


FORM OF ORDER SHEET

Court of _____

Case No.- 1643/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/11/2022	<p>The appeal of Mr, Nihar Ullah resubmitted today by Mr. Taimur Ali Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Nihar Ullah Ex-Class-Iv r/o Bahadar Kelay Achar Garhi Qamar Din Pesh received today i.e. on 10.11.2022 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Check list is not attached with the appeal.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Annexures of the appeal may be attested.
- 4- Reply to charge sheet mentioned in para-5 of the memo of appeal is not attached with the appeal which may be placed on it.
- 5- Annexures-C, G, and H of the appeal are illegible which may be replaced by legible/better one.
- 6- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal

No. 3170 /S.T,

Dt. 14/11 /2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Taimur Ali Khan Adv. Pesh.

Respected Sir,

1- Removed


2- Removed

3- Removed

4- Reply to charge sheet is attached at page-16

5- Removed

6- Removed

*Resubmitted after
compliance*

18/11/2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 1643/2022

Nihar Ullah

V/S

Police Department

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S.No.	Documents	Annexure	P. No.
1	Memo of Appeal	-----	01-04
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3	Copy of medical report	A	06-07
	Copies of explanation, reply and memo dated 04.01.2022	B,C&D	08-10
4	Copies of show cause notice and reply to show cause notice	E&F	11-13
5	Copies of charge sheet along with statement of allegations and reply to charge sheet	G&H	14-16
	Copies of final show cause and reply	I&J	17-18
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THROUGH:

APPELLANT



TAIMUR ALI KHAN
(ADVOCATE HIGH COURT)

Cell# 0333-9390916

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 1643/2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1904

Dated 10-11-2022

Nihar Ullah Ex-Class-IV,
R/O Bahader Kelay Achar Garhi Qamar Din, Peshawar.

(APPELLANT)

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Inspector General of Police Telecommunication & Transport Khyber Pakhtunkhwa, Peshawar.
3. The Assistant Inspector General of Police Telecommunication & Transport Khyber Pakhtunkhwa, Peshawar.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 25.04.2022, WHEREBY THE APPELLANT WAS REMOVED FROM SERVICE, AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT AND AGAINST THE ORDER DATED 13.10.2022, WHEREBY THE REVISION OF THE APPELLANT WAS REJECTED FOR NO GOOD GROUNDS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 25.04.2022 AND 13.10.2022 MAY KINDLY BE SET ASIDE AND APPELLANT MAY BE REINSTATED INTO HIS SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY, WHICH THIS HONORABLE TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO, BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWTH:

FACTS:

1. That the appellant was appointed as class-IV in the year 2019 constable in the respondent department. The appellant since his appointed has performed his duty with devotion and honesty, whatsoever assigned to him and no complaint has been filed against him regarding his performing.
2. That the appellant has suffered from skin disease and concerned skin specialist recommended him 02-weeks bed rest w.e.f 21.12.2021 to 27.12.2021 and 29.12.2021 to 04.01.2022. **(Copy of medical report are attached as Annexure-A)**
3. That when the appellant recovered, he went to join his duty and on the basis of absence explanation was called from him on 04.01.2022, the appellant submitted reply to the explanation in which he mentioned that that he was ill and the doctor recommended him for 02-weeks bed rest and on the same day the appellant was also transferred from Peshawar to D.I. Khan vide order dated 04.01.2022. **(Copies of explanation, reply and memo dated 04.01.2022 are attached as Annexure-B,C&D)**
4. That show cause notice dated 24.01.2022 was issued to the appellant which was replied by him in which mentioned that he was ill and has no knowledge that it is necessary to do treatment from Government Hospital and submit medical prescription from Government Hospital. **(Copies of show cause notice and reply to show cause notice are attached as Annexure-E&F)**
5. That after performing duty for more than 02 months, charge sheet dated 08.03.2022 along with statement of allegations were issued to the appellant which was replied by the appellant in which he again mentioned that he was ill and due to illness he could not perform his duty. **(Copies of charge sheet along with statement of allegations and reply to charge sheet are attached as Annexure-G&H)**
6. That no regular inquiry was conducted against the appellant to dig out the realty about the absence of the appellant and even the inquiry report was not provided to the appellant.
7. That final show cause notice was to the appellant on 29.03.2022, which was replied by the appellant in which he again gave the same stance that he was ill and due to which he could not perform his duty. **(Copies of final show cause notice and reply are attached as Annexure-I&J)**

8. That on the basis of 02-weeks absence, the appellant was removed from service vide order dated 25.04.2022, the appellant filed departmental appeal on 10.05.2022 and after about one month he went to the concerned office to know about the fate of his departmental appeal, but the staff of the concerned office told to the appellant that concerned authority did not want to take action on his departmental appeal and directed him to file revision on which the appellant filed revision on 13.06.2022, which was rejected on 13.10.2022 for good grounds. **(Copies of order dated 25.04.2022, departmental appeal, revision and order dated 13.10.2022 are attached as Annexure-K,L,M&N)**
9. That the appellant has no other remedy except to file the instant appeal in this Honorable Tribunal for redressal of his grievance on the following grounds amongst others.

GROUND:

- A) That the impugned orders dated 25.04.2022, not taking action on the departmental appeal of the appellant and order 13.10.2022 are against the law, facts, norms of justice and material on record, therefore, not tenable and liable to be set aside.
- B) That no regular inquiry was conducted against the appellant to dig out the reality about the absence of the appellant and even the inquiry report was not provided to the appellant, which is violation of law and rules and as such the impugned order are liable to be set aside.
- C) That the appellant did not intentionally remain absent from his duty but he was ill and the doctor recommended him for 02-weeks rest and due to illness he was unable to perform his duty and was compelled to remain absent from his duty, therefore, needs to be treated with lenient view, the penalty imposed upon the appellant is not tenable under the law and is liable to be set aside.
- D) That the appellant was only 02 weeks absent due to illness and the penalty of removal imposed upon the appellant is from service is very harsh, which is passed in violation of law and rule, therefore, the same is not sustainable in eyes of law and hence liable to be set aside.
- E) That in show cause notices, it was mentioned that being a government servant he is supposed to be submit prescription from government hospital instead of private doctor, but the appellant in his reply clearly mentioned that he has no knowledge that it is necessary to do treatment from Government Hospital and submit medical prescription

from Government Hospital, therefore the appellant should not be punished for such a scarce mistake.

F) That the appellant has also transferred from Peshawar to D.I Khan on such absence and was also removed from service on that absence which means that the appellant has been punished twice for same offence which is not permissible the law and rule.

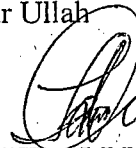
G) That the appellant seeks permission of this Honorable Tribunal to advance others grounds and proofs at the time of hearing.

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

NIHAR ULLAH

APPELLANT
Nihar Ullah

THROUGH:



TAIMUR ALI KHAN
(ADVOCATE HIGH COURT)
PESHAWAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2022

Nihar Ullah

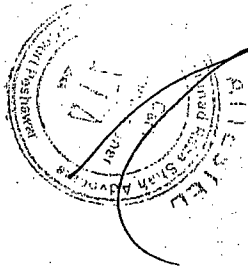
VS

Police Department

AFFIDAVIT

I, Nihar Ullah Ex-Class-IV, R/O Bahader Kelay Achar Garhi Qamar Din, Peshawar, (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this Honorable Tribunal.

NIHAR ULLAH
DEPONENT



A (6)

SKIN

CARE CLINIC & LASER CENTER

Dr. Akhtar Muneer

Skin Specialist
DMS, LRH Peshawar

Contact: Fawad Medical Store
0300-5883710
0313-7223487



Skin Care Clinic

ڈاکٹر اختر منیر سکن سپیشلسٹ

پتہ: بازار روڈ سرگند
ٹائٹل سوسائٹی: روزانہ صبح 6:54 بجے شام
ٹائٹل سوسائٹی: روزانہ صبح 7:55 بجے رات

Patient Name: *Abdul Wahab* Age: Sex: Date: *21-12-2021*

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DRAKHAR MUNIR
Skin Specialist
Fawad Medicoza Bera Road
Sarband Pesh-0300-9554749

*medic
computer
and web for
1- use for
Dr. Muneer
0300-9554749*

معائنہ بروز پیر، منگل، بدھ صبح 10:59 بجے دوپہر

Skin Care Clinic Opp:
City Hospital Kohat Road,
Peshawar.

Contact / Whatsapp
No: 0333-9122302

سکن کیئر کلینک بالقابل ٹی ہسپتال کوہاٹ روڈ پشاور

SKIN

Dr. Akhtar Munir

Skin Specialist
DMS, LRH Peshawar

Contact: Fawad Medical Store
0300-5883710
0313-7223487



Skin Care Clinic

CARE CLINIC & LASER CENTER

ڈاکٹر اختر منیر سکن سپیشلسٹ

پتہ: بازار روڈ سرگند
پانچ گھنٹے روزانہ 6:4 بجے شام
پانچ گھنٹے روزانہ 7:5 بجے رات

(7)

Patient Name:

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Age:

Sex:

Date:

Clinical Record

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3

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30

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causes

DR. AKHTAR MUNIR
Skin Specialist
Fawad Medical Store Bara Road
Saroband Pesh. 0300-5883710

مکانہ: بازار روڈ سرگند، پانچ گھنٹے روزانہ 6:4 بجے شام

Skin Care Clinic Opp:
City Hospital Kohat Road,

Contact / Whatsapp
No: 0333-9122302

سکن کیئر کلینک بالتحالہ شہیڈ ہسپتال کوہاٹ روڈ پشاور

**TELECOMMUNICATION & TRANSPORT,
KHYBER PAKHTUNKHWA PESHAWAR**

No. 146 /Tele/EC,
Dated 4 101 /2022

EXPLANATION

It has been reported by RI Telecommunication Headquarter, Peshawar that you, Mr. Nihar Ullah (Naib Qasid) s/o Mumraiz Khan, CNIC#17301-0893216-1, r/o Bahadar Kalay Achar Charl Qamar Din, Peshawar have absented yourself from your duties w.e.f 21.12.2021 upto date i.e 04.01.2022 without any permission.

You are, therefore, called upon to explain your position within 03-days. Failing which, this office will be constrained to initiate disciplinary proceedings against you.

SP Telecomm:
For Deputy Inspector General of Police,
Telecomm: & Transport,
Khyber Pakhtunkhwa, Peshawar

Handwritten text in Urdu script, possibly a title or introductory sentence.

Main body of handwritten text in Urdu script, appearing to be a list or detailed notes.

Handwritten text in Urdu script, possibly a concluding sentence or a reference.

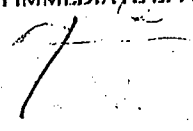
Handwritten text in Urdu script, possibly a signature or a small note.

Handwritten text in Urdu script, possibly a page number or a reference mark.

D (15)

SIGNAL

FROM : SP TELE KHYBER PAKHTUNKHWA, PESHAWAR (.)
TO : O/C TELE CONTROL DI KHAN (.)
NO. 147 /TELE/IC, DATED PESHAWAR THE 4 10/ 2021 (.)
TRANSFER/POSTING (.) NIJAR ULLAH NAIB QASID IS HERE BY TRANSFERRED FROM
TELE HQ PESHAWAR TO WIRELESS CONTROL DI KHAN WITH IMMEDIATE EFFECT (.)




SP TELECOMMUNICATIONS
KHYBER PAKHTUNKHWA, PESHAWAR

No. /Tele/IC:

Copy forwarded for information to the:

1. SP MT, Khyber Pakhtunkhwa, Peshawar.
2. SP Tele, Khyber Pakhtunkhwa, Peshawar.
3. OS Tele Khyber Pakhtunkhwa, Peshawar.



SP TELECOMMUNICATIONS
KHYBER PAKHTUNKHWA, PESHAWAR

4/1/21

SHOW CAUSE NOTICE

I MR. RIZWAN MANZOOR Deputy Inspector General of Police Telecommunication & Transport, Khyber Pakhtunkhwa Peshawar as competent authority, empowered under Khyber Pakhtunkhwa Police Rules 1975, (Amendments 2014) do hereby serve upon you Naib Qasid Nihar Ullah of this unit Posted at Control DI Khan Show Cause Notice on the allegation/charges as follow;

You Naib Qasid Nihar Ullah presently posted at Control DI Khan absented yourself from your lawful duty w.e.f 21.12.2021 to 04.01.2022, for which you were served with an Explanation issued vide No.146/Tele/EC, dated 04.01.2022. In reply to Explanation, you produced 02-medical prescriptions for complete bed rest for 02-weeks w.e.f 21.12.2021 to 27.12.2021 and 29.12.2021 to 04.01.2022 respectively given by Doctor Akhtar Munir Skin Specialist through his private clinic. Being a government employee, you were supposed to submit prescriptions from the government hospital in support of your reply, however, you did not do so and produced prescriptions from private doctor which are not acceptable as per rules.

This act amounts to gross misconduct on your part and is against the norms of disciplined force.

You are, therefore, required to Show Cause as to why you should not be proceeded against departmentally for the above-mentioned act/omission. Also, intimate whether you desire to be heard in person.

If no reply to this Notice is received within 07 days of its receipt in normal course of circumstances to explain your position, ex-Parte action shall be taken against you.

Deputy Inspector General of Police,
Telecommunication & Transport,
Khyber Pakhtunkhwa, Peshawar.

No. 1604-5 /Tele/EC, dated Peshawar the 24/1 /2022.

Copies forwarded to the :-

1. Mr. Muhammad Saeed (DSP T&T) (Enquiry officer).
2. OI/C DI Khan with the direction to deliver the said Show Cause Notice to Naib Qasid Nihar Ullah s/o Mumraiz Khan r/o Bahadar Kaly Achar Ghari Qamar Din Peshawar and return one copy duly signed by him.

F:\Enquiries folder\enquiries 2019-20.docx

NIHAR ULLAH
31.01.2022

RECEIVED
28-01-2022

F
②

BEFORE THE RESPECTED DEPUTY INSPECTOR GENERAL POLICE,
TELECOMMUNICATION & TRANSPORT,
KHYBER PAKHTUNKHWA, PESHAWAR.

reply _____ 2022.

no 01/38/DIL DATED 01-02-22

SUBJECT:-

REPLY TO THE SHOW CAUSE DATED, NO 1604-5/Tele/EC, dated Peshawar the
24.1.2022.

Respectfully Submitted:-

That the innocent replier humbly and respectfully submits as under:-

- 1) That the replier is the law abiding citizen of Pakistan and a qualified person.
- 2) That the replier is the bread winner for his family and belongs from a respected family.
- 3) That the replier is innocent and are poor person with having all the liabilities regarding the work and knows the ethics.
- 4) That the replier is having old age parents who are living with the replier and he's the person for the welfare, take care and responsible to his family.
- 5) That the reply to the EXPLANATION No 146/Tele/EC. Dated 04.01.2022 have already been given by the replier are herein enclosed.
- 6) That there's no actus rea and mens rea on the behalf of replier and belongs from a respectable family of the locality.
- 7) That as this learned authority knows well that a person without a stable job or employment is nothing and the replier whoie family rely upon the instant job, where as its necessary in the interest of justice to accept the instant replay in hand in favour of replier (Nihar Ullah S/o Mumraiz Khan).
- 8) That the expulsion, termination or discharge of the replier can cause an irreparable loss to the replier as he's the sole source of income for his family and thus the same can't be procured in any other shape even though the replier have put his job and duty as first option and have never been absented since from appointment in even in the situation of Covid-19, Omicron.
- 9) That the replier were unaware of the submission of the government prescriptions but however in the situation of illness replier have tried his level best for the safety of his life and produced the very authentic and genuine proof of medical from skin specialist; an application was also written to the Worthy Sir SP Telecomm, but I wasn't given a chance to submit the application and was sent back in the situation of illness. I waited

13

all day outside the gate to submit my application for best rest. (application and medical prescription annexed)

- 10) That the replier also humbly submitting that as I have never been absented; than even my annual leaves are kind enough to accepted this reply in the interest of justice and equity and give a chance to be careful in future as I being the replier have motivation and spirit to serve this department and also suggesting others to join this learned department as living in the era of Tele Communication.

It's therefore most humbly and merciful prayed that on acceptance of this reply; the replier may very kindly be given a chance to continue his service and in future the replier will be very careful to this worthy and Respected Department.

Dated: 30.01.2022

NIHAR ULLAH
Replier-In Person

Nihar Ullah S/o Mumraiz Khan

Bahadar Kalay Achar Gari Qamar Din, Peshawar

S.#/Tele:1305

17301-0893216-1

(Naib Qasid.

Certificate:-

I do hereby certify and take oath on solemnly affirm that in the future course to the disciplined force I will be very careful while performing my official duty as Naib Qasid.

NIHAR ULLAH
Replier

17301-0893216-1

The replier also desired to be heard in person.

CHARGE SHEET

9 (14)

I, Sohail Zafar Chattha, Assistant Inspector General of Police, Telecommunication & Transport Khyber Pakhtunkhwa, Peshawar as Competent Authority, under the Khyber Pakhtunkhwa Efficiency & Disciplinary Rules (2011) hereby charge you Naib Qasid Nihar Ullah;

You Naib Qasid Nihar Ullah presently posted at Control DI Khan absented yourself from your lawful duty w.e.f 21.12.2021 to 04.01.2022, for which you were served with an Explanation issued vide No.146/Tele/EC, dated 04.01.2022. In reply to Explanation, you produced 02-medical prescriptions for complete bed rest for 02-weeks w.e.f 21.12.2021 to 27.12.2021 and 29.12.2021 to 04.01.2022 respectively given by Doctor Akhtar Munir Skin Specialist through his private clinic. Being a government employee, you were supposed to submit prescriptions from the government hospital in support of your reply, however, you did not do so and produced prescriptions from private doctor which are not acceptable as per rules.

In this regard, you were served with Explanation as mentioned above and Show Cause Notice vide No.1604-5/Tele/EC, dated 24.01.2022. Your reply as received was thoroughly perused and found unsatisfactory.

By reason of the above, you appear to be guilty of misconduct under the Khyber Pakhtunkhwa Efficiency & Disciplinary Rules (2011) and have rendered yourself liable to all or any of the penalties specified in the said Rules.

You are therefore, directed to submit your written defence within seven (07) days of the receipt of this Charge Sheet to the Enquiry Officer.

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

You are directed to intimate whether you desire to be heard in person or otherwise.

A statement of allegation is enclosed.

(SOHAIL ZAFAR CHATTHA)

Assistant Inspector General of Police,
Telecommunication & Transport,
Khyber Pakhtunkhwa, Peshawar.

No. 3924-26/Tele/EC, dated Peshawar the 8 / 13 /2022

Copy of the above is forwarded to the:-

1. SP MT, Khyber Pakhtunkhwa, Peshawar is appointed to conduct proper enquiry.
2. OI/C Tele DI Khan (to deliver the said Charge Sheet & Statement of Allegations to Naib Qasid Nihar Ullah and return one spare copy duly signed by him)
3. Naib Qasid Nihar Ullah

GHARGE SHEET

I, Sohail Zafar Chattha Assistant Inspector General of Police, Telecommunication & Transport Khyber Pakhtunkhwa Peshawar as Competent hereby charge you Naib Qasid Nihar Ullha;

You Naib Qasid Nihar Ullah presently posted at Control DI.Khan absented yourself from your lawful duty w.e.f 21.12.2021 to 04.01.2022 for which you were served with an Explanation issued vice No. 146/Tele/EC, dated 04.01.2022. in reply to Explanation, you produced 02-medical prescriptions for complete and rest for 02-weeks w.e.f 21.12.2021 and 29.12.2021 to 04.01.2022 respectively given by Doctor Akhtar Munir Skin Specialist through his private clinic. Being a government employee, you were supposed to submit prescriptions from the government hospital in support of your reply, however, you did not do so and produced prescriptions form private doctor which are not acceptable as per rules.

In this regard, you were served with Explanation as mentioned above and Show Cause Notice vide NO. 1604-5/Tele/EC, dated 24.01.2022. Your reply se received was thoroughly perused and found unsatisfactory.

By reason of the above, you appear to be guilty of misconduct under the Khyber Pakhtunkhwa Efficiency & Disciplinary Rules (2011) and have rendered yourself liable to all or any of the penalties specified in the said Rules.

You are therefore, directed to submit your written defence within seven (07) days of the receipt of this Charge Sheet to the Enquiry Officer.

Your written defence, if any, should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-arte action will be taken against you.

A statement of allegation is enclosed.

(SOHAIL AFAR CHATTHA)

Assistant Inspector General of Police,
Telecommunicate Transport,
Khyber Pakhtunkhwa, Peshawar

No. 3924-26/Tele/EC, dated Peshawar the 8/3/2022

Copy of the above is forwarded to the:

1. SP MT, Khyber Pakhtunkhwa, Peshawar is appointed to conduct proper enquiry.
2. OI/C Tele DI Khan 9to deliver the said Charge Sheet & Statement of Allegations to Naib Qasid Nihar Ullah and return one spare copy duly signed by him)
3. Naib Qasid Nihar Ullah

(15)

DISCIPLINARY ACTION

I, Sohail Zafar Chattha Assistant Inspector General of Police, Telecommunication & Transport Khyber Pakhtunkhwa Peshawar as Competent Authority am of the opinion that Naib Qasid Nihar Ullah has rendered himself liable to be proceeded against, as he has committed the following acts of omissions/commissions within the meaning of The Khyber Pakhtunkhwa Efficiency & Disciplinary Rules (2011).

STATEMENT OF ALLEGATIONS

You Naib Qasid Nihar Ullah presently posted at Control D. Khan absented yourself from your lawful duty w.e.f 21.12.2021 to 04.01.2022 for which you were served with an Explanation issued vide No.146/Tele/EC, dated 04.01.2022. In reply to Explanation, you produced 02-medical prescriptions for complete bed rest for 02-weeks w.e.f 21.12.2021 to 27.12.2021 and 29.12.2021 to 04.01.2022 respectively given by Doctor Akhtar Munir Skin Specialist through his private clinic. Being a government employee, you were supposed to submit prescriptions from the government hospital in support of your reply, however, you did not do so and produced prescriptions from private doctor which are not acceptable as per rule.

The above acts depict your inefficiency, disobedience and non-disciplined attitude and lack of professionalism which amounts to grave misconduct on your part warranting stern disciplinary action against you.

For the purpose of scrutinizing the conduct of the said official with reference to the above allegations, Muhammad Arif SP Motor Transport, Khyber Pakhtunkhwa Peshawar is hereby nominated as Enquiry Officer.

The Enquiry Officer shall, in accordance with the provision of the said Rules, provide reasonable opportunity of hearing to the official and submit findings of the receipt of this order, make recommendations as to punishment or other appropriate action against Naib Qasid Nihar Ullah.

18/12/22
(SOHAIL ZAFAR CHATTHA)
Assistant Inspector General of Police,
Telecommunication & Transport,
Khyber Pakhtunkhwa Peshawar.

DISCIPLINARY

I, Sohail Zafar Chattha Assistant Inspector General of Police, Telecommunication & Transport Khyber Pakhtunkhwa Peshawar as Competent Authority, am of the opinion that Naib Qasid Nihar Ullah has rendered himself liable to omissions/commissions within the meaning of The Khyber Pakhtunkhwa Efficiency & Disciplinary Rules (2011).

STATEMENT OF ALLEGATIONS

You Naib Qasid Nihar Ullah presently posted at Control DI.Khan absented yourself from your lawful duty w.e.f 21.12.2021 to 04.01.2022 for which you were served with an Explanation issued vice No. 146/Tele/EC, dated 04.01.2022. in reply to Explanation, you produced 02-medical prescriptions for complete and rest for 02- weeks w.e.f 21.12.2021 and 29.12.2021 to 04.01.2022 respectively given by Doctor Akhtar Munir Skin Specialist through his private clinic. Being a government employee, you were supposed to submit prescriptions from the government hospital in support of your reply, however, you did not do so and produced prescriptions form private doctor which are not acceptable as per rules.

The above acts depict your inefficiency, disobedience and in-disciplined attitude and lack of professionalism which amounts to grave misconduct on your part warranting stern disciplinary action against you.

For the purpose of scrutinizing the conduct of the said officials with reference to the above allegations, **Muhammad Arif** SP. Motor- Transport, Khyber Pakhtunkhwa Peshawar is hereby nominated as Enquiry Officer.

The Enquiry Officer Shall, in accordance with the provision of the said rules, provide reasonable opportunity of hearing to the official and submit findings of the receipt of this order, make recommendations as to punishment or other appropriate against Naib Qasid Nihar Ullah.

(SOHAIL AFAR CHATTHA)

Assistant Inspector General of Police,
Telecommunicate Transport,
Khyber Pakhtunkhwa, Peshawar

H (16)
24 No. 13c
6/16.3.

Deputy Director General Police, Telecommunication, h
Transport Khyber Pakhtunkhwa, Peshawar.
Subject: REPLY TO SHOW CAUSE NOTICE
DATED 08.03.2022 RECEIVED ON
10.03.2022.

Respected Sir,

That the innocent replier humbly and respectfully submits as under

- 1) That the replier is the bread winner of his family and belongs to a respectable family.
- 2) That the absence from my duty w.e.f 12.2.21 to 04.01.2022 was neither willful nor intentional but due to severe illness from skin disease nor all my body was itching which was behind my control.
- 3) That as the skin disease was viral for which the doctor advised me complete bed rest for two weeks so, I remained absent for the aforementioned dates.
- 4) That the expulsion, termination or discharge of the replier can cause an irreparable loss to the replier as he is the sole bread earning in his family and the same cannot be procured in any other manner even though the replier have put his job and duty as first option.
- 5) That the replier humbly submits that as I have never been absented; then even my annual leaves are kind enough to be accepted this reply in the interest of justice and equity.
- 6) That I will be very careful in future and will try my level best to not remain absent from my duties without any genuine reason.

It is, therefore, prayed that the Show Cause Notice dated 08.03.2022 may kindly be cancelled.

Dated: /03/2022

Nihar Ullah S/o Manraiz Khan
Naib Qasim

To

Deputy Director General Police, Telecom Transport Khyber
Pakhtunkhwa, Peshawar.

Subject: **REPLY TO SHOW CAUSE NOTICE DATED 08.03.2022 RECEIVED
ON 10.03.2022**

Respected Sir,

That the innocent replier humbly and respectfully subjects as under

- 1) That the replier is the bread winner of his family and belters to a respectable family.
- 2) That the absentee from my duty w.e.f 11.12.2021 to 04.01.2022 was neither willful nor intentions but due to server illness from skin disease nor all my body was itching which was behind my control.
- 3) That as the skin disease was viral for when the advised me complete bed rest for do weeks so. I absent for the aforementioned dates.
- 4) That the expulsion, termination or discharge of the rejecter can cause an irreparable loss to the replier as be is the so bread earning in this family and the same cannot be procured in any other manner even though the replier have put and duty as first option.
- 5) That the replier humbly submits that as I have never been absented; then even my annual l3eavex are kind though to be accepted this reply in the interest of justice and equity.
- 6) That I will be very careful in future and will try my level lasts to not remain absent from my duties without any reason.

It is, therefore, prayed that the Show Cause not i-e dated 08.03.2022 may kindly be cancelled.

Nihar Ullah S/o Muinraiz Khan
Naib Qasid

Dated: 03/2022

E (17)

FINAL SHOW CAUSE NOTICE

I, Sohail Zafar Chattha Assistant Inspector General of Police, Telecommunication & Transport Khyber Pakhtunkhwa, Peshawar as Competent Authority, under the Khyber Pakhtunkhwa Efficiency & Disciplinary Rules (2011) hereby charge you Naib Qasid Nihar Ullah;

You Naib Qasid Nihar Ullah presently posted at Control DI Khan absented yourself from your lawful duty w.e.f 21.12.2021 to 04.01.2022, for which you were served with an Explanation issued vide No.140/Tele/EC, dated 04.01.2022. In reply to Explanation, you produced 02-medical prescriptions for complete bed rest for 02-weeks w.e.f 21.12.2021 to 27.12.2021 and 29.12.2021 to 04.01.2022 respectively given by Doctor Akhtar Munir Skin Specialist through his private clinic. Being a government employes, you were supposed to submit prescriptions from the government hospital in support of your reply, however, you did not do so and produced prescriptions from private doctor which are not acceptable as per rules.

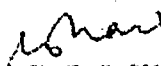
After that, you were served with Charge Sheet with Statement of Allegations vide No.3924-26/Tele/EC, dated 08.03.2022 and a proper enquiry was initiated. The enquiry has been conducted and the Enquiry Officer recommended "Major Punishment" under the Khyber Pakhtunkhwa Efficiency & Disciplinary Rules (2011)

Findings of the enquiry are that you got medical prescriptions from private doctor given by Doctor Akhtar Munir Skin Specialist instead of government Hospital, to give legitimacy to your absence period. Had you been genuinely sick, you would have got bed rest from government Hospital which you did not

You are therefore, required to submit your written defence within seven (07) days of the receipt of this Final Show Cause Notice

Your written defence, if any, should reach the undersigned within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action will be taken against you

You are directed to intimate whether you desire to be heard in person or otherwise


(SOHAIL ZAFAR CHATTHA)
Assistant Inspector General of Police,
Telecommunication & Transport,
Khyber Pakhtunkhwa, Peshawar.

No. 5001-3 Tele/EC, dated Peshawar the 29 13 2022

Copy of the above is forwarded to the-

1. SP MT, Khyber Pakhtunkhwa, Peshawar.
2. O/C Tele DI Khan (to deliver the said Final Show Cause Notice to Naib Qasid Nihar Ullah and return one spare copy duly signed by him)
3. Naib Qasid Nihar Ullah

سوال نمبر 1
 ستمبر 2011ء کو جو رقم 31/01/22 کو ملے تو کار نوٹس دھوکے
 پر جسکا جواب سائل نے 01/01/32/01/22 کو دیا ہے
 ڈاکٹر صاحب۔ یہ وہی مکتوب نگین کو لخوا یا بعد ازیں سائل کو
 03/08 کو خارج شدہ وصول ہوئی جسکا سائل نے
 03/08 کو دیا ہے ڈاکٹر صاحب۔ 01/01/22 کو مکتوب نگین کو جواب
 لکھا گیا جو کہ 29/03 کو مائل ٹیوکار نوٹس آئی ہے کیا
 سائل کا اس بھی وجہی بیان ہے کہ جو رقم ساری سائل نے ملنے چاہی
 کی تیرہ لاکھ کوئی بیان نہیں اور یہ حقیقت مرصہ ہے بعد
 اسدے کہ سائل ایک غیرت گزار سے تعلق رکھتا ہے اور ترقی
 رکھنے والی ہے قضاط مورد ہے سائل کو جائزہ لیں
 کہ سائل نے کیا رقم کی اجازت دی جائے تاکہ سائل اپنی
 ضروری باتیں کر سکیں اور یہی رقم سائل کو صاف فرما کر
 منگوا فرمائیں سائل اسدے کے لئے قضاط رکھتا ہے۔

NO. 01/104/01/22

علین نورانی ہوتی

07/04/22

ایکس پریس
 (P) M. A. S.
 Pakistan Tea Commission
 10th Floor, Dacca Bldg. Market
 دہلی ماہد سار اللہ

M. HARULLAH

(4) K 19

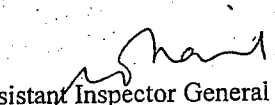
ORDER

Mr. Nihar Ullah Naib Qasid while posted at Police Telecommunication Headquarter Peshawar presently posted at Wireless Control Room DI Khan absented himself from his lawful duty w.e.f 21.12.2021 to 04.01.2022. To probe his willful absence, he was served with an Explanation vide No.146/Tele/EC, dated 04.01.2022. In compliance to Explanation, he produced 02 medical prescriptions for complete bed rest for 02 weeks w.e.f 21.12.2021 to 27.12.2021 and 29.12.2021 to 04.01.2022 respectively given by Doctor Akhtar Munir Skin Specialist through private clinic. The reply received was thoroughly perused and found unsatisfactory as being a government servant he was supposed to submit prescriptions from government Hospital instead of private doctor.

Afterwards, he was served with Show Cause Notice vide No.1604-5/Tele/EC, dated 24.01.2022. The reply received was also perused thoroughly and found unsatisfactory. Therefore, he was served with Charge Sheet and Statement of Allegations vide No.3924-26/Tele/EC, dated 08.03.2022. The reply received was also perused thoroughly and found unsatisfactory.

Furthermore, the accused / delinquent Naib Qasid Nihar Ullah was also given a chance for appearance and was heard in person at length. During personal hearing, the delinquent official failed to produce a cogent reason for his willful absence. The Enquiry Officer, therefore, recommended that major punishment may be awarded to the accused Naib Qasid Nihar Ullah under the Khyber Pakhtunkhwa Efficiency & Disciplinary Rules 2011.

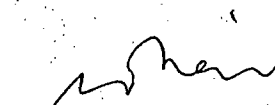
I, being the competent authority, after perusal of enquiry, have awarded major punishment of "Removal from Service" to Nihar Ullah Naib Qasid with immediate effect under the Khyber Pakhtunkhwa Efficiency & Disciplinary Rules 2011. Therefore, Nihar Ullah Naib Qasid is Removed from Service with immediate effect.


Assistant Inspector General of Police,
Telecommunication & Transport,
Khyber Pakhtunkhwa, Peshawar

5876-83
No. /Tele/EC, dated Peshawar the 25/4/2022

Copies forwarded to the:

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar
2. DIG Telecommunication & Transport, Khyber Pakhtunkhwa, Peshawar.
3. Accountant General, Khyber Pakhtunkhwa, Peshawar
4. SP Telecommunication, Khyber Pakhtunkhwa, Peshawar.
5. SP Motor-Transport, Khyber Pakhtunkhwa, Peshawar.
6. Accountant Telecommunication, Peshawar.
7. O/C Tele DI Khan
8. Mr. Nihar Ullah s/o Mumraiz Khan Bahadar Kalay Achar Gari Qamar Din, Peshawar


Assistant Inspector General of Police,
Telecommunication & Transport,
Khyber Pakhtunkhwa, Peshawar

L/10/20

**BEFORE THE RESPECTED DEPUTY INSPECTOR GENERAL OF POLICE,
TELECOMMUNICATION AND TRANSPORT, KHYBER PAKHTUNKHWA
PESHAWAR.**

MERCY APPLICATION _____ 2022.

Subject:-

**MERCY APPLICATION WITH REGARD TO THE ORDER OF A.I.G DATED 25.04.2022
NO: 5876-83; OF REMOVAL FROM SERVICE.**

Respectfully Submitted:-

That innocent petitioner humbly and respectfully submits as under:-

- 1) That the petitioner is law abiding citizen of Pakistan and a qualified person.
- 2) That the petitioner is the bread winner for his family and belongs from a respectable family.
- 3) That the petitioner is innocent and are poor person with having all the abilities regarding the work and knows the ethics.
- 4) That the petitioner is having old age parents who are living with the petitioner and he's the only person for the welfare, take care and responsible person of his whole family.
- 5) That as this learned authority knows well that a person without a stable job or employment is nothing and the petitioner whole family relies upon the instant job, whereas as its necessary in the interest of justice to re-instate the petitioner by accepting the application in hand in favor of applicant.
- 6) That the expulsion, removal from service or termination of the petitioner can cause an irreparable loss to the petitioner as he's the sole source of income for his all family and thus the same can't be procured in any other shape.

It's therefore most humbly and merciful prayed that on acceptance of this mercy application; the applicant may very kindly be re-instated to his service with all back salaries and benefits.

Dated: 10 May 2022.

Applicant in Person

Mr. Nihar Ullah S/o Mumraiz Khan

CR# 12285/E5
dated # 13-06-2022

BEFORE THE RESPECTED INSPECTOR GENERAL OF POLICE,
KHYBER PAKHTUNKHWA, PESHAWAR.

M

21

MERCY APPLICATION _____ 2022.

Subject:-

MERCY APPLICATION WITH REGARD TO THE ORDER OF A.I.G DATED
25.04.2022 NO: 5876-83; OF REMOVAL FROM SERVICE.

Respectfully Submitted:-

That innocent petitioner humbly and respectfully submits as under:-

- 1) That the petitioner is law abiding citizen of Pakistan and a qualified person.
- 2) That the petitioner is the bread winner for his family and belongs from a respectable family.
- 3) That the petitioner is innocent and are poor person with having all the abilities regarding the work and knows the ethics.
- 4) That the petitioner is having old age parents who are living with the petitioner and he's the only person for the welfare, take care and responsible person of his whole family.
- 5) That as this learned authority knows well that a person without a stable job or employment is nothing and the petitioner whole family relies upon the instant job, whereas as its necessary in the interest of justice to re-instate the petitioner by accepting the application in hand in favor of applicant.
- 6) That the expulsion, removal from service or termination of the petitioner can cause an irreparable loss to the petitioner as he's the sole source of income for his all family and thus the same can't be procured in any other shape.

It's therefore most humbly and merciful prayed that on acceptance of this mercy application; the applicant may very kindly be re-instated to his service with all back salaries and benefits.

Dated: 13th June 2022.

Applicant in Person
Mr. Nihar Ullah S/o Mumraiz Khan
(Naib Qasid)



OFFICE OF THE
INSPECTOR GENERAL OF POLICE,
CENTRAL POLICE OFFICE,
KHYBER PAKHTUNKHWA PESHAWAR

No. 3010-13 /E-V, dated Peshawar the 13 / 10 /2022 N (22)

ORDER

This order is hereby passed to dispose of the Mercy petition preferred by Ex-Naib Qasid Nihar Ullah of Telecommunication Khyber Pakhtunkhwa regarding his major punishment of "Removal from Service" awarded by Deputy Inspector General of Police, Telecommunication, Khyber Pakhtunkhwa vide Order No. 5876-83/Tele/EC dated 25.04.2022, on the following grounds that:-

"Naib Qasid Nihar Ullah while posted at Control DIKhan absented himself from his lawful duty w.e.f 21.12.2021 to 04.01.2022 for which he was served with an explanation issued vide No. 146/Tele/EC dated 04.01.2022. In reply to explanation, he produced two medical prescriptions for complete bed rest for 2 weeks w.e.f. 21.12.2021 to 27.12.2021 and 29.12.2021 to 04.01.2022 respectively given by Doctor Akhtar Munir Skin Specialist through his private clinic. Being a government employee, he was supposed to submit prescriptions from the government hospital in support of his reply, however, he did not do so and produced prescriptions from private doctor which are not acceptable as per rules."

The said Ex-Naib Qasid was called in OR and heard in person on 12.10.2022 by the Worthy Additional Inspector General of Police, HQrs: Khyber Pakhtunkhwa. A view was sought from Deputy Inspector General of Police, Telecommunication, Khyber Pakhtunkhwa regarding his punishment etc.

The Competent Authority is of the view that the Ex-Naib Qasid Nihar Ullah shall not have any place in a Disciplined Force/Department, therefore, his appeal is hereby rejected/filed.

Sd/-
(MUHAMMAD ALI BABAKHEL) PSP
(UNPM, NSWC)
Additional Inspector General of Police, HQrs:
Khyber Pakhtunkhwa,
Peshawar

Endst: No. & date even.

Copy forwarded to the:-

- o Additional Inspector General of Police, HQrs:, Khyber Pakhtunkhwa.
- o Deputy Inspector General of Police, Telecommunication, Khyber Pakhtunkhwa w/r to his office letter No. 9300/Tele/Legal dated 07.07.2022.
- o Accountant General Office Khyber Pakhtunkhwa, Peshawar.
- o Office Superintendent Secret Branch CPO Peshawar.

(DR. ZAHID ULLAH) PSP
AIG/Establishment

For Inspector General of Police,

بعدالت

سروس ٹریڈ یونٹ لٹسٹاؤ

مورخہ

مقدمہ

دعویٰ

جرم

نہارا لٹسٹاؤ 2 مخانب

نہارا لٹسٹاؤ بنام محکمہ لٹسٹاؤ

باعث تحریر آنکے

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

آن مقام لٹسٹاؤ کیلئے مقرر علی خان اور لٹسٹاؤ

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے ق تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ار عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا محتاج 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 مذکور با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ ہوں گے سب سے وہوگا۔ 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 رہے۔

المرقوم

ماہ

20

واہ العبد

VIHAR ULLAH