا گیا ہے کہ
میں انٹرویو کے حکم دینا پڑا۔ لیکن

نقل و حرکت کی اجازت نہیں دی گئی۔

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OHC
Allowed.

0.7
11-5-2020

Handwritten mark

Handwritten text in Urdu script, possibly a signature or a note.

11 05 2020
Handwritten text in Urdu script, possibly a date and a note.

Handwritten signature or initials.

Haripur Psychiatric & Medical Centre

21

Annex - F

Ph. 0995-614284
Mob. 0344-942080

Maj (R)

Dr. Kashif Nisar

(MBBS. DPM. MPH. RMP)

Psychiatrist

Ex. Graded Psychiatrist Pakistan Army.

09 JUN 2016

W = 70kg

B.p = 120/80

دریافت شد

سید س/ب

A case of pts

- Alcohol dependent

1 - Tab Tiram 500mg

1 + 1

2 - Tab Dopaxen 500mg

1 + 1

3 - Tab Neo-chole

1 x OD

x 15 days

4 - Tab Trivil 1 x OD

5 - Tab clauz 5mg 1 x 1ts

MRI brain

Kashif

Signature

Signature



22

Al-Razaq Laboratories

المرزاق ميڈيکل ليبارٹری

Mob: 0300-5613451

West Circular Road Near Shah Baba Masque Noshad Manzal Haripur

Lab No : 00100694
 Patient Name : AMJAD
 SEX : MALE
 AGE : ? YEARS
 NATURE OF SPECIMEN : BLOOD
 REFERRED BY : QAZI CLINIC
 DATE : 09-06-2016

BLOOD COMPLETE PICTURE

WBC	: 7.2	X10 ⁹ /l ✓	(Male 4.0 - 11.0)	(Female 4.0 - 11.0)
RBC	: 4.67	X10 ¹² /l ✓	(Male 4.5 - 6.5)	(Female 3.8 - 5.8)
HAEMOGLOBIN	: 14.0	g/dl ✓	(Male 13 - 18)	(Female 11.5 - 16.5)
PCV	: 44.5	% ✓	(Male 40 - 54)	(Female 37 - 47)
MCV	: 95.5	fL	(Male 76 - 96)	(Female 76 - 96)
MCH	: 29.9	Pg	(Male 27 - 32)	(Female 27 - 32)
MCHC	: 31.4	g/dl	(Male 30 - 35)	(Female 30 - 35)
PLATELET COUNT	: 304	X10 ⁹ /L	(Normal : 150 - 400 x10 ⁹ /l)	

DIFFERENTIAL

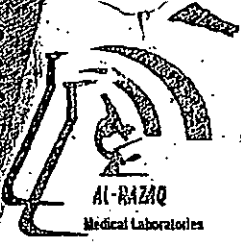
Neutrophils	: 61 %	(55 - 70 %)	Metamyelocytes	: 0%
Lymphocytes	: 29 %	(25 - 40 %)	Myelocytes	: 0%
Monocytes	: 07 %	(02 - 08 %)	Promoelocytes	: 0%
Eosinophils	: 03 %	(01 - 06 %)	Blasts Cells	: 0%
Basophils	: 0 %	(00 - 01 %)		

Result generated on MINDRAY 3000Plus Hematology Auto Analyser

F. Akmal
Book

Lab Technologist

- Drugs
- Tumor
- Special Chemistry
- Thyroid Profil
- Infertility Hormons
- Hepatitis B,C Profil



23

Al-Razaq Laboratories

المرزاق ميڈيکل ليبارٹري

Mob: 0300-5613451

West Circular Road Near Shah Baba Mosque Noshad Manzil Haripur

Lab No	00100694
Patient Name	AMJAD
Age	? YEARS
Sex	MALE
Nature of Specimen	BLOOD
Referred By	QAZI CLINIC
Date	09-06-2016

ANALYTE	RESULT	REFERENCE RANGE
SERUM SUGAR (R)	96	60- 160 mg/dl
SERUM UREA	36	10 - 40 mg/dl

F. Akbar

Lab Technologist

- Drugs
- Tumor
- Special Chemistry
- Thyroid Profil
- Infertility Hormons
- Hepatitis B,C Profil

24

حسن کلینک

Dr. Nasir Mehmood

M.B.B.S, F.C.P.S

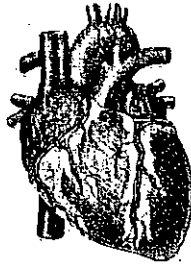
Medical Specialist

D.H.Q. Hospital Haripur

Reg. #: 25196

Clinic: Near Harmoon Laboratory

Sheranwala Gate Haripur.



0346-6400049

اکٹر ناصر محمود

بی۔ بی۔ ایس۔ ایف۔ سی۔ پی۔ ایس

میڈیکل سپیشلسٹ

ہل ہسپتال ہری پور

بنک نزد ہارمون لیبارٹری شیرانوالہ گیٹ ہری پور

28/11

Pt's Name:

Amrual

Age:

Sex:

Date:

Clinical Record

Dr. Nasir Mehmood

Pat.

11/11

5 year

Present
mild

depression

or

epic

Rx

Amrual

11/11

5 year

Present
mild

depression

or

epic

9 TAM 1/1

in diet of 1/1

in diet of 1/1

in diet of 1/1

in diet of 1/1

in diet of 1/1

Amrual

3/2/18

(2)

Smith

PWS

Las Vegas, NV

10/1/18

10/1/18

to

10/1/18

start day

10/1/18

10/1/18

EEG TEST REPORT

25

Patient's Name: Mr. amid Age & Sex: 35, Years, Male Dated: 25-08-2017
Referred By: Maj. R. Dr. Kashif Nisar

State of Patient: Awake with eyes closed & cooperative

SYSTEM OF RECORDING This is an 24 channel digital EEG Record base on 10-20 International system of electrodes placement

PROVOCATION OF PROCEDURE Hyperventilation & Intermittent photic stimulation

INTERPRETATION

Posterior rhythm 09-10 Hz alpha activity good amplitude & reactivity / symmetry present anterior rhythm is beta activity over 14 Hz seen

ABNORMAL FINDINGS

No generalized or focal epileptiform activity seen during resting & HV records.

OTHERS

Eyes Movement and muscle artifacts in frontal & temporal areas Noted

HYPERVENTILATION IPS

Same as resting record
Response was unremarkable

IMPRESSION

NORMAL

CONCLUSION

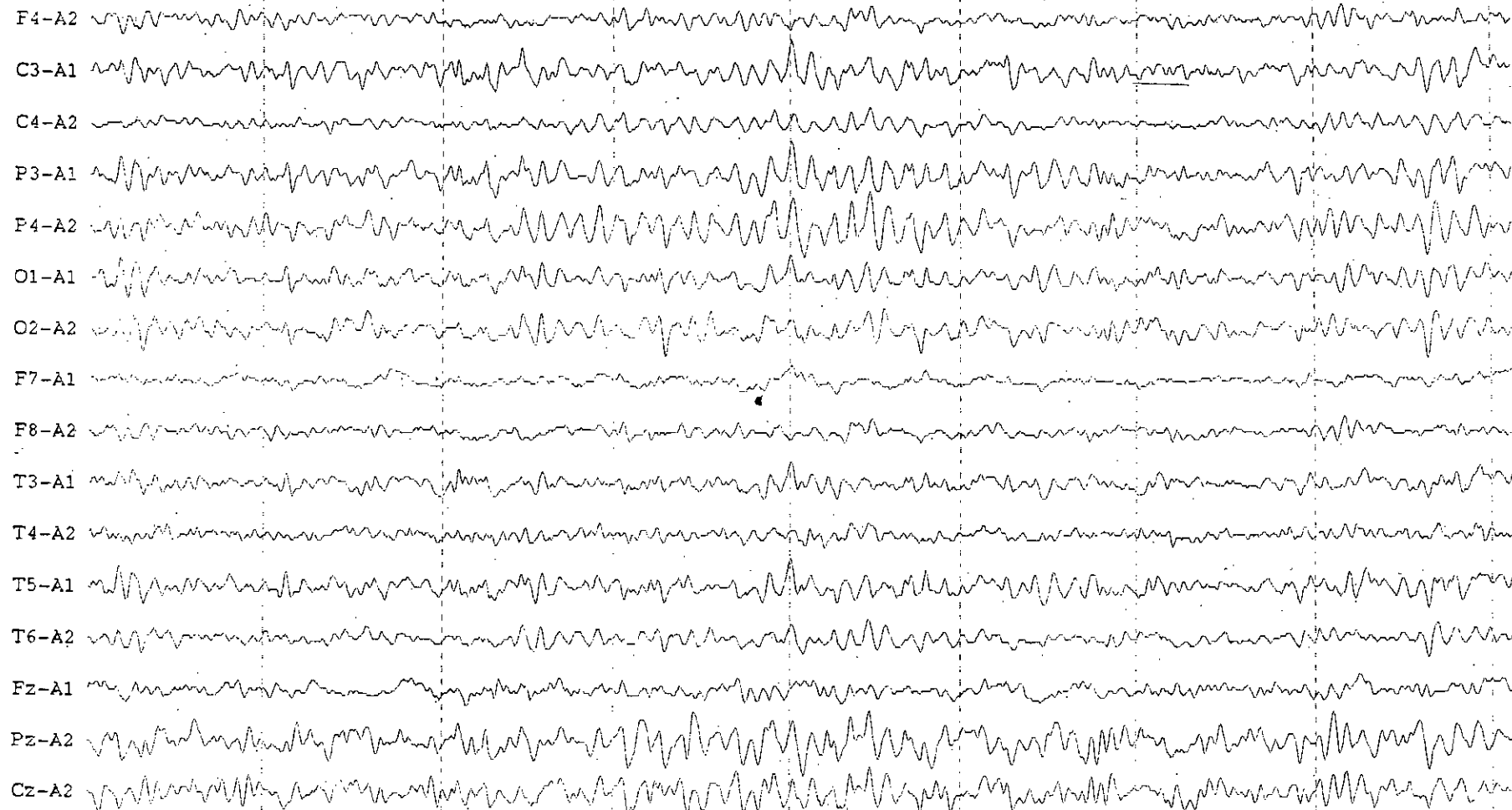
The current EEG during wakefulness is normal. There is no electrophysiological evidence of focal or generalized epileptiform activity.

Please correlate clinically

Alab
Foad

Muhammad Zarar
Sahhab Zulfiqar
Neurophysiology Technologist

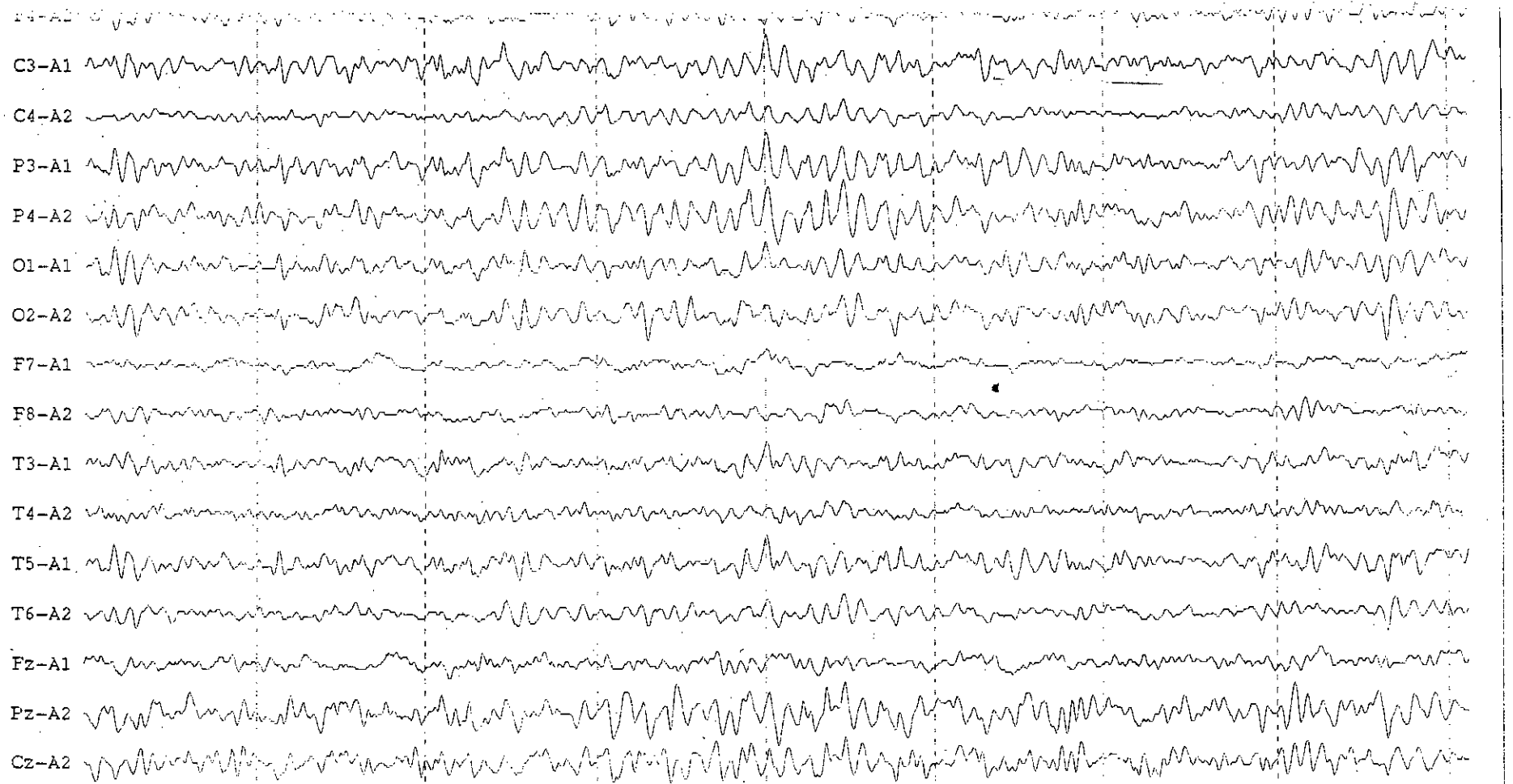
Maj. R. Dr. Kashif Nisar
Consultant Psychiatrist



10:03:52 [0:00:01] 10:03:53 [0:00:02] 10:03:54 [0:00:03] 10:03:55 [0:00:04] 10:03:56 [0:00:05] 10:03:57 [0:00:06] 10:03:58 [0:00:07] 10:03:59 [0:00:08]

5mm [20µV (Eeg)]

Handwritten notes:
Fles
F
D



10:03:52 [0:00:01] 10:03:53 [0:00:02] 10:03:54 [0:00:03] 10:03:55 [0:00:04] 10:03:56 [0:00:05] 10:03:57 [0:00:06] 10:03:58 [0:00:07] 10:03:59 [0:00:08]

5mm [20μV (Eeg)

Just
back

City Medical Center ²⁸

Maj (R)

Dr. Kashif Nisar

M.B.B.S, M.P.H, R.M.P

Grading Course in
Psychiatry (AFIMH Rwp)

Mob: 0344-9420800, 0995-614284



PMDC No: 27499P

بج (ر)

ڈاکٹر کاشف نثار

ایم بی ایس ایم پی ایچ ایم پی
ماہر امراض نفسیات، جنیات و ترک نشیات

Mob: 0344-9420800
0995-614284

Date: 18/08/17

Not Valid For Court

Wt 70 Kg

BP 152/110 CT scan brain

EEG

Blood Cl

Stool RE

Dr. Kashif Nisar
M.B.B.S, M.P.H, R.M.P
Grading Course in Psychiatry (AFIMH Rwp)
Master of Public Health (M.P.H) DMC
0344-9420800

Alshad
Fozal

31/8

C/O: fits, disturbed sleep, irritability,
epunetic frequency of fits

Tab Klevera 500 mg / Lij Serenace 10mg

Jas Mscat 1 x OD 1+1 / Lij Eosil 1/m stat
2week

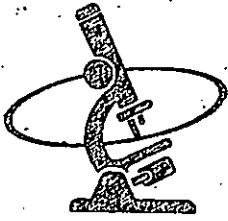
Blood Cl
uric AC
ESR, stool RE, PLFT

USG abdomen
Serum amylplasmyn

ہدایات برائے مریضان

- شروع میں ادویات کے کچھ ہائپر سیدہ اثرات ہوتے ہیں
- ان سے گھبرائیں نہیں یہ نارواگی ہوتے ہیں
- دوا جاری رکھیں

- روائی باقاعدگی سے پیلائے
- مریض کے ساتھ شفقت اور محبت سے پیش آئیں
- مریض کو توجہ دیں مریض پر بے جا تنقید نہ کریں level



ABDULLAH

Clinical Laboratory

Patient's Name Amjad

Lab No 01

Referred By Kashif Nisar

Age/Sex 40 Year / M

HEMATOLOGY REPORT

<u>Test Name</u>	<u>Result</u>	<u>Unit</u>	<u>Reference Range</u>
WBC Count	6500	/Cmm	4,00-11,00
R.B.C Count		million/cmm	4.2-5.9
Haemoglobin	13.8	g/dl	Male 13-19 Female 12-16
PVCHCT		%	40-50
MCV		fl	80-90
MCH		Pg	27-34
MCHC		g/dl	20-35
Platelet Count		/cmm	150,000-40,000

Different Leukocyte Count (DLC)

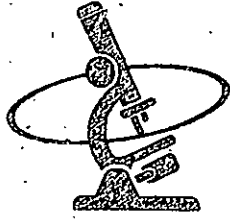
Neutrophils	58	%	60 after age of 02 years
Lymphocytes	30	%	35 after age of 02 years
Monocytes	8	%	04-09
Eosinophils	4	%	00-04

Blood ESR

N M up to 10
F up to 15

Sig 

Note: This test is performed on SYMEX KX-21 Haematology Analyser of Japan.



ABDULLAH

Clinical Laboratory

Patient's Name Amjad

Lab No 07

Referred By Kashif Nisa

Age/Sex 40 / Male

HEMATOLOGY REPORT

Test Name	Result	Unit	Reference Range
WBC Count		/Cmm	4,00-11,00
R.B.C Count		million/cmm	4.2-5.9
Haemoglobin		g/dl	Male 13-19 Female 12-16
PVC/HCT		%	40-50
MCV		fl	80-90
MCH		Pg	27-34
MCHC		g/dl	20-35
Platelet Count		/cmm	150,000-40,000

Abul Kashif
Lab

Different Leukocyte Count (DLC)

Neutrophils	%	60 after age of 02 years
Lymphocytes	%	35 after age of 02 years
Monocytes	%	04-09
Eosinophils	%	00-04

Blood ESR 14 cmm

N M up to 10
F up to 15

Sig. *[Signature]*
ABDULLAH
Clinical Laboratory (R)
Shahri Satri-Rua
Near Govt High School

Note: This test is performed on SYMEX KX-21 Haematology Analyser of Japan

31

Facility Available for
Home Collection
Multi Lab Collection Facility



ABDULLAH
Clinical Laboratory®

Name Amjad Mahmood Age 40 Sex M Date 31-08-017
Referred By Kashif Nisar Specimen Blood Lab No. 07

BIOCHEMISTRY REPORT

TEST	RESULT	UNIT	REF RANGE	TEST	RESULT	UNIT	REF RANGE
BLOOD GLUCOSE LEVELS				CARDIAC ENZYMES			
Glucose Fasting	/	mg/dl	60 - 100	SGOT (AST)	/	U/L	Upto: 38
Glucose Random	/	mg/dl	80 - 160	LDH	/	U/L	160-320
LIVER FUNCTION TEST				CK-NAC	/	U/L	Male: upto: 190 Female: Up to: 170
Bilirubin (Total)	0.6	mg/dl	Upto 1.0 After 1 week :5.0	RENAL FUNCTION TEST			
Bilirubin (Direct)	/	mg/dl	Upto: 0.4	Blood Urea	/	mg/dl	Upto: 50
Bilirubin (Indirect)	/	mg/dl	Upto: 0.8	Creatinine	/	mg/dl	Male: upto: 1.3 Female: Up to: 1.2
ALT (SGPT)	32	U/L	Upto: 43	Uric Acid	/	mg/dl	Male: 3.5 - 7.2 Female: 2.5 - 6.0
Alkaline Phosphatase	209	U/L	65 - 360 Children Upto: 730	Sodium	/	mmg/L	135 - 145
Albumin	/	G/dl	3.5 - 5.5	Potassium	/	mmg/L	3.5 - 5.5
Protein (Total)	/	G/dl	6.8 - 8.8	Calcium	/	mg/dl	8.5 - 10.5
Globulins	/	G/dl	1.5 - 3.0	Phosphorous	/	mg/dl	Adult: 2.5 - 5.0 Children: 4.0 - 7.0
LIPID PROFILE				CPK-MB	/	U/L	05 - 24
Cholesterol	/	mg/dl	Desirable: <200 Borderline: 200-240 High Risk: >240	Amylase	/	U/L	Upto: 86
Triglycerides	/	mg/dl	65 - 160				
HDL Cholesterol	/	mg/dl	Male: > 35 Female: >65				
LDL Cholesterol	/	mg/dl	> 150				
VLDL Cholesterol	/	mg/dl	65 - 320				

Remarks _____

Free tested

ABDULLAH
Clinical Laboratory (R)
Shah Sahil Road
Near Govt High School No. 3 Haripur

Signature _____
Date 31-08-017
Not for medico legal / Court Use

Regret if there is any Typing Error

Please call for Free Repeat Blood Test Within 24 Hrs.
Address: Shah Sahil Road Govt High School No. 3 Haripur
0303-8853844



32
HARIPUR OPEN MRI & CT SCAN
G.T ROAD HARIPUR
HCC REGISTRATION NO 00683

Name: AMJAD MEHMOOD
Age/Gender: 40 Years/Male
Patient R. Dat: 30.08. 2017
Referred by: Dr. KASHIF NISAR SB.
Study ID:

CT SCAN OF BRAIN

Clinical Indication: fits.

Technique: Axial images of the head without IV contrast were obtained and viewed on soft tissue and bone windows.

Findings:

- No evidence of intra or extra axial mass lesion. No evidence of mass effect or midline shift. No evidence of hemorrhage and old or acute infract. Gray and white matter distribution is normal, no evidence of migrational abnormality. Ventricular and extraventricular CSF spaces are normal. No intra or extra-axial collections. Posterior fossa structures and visualized part of brain stem are normal. On bone window calvarium is normal, no evidence of cortical breach and fracture and overlying soft tissue thickening. Visualized part of paranasal sinuses are normally pneumatized. Visualized part of orbital contents are with normal CT limit.

Impression:

- ❖ Normal CT study through brain.

DR WAJID ALI
CONSULTANT RADIOLOGIST

Thank you for this referral.

M. Mohayyuddin Ghani
MBBS, DMRD, FCPS(1)
Consultant Radiologist

Dr. MAHESHKUMAR
MBBS, FCPS
Consultant Radiologist

DR WAJID ALI
MBBS, FCPS
CONSULTANT RADIOLOGIST
KEMUMAYO Hospital, Lahore
Cell # 0333-4233500
Email: wajidali24@gmail.com

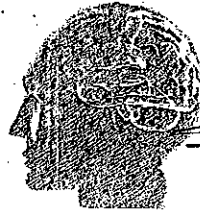
Dr Tamraiz Khan Yousafzai

M.B.B.S, M.C.P.S (Psych)

Medical Officer, Psychiatry Department

DHQ Hospital Haripur

PMDC Reg No- 13505-N



ڈاکٹر تمیز خان یوسفزئی

ایم۔ بی۔ بی۔ ایس۔ ایم۔ سی۔ پی۔ ایس۔ (پسکائی)

ڈیپارٹمنٹ برائے ذہنی صحت، ڈی ایچ او ہسپتال، ہری پور

میڈیکل آفیسر، ڈیپارٹمنٹ برائے ذہنی صحت، ڈی ایچ او ہسپتال، ہری پور

Name: Amjad Age: 47 years Sex: ♂ Date: 5/9/18

(Haripur)

T.O - 4 years ADU

K/C of Epilepsy -
(Non-compliance)

BP 100/70

Rx

Tab. Epival 500mg

WB 1+1+1

- Tab. Lomogin 25mg

- WB 1+1+1

- Tab. Ravotril 2mg

WB 1/2

- Tab. Cifamex 100mg

WB 1

- Cap. Esso - 100mg

WB 1

Alcohol

Handwritten signature

5/9/18

Not Valid For Court

اوقات مشورہ 9 تا 4 بجے شام

پروفیشنل: محمد قاسم

0315-0913649, 0314-9100750

ڈیپارٹمنٹ

ڈیپارٹمنٹ

ای سی جی

لیبارٹری

ڈیوہیلتھ کیئر اینڈ ڈائیگنوسٹک سنٹر

ڈیپارٹمنٹ برائے ذہنی صحت، ڈی ایچ او ہسپتال، ہری پور۔

آئی سے پہلے نمبر لادی لیں۔

ہری پور سائیکاٹریک کلینک

DR. ZAFAR HAYAT KHAN
 M.B.S (Peshawar) D.P.M (Panjab) F.A.C.P (America)
 Head of Department Senior District Specialist, DHQ
 Teaching Hospital Haripur

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تورانی

(ر) ڈاکٹر ظفر حیات خان

ایم بی بی ایس (پشاور) ڈی پی ایم (پنجاب)، ایف اے سی پی (امریکہ)

بیماریوں کی تشخیص، دوران، منشیات

ہیڈ آف ڈیپارٹمنٹ سینئر ڈسٹرکٹ اسپیشلسٹ ہیڈ کوارٹر ٹیچنگ ہسپتال ہری پور

Patient's Name Amjad Sex _____ Age _____ Date 2/1/19

Rx

1. 10 Mental song

10-1

2. 10 Anxiety song

" " "

3. 10 Eye of Terminal

2 + 2

4. 10 Anxiety song

2/1/19

(Handwritten signature)

ضروری ہدایت:

- 1- درانی باقاعدگی سے کھائیں اور ناغہ ہرگز نہ کریں۔
- 2- اپنے فزیشن کے مشورے کے بغیر دوائی کم زیادہ یا بند نہ کریں۔
- 3- شروع میں دوا کے کچھ تا پیندیدہ اثرات آتے ہیں اس لیے دوا کم یا بند نہ کریں۔
- 4- دیئے ہوئے وقت پر لازمی طور پر معائنے کے لیے تشریف لائیں۔
- 5- دوبارہ آنے سے پہلے فون پر وقت لے لیں۔
- 6- علاج کے دوران اپنے معالج سے تعاون کریں۔

ناغہ بروز جمعہ، اتوار

Circular Road, Opp Bangkok Plaza. Contact: Zeeshan Saleem: 0336-9020990

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Annex - 'G'

Dated 10-06-2020

BEFORE HONOURABLE REGIONAL POLICE OFFICER,
HAZARA REGION, ABBOTTABAD

DEPARTMENTAL APPEAL AGAINST ORDER OB NO. 263 DATED 28-08-2019 OF THE DISTRICT POLICE OFFICER TORGHAR WHEREBY APPELLANT HAS BEEN AWARDED THE MAJOR PUNISHMENT OF "DISMISSAL FROM SERVICE".

PRAYER: ON ACCEPTANCE OF INSTANT DEPARTMENTAL APPEAL THE IMPUGNED ORDER OB NO. 263 DATED 28-08-2019 MAY KINDLY BE SET ASIDE AND APPELLANT BE RE-INSTATED IN HIS SERVICE FROM THE DATE OF DISMISSAL WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.

Respected sir,

With most reverence the following few lines are submitted for kind consideration of your Highness and favorable order:-

1. That in fact the appellant's parents are dead. His sisters and brother are married and living separately. Appellant's one elder brother "Amjad Mehmood" is a patient of mental disease since long and is fully dependent upon him. He is so sick that he himself cannot eat and drink. Appellant has to look after him. For the reason appellant could not get him married till to date.

2. That appellant belongs to District Police Torghar. Due to above reason in the year 2016, the appellant requested his officers for his posting at District Haripur so that he could give time to his brother's illness. Since 2016 appellant was on loan to District Police Haripur. Due to his brother's illness, the appellant got sanctioned 10 days leave from 27-10-2016 to 08-11-2016. Thereafter on 18-02-2017 when appellant posted at PS Ghazi his brother fell seriously ill and the appellant submitted application for grant of 02 months leave through his SHO and on the assurance of his SHO, he proceeded on leave. On expiry of 02 months leave health of appellant's brother could not gain recovery, and then he applied for 2 ½ months leave extension. Appellant was assured that his leave would be got sanctioned. On expiry of leave, when appellant reported for duty at PS Ghazi on 02-07-2017, he was told that he had been marked

Amjad Mehmood
Amjad Mehmood

absent from duty. The appellant tried to meet the DPO Haripur in person but in vain. Then the appellant approached his District Torghar and reported for duty on 01-08-2017, here he was informed that his services had been dismissed on 12-07-2017. Thus he was issued a copy of dismissal order on 01-08-2017. Appellant aggrieved of the said order preferred a departmental appeal before the Regional Police Officer, Hazara Region, Abbottabad which was rejected.

3. That thereafter the appellant had to file service appeal No. 254/2018 before the Honourable Khyber Pakhtunkhwa Service Tribunal Peshawar which was accepted vide order dated 21-05-2019 and the appellant was re-instated in service directing the respondents for conducting De-Novo Inquiry. **(Order dated 21-05-2019 is attached as "A")**.

4. That in the light of judgment/order dated 21-05-2019 of the Honourable KPK Service Tribunal Peshawar, the appellant was taken on duty on 14-06-2019 by respondent District Police Officer Torghar and De-novo inquiry was entrusted to Gulzar Khan DSP/Hqrs. The appellant was issued with a charge sheet dated 21-06-2019 which was responded in detail explaining all facts and circumstances of the case. **(Copies of Charge Sheet 21-06-2019 and its reply are attached herewith as "B&C")**.

F. Ali
Rasool

5. That during this period no salary was given to the appellant despite he fully discharged his official duties. The appellant was already under financial distresses due to his long unemployment from 2017 to July 2019. Further, appellant had incurred handsome amount on litigation for his reinstatement in service. The period appellant spent at Torghar he was not having a single penny. Appellant had to pass his time by seeking loans from his fellow officials. When appellant demanded salary, he was replied by his officers to proceed home and when his case was decided he would be informed. In these circumstances the appellant had to leave for his home at Haripur. It is incorrect that appellant ever absented himself from duty on 29-07-2019. It is incorrect that any show cause

notice was issued to him or he was informed about the fate of his inquiry. It is also incorrect that any show cause notice was sent to the appellant at his home address which was received by his brother Nadeem Shahzad. It is also incorrect that appellant was ever informed through DPO Haripur to appear before the District Police Officer Torghar for personal hearing. It is also incorrect that the appellant remained absent for medical treatment of his brother in the year 2016 and 2017 whereas he has provided medical treatment documents for the year 2015, 2018 & 2019 as has been mentioned in the dismissal order. Appellant had also provided the documents of his brother medical treatment for the year 2016 and 2017. Copies of the same are attached herewith for kind perusal please and the original papers will be produced at the time personal hearing.

- 6. That appellant was neither informed about his dismissal from service nor was dismissal order sent to him through any means. Ultimately appellant had to approach the DPO Torghar with a written application dated 11-05-2020 for providing information about the fate of his inquiry, whereupon the appellant was provided a copy of dismissal order dated 28-08-2019, hence this departmental appeal. **(Copies of application and dismissal order dated 28-08-2019 are attached as "D&E").**

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That no proper departmental inquiry conducted nor the appellant was issued a show cause notice even he was not afforded the opportunity of personal hearing and was condemned unheard.

- 8. That it is incorrect that appellant ever remained absent from his official duties without information. The appellant's absence was not deliberate or will-full rather due to circumstances beyond his control due to serious illness of his brother. The appellant had applied for leave through written applications by informing and with the permission of his officers he availed the leave.

- 9. That in view of the aforementioned facts and circumstances of



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Annex H

OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

0992-9310021-22

0992-9310023

r.rpohazara@gmail.com

0345-9560687

NO: 23227/PA DATED 16/9/2020

ORDER

This order will dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by Ex-Constable Farakh Mehmood No.221 of District Torghar (on loan basis to district Haripur) against the order of punishment i.e. *dismissal from service* awarded by District Police Officer, Torghar vide OB No.263 dated 28.08.2019.

Brief facts leading to the punishment are that the appellant while performing his duty in District Haripur on loan basis absented from duty 27.10.2016 to 08.11.2016 (11 days) & 18.02.2017 to 12.07.2017 (total absence 155 days).

Consequently, appellant was awarded major punishment of dismissal from service by DPO Torghar vide 290 dated 12-07-2017. He preferred departmental appeal to the Regional Police Officer, Hazara which was filed by the appellate authority. Thereafter, the appellant intuited Service Appeal No.254/2018 in Khyber Pakhtunkhwa, Service Tribunal Camp Court Abbottabad against the punishment. The Honorable Service Tribunal vide its Judgment dated 21.05.2019 accepted the appeal, set aside the impugned orders and directed to conduct denovo enquiry.

As a result, DSP Hrqs Torghar was deputed to conduct de-novo enquiry. During the course of enquiry the allegations leveled against the appellant were proved and EO recommended him for major punishment. He was heard in person, however he failed to advance any cogent reason in his defence. Consequently, DPO Torghar awarded him major punishment of dismissal from service. Hence, the appellant submitted this present appeal.

After receiving his appeal, comments of DPO Torghar were sought and examined/perused. The undersigned called the official in OR and heard him in person. However the he failed to advance any plausible justification in his defence. Moreover, the instant appeal is badly time barred the appellant submitted the appeal after lapse of 08 months and 21 days. Therefore, in exercise of the powers conferred upon the undersigned under Rule 11-4 (a) of Khyber Pakhtunkhwa Police Rules, 1975 the instant appeal is hereby filed with immediate effect.

Qazi Jamil ur Rehman (PSP)
REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

No. 23228 /PA, dated Abbottabad the 16-9 /2020.
CC.

The District Police Officer, Torghar for information and necessary action with reference to his office Memo No 3456/GB dated 06-07-2020. Service Roll and Fuji Missal containing enquiry file of the appellant is returned herewith for record.

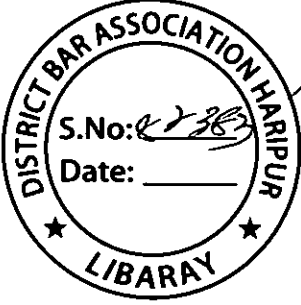
JBA.No: 201

S.No: 82383

Case No:

Name of Advocate: محمد اسلم تنویری

وکالت نامہ



بعدالت: صاحب چیمبر حسن علی صاحب تنویری ڈی 10 سروس ٹرسٹری ہارپور
عنوان: فرخ محمود
منجانب: اسلم تنویری
نوعتیت مقدمہ: سروس ٹرسٹری ہارپور
باعث تحریر آئیکہ:

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا تصدیقہ مقدمہ بمقام اسٹریٹ انارڈ کے لیے
گورنمنٹ ٹرنسٹری ہارپور کے لیے

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بروقت
پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری
غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب
موصوف صدر مقام چیمبری کے علاوہ کسی جگہ یا چیمبری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ
ہوں گے اور مقدمہ چیمبری کے علاوہ کسی اور جگہ سماعت ہونے پر یا بروز تعطیل یا چیمبری کے اوقات کے آگے پیچھے پیش ہونے
پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختانہ کے واپس کرنے کے بھی صاحب
موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داختمہ صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو
عرض دعویٰ یا جواب دعویٰ اور درخواست اجراء سے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی
اختیار ہوگا اور اور کسی حکم یا ڈگری کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور
اس کے ثالثی و راضی نامہ و فیصلہ بر حلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیر و نجات از چیمبری صدر
اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم انتہائی یا ترقی یا گرفتاری قبل از گرفتاری و اجراء ڈگری بھی صاحب
موصوف کو بشرط ادائیگی علیحدہ مختانہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ
مذکور یا اس کے کسی جزوی کاروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو
بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ
التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب
موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے
برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے کہ سندر ہے۔

مضمون وکالت نامہ من لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔ مورخہ: 20.10.2010ء دن 10.10.2010ء سال

محمد اسلم تنویری

محمد اسلم تنویری

"B"

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

No.

Recd

Appeal No. 11497 of 20 20

Fazlul Mehmood Appellant/Petitioner

Versus

P.P.O KP Pesh: Respondent

Respondent No. 2

Notice to: —

Regional Police Officer Hazara Region,
Abbottabad.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 03/12/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 28th

Day of Sep 20 21

(at Camp Court A.Abad)

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

"B"

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

No.

Recd
/

Appeal No. 11497 of 20 20
Farsauk Mehmood Appellant/Petitioner

Versus
P.P.O KP Pesh: Respondent

Respondent No. 3

Notice to: —

Distt. Police Officer Torghar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....23/12/2021.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....28th

Day of.....Sep 21.....20 21

(at Camp Court A. Abad)

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

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

No.

Appeal No.....11497..... of 20 20

.....Farrukh Mahmood.....Appellant/Petitioner

Versus

.....T.P.O. KPK Pesh.....Respondent

Respondent No.....1.....

Notice to:

Provincial Police Offices, KP Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....23/12/2021.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this~~

office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....28/11.....

Day of.....Sep.....2021

(at Camp Court A-Abad)

[Signature]
14/12/21

[Signature]

Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.