

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.**SERVICE APPEAL NO. 846/2017**

Date of institution ... 14.07.2017

Date of judgment ... 12.02.2020

Jan Said Ex-Constable, 1002,
P.S Michani Gate, Peshawar

... (Appellant)

VERSUS

1. The Capital City Police Officer Khyber Pakhtunkhwa Peshawar.
2. The DSP Legal Khyber Pakhtunkhwa Peshawar.
3. The Secretary Finance Khyber Pakhtunkhwa Civil Secretariat Peshawar.
4. The Provincial Police Officer, Peshawar.
5. S.P, Police City, Peshawar.
6. Accountant General Khyber Pakhtunkhwa Peshawar.

... (Respondents)

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 28.02.2017 WHEREBY THE RECOVERY ORDER WAS PASSED OF RS. 354194/- IMPOSED UPON THE APPELLANT AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF 90 DAYS.

Syed Noman Ali Bukhari, Advocate.

.. For appellant.

Mr. Usman Ghani, District Attorney

.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI

.. MEMBER (JUDICIAL)

MR. HUSSAIN SHAH

.. MEMBER (EXECUTIVE)

JUDGMENT**MUHAMMAD AMIN KHAN KUNDI, MEMBER: -** Counsel for the appellant

present. Mr. Usman Ghani, District Attorney alongwith Mr. Zakiullah, Senior Auditor for the respondents present. Arguments heard and record perused.

2. Brief facts of the case as per present service appeal are that the appellant was serving in Police Department. He was imposed major penalty of

dismissal from service vide order dated 16.04.2014, after availing of departmental remedy, the appellant filed Service Appeal No. 872/2014 which was partially accepted, the punishment of dismissal from service was set-aside and the same was converted into compulsory retirement from service with effect from 16.04.2014 vide detailed judgment dated 31.08.2016. After the aforesaid judgment of this Tribunal, the appellant went to the office of respondent No. 6 i.e Accountant General Khyber Pakhtunkhwa for drawing the amount of pensionary benefits but where the respondent No. 6 i.e Accountant General Khyber Pakhtunkhwa Peshawar told him that as per police record he (appellant) had already drawn amount of Rs. 418388/- of the period of his absence which was treated as leave without pay, therefore, the amount of Rs. 354194/- was deducted from his pension amount while remaining amount i.e 64194/- was stated to be deducted/recovered on monthly basis and in this respect the respondent No. 6 also issued a letter dated 28.02.2017 (wrongly mentioned as 28.02.2012) available on the record, therefore, the appellant filed departmental appeal against the letter dated 28.02.2017 for the pensionary benefits and against illegal recovery order to the Capital City Police Officer Peshawar on 17.03.2017 but the same was not responded hence, the present service appeal.

3. Respondents were summoned who contested the appeal by filing written reply/comments.

4. Learned counsel for the appellant contended that the appellant was serving in Police Department. It was further contended that the appellant was dismissed from service on certain allegations vide order dated 16.04.2014. It was further contended that after availing departmental remedy, the appellant

M. Amin
12.2.2020

filed service appeal which was partially accepted and the order of his dismissal from service was converted/modified into compulsory retirement from the date of his dismissal from service i.e 16.04.2014 vide judgment dated 31.08.2016. It was further contended that after the aforesaid judgment passed by this Tribunal in favour of the appellant, the appellant went to the office of respondent No. 6 i.e Accountant General Khyber Pakhtunkhwa Peshawar where it was told to the appellant that as per Police record, the appellant has drawn amount of Rs. 418388/- of the absence period which was treated as leave without pay, therefore, the respondent No. 6 deducted Rs. 354194/- from his pension amount while the remaining amount Rs. 64194/- was ordered to be recovered on monthly basis although the Tribunal has set-aside all the previous order and modified his dismissal from service into compulsory retirement, therefore, the appellant filed departmental appeal to Capital City Police Khyber Pakhtunkhwa Peshawar on 17.03.2017 but the same was not responded hence, the present service appeal. It was further contended that the respondent-department had illegally deducted Rs. 354194/- from his pension benefits through letter dated 28.02.2017 wrongly mentioned as 28.02.2012 and the remaining amount i.e 64194/- was also illegally ordered to be deducted from this pension, therefore, it was prayed that the appeal may be accepted.

5. On the other hand, learned District Attorney for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant remained absent from duty during his service. It was further contended that the Police Department had furnished detail record to the Accountant General Khyber Pakhtunkhwa regarding his absence period which was treated by the competent authority as leave without pay, therefore, it was

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12.2.2020

vehemently contended that the aforesaid amount was rightly deducted from the appellant and prayed for dismissal of appeal.

6. Perusal of the record reveals that the appellant was serving in Police Department. He was dismissed from service vide order dated 16.04.2014. the record further reveals that after availing the departmental remedy, the appellant filed Service Appeal No. 872/2014 which was partially accepted and order of dismissal from service was modified into compulsory retirement from the date of dismissal i.e from 16.04.2014 vide judgment dated 31.08.2016. The record further reveals that after the aforesaid judgment, the appellant approached the office of respondent No. 6 Accountant General for pensionary benefits where a letter dated 28.02.2017 wrongly mentioned as 28.02.2012 available on record was issued to the appellant whereby he was stated that he has illegally drawn Rs. 418388/- for the absence period which was treated as leave without pay therefore, Rs. 354194/- was deducted from his pension amount while the remaining amount Rs. 64194/- was stated to be recovered on monthly basis, therefore, the appellant filed departmental appeal against the alleged illegal recovery ^{against} through letter dated 28.02.2017 but the same was not decided. On one hand, the appellant has claimed that he never remained absent and the Service Tribunal has already decided the service appeal in his favour whereby his dismissal order from service was modified into compulsory retirement from the date of his dismissal, therefore, the respondent-department has illegally deducted the aforesaid amount from his pension while on the other hand it is stance of the respondent-department that the appellant remained absent from duty and the respondent No. 6 i.e Accountant General Khyber Pakhtunkhwa has rightly deducted the aforesaid amount from his

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12.2.2020

pension on the basis of record furnished by the Police Department, therefore, we deem it appropriate to direct the departmental authority i.e Capital City Police Officer Peshawar to decide the departmental appeal of the appellant through speaking order already preferred by him on 17.03.2017 after going to the whole record within a period of 90 days from the date of receipt of copy of this judgment. The appeal is disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
12.02.2020


(HUSSAIN SHAH)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

07.01.2020

Junior to counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney alongwith Zaki Ullah Senior Auditor and Aziz Shah Reader present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 12.02.2020 before D.B. Appellant be put to notice for the date fixed.


Member


Member

12.02.2020


Counsel for the appellant present. Mr. Usman Ghani, District Attorney alongwith Mr. Zakiullah, Senior Auditor for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of five pages placed on file, we deem it appropriate to direct the departmental authority i.e Capital City Police Officer Peshawar to decide the departmental appeal of the appellant through speaking order already preferred by him on 17.03.2017 after going to the whole record within a period of 90 days from the date of receipt of copy of this judgment. The appeal is disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

12.02.2020


(HUSSAIN SHAH)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

12.09.2019

Appellant with counsel present. Mr. Riaz Khan Paindakhel learned Assistant Advocate General alongwith Mr. Zakiullah Senior Auditor for the respondents present. Representative of the respondent seeks time to provide a copy of service book of the appellant on the next date. Adjourn. To come up for record and arguments on 26.11.2019 before D.B.

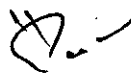

(Hussain Shah)
Member


(M Hamid Mughal)
Member

26.11.2019

Appellant with counsel present. Mr. Zaki Ullah representative of respondent No.6 absent. Copy of Service Book of appellant was also not provided. Adjourn. To come up for further proceedings/arguments on 27.11.2019 before D.B. Salary of representative of respondent No.6 is hereby attached till further orders..


Member


Member

27.11.2019

Appellant with counsel present. Mr. Riaz Paindakheil learned Assistant Advocate General alongwith Zaki Ullah Senior Auditor present and submitted additional documents copy of the same given to learned counsel for the appellant. Learned counsel for the appellant seeks adjournment for arguments. Adjourn. To come up for arguments on 07.01.2020 before D.B. The order regarding attachment of salary of representative of respondent No.6 shall be treated as withdrawn.


Member


Member

09.04.2019

Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 17.05.2019 before D.B.


Member


Member

17.05.2019

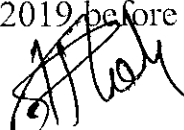
Counsel for the appellant and Addl. AG alongwith Muhammad Raziq, H.C for the respondents present.

Due to demise of his father, learned Member of the Bench (Mr. Hussain Shah) is on leave. Adjourned to 22.07.2019 for arguments before the D.B.


Chairman

22.07.2019

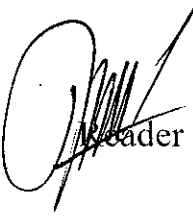
Learned counsel for the appellant present. Mr. Muhammad Jan learned Deputy District Attorney alongwith Mr. Zaki Ullah Senior Auditor for the respondents present. Copy of the service book is not available on the record. Representative of the respondents is strictly directed to furnish a copy of service book on the next date positively. Adjourned. To come up for record and arguments on 12.09.2019 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

23.10.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 10.12.2018.

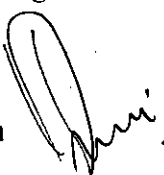

Chairman

10.12.2018

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney alongwith Zakiullah Senior Auditor for the respondents present.

Parawise reply of impleaded respondent No. 6 has been submitted to which learned counsel for the appellant also wants to file rejoinder. May do so within a fortnight. Adjourned to 30.01.2019 for hearing before the D.B.


Member

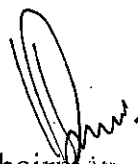
Chairman 

30.1.2019

Appellant in person Mr. Ziaullah, DDA alongwith Muhammad Raziq, H.C for the respondents present. Wakalatnama in favour of Miss Uzma Syed Advocate submitted on behalf of appellant and adjournment is sought as the replaced learned counsel is engaged before the Honourable High Court today.


Adjourned to 09.04.2019 before D.B.

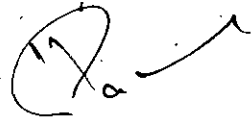

Member

Chairman 

10.07.2018


Counsel for the appellant present. Mr. Muhammad Jan, DDA for respondents present. Counsel for the appellant made a request for adjournment. Adjourned. To come up final hearing on 04.09.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

04.09.2018

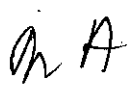
Appellant with counsel present. Adjournment requested on the ground that learned Assistant Advocate General is not available. Adjourned. To come up for arguments on 05.09.2018 before D.B.


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

05.09.2018

Learned counsel for appellant and Mr. Kabir Ullah Khattak learned AAG for the respondents present. It was brought to the notice of this Tribunal that the appellant is aggrieved against the order of the Account Officer Pension (Office of Accountant General Khyber Pakhtunkhwa Peshawar) and as such the Accountant General Khyber Pakhtunkhwa is necessary party in the present service appeal. Consequently Accountant General Khyber Pakhtunkhwa is hereby impleaded in the present service as respondent No.6. Muharrar is directed to make necessary entries in the present service appeal as well as in the relevant register to this effect. Representative on behalf of the Accountant General Khyber Pakhtunkhwa seeks time to furnish reply. Granted. To come up for written reply on behalf of Accountant General and arguments on 23.10.2018 before D.B


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member


14.02.2018

Clerk of the counsel for appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Aziz Shah, Head Constable for the respondents also present. Written reply on behalf of respondents not submitted despite extension of last opportunity at the cost of Rs. 2000/-. Learned Additional AG requested for further adjournment. Last opportunity is further extended subject to payment of further cost of Rs. 1000/- which shall be borne by the respondents from their own pockets. Adjourned. To come up for written reply/comments and cost of Rs. 3000/- on 28.02.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member (J)

28.02.2018

Appellant in person and Addl:AG alongwith Mr. M. Raziq, H. C for respondents present. Written reply submitted. Cost of Rs. 3000/- also paid and receipt thereof obtained from the learned counsel for the appellant. The appeal is assigned to D.B for rejoinder and final hearing on 30.04.2018.


(Ahmad Hassan)
Member (E)

30.04.2018

Appellant in person and Mr. Kabir Ullah Khattak, learned Additional Advocate General present. The Tribunal is defunct due to retirement of Hon'ble Chairman. Therefore the case is adjourned. To come up for the same on 10.07.2018


READER

Service Appeal No. 846/2017

18.01.2018


Appellant with counsel present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Muhammad Raziq, Head Constable for the respondents also present. Written reply on behalf of respondents not submitted despite last opportunity. Representative of the department requested for further adjournment. Last opportunity is further extended subject to payment of cost of Rs. 1000/- which shall be borne by the respondents from their own pockets. Adjourned. To come up for written reply/comments and cost of Rs. 1000/- on 01.02.2018 before S.B.



(Muhammad Amin Khan Kundi)
Member

01.02.2018

Clerk to counsel for the appellant and Mr. Usman, Ghani, District Attorney alongwith Mr. Arshad Zaman, ASI for respondents present. Written reply not submitted despite last opportunities. Requested for further adjournment. Last opportunity further extended subject to payment of cost of Rs. 1000/- which shall be borne by respondents from their own pockets. To come up for written reply/comments 14.02.2018 before S.B.



(Ahmad Hassan)
Member(E)


28.09.2017

Counsel for the appellant and Addl: AG for respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 31.10.2017.


(Ahmad Hassan)
Member

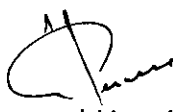
31.10.2017

Appellant in person and Addl: AG alongwith Mr. Aziz Shah, H.C for respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 28.11.2017 before S.B.


Ahmad Hassan
(Member)

28.11.2017

Learned counsel for the appellant present. Mr. Kabir Ullah Khattak learned Additional AG for the respondents for the respondents present. No one appeared on behalf of the respondent department. Reply not submitted. To come up for written reply/comments on 27.12.2018 before S.B.


(Muhammad Hamid Mughal)
MEMBER

27.12.2017

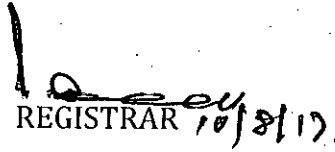

Clerk to counsel for the appellant and Addl: AG alongwith Mr. Muhammad Raziq, H.C for respondents present. Written reply not submitted. Last opportunity granted. To come up for written reply/comments on 18.01.2018 before S.B.


Chairman

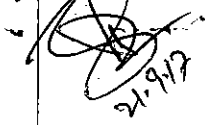
Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 846/2017

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	10/08/2017	<p>The appeal of Mr. Jan Said resubmitted today by Mr. Muhammad Asif Yousafzai Advocate, may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR 10/8/17</p>
2-	23/8/2017	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>23-8-2017</u>.</p> <p style="text-align: right;"> MEMBER</p> <p>Counsel for the appellant present and argued that the appellant has not been treated in accordance with law. He further argued that before passing the illegal recovery order, no opportunity of personal hearing was provided to the appellant to clear the situation which against the law, rules and norms of justices. Points urged at bar need consideration. The appeal is admitted for regular hearing subject to all legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days, notices be issued to the respondents for written reply/comments on 28/9/2017 before SB.</p>

Appellant Deposited
Security & Process Fee


21.9.17

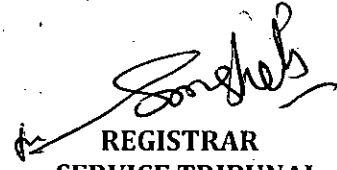

(GUL ZEB KHAN)
MEMBER

The appeal of Mr. Jan Said Ex-Constable received today i.e. on 14.07.2017 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Address of appellant is incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- 3- Annexures of the appeal may be attested.
- 4- Annexures of the appeal may be flagged.
- 5- Annexure-F is illegible which may be replaced by legible/better one.
- 6- Necessary party may be made in the heading of appeal.
- 7- Three copies/sets of the appeal along annexures i.e. complete in all respect for Tribunal and one for each respondent may also be submitted with the appeal.

No. 1709/S.T.

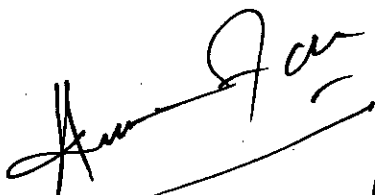
Dt. 18/7/2017


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. M.Asif Yousafzai Adv. Pesh.

Respected Sir

- 1- Removed
- 2- Removed
- 3- Removed
- 4- Removed
- 5- Removed
- 6- Removed
- 7- Removed


10-8-17

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.

Appeal No: 846 /2017

Jan Said

V/S


POLICE Deptt.

INDEX

S.No.	Documents	Annexure	Page No.
1.	Memo of Appeal	-----	1 to 3
2.	copy of impugned order	-A-	4
3.	Copies of Departmental appeal	B	5
4.	Copy of rejection order	C	6
5.	Copy of SERVICE APPEAL	D	7-10
6.	Copy of TRIBUNAL JUDGMENT	E	11-14
7.	Copy of LETTER and departmental appeal	F&G	15-17
8.	Vakalat Nama	-----	18

Appellant

THROUGH:


(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

& 
SYED NOMAN ALI BUKHARI


TAIMUR ALI KHAN
ADVOCATES

12-2

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 846 /2017

Jan Said Ex-constable, EX-Const. Table-1002,
P.S Michani Gate, Peshawar. Rai

(Appellant)

Khyber Pakhtukhwa
Service Tribunal

VERSUS

Diary No. 812

Dated 14-7-2017

1. The Capital city police officer PKPk Peshawar..
2. The DSP Legal kpk peshawar.
3. The Secretary finance KPK civil secretariat peshawar.
4. The P.P.O, Peshawar.
5. S.P, Police City, Peshawar. Rai(Respondents)
6. Accountant General KPK Peshawar.

*Respondents
No 6. implicated
vide order
sheet No
dated 5-9-18*

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED: 28.02.2017 WHEREBY THE RECOVERY ORDER WAS PASSED OF RS 354194/- IMPOSED UPON THE APPELLANT AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITH IN STATUTORY PERIOD OF 90 DAYS.

PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 28.02.2017 MAY BE SET ASIDE AND DIRECTED THE RESPONDENT TO STOP THE RECOVERY FROM APPELLANT AND PENSION MAY BE FIXED PROPERLY WITHOUT ANY REDUCTION/RECOVERY AS THE AUGUST TRIBUNAL ALREADY MODIFY PENALTY OF DISMISSAL INTO COMPULSORY RETIRMENT THERE IS IMPUGNED ORDER 16.04.2014 IS NO MORE INFIELD.ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

*Filed to day
Registrar*

*Re-submitted to -day
and filed.*

*Registrar
10/8/17*

RESPECTFULLY SHEWETH:

FACTS:

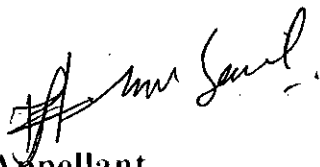
1. That he appellant was Ex-constable and dismissed from service vide order dated 16.04.2014 against which the appellant filed departmental appeal which was also rejected vide order dated 22.5.2014 for no good grounds. **(Copy of the order, departmental appeal and rejection order is attached as annexure-A, B & C.**
2. That the appellant filed service appeal No. 872/14 which was decided on 31.08.2016 whereby the penalty of dismissal from service was modified into compulsory retirement from the date of dismissal i.e. from 16.04.2014. **Copy of the Service Appeal and judgment dated 31.08.2016 are attached Annexure-D, and E.**
3. That the appellant went to A.G Office, the concerned officer told to appellant that you have drawn amount of Rs. 418388/- of the period for which absence period was treated as leave without pay and recovered amount of Rs. 354194 and the remaining amount of Rs-64194/- will be recovered on monthly basis but pertinent to mention here that the Honorable Tribunal set aside all the previous orders and partially accepted the appeal and modify the order of dismissal from service into compulsory retirement from the date of dismissal. **Copy of letter dated 28.02.2017 is attached as Annexure-F.**
4. That against that the appellant filed departmental appeal for his pensionary benefits and against illegal recovery order which was not replied within the statutory period of 90 days. Hence the present appeal on following grounds.

GROUND:


- A) That the impugned order dated 28.02.2017 and not taking any action on the department appeal, is against the law, facts, norms of justice and material on record, therefore, not tenable and liable to be set aside.
- B) That the recovery order is illegal and without any merit and again the judgment of honorable Tribunal which is also amount to Contempt of Court and floating the judgment.
- C) That before passing the illegal recovery order, no opportunity was provided to the appellant to clear the situation which is against the law and rules.

- D) That the appellant was legally entitle to all penionary emolument and the impugned order dated 16.04.2014 was already set aside Honorable Tribunal and there is no ground to recovery amount from the appellant for the said period as prescribed in impugned order.
- E) That the appellant belong to poor family and it will affect the appellant and his family if this amount which was mention above recovered from the appellant.
- F) That the appellant has not been treated according to law and rules and has been condemned unheard by floating the judgment.
- G) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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


Appellant
Jan Said

THROUGH:


(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.
&
SYED NOMAN ALI BUKHARI


TAIMUR ALI KHAN
ADVOCATES

ORDER

A 4 14/04/2014

Constable Jan Said No. 1002 while posted at Police Station Paharipura absented himself from his lawful duty with effect from 18.09.2013 to 19.08.2013 (total 01 day) and again absented himself from 18.09.2013 till to date without prior permission or information from his superior officer. It shows that he is not taking interest in his legitimate duty. This fact amounts to gross misconduct and is against the discipline of the force."

In this regard proper departmental inquiry was initiated against the delinquent officer and SDPO Faqirabad was appointed as enquiry officer.

Final Show Cause Notice was also issued to the delinquent official Constable Jan Said No.1002 vide this office No.587/PA, dated 21.01.2014. In response to FSCN he submitted his reply which was found unsatisfactory.

The enquiry officer in his findings has recommended for major punishment. In the light of the recommendation of the enquiry officer his absence period is treated as leave without pay and is awarded major punishment of "dismissal from service" under the existing rules 1975.

Order announced.

(FAISAL MIKHTAR) PSP
Superintendent of Police City,
Peshawar.

OB: No. 12301
Dated 15-4 April 2014 ✓

No. 3014 /PA dated Peshawar, the 16 April, 2014.

Copy for information and necessary action to:-

1. The Capital City Police Officer, Peshawar
2. The SSP/Operations Peshawar.
3. The SP HQrs: "
4. PO, SRC.OASI, I/C Computer Cell
5. Fauji Missal Branch with enquiry papers for record.
6. Officer Concerned.

ATTESTED
[Signature]

[Handwritten signature]

2
2014

ORDER

This order will dispose off departmental appeal of ex-constable **Jan Said No. 1002** who was awarded the major punishment of **Dismissal** from service under PR 1975 vide OB No. 1230 dated 15.4.2014 by SP/City Peshawar, on the charge of deliberate absence for a long time from lawful duty w.e.f. 18.8.2013 to 19.8.2013 & 18.9.2013 to 15.4.2014 (Total 6-months and 28-days) from PS Pharipura.

Proper departmental proceedings were initiated against him and DSP/Faqirabad was appointed as the E.O and after completion of all the codal formalities he was awarded the aforementioned punishment.

The relevant record, was perused along with his explanation. He was also heard in person in OR on 21/4/2014. The allegations stand proved against him. He could not defend himself. Since he has been dismissed twice before and he is habitually and willfully absented. Therefore, his dismissal order is retained and his appeal for re-instatement in service is rejected/filed.


**CAPITAL CITY POLICE OFFICER,
PESHAWAR.**

No. 1104-09 /PA dated Peshawar the 22.5. 14

Copies for information and n/a to the :-

- 1/ SP-City Peshawar
- 2/ PO/ OASI
- 3/ CRC along with S.Roll for making n/entry.
- 4/ FMC along with FM.
- 5/ Official concerned.

ATTESTED


ATTESTED


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

Appeal No. 872 /2014

Mr. Jan Said,
Ex-Constable No.1002,
P.S. Michini Gate, Peshawar City. Peshawar.

909
19-6-2014

APPELLANT

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Capital City Police Officer, Khyber Pakhtunkhwa, Peshawar.
3. The Superintendent of Police City, Peshawar.

RESPONDENTS

.....

**APPEAL UNDER SECTION-4 OF THE
KHYBER PAKHTUNKHWA, SERVICE
TRIBUNAL ACT, 1974 AGAINST THE ORDER
DATED 22.05.2014 WHEREBY THE APPEAL
OF THE APPELLANT AGAINST THE ORDER
DATED 16.04.2014 HAS BEEN REJECTED
FOR NO GOOD GROUNDS.**

.....

PRAYER:

.....

THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 22.05.2014 AND 16.04.2014 MAY BE SET ASIDE AND THE RESPONDENT MAY BE DIRECTED TO REINSTATE THE APPELLANT INTO SERVICE WITH ALL BACK BENEFIT. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

.....

19/6/14

ATTESTED



RESPECTFULLY SHEWETH:

1. That the appellant joined the Police Force in the year 1996 and has good record of service.
2. That the appellant has qualified all trainings and courses in his service period.
3. That the appellant was seriously injured due to which the appellant remained absent from his duty. Copy of Medical Prescriptions are attached as Annexure-A.
4. That charge sheet was issued to the appellant in which the appellant was charged under Police Rules 1975 for absence from duty with effect from 18.8.2013 till 18th September, 2013 without any leave or permission from his senior. Copy of Charge is attached as Annexure-B.
5. That the enquiry was conducted against the appellant without giving any chance of defense in the proceedings and that was completed at the back of appellant. Copy of Enquiry Report is attached as Annexure-C.
6. That final show cause notice was issued to the appellant in which the appellant was directed to given his reply within seven days. In his reply, the appellant mentioned that he was seriously injured and under treatment due to which he was unable to perform his duty. Copies of Show Cause Notice and Reply are attached as Annexure-D and E.
7. That the services of the appellant has been dismissed and his absence is treated as leave without pay in a single order dated 16.4.2014 passed under Police Rules 1975. Copy of Dismissal Order is attached as Annexure-F.
8. That against the dismissal order, the appellant submitted departmental appeal on 22.4.2014 which was rejected on 22.5.2014. Copies of Appeal and Rejection Order are attached as G and H.

ATTESTED

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9. That now the appellant comes to this Honourable Tribunal on the following grounds amongst the others.

GROUND:

- A) That the impugned orders passed against the appellant, which are against the law, fact, rules, norms of justice and material on record which is not tenable under the law.
- B) That the appellant has not been dealt with according to law and rules.
- C) That the appellant has not been dealt in accordance with the relevant law and rules because the appellant was a civil servant of the Province and for Provincial employees the relevant law and rules are E&D Rules 2011 but the appellant was proceeded under police Rules 1975 which is not tenable.
- D) That the enquiry committee concluded its proceedings in ex-parte manner without giving any chance of defense or examining the medical record. Thus the appellant was condemned unheard.
- E) That the authority had already declared the absence period as leave without pay, in the order dated 22.5.2014 which means that the authority had condoned the absence and there remained no grounds to penalize the appellant on the basis of absence. Thus, the dismissal of the appellant on condoned absence is not sustainable and the respondents were aught to adjust the appellant on duty.
- F) That the penalty imposed is very harsh and not commensurate with the guilt of appellant and that too passed in violation of norms of justice and material on record.
- G) That the appellant belongs to a poor family and has no other source of income to support his family.

ATTESTED



Moreover, the appellant was a well trained constable.

H) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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

APPELLANT
Jan Said *Jan Said*

THROUGH:

M. Asif Yousafzai
(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

AND

TAIMUR ALI KHAN
ADVOCATE, PESHAWAR.

ATTESTED
[Signature]

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

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Appeal No. 872 /2014

909
19-6-2014

Mr. Jan Said,
Ex-Constable No.1002,
P.S. Michini Gate, Peshawar City. Peshawar.

APPELLANT

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
- ✓ 2. The Capital City Police Officer, Khyber Pakhtunkhwa, Peshawar.
3. The Superintendent of Police City, Peshawar.

RESPONDENTS

.....

**APPEAL UNDER SECTION-4 OF THE
KHYBER PAKHTUNKHWA, SERVICE
TRIBUNAL ACT, 1974 AGAINST THE ORDER
DATED 22.05.2014 WHEREBY THE APPEAL
OF THE APPELLANT AGAINST THE ORDER
DATED 16.04.2014 HAS BEEN REJECTED
FOR NO GOOD GROUNDS.**

.....

ATTESTED
[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

PRAYER:

[Signature]
19/6/14

.....

THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 22.05.2014 AND 16.04.2014 MAY BE SET ASIDE AND THE RESPONDENT MAY BE DIRECTED TO REINSTATE THE APPELLANT INTO SERVICE WITH ALL BACK BENEFIT. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

.....

ATTESTED
[Signature]

Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3



12

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Appeal No. 872/2014

Mr Jan Said Versus the Provincial Police Officer, Khyber
Pakhtunkhwa, Peshawar and 2 others.

JUDGMENT

MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:-

31.08.2016

Appellant with counsel and Mr. Muhammad Jan, Government Pleader alongwith Mr. Aziz Shah, Head Constable for respondents present.

2. Mr. Jan Said Ex-Constable hereinafter referred to as the appellant has preferred the instant service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against order dated 22.05.2016 vide which departmental appeal against original order dated 16.4.2014 was rejected.

3. Brief facts giving rise to the present appeal are that the appellant was appointed as Constable in the year 1996. That while serving as constable he was charge sheeted under Police Rules, 1975 for absence from duty w.e.f. 18.08.2013 till 18.09.2013 and, after enquiry, dismissed from service vide impugned order dated 16.04.2014 where-against he preferred departmental appeal which was also rejected on 22.05.2014 and hence the instant service appeal on 19.06.2014.

ATTESTED

W. AFRIDI
Member Peshawar
Service Tribunal,
Peshawar

ATTESTED

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4. Learned counsel for the appellant has argued that the appellant was not deliberately absent from duty as he was not in a position to attend his duty due to fracture of leg. That the enquiry was conducted in the absence of the appellant. That 16 years service put in by the appellant was not taken into account and a very harsh penalty was imposed in the shape of dismissal from service.

Reliance was placed on case-law reported as 2007-PLC (C.S) 1318, 2015-PLC (C.S) 117 and 2006-SCMR-1120.

5. Learned Government Pleader has argued that the stance taken by the appellant regarding his ailment was a subsequent development as no such stance taken by him in his departmental appeal and other applications etc. submitted by the appellant. That the appellant was a habitual absentee and was therefore, dismissed from service which penalty is not harsh and which was imposed keeping in view the habitual absence of the appellant.

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

7. The appellant was proceeded against for willful absence w.e.f. 18.08.2013 till framing of charge i.e. 18.08.2013 and vide impugned order dated 16.04.2014 he was dismissed from service and absence his period was treated as leave without pay. The stance of the appellant before the appellate authority was not on the ground of fracture of leg or ailment, therefore, we do not deem appropriate to direct that the stance of the appellant

ATTESTED

ATTESTED
 MEMBER
 Service Tribunal
 Peshawar

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may be considered in denovo enquiry after re-opening of the case. The appellant was appointed in the Police Force in the year, 1996 and till date of dismissal he had put in considerable service and vide impugned order of dismissal he has been deprived of the benefits of his service.

8. Keeping in view the said circumstances of the case we are of the view that the punishment in the shape of dismissal from service for the alleged absence of the appellant was harsh and that safe administration of justice would justify the modification of the said major punishment. We, therefore, partially allow the instant appeal by modifying major punishment of dismissal from service into that of compulsory retirement from service w.e.f. 16.04.2014. The appeal is accepted in the above terms. Parties are left to bear their own costs. File be consigned to the record room.

Announced sdt M. Azim Khan Afridi,
31.08.2016 Chairman

sdt P. Bakht Shah,
Member

certified to be true copy
EX. P. No. 1000
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

ATTESTED

Date of Presentation of Application 05-09-2016
Number of Pages 1600
Copying Fee 10/-
Urgent 2/-
Total 12/-
Name of Copyist [Signature]
Date of Completion 05-09-2016
Date of Delivery 05-09-2016

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اعظم خان

پیر کئی جا

OFFICE OF THE
ACCOUNTANT GENERAL

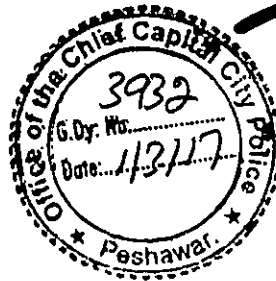
KHYBER PAKHTUNKHWA, PESHAWAR.

PEN-I/J-16/2016-17 / 3178-77

Dated 28/02/17

(Handwritten marks: 15, 15, 15)

The Drawing & Disbursing Officer,
CAPITAL CITY POLICE OFFICER,
PESHAWAR.



Subj: SEALED COMMUTATION AUTHORITY IN R/O
JAN SAID S/O ALIF SAID

Reference to your letter No. NO.20616/II-c
dated 25.11.2016 forwarding letter in pension case in respect
of above named officer / official.

2 You are hereby authorized to submit a bill for Rs.299484.00
(Amount: TWO HUNDRED NINETY-NINE THOUSAND FOUR HUNDRED EIGHTY-FOUR)
at the counter of this office for issuance of cross cheque in favour
of Mr. / Mrs. Miss. Mst. Jan Said s/o Alif Said (Per.No : 00029170)
NIC.NO 1730117135977 on account of Commutation of pension.

Bank Name :
A/c No :

55253

3. The amount involved in charged / other than charged
is attributable to the Federal Govt. under the following head
of accounts:-

- 1. General Administration. A04 - Transfer payment.
- 2. Fiscal Administration. A041 - Pensionary benefits.
- 3. Pension. A.4102 - Commuted value of pension.
- 4. A.4103 - Gratuity value of pension.

Withheld amount

Amount Payable:	299,484.00
Amount With Held:	0.00
Amount Paid:	299,484.00

Recoveries RECOVERY OF PAY & ALL :RS.290000 - U/HEAD C02640.

Note:- This authority letter may please be attached with the bill in original
along with the Office order/notification of retirement. Vendor No, Name of Bank
and A/c No of payee may also be recorded on the bill

Remarks:- TOTAL RECOVERY RS.354194/- & REMAINING RECOVERY RS.64194IN MONTHLY PEN ✓

ACCOUNTS OFFICER (PENSION)

Copy of information to :-
Mr. Mrs. Mst. Miss. Jan Said s/o Alif Said
Qaziabad, Charsadda Road, Sardar Colony
Peshawar.

ACCOUNTS OFFICER (PENSION)

ATTESTED

(Handwritten signatures and initials: J-C, PN u, CCIP, 113)

**OFFICE OF THE
ACCOUNTANT GENERAL
KHYBER PAKHTUNKHWA, PESHAWAR.**

Better Copy Page No. 15

PEN-I/J-16/2016-17/3178-77

Dated 28/02/2012

To,
The Drawing & Disbursing Officer,
CAPITAL CITY POLICE OFFICER,
PESHAWAR.

Subject **SEALED COMMUTATION AUTHORITY IN R/O JAN SAID S/O ALIF SAID**

Please refer to your letter No. 20816/II-c
Dated 25.11.2016 forwarding there in pension case
in respect of above named officer/official.

2. You are hereby authorized to submitted bill for Rs. 299484.00 (Rupees: **TWO HUNDRED NINETY-NINE THOUSAND FOUR HUNDRED EIGHTY-FOUR**) at the counter of this officer for issuance of cross cheque in favour of Mr. Mrs. Mst. Jan Said s/o Alif Said (Per No: 00029170)

NIC NO. 1730117135977 on account of commutation of pension.

Band Name :
A/c No :

3. The amount involved in charged/other than charged and debt to the Federal Govt. under the following head or amounts:-

01 - General Administration	A04 - Transfer Payment.
0112 - Fiscal Administration.	A041 - Pensionary benefits.
011010- Pension.	A04102 - Commuted value of pension.
	A04103 - Gratuity value of pension.

Withheld amount

Amount Payable:	299,484.00
Amount with Held	0.00
Amount Paid:	299,484.00

Recoveries RECOVERY OF PAY & ALL: RS. 290000 - U/HEAD C02640.

Note:- This authority letter may please be attached with the bill in original along with the office order/notification of retirement. Vendor No, Name of Bank and A/c No of Payee may also be recorded on the bill

Remarks: - TOTAL RECOVERY Rs. 354194/- & REMAINING RECOVERY RS. 64194IN MONTHLY PEN

ACCOUNTS OFFICER (PENSION)

Copy for information to:-
Mr. Mrs. Mst. Miss. Jan Said s/o Alif Said
Qaziabad, Charsadda Road, Sardar Colony
Peshawar.

To

The Capital City Police Officer
KPK, Peshawar.

SUBJECT: APPLICATION FOR PAYMENT AND FIXATION OF MY DUE PENSION ON THE BASIS OF JUDGMENT DATED 31.8.2016 OF THE AUGUST SERVICE TRIBUNAL KPK, PESHAWAR.

Respected Sir,

1. That I was dismissed from the service vide order dated 16.4.2014 against which I filed departmental appeal which was also rejected vide order dated 22.5.2014.
2. Then I filed service appeal No. 872/2014 which was decided on 31.08.2016 whereby my penalty of dismissal from service was modified into compulsory retirement from the date of dismissal i.e 16.4.2016.
3. That when I went to AG Office, the concerned authority told me that you have drawn amount of Rs.418388 of the period of which your absence period was treated as leave without pay and will recover amount of Rs. 354194 and remaining amount of Rs.64194 will be recovered on monthly basis, but it pertinent to mentioned here that the Honourable Tribunal set-aside the previous order and modify my penalty of dismissal into compulsory retirement from the date when I was dismissed from the service i.e 16.4.2014 and as such there remained no ground to treat my absence period as leave without pay, therefore I was entitled to the pension from the date of compulsory retirement i.e 16.4.2014.
4. That I belong to poor family and it will greatly affect me and my family if the amount which I mentioned above will recover from me.

ATTESTED

It is therefore most humbly requested that on the acceptance of this appeal my pension may be fixed properly without any deduction/recovery as the august Tribunal already modified my penalty of dismissal into compulsory retirement from the date when I was dismissed from the service i.e 16.4.2014 vide judgment dated

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31.8.2016 and there remained no ground to treat my absence period as leave without pay.

Dated. 17/3/2017

Jan Siad

Appellant

Jan Siad

Ex- Constable

03058507166

ATTESTED

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بعدالت

سروس ٹریڈنگ کمپنی

2ء منجانب کا صدر (ایسٹریٹس)
حال سید بنام حکیم

مورخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکہ

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

آن مقام لیسٹاور کیلئے محمد اسلم و سرفراز، جنمورسی خان اور نغمان بیگم ایسٹریٹس

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 و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور

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

زرائں 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 مختار ہوگا۔ از بصورت ضرورت

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

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

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

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

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

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ماہ

المرقوم

Accepted

Alkesh

Amir

العبد العبد العبد

کے لئے منظور ہے۔

J. H. Saad

مقام

عدنان سٹیٹسٹری مارٹ

پوک سٹیٹسٹری پٹارشیون: 2220193

Mob: 0345-9223239

ENTER AND SERVICE ROLL OF

Regulatory No. () in
Ditto () in
Ditto () in



District
District
District

Name	Father's Name	Tribe or caste	Village or Town	Post and Telegraph Office	Police Station	District	Province	Date of Birth	Height	Chest Measurement	Date of Enrolment	Age on Enrolment	Distinctive Marks
JAN SAID	ALIF SAID	PATHAN	SARDAR COLONY	FAGERA ABAD	- DO -	PESHAWAR	N-W-F.P	22-03-78	5'-7"	30" x 33 1/2"	03-10-1996	18 YEAR	NIL

Registration Roll No. _____ dated _____ received back and attached to the Fauji Misal

Government Service prior to present employment, which is approved for pension service.

Department	Rank or grade	Pay of last Appointment	From	To	PERIOD		
					Year	Months	Days
	2 events stopped with accumulative effect				6/30/06	11/36	
	(3) ✓				30/06	20/04/07	27/10/09

Reference to orders approving above service for pension service in the Police Department.

Accounting & Disbursing Officer
For Capital City Police
Peshawar

I understand that I have been appointed under section 7 of the Police Act (V of 1861), and the purport of that section of the Act and of the Rules issued under it and now in force, by which my discipline and conduct are governed, to me. I agree to serve faithfully under the provision of the said Police Act and to obey all lawful orders issued to Officers and undertake not to resign my appointment within three years from the date of my enrolment.

A Husted

Signature

Impressions of fingers and thumb of left hand.

SA, Station of Police
Fagera Abad

Left middle	Left index	Left thumb

CHARACTER ROLL OF

6. APPOINTMENTS, PROMOTION, REDUCTION, DISCHARGES, ETC.

CHARACTER RC

1	2	3	4	5
Appointed, promoted, suspended, reduced, discharged, dismissed, resigned or died	To what grade and pay Appointed, promoted or reduced	Date	No. of District Order	Full Signature of Superintendent of Police
BPS No 5 (1400-66-2390)				
<p>Appointed as a Constable</p> <p>He is enlisted on temporary basis and his service will liable to be terminated any time under P.R 12-01 during this period.</p> <p>Pay PM 1400 w.e.f 3-X-1996</p> <p>Service from 3^x/₉₆ 30¹¹/₉₆</p> <p>have been verified from the eq: roll kept in this office.</p> <p style="text-align: right;">Sr. Super of Police 2/ [Signature]</p>				
<p style="text-align: right;">377 6/X/96</p>				
<p style="text-align: right;">Sr. Super of Police [Signature]</p>				
<p>Service from 1¹²/₉₆ to 30¹¹/₉₇</p> <p>have been verified from the eq: roll kept in this office.</p> <p style="text-align: right;">Sr. Super of Police [Signature]</p>				
<p style="text-align: right;">1400 1466</p>				

1
Name

9. NAME, RES

Wife. vid dt

Father.

Mother

Brother.

Sister.

TRANSFERS BEYOND THE DISTRICT

1	2	3	4
	From	To	Authority for transfer
	Patna Dist	Patna Dist	16/P NWFP Patna

Fixed in B.P.S No (05)
 D-P.R.C) 1-2-2005 dated 9-7-2005
 Govt of N.W.F.P. Deptt;
 Rs 3200/ P.M. w.e. from 1-2-2005

Sr. Super of Police
 Patna,

Note:—Under line in red

Service Certificate received
 Jan Said No-4951

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3

FACTORY ROLL OF **Pay Fixed in B.P.S. NAME OF RELATIVES IN GOVERNMENT SERVICE.** (continued)

1	2	3	4
Name	Relationship	Nature of employ	District
Issued by Govt of P. Deptt:	37257-N	w.e. from 12/2007	
33357	For Capital City Police Peshawar	3860/-	For Capital City Police Peshawar

NAME, RESIDENCE AND OTHER PARTICULARS OF HEIRS

WIFE
 Transfer to Peshawar Dist.
 vide IGPNWFP Exdt No 28052-SS/II
 dt 24.12-97.

FATHER
 Const. Rs. 153.2
 E.P. 1-1-10-98
 for S.S.P Peshawar

MOTHER
 Const. Rs. 598
 E.P. 1-1-10-98
 for S.S.P Peshawar

BROTHER
 Const. Rs. 598
 E.P. 1-1-10-98
 for S.S.P Peshawar

SISTER
 Const. Rs. 2800/-
 E.P. 1-1-10-98
 for S.S.P Peshawar

CHIEF
 Pay Fixed in B-P-S No- (S)
 Vide F-D-(F-I-C) 1-1-2001 Ldno 27-10-2001
 Issued by Govt. of N-W-F-R-I-P-Deptt. Peshawar
 at Rs. 2600/- P.M. w.e. from 1.2.2001

Under line in red ink their nominated (with not more than two alternatives) and fill in name and particulars necessary to

10. EDUCATIONAL QUALIFICATIONS.

Educational qualification. Knowledge of languages

Re-instated in Service
 Un-educated. wef 6.4.2009. The present award of English
 Slightly educated. of one increment for the financial year Persian.
 Matriculation. 2009 for a period of one year
 First Arts. The period of absence is treated as Urdu
 Degree. leave without pay and the period be Punjabi.
 00016 2485 Pushto. 98/1400
 del. 4/8/2009 - 10/1/09

Notes.—Under line the qualification possessed, and particulars where necessary and give date of entry.

11. PROFESSIONAL ATTAINMENTS AND SPECIAL QUALIFICATIONS.

Professional attainments

Special qualifications.

Passed Training School Upper Class
 Pay provisionally fixed in the revised pay scale no 5 (3340-160-8140) at B 4620/2008
 wef 12/08
 Intermediate Class. 15/3/13
 Lower Courses. 15/3/13
 Finger Print Course. 15/3/13
 Drill Instructor's Course. 15/3/13
 Prosecuting Inspectors Examinations. 15/3/13

Clerical duties. 16/4/13
 Accountant's duties. 16/4/13
 Orderly Head Constable's duties. 16/4/13
 Moharrir's duties. 4/8/09

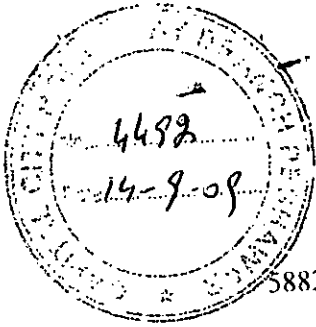
TR No 3038 dt 8/10/09
 S given fixed on A/c of leave of kind B/w wef 4/7/08 to 21/4/09 Rs 79800/-

TR No 3277 dt 13/8/09
 Success of various to Re-instated of service for the m/o 8/09

15/3/13
 15/3/13
 15/3/13
 15/3/13
 15/3/13
 15/3/13

Under line course passed and qualifications possessed.

P.O. No-29170



ORDER.

In continuation to this office order issued over endst No. 5882-84/CRC. (OB No. 2485 dated 04.08.2009) sanction is hereby accorded for the grant of 284 days leave to constable Jan Said No. 181 under the revised leave rules 1981 as per details given below:-

<u>Period</u>	<u>No of Days</u>	<u>Kind of Leave.</u>
11.07.2008 to 07.11.2008	120 days	On full pay
08.11.2008 to 21.04.2009	164 days	On half pay.

2980
DATED 12-9-09

JAWAID
SP/HQrs:
CAPITAL CITY POLICE OFFICER,
PESHAWAR.

No 6778-84CRC dated Peshawar the 12/ 9 /2008.

Copy to:-

- ✓ 1. Pay Officer.
2. OASI.
3. F.M.C

3/8/09
[Handwritten signatures and initials]

confidential

ORDER.

In compliance with the judgment of Service Tribunal NWFP on appeal No 665/2008, 1500/2008, 1505/2008, 1509/2008 dated 27.05.2009, Constables Muhammad Ali No. 516, Faqir Hussain No. 915, Adil Ijaz No. 1754, Perviz Khan No. 443 and Jan Said NO. 181 are hereby re-instated in service with effect from 06.04.2009. Their punishment orders are converted into stoppage of one increment for the financial year 2009 for a period of one year.

Their period of absence are treated as leave without pay, and the period they remained out of service is counted as leave of the kind due.

[Handwritten Signature]

CAPITAL CITY POLICE OFFICER,
PESHAWAR.

O.B No 2485
Date 4/8/2009

'CRC', dated Peshawar the /2009.

Copy of above is sent to-

- 1 Pay Officer.
- 2 OASI.
- 3 FMC.

A

1/3

13/8/09

Hand
used
or the

[Handwritten Signature]

1/21/09

FULL PARTICULARS OF EX-CONSTABLE JAN SAID No. 181 ARE AS UNDER:-

Date of birth: 22.03.1978
 Date of enlistment 03.10.1996
 Education 10th
 Courses Tear Gas, Bomb Disposal Safety, Bomb Reconsis, Fire Fighting & Station Fire Officer Course. A-1 Passed OB No. 1695, dated 21.04.2001.
 Good Entry Nil

S.No	O.B No.	Dated	Punishment Awarded
1.	3629	09.09.1998	Awarded 1 day Extra Drill ✓
2.	4639	21.11.1998	Awarded warned ✓
3.	4960	14.12.1998	Awarded 1 day Extra Drill ✓
4.	701	16.02.1999	Awarded 1 day Extra Drill ✓
5.	914	04.03.1999	Awarded 2 days Extra Drill ✓
6.	7849	12.11.1999	Awarded 1 day Extra Drill ✓
7.	73	07.01.2000	Awarded 1 day Extra Drill ✓
8.	189	18.01.2000	Awarded 1 day Extra Drill and 1 day leave without pay
9.	665	15.02.2000	Awarded 1 day Extra Drill ✓
10.	1178	03.04.2003	3 days absence leave without pay
11.	1181	03.04.2003	1 day absence leave without pay
12.	2155	10.06.2003	2 days absence leave without pay
13.	2200	12.06.2003	1 day absence leave without pay
14.	2289	19.06.2003	2 days absence leave without pay
15.	2304	20.06.2003	2 days absence leave without pay
16.	2323	23.06.2003	1 day absence leave without pay
17.	2454	01.07.2003	1 day absence leave without pay
18.	2507	05.07.2003	1 day absence leave without pay
19.	2508	05.07.2003	1 day absence leave without pay
20.	2560	09.07.2003	2 days absence leave without pay
21.	2595	10.07.2003	2 days absence leave without pay
22.	2604	11.07.2003	2 days absence leave without pay
23.	2635	15.07.2003	1 day absence leave without pay
24.	2638	15.07.2003	1 day absence leave without pay
25.	2657	16.07.2003	1 day absence leave without pay
26.	2664	16.07.2003	1 day absence leave without pay
27.	3016	18.08.2003	14 days absence leave without pay
28.	3035	19.08.2003	6 days absence leave without pay
29.	3325	10.09.2003	2 days absence leave without pay
30.	525	21.02.2004	Suspend involved in criminal case vide FIR No. 89 dt; 30.01.2004, u/s 324/PPC PS Faqir Abad.
31.	1136	20.04.2004	Awarded stoppage of 2 annual increments with cumulative affect and also kept under watch for a period of 4 years the accused constable be posted to any sensitive place during this period his absence period is treated as leave without pay and also reinstated in service with immediate effect under NWFP removal from service special power ordinance 2000. ✓
		7-8-2004 20-2-04 13-12	30 days 30.1.04 20.1.04
32.	1535	27.05.2004	4 days absence leave without pay (u)
33.	1664	08.06.2004	Suspended involved in criminal case vide FIR No. 327 dt: 07.06.2004, u/s 506 and FIR No. 328 dt: 07.06.04 u/s 9CNSA PS Samar Bagh Dir. 3
34.	1675	09.06.2004	2 days absence leave without pay (u)
35.	3076	27.10.2004	Stoppage of 1 year annual increment with cumulative effect and reinstated in service with Immediate effect last chance, his suspension is treated as leave without pay under NWFP removal from service special power ordinance. ✓
		M 4-21	

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36.	3643	11.12.2004	12 days absence leave without pay	(12)
37.	3786	23.12.2004	6 days absence leave without pay	(6)
38.	1649	27.06.2006	2 days absence leave without pay	(2)
39.	2245	18.08.2006	Awarded warned ✓	
40.	2861	15.11.2006	10 days absence leave without pay	10
41.	2983	27.11.2006	12 days absence leave without pay and censured	12
42.	3326	26.12.2006	Awarded 1 day Extra Drill ✓	
43.	1106	25.04.2007	20 days absence leave without pay and censured	20
44.	1520	30.05.2007	4 days absence leave without pay	
45.	1536	01.06.2007	88 days absence treated as medical leave and censured	
46.	1593	15.06.2007	Awarded warned ✓	

[Handwritten signature]
 1/12/09

War Medals and
(NOTE—Ent
Paki

Pl as FC/HC in BPS No. 65 *no. 4*
at Rs. 8200
For CCPO, Peshawar

Pl as FC/HC in BPS No. 65
at Rs. 9100 15.01.12.2012
For CCPO, Peshawar

Pasha
Hanga
BY NO
DT: 2

Pay fixed in B.P.S. No. (65)
Vide F.D.P.R.C. 1-1-2007 dated 1-7-2007
Issued by Govt. of P.F. Deptt:
Peshawar at 8260 P.M. w.e. from 1-7-11

For Capital City Police
Peshawar.

Stop due to S.C
8260
Pl as FC/HC in BPS No. 65
at Rs. 8520 15.01.12.2011
For CCPO, Peshawar

2520
Pl as FC/HC in BPS No. 65
at Rs. 9040 13-
For CCPO, Peshawar

13. Miscellaneous
al from promoti

Stop due to S.C
8260
Pl as FC/HC in BPS No. 65
at Rs. 8780 15.01.12.2012
For CCPO, Peshawar

4760
160
4920

8520
9040
Pay to 9300 P.M. on
1-12-2013 is fixed to be
purpose of Pension.
[Signature]

ROLL OF

(Continued.)

12. MISCELLANEOUS PARTICULARS

4

Medals and Descriptions—

12. Miscellaneous Particulars

(NOTE—Enter designations of award and date only—Gazette Notification in case of Quaid-i-Azam Police Medal and the Pakistan Police Medal. Other special decoration to be entered full under commendatory entries.)

A-I.

Passed in A-I Examination vide Cond't. (Ltr)
Hangul No 207/DT, 2-4-2001 & qualified.

BY No. 1695

DT: 21-4-2007

For self

3. Miscellaneous particulars including award other than those accompanied by commendation certificate, admission to all from promotion lists.

2600/07

Three incrs: stopped with cumulative effect ^{with}
From 12/04 to 12/06

3220/05

2001

OFFICE OF THE ACCOUNTANT GENERAL
N.W.F.P. PESHAWAR

PAY FIXED TO THE REVISED BASIC
PAY SCALES 2001

OF RS. 2100-100-5100

AT RS. 2600 P.M W.E.F. 1-12-2001

With Next Increment on 1-12-2002

2005

OFFICE OF THE ACCOUNTANT GENERAL
N.W.F.P. PESHAWAR

PAY FIXED TO THE REVISED BASIC
PAY SCALES 2001

OF RS. 2415-115-5865

AT RS. 3220 P.M W.E.F. 1-07-2005

With Next Increment on 1-12-2005

[Signature]
Accounts Officer
Pay Fixation Party N.W.F.P. Peshawar

[Signature]
Accounts Officer
Pay Fixation Party N.W.F.P. Peshawar

[Signature]
49207

CHARACTER ROLL OF

Serial No.

14. COMMENDATORY ENTRIES

RECRUIT COURSE

Certified that he has passed and qualified the subject course during the term ending 11th October 1997, vide Commandant's Hqrs Memo No 10353-1035

IEC dt 3rd Nov 1997

OB No 417
10-11-97

Tear Gas Course

Passed Tear Gas Course the term ending on 20-2-98

Vide This office OB No. 3762
19-9-98

F-0155 P/B

Selected for Fire Man Course
OB No 1350
13/12/02

[Signature]

Passed Fire Man Course
OB No 1781
19/6/07

[Signature]

Selected for Bomb Disposal Course
OB No 2138
16/12/02

[Signature]

Passed Bomb Disposal Course
OB No 1781
19/6/07

[Signature]

Vertical column of handwritten notes and signatures on the right margin, including 'M', 'W', 'C', 'Q.T.', 'C', 'S', 'MS', 'H', '6/07', 'No 1781', 'BD 19-6-0'.

14. COMMENDATORY ENTRIES—contd.

6

Selected for Bomb Reconnaissance Course

OSMP 29

31/1/54

SS/MA
Per CBO [Signature]

Passed Bomb Reconnaissance Course

OSMP 1781

19/6/57

SS/MA
Per CBO [Signature]

Selected for Fire Officer Course

OSMP 1128

29/4/56

SS/MA
Per CBO [Signature]

Passed Fire Officer Course

OSMP 1781

18/6/57

SS/MA
Per CBO [Signature]

Reinstatement

Constable Jim Scaid no 4951 is hereby reinstated back in service on non-military ground. He has 13 years 7 months leave of service and 330 days earned leave of pay credit. Therefore a leave period is deducted out of his leave account. The period in which he remained out of service is treated without pay. Pay fixed at RA.

CHARACTER ROLL OF

ORI

14-COMMENDATORY ENTRIES-concl.

Serial No.

Charge Absence w/o
4.1-2008 to 16.1.2008 from 14.4.2008 to
3.7.2008 Total 3 months & one day

ex-cc
dism.
Ord:

penalment: An order to be passed
of dismissal from service with immediate
effect under para 1 removal from service
ep. para 10-D-V/2000
obsw 1912
dt 11.7.2008

Badat
4.7.08

DSP/R
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procee
Notice
dismiss

order

The order of SP RU to be used
Held on the Appeal is filed
Rejected.

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and the

No 212529
22-8-08
S. P. ...
C.C. ...

No. 212

Drawn 2000/25
C.P.R. 2007
Rao 73 dt 11/10

1/ SP,
2/ PO
3/ CR
4/ FM
5/ Off

Note.—Extra pages may be added if necessary and paged 1.A, etc.

M. ...
[Handwritten signatures and initials]

ORDER

OFFICE OF THE
3464
11-7-08

Constable Jan Said No.181 while posted to posted to Police Station Badaber absented himself from his lawful duty without any leave or prior permission with effect from 4.1.2008 to 16.1.2008, from 14.4.2008 to 3.7.2008(3-months & one day) and from 4.7.2008 till to date. It means that he did not take keen interest in his official duty.

In this regard proper departmental proceeding was initiated against the delinquent Constable Jan Said No.181 and SDPO/Rural Circle was appointed as enquiry officer. During the course of enquiry the accused official Constable Jan Said No.181 was summoned to the office by the enquiry officer time & again to record his statement, but he badly failed to appear before the enquiry officer and deliberately absented himself without any cogent reason. The accused official was found guilty of the charge leveled against him during enquiry and also recommended for major punishment by the enquiry officer.

Subsequently he was issued a Show Cause Notice; but his reply to the Show Cause Notice has not been received so far.

Therefore he is hereby awarded the major punishment of dismissal from service with immediate effect under NWFP Removal from Service (Special Powers) Ordinance-V/ 2000.

NTI - A
SUPERINTENDENT OF POLICE RURAL
CAPITAL CITY PESHAWAR

OB; No. 1812

DATED 11-7- /2008

NO. 527-32 /PA, Dated Peshawar the 11-7 /2008

Copies forwarded for f/o information to:-

1. The Capital City Police Officer Peshawar.
2. The Senior Superintendent of Police Operations Peshawar.
3. The Superintendent of Police Headquarters Peshawar.
4. Pay Officer.
5. CRC.
6. FMC.

*copy
N. entry
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in the
relevant Record
A. Gelo
July*

*note
cause also
the record
12/7*

ORDER

OFFICE OF THE
3466
11-7-08

Constable Jan Said No.181 while posted to posted to Police Station Badaber absented himself from his lawful duty without any leave or prior permission with effect from 4.1.2008 to 16.1.2008, from 14.4.2008 to 3.7.2008(3-months & one day) and from 4.7.2008 till to date. It means that he did not take keen interest in his official duty.

In this regard proper departmental proceeding was initiated against the delinquent Constable Jan Said No.181 and SDPO/Rural Circle was appointed as enquiry officer. During the course of enquiry the accused official Constable Jan Said No.181 was summoned to the office by the enquiry officer time & again to record his statement, but he badly failed to appear before the enquiry officer and deliberately absented himself without any cogent reason. The accused official was found guilty of the charge leveled against him during enquiry and also recommended for major punishment by the enquiry officer.

Subsequently he was issued a Show Cause Notice; but his reply to the Show Cause Notice has not been received so far.

Therefore he is hereby awarded the major punishment of dismissal from service with immediate effect under NWFP Removal from Service (Special Powers) Ordinance-V/ 2000.

NTI - 4
SUPERINTENDENT OF POLICE RURAL
CAPITAL CITY PESHAWAR

OB; No. 1812

DATED 11-7- /2008

NO. 527-32 /PA, Dated Peshawar the 11-7 /2008

Copies forwarded for f/o information to:-

1. The Capital City Police Officer Peshawar.
2. The Senior Superintendent of Police Operations Peshawar.
3. The Superintendent of Police Headquarters Peshawar.
4. Pay Officer.
5. CRC.
6. FMC.

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No. entry
be made
in the
relevant Record.
M. Gelo
July

note
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12/7

15-CENSURES AND PUNISHMENTS:

7

Awarded one day drill

OB No 3629
dated 9/19/98

$\frac{D}{1}$

P 55P 4.1
Perkins

Awarded the punishment warned

OB No 4639
dated 2/11/98

$\frac{B}{2}$

P 55P 4.1
Perkins

Awarded the punishment one day drill

OB No 4980
dated 14/12/98

$\frac{B}{3}$

P 55P 4.1
Perkins

Awarded one day drill

OB No 701
dated 16.2.99

$\frac{B}{4}$

P 55P 4.1
Perkins

Awarded two days drill

OB No 814
dated 3.3.99

$\frac{D}{5}$

P 55P 4.1
Perkins

Awarded the punishment one day extra drill

OB No 7849
dated 12.11.99

$\frac{D}{6}$

P 55P 4.1
Perkins

15 CENSURES AND PUNISHMENTS—contd.

Serial No.

Awarded one day extra drill on Alcester

(87)

OB No 73

Dated 7.1.2003

$\frac{13}{7}$

Dr J. S. S. [Signature]

Awarded one day extra drill and also fatigue duty.

OB

OB No 108

Dated 18.1.2003

$\frac{13}{8}$

Dr J. S. S. [Signature]

Awarded one day extra drill on No 665

OB

DT: 15.2.2003

$\frac{13}{7}$

Dr J. S. S. [Signature]

Three ~~seven~~ days absence & leave pay

OB

OB No 1178

3.4.2003

(2) Leave $\frac{13}{10}$ Sp/ent pay

OB

one day absence & leave pay

OB No 1181

3.4.2003

(1) Leave $\frac{13}{11}$ Sp/ent pay

OB

Two days absence & leave pay

OB No 2155

10.6.2003

(2) Leave $\frac{13}{12}$ Sp/ent pay

OB

(653)

(93)

(186)

15-CENSURES AND PUNISHMENTS—contd.

8

93

one day absence 3 hrs pay

OB No 2200
12-6-2003

B
13

1 hr

two days absence 3 hrs pay

OB No 2289
12-6-2003

B
14

ASP/HR (2) amp

186

two days absence 3 hrs pay

OB No 2304
20-6-2003

B
15

ASP/HR

(2) amp

186

one day absence 3 hrs pay

OB No 2393
23-6-2003

B
16

ASP/HR

1 amp

93

one day absence 3 hrs pay

OB No 2454
1-7-2003

B
17

ASP/HR

1 amp

93

one day absence n.o. pay

OB No 2507
5-7-2003

B
18

1 amp

93

one day absence n.o. pay

OB No 2508
5-7-2003

B

1 amp

93

5-7-2003

B

25 days

CHARACTER ROLL OF

15-CENSURES AND PUNISHMENTS—concl.

Serial No.

Two days absence & leave pay
 OB No 2560
 9-7-2003
 $\frac{11}{20}$ 2 Days
 ASP/10/10
 (193)

Two days absence & leave pay
 OB No 2595
 10-7-2003
 $\frac{11}{21}$ 2 Days
 ASP/10/10
 (193)

Two days absence & leave pay
 OB No 2606
 11-7-2003
 $\frac{11}{22}$ 2 Days
 ASP/10/10
 (193)

one day absence & leave pay
 OB No 2635
 15-7-2003
 $\frac{11}{23}$ 1 Day
 ASP/10/10
 (107)

one day absence & leave pay
 OB No 2638
 15-7-2003
 $\frac{11}{24}$ 1 Day
 ASP/10/10
 (107)

one day absence & leave pay
 OB No 2657
 16-7-2003
 $\frac{11}{25}$ 1 Day
 ASP/10/10
 (107)

one day absence & leave pay
 OB No 2661
 16-7-2003
 $\frac{11}{26}$ 1 Day
 ASP/10/10
 (107)

ORDER

This order will dispose off departmental appeal of ex-constable **Jan Said No.4951** who was awarded the major punishment of **Dismissal** from service under RSO 2000 by SSP/Ops: vide OB No. 1163 dated 25.3.2011.

The allegations levelled against him were that he while posted at PP Khyber PS Hayatabad absented himself from lawful duty w.e.f. 17.09.09 to 19.10.09, 12.11.10 to 16.11.10, 21.11.10 to 24.11.10, 28.11.10 to 2.12.10, 5.12.10 to 9.12.10, 10.12.10 to 22.1.11 and 4.2.11 to 22.3.11 (G.total: 140-days)

Proper departmental proceedings were initiated against him and he was awarded the above major punishment by the Competent Authority.

The relevant record has been perused along with his explanation and also heard him in person in OR on 6/3/2013. Though the allegations levelled against him seems correct but he stated that he is a poor man and has small sisters/brothers. There is no other source of income and requested for re-instatement in service on humanitarian grounds.

In view of the above position a lenient view is taken and he is re-instated back into service on humanitarian grounds. He has 12 years months long service and 330-days earned leave at his credit. There is no absence period is deducted out of his leave account. The period in which he remained out of service is treated without pay.


CAPITAL CITY POLICE OFFICER
8.5.13 **PESHAWAR.**

OB No. 940
Dated 11-3-2013
No. 341-46 /PA dated Peshawar the 11.03.2013

Copies for inf and n/a to the:-

- 1/ SSP-Ops: Peshawar.
- 2/ PO/OASI
- 3/ CRC along with S.Roll.
- 4/ FMC encl: complete FM.

ORDER.

In continuation to this office order issued
5882-84/CRC. (OB No. 2485 dated 04.08.2009 sanction is hereby accorded
grant of 284 days leave to constable Jan Said No. 181 under the revised leave rule
1981 as per details given below:-

4981

<u>Period</u>	<u>No of Days</u>	<u>Kind of Leave.</u>
11.07.2008 to 07.11.2008	120 days	On full pay
08.11.2008 to 21.04.2009	164 days	On half pay.

2980

12-9-09

CL
JAWAID
FOR CAPITAL CITY POLICE OFFICER,
PESHAWAR.

No 6778-80/CRC dated Peshawar the 12/9/2008.

Copy to:-

1. Pay Officer.
2. OASI.
3. F.M.C

120
164

284

رجل جان
فقير

5047

1344

14 day period of absence treated

& leave with out pay

14 Conf

OB No. 3016
18.8.2003

13
27

50/10/100
M

Chas

576

6 Six day period of absence treated

& leave with out pay

6 Conf

OB No. 3035
19.5.2003

1
28

50/10
M

Punishm

192

Two day period of absence treated

& leave with out pay

2 Conf

OB No. 3325
10.9.2003

13
28

50/10/100
M

ORDER

P.C. Jonsad No 181 placed

under suspension with immediate effect he was
involved in cc FIR No 89 dt. 30.12.04 at 015

324/100 P.S. Fqm Abud.

OB No. 505
21.2.2004

[Signature]

SP/10
M

✓
1

3 days absent as v.w. out of pay

OB No. 567

298

7-308 SP/10

3 Conf

Punishm

5

Charges: Involved in Criminal case vide FID No. 89, dated 30.1.2004, U/S 324/IPC. Police Station Fagin Akad. He remained absent on 29.1.2004 to 30.1.2004. Again he absented himself from his lawful duty on 7.2.2004 to 7.3.2004.

Punishment:

②
 Awarded Stoppage of two years annual increments with commulative effect & also kept him under close watch for a period of 4 years.

The accused Constable will not be posted at any Sensitive Place during this period. His absence period is treated as leave without pay & also he is treated as Service will immediately effect under NDFP Removal from Service. Special Payy ext. 2000
 O.B. No. 1136
 Dt: 20.11.2004
 SP/NGP

Charges: Absence.

Punishment: Four days leave without pay.

O.R. No. 1535
 Dated 27.5.2004

SP/NGP
 SP/NGP

3
 30

Charge: Being involved in Criminal Cases vide FIR No. 327, dated 7.6.2004 U/S 506, & FIR No. 328 dated 7.6.2004 U/S 9 CNSA, P.S. Sammar Bagh.

Punishment: Placed under suspension with immediate effect.

O.R. No. 1664
Dated 8.6.2004

[Signature]
Sp/Heads

Charge: - Absence

Punishment: - Two days leave without pay

O.R. No. 1675
Dated 9.6.04

[Signature]
Sp/Heads (214)

Charge: - Absence

Punishment: - Two days leave without pay & one day Extra Duty

O.R. No. 1712
Dt: 14.6.04

[Signature]
Sp/Heads (214)

Charge: Absence 3 Months & 27 days due to involvement in criminal cases vide FIR, No. 327, dated 7.6.04, U/S 506, FIR No. 328 dt: 7.6.04 U/S 9 CNSA, P.S. Sammar Bagh.

Punishment: - Stoppage of one year Annual increment with accretive effect under what P, Removal from service (Special Power) vide order 2000-4 Suspension from 2/12/00 pay.

[Signature]

Page 10400
F.A.

Police Post
P.S. Inq
Department
Sammar Bagh

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257-5
The Dy
The Dy
The Dy
S/O P
S/O P
S/O P

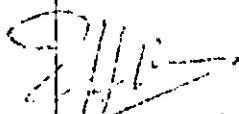
Final
dated
No-328
SA,

105

ORDER

Constable J. A. No. 141 while posted at PS, Malra, Capital City
Police Peshawar involved in criminal case vide FIR No. 85 dated 30.1.2001 u/s 324 P.C.
PS, Faqir Abad is hereby placed under suspension with effect from 30.1.2001
Departmental proceedings is being initiated against him under PWF? Removal from
service for still above vide No. 21

For and to the effect of the above


(ZAFFAR ULLAH KHAN)
SP-10
CAPITAL CITY POLICE PESHAWAR

525 21-02

251-88 Peshawar 21-02

Copy of above is forwarded to:-

- The Capital City Police Officer, Peshawar for kind information
- The Sr. Superintendent of Police, Operation Peshawar
- The Budget Officer.
- R/O Police Line Peshawar.
- ✓ CRC, OASI, FMC alongwith complete departmental enquiry file
- Official concerned.

at pay,

214

without
its draft.

214

ys due
Cases, vide
EX No-328
Bzft.
naul ulven
P, Removal
Kinnu

2504

He is re-instated in service. His Suspension period is treated as leave without pay.

O.B. No. 3076
Dt: 27.10.04

B
33

~~SP/Hgpr~~

234

Charge: Absence.

Punishment: Twelve days' absence as leave without pay.

22 mp

O.B. No. 3643
Dt: 11.12.04

B
34

~~SP/Hgpr~~

Charge: Absence.

Punishment: Six days leave without pay.

6 mp

612

O.B. No. 3726
Dt: 23.12.04

B
35

~~SP/Hgpr~~

Account of absence.

O.B. No. 2245
Dt: 26

B
36

~~SP/Hgpr~~

10 days absent L.W.P.

O.B. No. 2861

Dt: 15-11-06

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- 2. The Sr. S
- 3. The Budg
- 4. R/L/O P.
- 5. CRC, OA
- 6. Official e

580

ORDER

Constable Jan Said No. 181 while posted at PS; Mathra, Capital City Police Peshawar involved in criminal case vide FIR No. 89 dated 30.1.2004 u/s 324 PPC PS; Faqir Abad and he remained absent on 29.1.2004 i.e on the day of occurrence and made his arrival on 30.1.2004 he again absented himself from his lawful duty with effect from 7.2.2004 to 7.3.2004. He is not taking interest in his legitimate duty. His act amounts to gross misconduct and against the discipline of the force.

Mr. Atta Ullah Khan P.I was appointed as Enquiry Officer to conduct departmental proceeding under NWFP Removal From Service (Special Power) Ordinance 2000 against, during the course of enquiry the E.O summoned and examined the complainant Iqbal, who had charged accused Constable for effective firing at him, ASI Muhammad Asif I.O. in the case and Muhammad Ajmal IHC Moharrar PS; Mathra. The complainant Iqbal stated in his statement that the accused Constable had shot him with fire arm but now through intervention of local elders he had pardoned him. Similarly Muhammad Asif ASI also confirmed the compromise between the parties and his bail was confirmed by the ASI Peshawar on the basis of compromise therefore, the E.O recommended him for punishment.

Show Cause Notice was also issued vide this office No. 32-E dated 16.4.2004 to the defaulter Constable Jan Said No. 181 but he could not produced any cogent reason for his defence.

From the perusal of the recommendation of Enquiry Officer and other material on record, it is proved beyond any doubt, that the accused Constable Jan Said No. 181 involved in criminal case vide case FIR No. 89 dated 30.1.2004 u/s 324 PPC PS; Faqir Abad and he remained absent for a period of 01 month and 02 days without taking leave or prior permission from his superior. Therefore, he found responsible for the charges leveled against him but in lenient view and award him the punishment of "Stoppage of 02 years annual increments with cumulative effect" and also kept him under close watch for a period of 04 years. The accused Constable will not be posted at any sensitive places during this period. His absence from duty is treated as leave without pay and also re-instated in Service with immediate effect under NWFP, Removal From Service (Special Power) Ordinance 2000.

(GUL SAID JAN ATRIDI)
SUPERVISOR
CAPITAL CITY POLICE PESHAWAR.

No. 1136 Dated 20 / 09 / 2004.

181-48 / PA dated Peshawar the 20 / 09 / 2004.

Copy of above is forwarded to:-

The Capital City Police Officer, Peshawar for kind information

The Sr. Superintendent of Police, Operation Peshawar

The Budget Officer.

RI/LO Police Line Peshawar.

CRC, OASI, FMC alongwith complete departmental enquiry file.

Official concerned

Acc dead one day B1 d.c.
B No. 3326
Oct 26.12.06

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38
14/11/07

(2) obj. Home loan acct
out by acct consent.

B No. 1106

Oct. 25.4.07

M
14/11/07

(2) obj

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5/39

(4) obj. Home loan B1

B/40

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B No. 1520

Oct. 30.5.07

14/11/07

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obj. Home loan & part of

loan and account consent.

B No. 1536

Oct. 1.6.07

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Account consent.

B No. 1593

Oct. 5.6.07

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1935-49
Copy of above is for
Capital City Police O
Superintendent of
Budget Officer.
Police Lines Peshav
ASI, FMC alongwit
concerned.

ORDER

Constable Jan Said No. 181 of Police Lines involved in criminal cases vide FIR No. 7 dated 7.6.2004 u/s 506 & FIR No. 328 dated 7.6.2004 u/s 9 CNSA PS; Sammer Bagh. Being a member of Police Force, his this act amount to gross mis-conduct and against the discipline of the Force.

In this connection proper departmental proceeding was initiated under NWFP Removal From Service (Special Power) Ordinance 2000, against the above named defaulter official. Mr. Atta Ullah Khan P.I was appointed as enquiry officer who submitted in his finding that the defaulter official Jan Said No.181 absented himself from his lawful duty with effect from 31.5.2004 after on reported his arrival on 26.9.2004 Line Officer received an information on Control Room Peshawar Dir regarding the charge and arrest of accused Constable in case FIR No.327 dated 7.6.2004 u/s 506 PPC and FIR No.328 dated 7.6.2004 u/s 9 CNSA PS; Sammer Bagh.

Show Cause Notice was also issued by this office vide No.69-E dated 23.10.2004 to the defaulter official Jan Said No.181 and also heard in person by the undersigned.

From the perusal of the recommendation of Enquiry Officer and other material on which it is proved beyond any doubt, that the charges leveled against the defaulter official Jan Said No.181 remained absent for a period of 3 months and 27 days due to involvement in criminal cases mentioned above due to some dispute with in his father in law and now released on bail. I award him minor punishment of "Stoppage of one year annual increment" with retrospective effect and re-instated in Service with immediate effect last chance, his suspension treated as leave without pay under NWFP, Removal From Service (Special Power) Ordinance 2000. Remaining pay released.

(GUL SAID KHAN AFRIDI)
SP/HQrs:
CAPITAL CITY POLICE PESHAWAR.

3076 Dated 27-10-2004

1935-49 /PA dated Peshawar the copy of above is forwarded to:- 27/10/2004

Capital City Police Officer, Peshawar for kind information
Superintendent of Police, Operation Peshawar
Enquiry Officer.
Police Lines Peshawar.
SI, FMC alongwith complete departmental enquiry file.
Concerned.

OFFICE OF THE
Chief Capital City
Police Pesh. S.D.P.O.
Dr. No. 4133
Dated 28-10-04

ORDER

In continuation of eepo, Peshawar
order no 341-46/PA dt 11.2.2013 & 13.11.2013
The period of absence of
Constable Jam Guir no 6951 from 14.9.2009
to 19.10.2009, 12.11.2010 to 16.11.2010, 21.11.2010
to 24.11.2010, 28.11.2010 to 2.12.2010 &
5.12.2010 to 9.12.2010, 10.12.2010 to
22.1.2011 & 4.2.2011 to 29.5.2011
i.e. 140 days to is treated on the basis of
leave under authority of The Revised Leave
Rules 1988

1) Leave on full pay 120 days

2) Leave on half pay 20 days (by
converting 10 days leave
of full pay into half
pay)

140 days

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O.B # 1126
Dated: 25-4-2

NO. 1898 /PA

Copies to:
SP/HQrs, Pes.
Pay Officer,
C.R.C.
O.SI.
F.M.C along w.
Official Concer

Shamir Clerk

Respectively

26/4

ORDER

In continuation of CCPO, Peshawar order No. 341-45/PA, dated 11.02.2013 and OB No. 940 dated 11.03.2013, the period of absence of Constable Jan Said No. 4951 from 14.09.2009 to 19.10.2009, 12.11.2010 to 16.11.2010, 21.11.2010 to 24.11.2010, 28.11.2010 to 2.12.2010, 5.12.2010 to 09.12.2010, 10.12.2010 to 22.01.2011 and 04.02.2011 to 22.03.2011 i.e 140 days is treated as *normal of duty* under, according to the Revised Leave Rules 1981:-

- i) Leave on full pay = 120 days
- ii) Leave on half pay = 20 days (by converting 10 days leave on full pay into half pay)

TOTAL= 140 days

SP/CCP
FOR CAPITAL CITY POLICE OFFICER
PESHAWAR
USP

OB No. 1648

Dated 8/5/2013

No. 557/80 /CRC, dated Peshawar the 8/5/2013.

Copy of above is forwarded to the:-

1. PA to CCP Peshawar
2. Pay Officer
3. OASI, FMC.
4. Official concerned.

FORM II	Leave Account	Date of Comm	Date of attain	PERIOD	Government/Department served under	From	To
						1	2
						10/11/13	11/13/13

e.c.p. 1906


Superintendent of Police,
HQs: Capital City Police, Peshawar

EXPLANATORY INSTRUCTIONS FOR FILLING UP THE LEAVE ACCOUNT FORM.

1. This leave account will be maintained for all civil servants of the Provincial Government who were in service on the 1st July, 1978 including those who were on leave on that date and have not opted to retain the existing leave rule and all others who entered service on or after 1st July, 1978.

2. All leave at credit in the account of a civil servant who was in service on the 1st July, 1978 shall be converted in terms of leave on full pay at the following rates:-

(i) Leave on full pay :

(a) 1 month

30 days

(b) 1 day.

...1 day.

(ii) Leave on half pay :

(a) 1 month

15 days

(b) 2 days.

...1 day.

(Fraction, if any to be ignored)

3. The leave account shall commence with an opening entry "Due on 1st July, 1978" or in the case of a civil servant, who was on leave on 1st July, 1978 with effect from the date of his return from leave. For the purpose of computing the leave at credit, the service upto 30th June, 1978 will be taken into account. The leave due in terms of leave on full pay in days will be noted in column No. 21.

4. (i) In calculating the leave earned on full pay at the rate of 4 days for every calendar month the duty period of 15 days or less in a calendar month shall be ignored and those of more than 15 days shall be treated as a full calendar month for the purpose. If a civil servant proceeds on leave during calendar month and returns from it during another calendar month and the period of duty in either month is more the 15 days, the leave to be credited for both the incomplete months will be restricted to that admissible for one full calendar month only. There shall be no maximum limit on calculation of this leave.

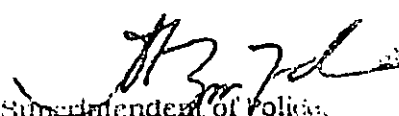
ORDER

Constable Jan Said No. 181 while posted at P.S East Cantt absented himself from duty without prior permission or leave from his superior with effect from 26-10-2006 to 14-11-2006 (20-days) and from 5-12-2006 to 14-12-2006 (9-days).

In this regard he was issued Charge Sheet & Summary of Allegations. **SDPO/Hayatatabad** was appointed as E.O to conduct enquiry against him under NWFP Removal from Service (Special Power) Ordinance 2000. The E.O conducted the enquiry proceedings and submitted his report findings that the alleged constable has been found guilty and recommended him for punishment.

After conducting the enquiry, he was issued Show Cause Notice to which he replied and stated therein that his absence period w.e.f. 5-12-2006 to 14-12-2006 has been treated as leave without pay vide O.B No. 127, dated: 18-11-2007 (Copy attached) whereas, he could not produced any solid proof for the remaining absence period. Therefore, in the exercise of power vested to me under the Removal from Service (Special Power) Ordinance 2000 I, Superintendent of Police, Cantt, awarded him the minor punishment of "CENSURE" and his period of absence w.e.f. 20-10-2006 to 14-11-2006 (20-days) is treated as LEAVE WITHOUT PAY.

O.B # 1126
Dated: 25-4-07


Superintendent of Police,
Cantt, Peshawar.

NO. 1898 /PA, DATED PESHAWAR THE 26/4/2007.

- Copies to:
- SP/HQrs, Peshawar.
 - Pay Officer,
 - C.R.C.
 - O.SI.
 - F.M.C along with enquiry file () papers.
 - Official Concerned.

UNITS CONCERNED
credited for both the incomplete months will be restituted to
violation of this leave.

Chief Clerk
26/4

ORDER

As per the Judgment of KPL Series
Tribunal Peshawar order dated 31-8-2016
in appeal serial no. 872/2014 J&J appeal
by CPO & Officer of Dep Legal, the
provision of debarment from work
AB No. 1230 dt: 15-4-2014 is converted
into compulsory retirement from
service w.e.f. 16-4-2014.

AB No 3837
31-10-2016

ATTESTED
Drawing & Disbursing Officer
For Capital City Police
Peshawar.

Drawing & Disbursing Officer
For Capital City Police
Peshawar.

SVC
Serial From 301196-164. This does
not belong from the "Kept on
the Record of this office"

For Capital City Police
Officer Peshawar

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Page # 153
Dated: 31-8

NO. 2441


- Copy to:
- 1. SP/1HQ
 - 2. Pay Cell
 - 3. C.R.C.
 - 4. D.S.I.
 - 5. F.M.C.
 - 6. OFFICE



OFFICE OF THE
CAPITAL CITY POLICE OFFICER
PESHAWAR

ORDER

As per the Judgment of Khyber Pakhtunkhwa Services Tribunal, Peshawar order dated 31.08.2016 passed in Service Appeal No. 872/2014 duly forwarded by the CPO authorities over endst: No. 2654/Legal, dated 06.10.2016 and opinion of DSP/Legal Peshawar. The impugned punishment of dismissal from service awarded to Ex-Constable Jan Said No. 1002 of CCP, Peshawar vide OB NO. 1230 dated 15.04.2014 in converted into compulsory retirement from service w.e.f 16.04.2014.


SPI/HQrs:
For Capital City Police Officer,
Peshawar

OB No. 3637

Dated 31/10/2016

No. 19022-29 CRC, dated Peshawar the 1/11/2016.

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

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar w/r to his office letter No. 1456/ST, dated 05.09.2016.
3. DSP/Legal, CCP/Peshawar
4. Pay Officer, II-C, OASI & FMC
- ✓ 5. Official Concerned.

the order
of page of
period was

(228)
10) 12 days absent leave also pay
OB No 1649
dt 27.6.06
M/S
143

rejected.

(268)
12) 12 days absent leave also pay
and an ad hoc allowance.
OB No 2983
dt 27.10.06
M/S
149
149

ARWAT)PS
FICER

Charge: Appeal rejected / filed

The appeal preferred by CP Jansel no 181 against
the order of SB/Hor whereby he was awarded the
minor punishment of stoppage of two annual
increments with commutation effect and the
absence period was ordered to leave without
pay with OB No 1136 dated 20/4/05

The appeal was presented and found
Time barred. Hence filed / rejected
with letter no 2061-65/PA dated
20-10-2007.

(Order copy
Enclosed)

CCFO
Peshawar

DISMISSAL

Annulled Major punishment of
(DISMISSAL) From service under the

W.F. Removal From Service Special

Order and ordinance was with immediate

effect his period absence is to end but if
leave without pay.

O. B. No 1163

25.3.2011

S.P.H.R.

Permanently

Permanently

DISMISSAL

Annulled Major punishment of

DISMISSAL From Service

under the existing rules

1975 under ANNULLED

O. B. No 1230

15.6.2014.

S.P.H.R.

Permanently

Appeal Rejected

Appeal for reinstatement in service
is rejected / Rejected.

vide 1401/2014-3/PPA, CD, 22-5-2014

By
recd
file

ORDER

This order will dispose off departmental appeal of ex-constable **Jan Said No. 1002** who was awarded the major punishment of **Dismissal** from service under PR 1975 vide OB No. 1230 dated 15.4.2014 by SP/City Peshawar, on the charge of deliberate absence for a long time from lawful duty w.e.f. 18.8.2013 to 19.8.2013 & 18.9.2013 to 15.4.2014 (Total 6-months and 28-days) from PS Pharipura.

Proper departmental proceedings were initiated against him and DSP/Faqirabad was appointed as the E.O and after completion of all the codal formalities he was awarded the aforementioned punishment.

The relevant record was perused along with his explanation. He was also heard in person in OR on 21/4/2014. The allegations stand proved against him. He could not defend himself. Since he has been dismissed twice before and he is habitually and willfully absented. Therefore, his dismissal order is retained and his appeal for re-instatement in service is rejected/filed.

**CAPITAL CITY POLICE OFFICER,
PESHAWAR.**

No. 1104-09 /PA dated Peshawar the 22.5 14

Copies for information and n/a to the :-

- 1/ SP-City Peshawar
- 2/ PO/ OASI
- 3/ CRC along with S.Roll for making n/entry.
- 4/ FMC along with FM.
- 5/ Official concerned.

ORDER

Handwritten signature/initials at the top of the page.

Constable Jan Said No. 1002 while posted at Police Station Paharpura absented himself from his lawful duty with effect from 18.09.2013 to 19.08.2013 (total 01 day) and again absented himself from 18.09.2013 till to date without prior permission or information from his superior officer. It shows that he is not taking interest in his legitimate duty. This act amounts to gross misconduct and is against the discipline of the force."

In this regard proper departmental inquiry was initiated against the delinquent officer and SDPO Faqirabad was appointed as enquiry officer.

Final Show Cause Notice was also issued to the delinquent official Constable Jan Said No.1002 vide this office No.587/PA, dated 21.01.2014. In response to FSCN he submitted his reply which was found unsatisfactory.

The enquiry officer in his findings has recommended for major punishment. In the light of the recommendation of the enquiry officer his absence period is treated as leave without pay and is awarded major punishment of "**dismissal from service**" under the existing rules 1975.

Order announced.

(FAISAL MUKHTAR) PSF
Superintendent of Police City,
Peshawar.

OB: No. 19301

Dated 15-4 April 2014

No. 3014 /PA dated Peshawar, the 16 April, 2014.

Copy for information and necessary action to:-

1. The Capital City Police Officer, Peshawar
2. The SSP/Operations Peshawar.
3. The SP HQrs:
4. PO ~~SRC~~.OASI, I/C Computer Cell
5. Fauji Missal Branch with enquiry papers for record.
6. Official Concerned.

Handwritten signatures and notes:
MS. [Signature]
For [Signature]
18/4

ORDER

This order will dispose of the Departmental Enquiry against Constable Jan Said NO.4951 on the grounds that he while posted to PP Khyber PS Hayatabad, committed that according to the report of MHC Hayatabad received vide DD No. 03 dated 14-09-2009 PP Khyber PS Hayatabad that FC Jan Said No.4951 did not take interest in his official duty and absented himself from duty without any permission. He had also been marked absent from his official duty with effect from 14-09-2009 till date without leave or prior permission which amounts to gross misconduct on his part and renders him liable for punishment under Removal from Service (Special Powers) Ordinance-2000

Accordingly, he was issued charge sheet with statement of allegations and a departmental enquiry was initiated and DSP/City Peshawar was appointed as Enquiry Officer. Findings of the Enquiry Officer was received and perused who recommended him for major punishment for being habitual absentee i.e. 14-09-2009 to 19-10-2009, 12.11-2010 to 16-11-2010, 21-11-2010 to 24-11-2010, 28-11-2010 to 02-12-2010, 05-12-2010 to 09-12-2010, 14-12-2010 to 22-01-2011 & 04-01-2011 to 22-03-2011 (total 139 days)

Upon the findings of the Enquiry Officer, he was issued Final Show Cause Notice, to which he submitted his reply, which was perused/considered but was found un-satisfactory. He also was called for personal hearing.

I have gone through the enquiry file and perused the entire record also heard the accused Constable in Person but he did not satisfy me and also not accepted his fault. Keeping in view the recommendation of the Enquiry Officer, I am satisfied that he is malanglar, habitual type of Police officer and is guilty of the charges leveled against him. He is therefore, awarded the major punishment of Dismissal from Service under the NWFP removal from service (Special Power) Ordinance 2000 with immediate effect. His period of absence is treated as absent without pay.

**SENIOR SUPERINTENDENT OF POLICE,
OPERATIONS, PESHAWAR.**

O.B.No. 1163 /dated. 25-3-2011

No. 218-22 /PA, dated, Peshawar, the 25/3 /2011

Copy for information to:

1. The Capital City Police Officer, Peshawar for information please.
2. The SP/Cantt: & SP/Rural
3. PO, CRC, OASI
4. FMC with enquiry file.
5. SHO PS Khazana

AK. per Anwarich B
25/3/11

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No.846/2017.

Jan Said Ex-Constable No. 1002, PS Michani Gate Peshawar.....Appellant.

VERSUS.

- 1- The Secretary Finance KPK Civil Secretariat Peshawar.
- 2- Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
- 3- Capital City Police Officer, Peshawar.
- 4- Superintendent of Police City, Peshawar.
- 5- DSP Legal, CCP PeshawarRespondents.

Reply for behalf of Respondents 1 to 5.

PRELIMINARY OBJECTIONS.

1. That the appeal is badly time barred.
2. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
3. That the appellant has not come to this Honorable Tribunal with clean hands.
4. That the appellant has no cause of action and locus standi.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant has concealed the material facts from Honorable Tribunal.

Reply on Facts:

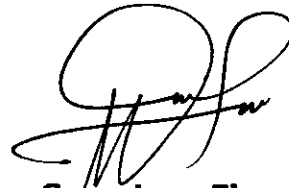
- 1- Para No. 1 of the fact relates to record, hence needs no comments.
- 2- Para No. 2 as above.
- 3- Para is for the petitioner to prove.
- 4- Para is incorrect. Replying respondents have no authority to interfere in the matters of Accountant General office.

GROUND:-

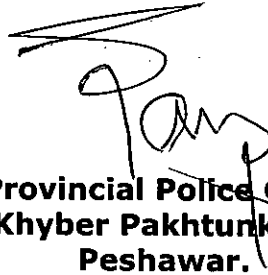
- A. Para is incorrect, as explained in Para No. 4 above.
- B. Para not related, hence needs no comments.
- C. Para is incorrect. Replying respondents has neither passed any recovery order nor violated any law/rules.
- D. Para is incorrect. In compliance with the Hon'able Service Tribunal order his pension case was processed and sent to A.G office for approval/payment on its own merit.
- E. Para not related, however appellant will be granted pensioner benefits for which he is eligible under the law.
- F. Para is totally incorrect and based on misleading grounds. No injustice has ever been made with the appellant nor any order of Hon'able Service Tribunal floated by the replying respondents.
- G. Replying respondents also seek permission to advance additional grounds and proof at the time of hearing.

Prayers:-

It is therefore most humbly prayed that in light of above facts, submissions the appeal of the appellant devoid of merits, legal footing may be dismissed.



**Secretary Finance,
Khyber Pakhtunkhwa, Peshawar.**



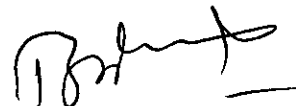
**Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.**



**Capital City Police Officer,
Peshawar.**



**Superintendent of Police,
City, Peshawar.**



**Deputy Superintendent of Police,
Legal, Peshawar.**

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No.846/2017.

Jan Said Ex-Constable No. 1002.....Appellant.

VERSUS.

- 1- The Secretary Finance KPK Civil Secretariat Peshawar.
- 2- Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
- 3- Capital City Police Officer, Peshawar.
- 4- Superintendent of Police City, Peshawar.
- 5- DSP Legal, CCP PeshawarRespondents.

AFFIDAVIT.

We respondents 1 to 5 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and nothing has concealed/kept secret from this Honorable Tribunal.



**Secretary Finance,
Khyber Pakhtunkhwa, Peshawar.**



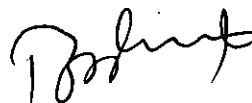
**Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.**



**Capital City Police Officer,
Peshawar.**



**Superintendent of Police,
City, Peshawar.**



**Deputy Superintendent of Police,
Legal, Peshawar.**

**Before the Khyber Pakhtunkhwa Service Tribunal
Peshawar**

Appeal No-846/2017

Jan Said.....Appellant.

V/S

Capital City Police Officer KPK Peshawar and others.....Respondents.

(Para wise reply on behalf of Respondent No.6)

Preliminary Objections.

- 1) That the appellant has no cause of action.
- 2) That the appellant has no locus standi.
- 3) That the appeal in hand is not maintainable.
- 4) That the Instant appeal is time barred.

Respectfully Sheweth:-

Para 1:- Relates to Respondent No.1, 2, 4 & 5 and they are in better position to show the status of the case.

Para 2:- Correct.

Para 3:- Incorrect. The Honorable Tribunal in its judgment dated 31.08.2016 has only modified the major punishment of dismissal from service into compulsory retirement from service w.e.f 16.04.2014. Moreover, the said judgment is silent on the Extra Ordinary Leave (EOL). The pension case of the Appellant has been examined/processed by Accounts officer Pension of the Respondent No.6 in light of Pension Rules and commutation authority to the tune of Rs. 299,484/- has been issued to the Drawing & Disbursing Officer, Capital City Police Officer (CCPO) Peshawar vide No.Pen-I/J-16/201-17/3178-79 dated 28.02.2017 with a total recovery amounting to Rs. 354,194/- The detail of recovery worked is attached at (Annex-A) with the following break up.



S.No	Description	Amount (Rs)
1.	Detail of overpayment in Pay & Allowances	Rs. 95,551/-
2.	Detail of Pay & Allowances of Extra Ordinary Leave (EOL) period	Rs. 219,273/-
3.	Excess Payment of Annual Increment	Rs. 39,370/-
	Total Recovery	Rs. 354,194/-
Less:-	Recovered Amount in Commutation	Rs. 290,000/-
	Remaining Amount to be recovered in Monthly Pension	Rs. 64,194/-

Para 4:- That the Recovery of the overpayment from the salary of the appellant, under the rules.

is

GROUND:-

A:- That Respondent No.6 is bound to follow the rules and instructions issued by Provincial Government of Khyber Pakhtunkhwa from time to time. The pension case of the appellant has been processed in accordance with the Pension Rules; In this regard the sealed commutation Authority issued by Accounts officer of the Respondent No.6 is correct and under the rules.

B:- As per Para 3 of above.

C:- As mentioned in para "A" above.

D:- Incorrect. The Honorable Tribunal in its judgment dated 31.08.2016 has only modified the major punishment of dismissal from service into compulsory retirement from service w.e.f 16.04.2014 and not set aside the order dated 16.04.2014. The recovery has been made in accordance with the rules.

It is pertinent to mention here that all pensionary emoluments admissible to the appellant has been granted under the rules.

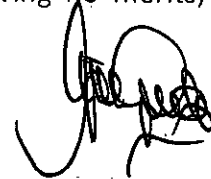


E:- The Respondent No.6 is bound to follow rules and instructions issued by Provincial Government of Khyber Pakhtunkhwa from time to time.

F:- Incorrect.

G:- No comments.

Keeping in view the above mentioned facts, it is humbly prayed that the Appeal in hand, having no merits, may be dismissed with cost.



**ACCOUNTANT GENERAL
KHYBER PAKHTUNKHWA**

Detail of over payment in r/o Jan Said

S.no	Month from	To	No. of days	Amount
1	08.06.2003	10,12.18.19.20.21.23/06/2003	8	1231
2	.01.07.2003	2.3.4.5.6.7.8.9.10.11.12.13/06/2003	13	2106
3	.03.8.2003	17.08.2003	20	3029
4	09.09.2003	10.09.2003	2	313
5	21.5.2004	29.05.2004	8	1316
6	05.11.2004	17.11.2004	12	2216
7	15.12.2004	21.12.2004	6	1098
8	24.05.2004	29.05.2004	4	1080
9	29.01.2004	30.01.2004	2	329
10	7.02.2004	19.04.2004	72	12377
11	8.06.2004	27.10.2004	142	25340
12	25.06.2006	26.06.2006	2	515
13	15.11.2006	27.11.2006	12	3296
14	26.10.2006	14.11.2006	20	5440
15	5.12.2006	14.12.2006	10	2701
16	05.04.2007	25.04.2007	20	5582
17	04.01.2008	16.01.2008	13	3874
18	14.04.2008	3.7.2008	80	23708
	Total		446	95551

Pay and allowances of E.O.L period

S.no	Month	No. of days	Amount
9	6.2011	30	18740
10	5.2011	30	18740
11	4.2011	30	18740
12	3.2011	7	4232
4	12.2013	30	24557
5	11.2013	30	24226
6	10.2013	30	24266
7	9.2013	13	10498
8	8.2013	2	1563
1	3.2014	30	24557
2	2.2014	30	24577
3	1.2014	30	24577
	Total	292	219273

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 26/08
 26/8

Excess payment of annual increment

S.no	Month from	To	Month	Diff	Amount
1	1.12.2004	30.06.2005	7	100	700
2	1.7.2005	30.11.2005	5	115	575
3	1.12.2005	30.11.2006	12	230	2760
4	1.12.2006	30.06.2007	7	345	2415
5	01.07.2007	30.11.2007	5	405	2025
6	1.12.2007	30.06.2008	7	405	2835
7	1.07.2008	30.11.2008	5	480	2400
8	1.12.2008	31.07.2009	8	320	2560
9	1.08.2009	30.11.2009	4	480	1920
10	1.12.2009	30.11.2010	12	640	7680
11	1.12.2010	30.06.2011	7	480	3360
12	1.04.2013	30.11.2013	8	780	6240
13	1.12.2013	1.3.2014	5	780	3900
					39370

G. Total-

219273
 95551
 39370

 = 354,194/-

[Handwritten signature]
 26/9
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 26/9

بعدالت

KP Service Tribunal, Peshawar

2ء منجانب

جانی سپد بنام

Police

مورخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آئندہ

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

آن مقام Peshawar کیلئے خطی سپد

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 و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت سے مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

20۱۹

1

ماہ

30

المرقوم

العبد گواہ العبد

کے لئے منظور ہے۔

Peshawar

مقام

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 557 /ST

Dated 12-03 / 2020

To


The Capital City Police Officer,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: -

JUDGMENT IN APPEAL NO. 846/2017, MR. JAN SAID.

I am directed to forward herewith a certified copy of Judgement dated 12:02.2020 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

ORDER


بابر نسیم

This order will disposed off the departmental enquiry against Constable Babar No. 666, while posted at PS Prang, his brother namely Amir s/o Sarwar r/o Kuladher is a notorious criminal and also involved in case vide FIR No. 303 dated 15.06.2014 u/s 17(3) Haraba PS Charsadda. He was arrested by the local Police of PS Charsadda and the stolen property was recovered from his possession. he being a member of discipline force supports him and also pressurizes the complainant party for compromise. His act was highly objectionable. This shows his inefficiency, lack of interest in the performance of his official duty.

In the above allegation he was issued Charge Sheet together with statement of allegation under Sub Section 3. Section 5 of Police Rules 1975. Enquiry Officer Mr. Saleem Riaz Khan, DSP HQrs Charsadda was nominated for conducting departmental enquiry against him. The enquiry officer after conducting proper departmental enquiry submitted findings.

Subsequently, Constable Babar No. 666 was issued Final Show Cause Notice U/S 5(3) Police Rules 1975 reply to it was not received so far.

After going through the enquiry papers & recommendation of the enquiry officer, he is hereby strictly warned to be careful in future.


District Police Officer,
Charsadda

O.B No 1529

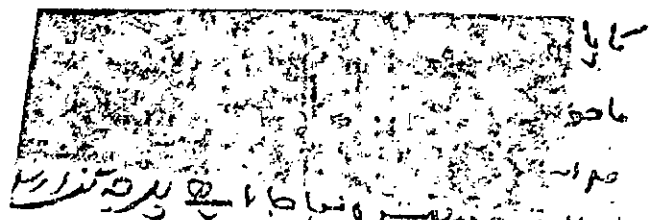
Date 12/11/2014

No 2223-25 /HC. dated Charsadda the 12/11 /2014

Copy for information and necessary action to the:-

1. OASI
2. EC/FMC *enclosure 18 pages*

17CB Harab bar


District Police Officer,
Charsadda



FINAL SHOW CAUSE NOTICE

Whereas, the charge of negligence, lack of interest was referred to enquiry officer for General Police Proceedings, contained u/s 5(3) Police Rules 1975.

AND

Whereas, the enquiry officer has submitted his findings, recommending you for minor penalty.

AND

Whereas, I am satisfied with the recommendation of the enquiry officer that you **Constable Babar No. 666**, while posted at PS Prang, your brother namely Amir s/o Sarwar r/o Kuladher is a notorious criminal and also involved in case vide FIR No. 303 dated 15.06.2014 u/s 17(3) Haraba PS Charsadda. He was arrested by the local Police of PS Charsadda and the stolen property was recovered from his possession, you being a member of discipline force support him and also pressurize the complainant party for compromise. Thus the act amounts to gross misconduct and renders you liable for Minor punishment, under Police Rules 1975.

Therefore, I, Shafiullah Khan, District Police Officer, Charsadda in exercise of the powers vested in me under rules 5(3) (a) (b) of Police Rules 1975, call upon you to explain as to why the proposed punishment may not be awarded to you.

Your reply should reach the undersigned within 07-days of receipt of this notice, failing which disciplinary action pertaining to your dismissal from service will be taken ex-parte.

You are at liberty to appear in person before the undersigned for personal hearing.

Dated 05/11/2014


District Police Officer,
Charsadda

حوالہ نمبر ۱۱۱۱/۱۱/۱۱
موجودہ
مقام
تاریخ

**GOVERNMENT OF
KHYBER PAKHTUNKHWA**
DEPUTY SUPERINTENDENT OF POLICE
HEADQUARTERS CHARSADDA
OFFICE: 091-9220071.

No. 213 /S,

Dated: 30-10/2014.

To: **The District Police Officer,
Charsadda.**

**SUBJECT: DISCIPLINARY ACTION AGAINST CONSTABLE BABAR NO. 666
POLICE LINE CHARSADDA.**

R/Sir,

In pursuance of your good office order No.1508-9/HC dated 22.07.2014 enquiry in the above cited case was completed by the undersigned. Its stepwise detail is given below

ALLEGATIONS AGAINST THE CONSTABLE:

Babar Constable No.666 posted to Police Station Prang, his brother Amir s/o Sarwar r/o Kuladher is a notorious criminal and involved in Case FIR No. 303 Dated 15.6.2014 u/s 392 PPC P.S Charsadda. He was arrested by the local Police and the stolen property was also recovered from his possession. Accused Amir has gained the support of his brother Constable Babar 666 and has pressurized the complainant of the case for patching up-compromise with the accused which practice on part of FC Babar No.666 is against norms of Discipline Force. This amounts to grave misconduct on his part, punishable u/s 2 (iii) of the K.P.K Police Rules, 1975.

PROCEEDINGS:

After receiving the enquiry papers Charge Sheet was served upon the constable Babar No. 666 through Moharrir-Police Line and prior to the submission of his reply, Habibullah s/o Stana Gul r/o Peshawar the complainant of case FIR No.303 dated 14.6.2014 u/s 392 PPC P.S Charsadda was summoned, heard in person and his statement was recorded. He stated that after a few days of the registration of case one Misbah s/o Fazle Malik r/o Solay, Kamar Rajjar Khalid s/o Jehanzeb r/o Baz w/Jan Killely, his mother and aunt repeatedly came to his house for patching up compromise with the accused Amir and others named above. He further disclosed that Constable Babar has not pressurized him in this respect. It was however learnt that accused Amir, Misbah and Khalid were not charged directly in the FIR being unknown, but during course of investigation they were traced, arrested and released on bail later on. Besides, the above case, accused Amir the brother of Constable Babar is Proclaimed Offender in case FIR No.264 dated 27.7.2014 u/s 17 (3) Haraba Police Station Sardheri.

FINDINGS:

1. As per statement of complainant Habibullah, the constable Babar No. 666 has not supported his brother overtly, but covertly his support is behind accused Amir.
2. Constable Babar had made hectic efforts to release his brother accused Amir on bail.
3. It has not been proved that the complainant Habibullah had been pressurized by Constable Babar No. 666.

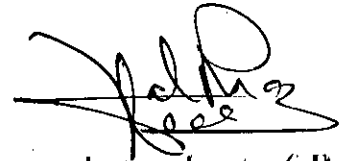
CONCLUSION.

Though, the charges leveled against Constable Babar No. 666 have not been proved yet, it is believed that Constable Babar is a criminal minded person and keeps close association with car lifters including his brother, Amir. He often remains absent from his duties and goes to Punjab for some mysterious purposes best know to him. However, we have no solid proofs for its verosity.

RECOMMENDATIONS:

Keeping the above facts and figures in view, it is recommended that constable Babar No.666 may please be Warned to remain careful in future.

Submitted please.



Dy: Superintendent of Police,
Head Quarter, Charsadda.

Encl. 09

Issue P/Sen.

District Police Officer,
Charsadda


CHARGE SHEET UNDER KPK POLICE RULES 1975

I SHAFIULLAH KHAN, District Police Officer Charsadda, as competent authority hereby charge you Constable Babar No. 666 as follows.

That you Constable Babar No. 666, while posted at PS Prang, your brother namely Amir s/o Sarwar r/o Kuladher is a notorious criminal and also involved in case vide FIR No. 303 dated 15.06.2014 u/s 17(3) Haraba PS Charsadda. He was arrested by the local Police of PS Charsadda and the stolen property was recovered from his possession, you being a member of discipline force support him and also pressurize the complainant party for compromise. Your act is highly objectionable. This shows your inefficiency, lack of interest in the performance of your official duty.

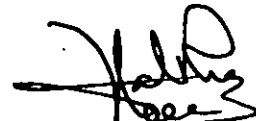
This amounts to grave misconduct on your part, warranting Departmental action against you as defined in section-6(I) (a) of the KPK Police Rules 1975.

1. By reason of the above, you appear to be guilty of misconduct under section 02(III) of the KPK Police Rules 1975 and has render your self liable to all or any of the penalties as specified in section 04 (I) a & b of the said rules.
2. You are therefore, directed to submit your written defense within seven days of the receipt of this Charge Sheet to the Enquiry Officer.
3. Your written defense, if any should reach to the enquiry officer within the specified period, in case of failure, it shall be presumed that you have no defense to put-in and in that case an ex-parte action shall follow against you.
4. Intimate, whether you desired to be heard in person.


District Police Officer,
Charsadda

steno

*call the official.
on 24-7-2014*


DSP/HQ
22-7-2014

*No 1931s
at 22-7-14*

*حوالہ شدہ تھانہ پولیس چارسدہ
Asst. P.S. CHD*

Government of Khyber Pakhtunkhwa
Office of the District Police Officer
Charsadda

DISCIPLINARY ACTION UNDER KPK POLICE RULES -1975

I, Shafiullah Khan, District Police Officer Charsadda, as competent authority am of the opinion that Constable Babar No. 666 has rendered himself liable to be proceeded against as he has committed the following acts/omissions within the meaning of section -02 (iii) of KPK Police Rules-1975.

STATEMENT OF ALLEGATIONS

That he Constable Babar No. 666, while posted at PS Prang, his brother namely Amir s/o Sarwar r/o Kuladher is a notorious criminal and also involved in case vide FIR No. 303 dated 15.06.2014 u/s 17(3) Haraba PS Charsadda. He was arrested by the local Police of PS Charsadda and the stolen property was recovered from his possession, he being a member of discipline force support him and also pressurize the complainant party for compromise. His act is highly objectionable. This shows his inefficiency, lack of interest in the performance of his official duty.

This amounts to grave misconduct on his part, warranting Departmental action against him.

For the purpose scrutinizing the conduct of the said official Mr. Saleem Riaz Khan DSP HQrs Charsadda is hereby deputed to conduct proper departmental enquiry against the aforesaid official, as contained in section -6 (I) (a) of the afore mentioned rules. The enquiry officer after completing all proceedings shall submit his verdict to this office within stipulated period of (10) days. Constable Babar No. 666, is directed to appear before the enquiry officer on the date, time and place fixed by the later (enquiry officer) a statement of charge sheet is attached herewith.


District Police Officer,
Charsadda

No. 1508-9/HC

Dated Charsadda the 22-7 /2014.

Copies for Information to the:

1. Saleem Riaz Khan DSP Hqrs Charsadda
2. SHO PS Prang

حوالہ شدہ تین سہ ماہی پر پورے کنٹرول کے لیے
Asst. PS-CHD

Government of Khyber Pakhtunkhwa
Office of the District Police Officer
Charsadda

DISCIPLINARY ACTION UNDER KPK POLICE RULES -1975


I, Shafiullah Khan, District Police Officer Charsadda, as competent authority am of the opinion that Constable Babar No. 666 has rendered himself liable to be proceeded against as he has committed the following acts/omissions within the meaning of section -02 (iii) of KPK Police Rules-1975.

STATEMENT OF ALLEGATIONS

That he **Constable Babar No. 666**, while posted at PS Prang, his brother namely **Aziz s/o Sarwar t/o Kuladher** is a notorious criminal and also involved in case vide FIR No. 303 dated 15.06.2014 u/s 17(3) Haraba PS Charsadda. He was arrested by the local Police of PS Charsadda and the stolen property was recovered from his possession, he being a member of discipline force support him and also pressurize the complainant party for compromise. His act is highly objectionable. This shows his inefficiency, lack of interest in the performance of his official duty.

This amounts to grave misconduct on his part, warranting Departmental action against him.

For the purpose scrutinizing the conduct of the said official **Mr. Saleem Riaz Khan DSP HQrs Charsadda** is hereby deputed to conduct proper departmental enquiry against the aforesaid official, as contained in section -6 (I) (a) of the afore mentioned rules. The enquiry officer after completing all proceedings shall submit his verdict to this office within stipulated period of (10) days. Constable Babar No. 666, is directed to appear before the enquiry officer on the date, time and place fixed by the later (enquiry officer) a statement of charge sheet is attached herewith.


District Police Officer,
Charsadda
etc

No. 1508-9 /IIC

Dated Charsadda the 22-7 /2014.

Copies for Information to the:

1. Saleem Riaz Khan DSP Hqrs Charsadda
2. SHO PS Prang