

04-10.2022

Appellant present through counsel.

Mr. Riaz Khan Paindakhel, Assistant Advocate General for respondents present.

Former made a request for adjournment as he has not prepared the brief. Adjourned. To come up for arguments on 07.11.2022 before D.B at Camp Court, Swat.



(Rozina Rehman)
Member (J)
Camp Court Swat



(Salah Ud Din)
Member (J)
Camp Court Swat

06.07.2022

Counsel for the appellant present. Mr. Noor Zaman Khattak, District Attorney alongwith Mr. Ali Rehman, S.I for official respondents present.

Written reply/comments on behalf of the respondents submitted which is placed on file. A copy of the same is also handed over to learned counsel of appellant. To come up for rejoinder/arguments on 05.08.2022 before D.B at camp court, Swat.

(Fareeha Paul)
Member (E)
Camp Court, Swat

5-8-22

Due to summer vacation the case is adjourned to - 3.10.22 for the same.

~~MA Riaz Khan Panday~~

~~MA Riaz Khan Panday~~

~~MA Riaz Khan Panday, learned Assistant Advocate General for respondents present~~

~~For the purpose of adjournment in order to prepare the brief adjourned to come up for arguments on 07.11.2022 before D.B at Camp Court Swat~~

(Ejaz Haq Din)
Member (E)
Camp Court, Swat

(Rizina Rehman)
Member (E)
Camp Court Swat

06.06.2022

None for the appellant present. Mr. Kabirullah Khattak,
Addl: AG for respondents present.

On the call of Khyber Pakhtunkhwa Bar Council, District
Bar Association is observing strike today. Adjourned. To come
up for written reply/comments on 08.06.2022 before the S.B at
camp court Swat. .



(Kalim Arshad Khan)
Chairman
Camp Court Swat

8th June, 2022

Clerk of learned counsel for the appellant present. Mr.
Kabirullah Khattak, Addl: AG alongwith Mr. Ali Rehman, SI
for respondents present.

Written reply/comments not submitted. Representative of
the respondent seeks time to submit written reply/comments. To
come up for written reply/comments on 06.07.2022 before the
S.B at camp court Swat.



(Kalim Arshad Khan)
Chairman
Camp Court Swat


04.01.2022

Learned counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration, hence the appeal is admitted to regular hearing subject to all legal objections including the question of limitation. The appellant is directed to deposit security and process fee within 10 days, where-after notices be issued to the respondents for submission of written reply/comments on 10.02.2022 before the S.B at Camp Court Swat.

Appellant Deposited
Security & Process Fee

10/01/22



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

10.02.2022

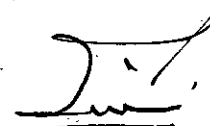
Tour is hereby canceled. Therefore, the case is adjourned to 07.04.2022 for the same as before at Camp Court Swat.



Reader

07.04.2022

Appellant in person present. Mr. Ali Rehman, Inspector (Legal) alongwith Mr. Noor Zaman Khattak, District Attorney for the respondents present and sought further time for submission of written reply/comments. Adjourned. To come up for submission of written reply/comments on 06.06.2022 before the S.B at Camp Court Swat.





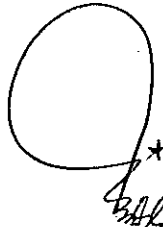
(Salah-Ud-Din)
Member (J)
Camp Court Swat

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7448 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/09/2021	<p>The appeal of Mr: Iqbal Alam resubmitted today by Mr. Sher Shah Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench at Peshawar. Notices be issued to appellant/counsel for preliminary hearing to be put up there on <u>19/11/21</u>.</p> <p> CHAIRMAN</p>
	19.11.2021	<p>Appellant in person present.</p> <p>Appellant submitted an application for transfer of the instant appeal to camp court, Swat. Application is allowed and the appeal be fixed at camp court Swat for preliminary hearing on 04.01.2022 before S.B.</p> <p> (MIAN MUHAMMAD) MEMBER (E)</p>

The appeal of Mr. Iqbal Alam son of Suleman resident of Muhalla Dawlatkhel Amankot Tehsil Babozai District Swat received today i.e. on 06.09.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- ② Copy of mercy petition mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- 3- Annexure-E of the appeal is illegible which may be replaced by legible/better one.
- 4- Appeal has not been flagged/marked with annexures marks.
- 5- Check list is not attached with the appeal.
- 6- Annexures of the appeal may be attested.

No. 1776 /S.T,

Dt. 07/09 /2021


REGISTRAR,
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Sher Shah Khan Adv. Swat.

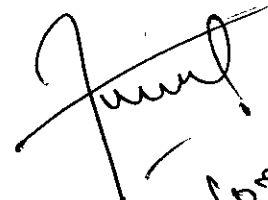
objection: 1

Copies of charge sheet, statement of allegations, show cause notice, enquiry report are available.

2:) Copy of mercy petition is not available and final order is available in file.

3:) Appeal is also available.

4:) check list is also available on file.


23/09/2021

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN KHWA
PESHAWAR**

Service Appeal no.....of 2021


Iqbal Alam (No.2688)..... (Appellant)

VERSUS

The Provincial Police Officer, KPK, and others..... (Respondents)

I N D E X

S#	Description of documents	Annexure	pages
1	Memo of Appeal	1-5
2	Affidavit	6
3	Memo of Addresses	7
4	Application for Requisition of documents	8-9
5	Copies of CNIC and service card	A,B	10-11
6	Copies of Medical documents	C	12
7	Copies impugned order dated 11.09.2019	D	13
8	Impugned Order dated 08.05.2020 & 08.06.2021	E,F	12-15
9	Copy of Mercy petition	G	16
10	Wakalat Nama	H	17
11	Charge Sheet	I	18
12	Statement of Allegations	J	19
13	Inquiry Report	K	20
14			


Appellant

Through Counsel


SHER SHAH

Advocate, District Swat

Dated: 02.09.2021

(1)

BEFORE THE SERVICE TRIBUNAL,
KHAYBER PAKHTUNKHWA AT PESHAWAR

Service Appeal No. _____ of 2021

Iqbal Alam (No. 2688) son of Suleman resident of Muhalla
Dawlatkhel, Amankot, Tehsil Babozai, District Swat.

.....(Appellant)

V E R S U S

1. The Provincial Police Officer (I.G), Khyber Pakhtunkhwa, at Peshawar.
2. The Additional Inspector General of Police, Headquarters, Khyber Pakhtunkhwa, Peshawar
3. The Regional Police Officer Chief Malakand at Saidu Sharif, District Swat.
4. The District Police Officer Swat at Gulkada, Saidu Sharif, District Swat.

...(Respondents)

Appeal under Section 4 of the Service Tribunal Act, 1974, against the impugned orders No. 2355 dated 08.06.2021, No. 3982 dated 08.05.2020 and OB No. 143 dated 11.09.2019, passed by respondents, whereby the departmental appeals were arbitrarily turned down by the respondents.

PRAYER:-

On acceptance of this appeal, the impugned orders mentioned above, may kindly be declared illegal, unlawful, null and void, by setting aside the same, and the appellant may kindly be re-instated with all back benefits. Any other remedy, which is just, appropriate and efficacious may also be granted in favour of appellant, though not specifically prayed for.

Respectfully Sheweth:

Brief facts of the case giving rise to the instant appeal, are as under:-

1. That the appellant is the bonafide resident of Village Amankot, Mingora, Tehsil Babozai, District Swat. (Copies of CNIC and Service Card are herewith attached as **Ann: A, B**).
2. That the appellant was appointed as Police Constable on 01.01.2011. Copy of appointment order dated 01.01.2011 may be requisitioned.
3. That the appellant, while performing his duty normally at Police lines, Kabal, District Swat, was alleged for gross misconducted as narrated in DD No. 15 dated 03.07.2019, later on, charge sheet following, which the appellant was finally removed from service, and as a result of misconduct, malafidely thrust upon appellant.
4. That appellant faced as many domestic issues and problems, due to which the appellant moved application for leave, which was not accepted by the respondent during different intervals.

5. That the appellant was facing some chronic domestic issues and got mentally distracted, later on carried on treatment and as advised by the physician, the appellant now being fit for the service to continue and earn the bread for his children. (Copies of medical documents are herewith attached as **Ann: C**).
6. That the appellant fell ill on 21.05.2019 and after prolonged clinical examination by the appellant, the mental & physical health of the appellant is recovered and able to render the services by now.
7. That a nominal, arbitrary and fanciful proceedings of inquiry against the appellant was conducted and finally removed from service on 11.09.2019. (Copy of impugned order dated 11.09.2019 is herewith attached as **Ann: D**).
8. That the appellant filed appeal for re-instatement to the departmental authorities but the appeal of the appellant was kept intact by the departmental high ups, through their respective orders i.e. dated 08.05.2020 & 08.06.2021. (Copies of impugned orders dated 08.02.2020 & 08.06.2021 are herewith attached as **Ann: E, F**).
9. That the appellant filed mercy petition (**Ann: G**), but the same was rejected which is against law, justice and equitable treatment under the service laws as foretold by service rules and laws.
10. That the appellant, being aggrieved with void impugned orders No. 2355 dated 08.06.2021, No. 3982 dated 08.05.2020 and OB No. 143 dated 11.09.2019, files the instant appeal before this Hon'ble Court of Service Tribunal, which is liable to be entertained on the basis of one amongst the following grounds:-

GROUND:-

- a. That the impugned orders are illegal, against the law, void ab-initio, without lawful authority.

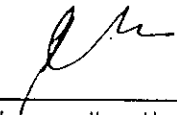
(4)

- b. That the impugned orders are based on assumption of retrospective punishment which renders it void orders, hence liable to be set aside against the appellant.
- c. That the inquiry so arbitrarily conducted against the appellant, is against law and no rules have been followed against the appellant.
- d. That the appellant has not been given ample opportunity of hearing as per law and rules.
- e. That the inquiry against the appellant is fanciful, arbitrary, self-imposed and based on inhuman approaches.
- f. That the appellant applied for the grant of medical leave which was turned down, although the appellant being had a prolonged service record of more than 09 years.
- g. That the void impugned orders of the respondents are not based on justice and equitable handling of the service matter with respect to employees efficiency conduct and discipline.
- h. That the absence of the appellant was casual natural, un-avoidable and not forcible.
- i. That the charges of deviance levelled against the appellant, are not sustainable in the eyes of law.

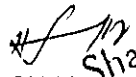
(5)

- j. That the expert in psychiatry have examined and re-examined the appellant and the appellant has been regarded as fit for the service to be carried on, on the basis of fitness certificate.
- k. That as per the judgments of the Superior Courts, no limitation runs against a void order, and if any limitation issue arises during the course of proceedings, the appellant may be allowed condonation of delay.
- l. That other grounds may be argued at the time of hearing with the prior permission of this Hon'ble Court.

It is, therefore, humbly prayed that on acceptance of the instant appeal, the impugned orders of the respondents may be set aside and the appellant may kindly be re-instated along with payment monthly reserved with all back benefits. Any other remedy which is deemed proper, just and efficacious not specifically prayed for, may also be granted to the appellant.

Appellant: 
Iqbal Alam (appellant)

Through Counsel


SHER SHAH
Advocate, District Swat.

CERTIFICATE:-

It is certified that no such like appeal is either pending or decided by this Hon'ble Court.



SHER SHAH
Advocate, District Swat.

BEFORE THE SERVICE TRIBUNAL,
KHAYBER PAKHTUNKHWA AT PESHAWAR

Service Appeal No. _____ of 2021

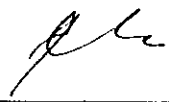
Iqbal Alam (No. 2688).....(Appellant)

VERSUS

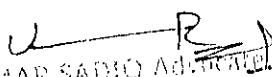
The Provincial Police Officer, K.P.K. and others.....(Respondents)

AFFIDAVIT

I, Iqbal Alam (No. 2688) son of Suleman resident of Muhalla Dawlatkhel, Amankot, Tehsil Babozai, District Swat, do hereby stated on oath that all the contents of the attached appeal are true and correct to the best of my knowledge and belief; nothing has been kept concealed from this Hon'ble Court.

Deponent: 
 Iqbal Alam (No. 2688)/ (Appellant)

ATTESTED


 UMAR SADIQ ADIL
 OATH COMMISSIONER
 Distt: Courts Swat.
 No. 401 Date: 30-08-2021

BEFORE THE SERVICE TRIBUNAL,
KHAYBER PAKHTUNKHWA AT PESHAWAR

Service Appeal No. _____ of 2021

Iqbal Alam Khan (No. 2688).....(**Appellant**)

VERSUS

The Provincial Police Officer, K.P.K. and others.....(**Respondents**)

MEMO OF ADDRESSES

Address of appellant:

Iqbal Alam (No. 2688) son of Suleman resident of Muhalla Dawlatkhel, Amankot, Tehsil Babozai, District Swat.


NIC No:

Cell #:

Addresses of respondents:

1. The Provincial Police Officer (I.G), Khyber Pakhtunkhwa, at Peshawar.
2. The Additional Inspector General of Police, Headquarters, Khyber Pakhtunkhwa, Peshawar
3. The Regional Police Officer Chief Malakand at Saidu Sharif, District Swat.
4. The District Police Officer Swat at Gulkada, Saidu Sharif, District Swat.


 Appellant
 Through Counsel


SHER SHAH Khan
 Advocate, District Swat
 High Court

(8)

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

Iqbal Khan

VS

Inspector General of Police Khyber Pakhtunkhwa & others

APPLICATION For The Requisition Of
Documents / Record Other Than The Record
Annexed Under Inherent Powers Of The
Tribunal.

Respectfully Sheweth:-

1. That the above titled service appeal is going to be instituted before this honorable tribunal in which no date is fixed yet.
2. That the appellant tried his utmost to obtain the record from the respondents' possession but the respondents' officials are not willing to handover the said record to the appellant.
3. That for the processing of the appeal in hand the honorable court may allow the requisition application under the inherent powers of the tribunal.

(9)

It is, therefore, humbly requested that in case of any deficiency of the annexed record regarding the documents may be requisition under the inherent powers of the honorable tribunal.

Appellant through

Sher Shah Khan
Advocate High Court

SHER SHAH KHAN
Advocate High Court

AFFIDAVIT

I, Sher Shah Khan Advocate (counsel for the appellant), as per instruction of my client, do hereby solemnly declare & affirm that the contents of the above application are true and correct to the best of my knowledge & belief.

Deponent

ATTESTED

UNMAD...
401 30-08-2021

PAKISTAN National Identity Card
 ISLAMIC REPUBLIC OF PAKISTAN

Name: Iqbal Alam
 Father Name: Suleman
 Gender: M | Country of Stay: Pakistan
 Identity Number: 15602-3593104-1 | Date of Birth: 12.05.1994
 Date of Issue: 11.12.2018 | Date of Expiry: 11.12.2028

Holder's Signature

(10)
 Annex
 'A'

15602-3593104-1

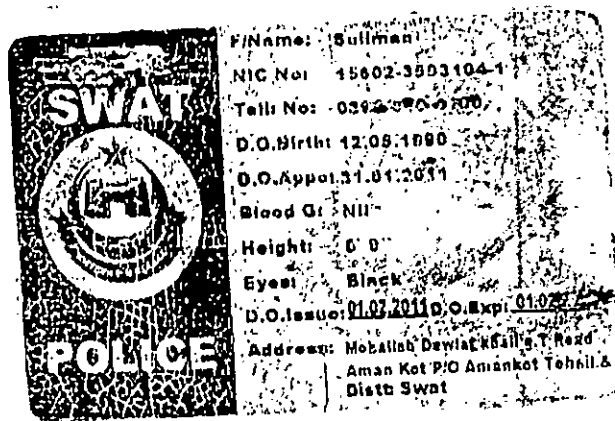
گمشدہ کارڈ ملنے پر قریبی لیو بکس میں ڈال دیں

Registrar General of Pakistan



(11)

Am B



Assistant Professor

Dr. Muhammad Rehman

MBBS (Pesh)
Diplomats Clinical Psychiatry (Ireland)
CCT (England)
MRCP Psych (UK)



(F) (19)
اسسٹنٹ پروفیسر
ڈاکٹر محمد رحمان

ایم بی بی ایس (پشاور)
ڈیپلومے آف کلینکل سائیکیاٹری (آئرلینڈ)

سی سی ٹی (انگلینڈ)

ایم آر سی پی سائیک (انگلینڈ)

ایچ ایچ آر سی سائیکیاٹری ہونٹ سیدو ٹیچنگ ہسپتال

Head Department of Psychiatry,
Saidu Teaching Hospital

ماہر امراض: مرگی، یادداشت، سرور، نشہ، جنسی کمزوری و جملہ دماغی و نفسیاتی امراض

Name: IQBAL ALAM Age: 25 yr Date: 21.5.19

- The Addiction
- Mixed Anxiety, Depressive

!

① Tab. Co-Depical 6/25

انٹی ڈیپریسینگ (حیاتی)

② Tab. Dexoo 60 mg

دوڑانہ انٹی

20

③ Tab. Mims 100 mg 1+1

انٹی سائیکوٹک

Advise bed rest \rightarrow at home,
for complete recovery.

!

Arshad Ali Medical Practitioner

Telenor : 0344-9855759

Zong: 0314-9711162

Whats APP: 0346-9425002

CLINIC

SWAT MEDICAL COMPLEX

Faizabad Road, Saidu Sharif, Swat,
Ph: 0946-710281-3 Cell: 0344-9855759 / 0346-9425002

چھٹی بروز: ہفتہ، اتوار

Not Valid For Court



SAIDU GROUP OF TEACHING HOSPITALS

SAIDU SHARIF SWAT

Ph. 0946-9240126-27 Email: mssthsawat@yahoo.com

CASUALTY/TRAUMA UNIT

Name: iqbal Alam S/D/W: Suliman C (12)
 Gender: m Age: 27 Address: Amoret
 Yearly No: 100197 Department: _____ Date: 02 SEP 2021

Complaints:

Forgetful
feels well
off the drugs

Physical Examination:

Investigations:

Provisional Diagnosis:

Rx

Mr. Alam has now remained
absent from illicit drugs
and feels well.

He wants to reapply for
his police post.

I suggest he should be give
the option, so he can
integrate back.

He will continue support
from our department.

Dr. M. Rehman
MBBS, DPM, MRCPsych
CONSULTANT PSYCHIATRIST

HOD Psychiatry

SAIDU

Asst. In-charge

Follow up: _____ Doctor Name: D. M. Rehman Signature: [Signature]

ORDER

This order will dispose of departmental enquiry against Constable Iqbal Akbar No. 2688 of Swat Police. He while posted to Police Lines Kabal was alleged of gross misconduct as it was reported vide DD No. 15, dated 03-07-2019 of Police Lines that he was a drug addict and did not take interest in his job. It was also reported that he was a habitual absentee and violated discipline.

He was immediately suspended and closed to Police Lines which was followed by a regular enquiry against him. As such he was issued a charge sheet coupled with statement of allegations vide this office No. 30/PA, dated 15-07-2019 and SDPO City Circle was directed to carry out a regular enquiry against the delinquent Constable. The Enquiry Officer after doing the needful reported that the Constable under enquiry was a drug addict and did not take interest in his job. It was further reported that he was a habitual absentee and indulging in unwanted practices. The Enquiry Officer recommended major punishment for the delinquent Police Officer. He was also called to weekly Orderly Room and heard in person but he failed to present any cogent reason to rebut the allegations leveled against him.

The Constable under enquiry is a habitual absentee and a drug addict which is against discipline and unbecoming of a Police Officer. During his appearance in the Orderly Room it was noted that the Constable is not fit for Police service and unable to perform his duties efficiently. His conduct is detrimental to discipline and his further retention in Police is bound to negatively affect attitude of other personnel of the Force. Hence, in exercise of the powers vested in the undersigned under Rules 2 (iii) of Police Disciplinary Rules - 1975, I have Asif Anwar, PSP, District Police Officer, Swat being competent authority, am constrained to award him major punishment of dismissal from service with immediate effect.

Order announced.

District Police Officer
Swat

O.S. No. 143

Date: 11. 2. 19

Copy to:-

1. Establishment Clerk
2. OBI

For necessary action, please.

ORDER

(Better copy)

This order will dispose of departmental enquiry against Constable Iqbal Aham No. 2688 of Swat Police. He while posted to Police Lines Kabal was alleged of gross misconduct as it was reported vide DD No. 15, dated 03-07-2019 of Police Lines that he was a drug addict and did not take interest in his job. It was also reported that he was a habitual absentee and violated discipline.

He was immediately suspended and closed to Police Lines which was followed by a regular enquiry against him. As such he was issued a charge sheet coupled with statement of allegations vide this office No. 30/PA, dated 15-07-2019 and SDPO City Circle was directed to carry out a regular enquiry against the delinquent Constable. The Enquiry Officer after doing the needful reported that the Constable under enquiry was a drug addict and did not take interest in his job. It was further reported that he was a habitual absentee and indulging in unwanted practices. The Enquiry Officer recommended major punishment for the delinquent Police Officer. He was also called to weekly Orderly Room and heard in person but he failed to present any cogent reason to rebut the allegations leveled against him.

The Constable under enquiry is a habitual absentee and a drug addict which is against discipline and unbecoming of a Police Officer. During his appearance in the Orderly Room it was noted that the Constable is not fit for Police service and unable to perform his duties efficiently. His conduct is detrimental to discipline and his further retention in Police is bound to negatively affect attitude of other personnel of the Force. Hence, in exercise of the powers vested in the undersigned under Rules 2 (iii) of Police Disciplinary Rules - 1975, I Syed Ashfaq Anwar, PSP, District Police Officer, Swat being competent authority, am constrained to award him major punishment of dismissal from service with immediate effect.

Order announced.

District Police Officer
Swat

O.B. No. 143

Dated: 11. 7. 19.

Copy to:-

1. Establishment Clerk
2. OSI

For necessary action, please.



OFFICE OF THE
REGIONAL POLICE OFFICER, MALAKAND
SAIDU SHAEIF SWAT.

Ph: 0946-9240331-88 & Fax No. 0946-9240320
Email: digmalakand@pchev.com

(14)
Annex - "E"

ORDER:

This order will dispose off appeal of Ex-Constable Iqbal Alam No. 2683 of Swat.

Brief facts of the case are that Ex-Constable Iqbal Alam No. 2683, while posted to Police Post, Malakand Swat was alleged of gross misconduct as it was reported vide DD No. 15 dated 03/07/2019 of Police Lines that the delinquent Ex-Constable was a drug addicted and did not take interest in his job, also habitual absentee and discipline violator. He was issued Charge Sheet No. 3097A, dated 15/07/2019 coupled with statement allegations and SDPO City Circle was appointed as Enquiry Officer. The Enquiry Officer after conducting proper departmental enquiry stated that the delinquent Ex-Constable is drug addicted and did not interested in his job. And further stated that the above Ex-Constable is habitual absentee and indulging in unwanted practices, hence recommended him for major punishment. He was also called in orderly room and heard him in person but he failed to present any cogent reason in his defence. The delinquent Ex-Constable was habitual absentee and drug addicted which was against discipline and accountability of a Police Officer. During his appearance in the orderly room it was noted that the delinquent Ex-Constable was a drug addict, which was detrimental to discipline and his further retention in Police was bound to negatively affect attitude of the personnel of the force. Being found guilty of the charges leveled against him, he was awarded major punishment of dismissal from service by the then DFO Swat Office vide Lia office OP No. 113 dated 11/09/2019.

He was called in Orderly Room on 29/04/2020 and heard him in person. The appellant could not produce any cogent reason in his defence. The appellant is a habitual absentee and did not take interest in his duty. Record of the appellant perused which shows that he was cashiered on 26/01/2019 and in such short span of service there are 37 bad entries in his service record which transpired that the appellant is not interested in his job. Therefore, his appeal is hereby filed.

Order announced.

Regional Police Officer,
Malakand Region, Saidu ShaEIF Swat.

No. 3702/E.

Dated 18/05/2020.

Copy of above for information and necessary action to District Police Officer, Swat with reference to his office Memo: No. 4110/E dated 26/02/2020. Service Bell and Para Board of the above named Ex-Constable are returned herewith for record in your office.

(Better copy)



OFFICE OF THE
REGIONAL POLICE OFFICER, MALAKAND

SAIDU SHARIF SWAT.

Ph: 0946-2240181-88 & Fax No. 0246-2240199

Email: dlqmalakand@swat.gov.com

ORDER:

This order will dispose off appeal of Ex-Constable Iqbal Alam No. 2638 of Swat District for reinstatement in service.

Brief facts of the case are that Ex-Constable Iqbal Alam No. 2688, while posted to Police Lines Kabal Swat was alleged of gross misconduct as it was reported vide DD No. 15 dated 03/07/2019 of Police Lines that the delinquent Ex-Constable was a drug addicted and did not take interest in his job, also habitual absentee and discipline violator. He was issued Charge Sheet No. 30/PA, dated 15/07/2019 coupled with statement allegations and SDPO City Circle was appointed as Enquiry Officer. The Enquiry Officer after conducting proper departmental enquiry stated that the delinquent Ex-Constable is drug addicted and did not interested in his job. And further stated that the above Ex-Constable is habitual absentee and indulging in unwanted practices, hence recommended him for major punishment. He was also called in orderly room and heard him person but he failed to present any cogent reason in his defense. The delinquent Ex-Constable was habitual absentee and drug addicted which was against discipline and unbecoming of a Police Officer. During his appearance in the orderly room it was noted that the delinquent Ex-Constable was not fit for active Police services and unable to perform his duties efficiently. His conduct was detrimental to discipline and his further retention in Police was bound to negatively affect attitude of the personnel of the force. Being found guilty of the charges leveled against him, he was awarded major punishment of dismissal from service by the then DPO Swat Office vide his office OB No. 143 dated 11/09/2019.

He was called in Orderly Room on 29/04/2020 and heard him in person. The appellant could not produce any cogent reason in his defence. The appellant is a habitual absentee and did not take interest in his duty. Record of the appellant perused which shows that he was enlistment on 26/01/2011 and in such short span of service there are 37 bad entries in his service record which transpired that the appellant is not interested in his job. Therefore, his appeal is hereby filed.

Order announced

Regional Police Officer,
Malakand Region, Saidu Sharif Swat
Naqil

No. 3982 /E

Dated 08/05 /2020

Copy of above for information and necessary action to District Police Officer, Swat with reference to his office Memo No. 4710/E dated 26/02/2020. Service Roll and Fauji Missal of the above named Ex-Constable are returned herewith for record in your office.



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

No. SI 2355 /21, dated Peshawar the 08/06/2021.

(15)
1575/16
15/6/21
Annex E

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Iqbal Alam No. 2688. The petitioner was dismissed from service by District Police Officer, Swat vide QB No. 143, dated 11.09.2019 on the allegations that he while posted to Police Lines Kabal was alleged of gross misconduct as it was reported vide DD No. 15, dated 03.07.2019 of Police Lines that he was a drug addicted and did not take interest in his job, also habitual absentee and discipline violator. His appeal was filed by Regional Police Officer, Malakand at Swat vide order Endst: No. 3982/E, dated 08.05.2020.

Meeting of Appellate Board was held on 22.04.2021 wherein petitioner was heard in person. Petitioner contended that he was ill.

The Board examined the enquiry papers which reveals that the allegations against the petitioner has been proved. During the proceedings, he could not submit solid evidence of his innocence. Therefore, the Board decided that his petition is hereby rejected.

Sd/-
KASHIF ALAM, PSP
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. SI 2356-65/21,

Copy of the above is forwarded to the:

1. Regional Police Officer, Malakand at Swat. One Service Roll and one Fauji Missal of the above named Ex-FC received vide your office Memo: No. 823-24/E, dated 19.01.2021 is returned herewith for your office record.
2. District Police Officer, Swat.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

N. 7225 / EC / Opc Swat
Dt 16-6-2021
Encls: S. Roll + F. Missal

(IRFAN ULLAH KHAN) PSP
AIG/Establishment
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Regional Police Officer,
Malakand Region,
Saidu Sharif, Swat.

✓ B
F-4-16/21

16

Ann: G1

بکھنور جناب DIG صاحب بمقام سید و شریف ضلع سوات

1/2

درخواست بمراسیل کو دوبارہ پولیس میں تعینات کرنے کے احکامات صادر فرمائے

جناب عالی! درخواست حیب ذیل عرض ہے۔

- ۱۔ یہ کہ سائیل اقبال عالم ولد سلیمان بکنہ دولت خیل آمانکوٹ ضلع سوات کا ہوں۔
- ۲۔ یہ کہ سائیل بتاریخ 01-01-2011 میں محکمہ پولیس میں بھرتی ہو چکا تھا۔ جبکہ سائیل نے ڈیوٹی مذکورہ میں غیر حاضری کی تھی اور محکمہ ہذا کو خبردار نہیں کیا تھا۔
- ۳۔ یہ کہ سائیل چونکہ شدید بیمار تھا اور ڈیوٹی کر سکتا تھا جس کی وجہ سے سائیل کو محکمہ پولیس سے فارغ کر دیا گیا ہے۔
- ۴۔ یہ کہ سائیل کو محکمہ ہذا میں دوبارہ تعینات کرنے کے احکامات صادر فرمائے جائے۔ سائیل آئندہ کے لئے محکمہ ہذا سے کسی قسم کی غیر حاضری نہیں کرونگا اور نہ ہی کسی روز درگیولیشن کی خلاف ورزی کرونگا۔ جبکہ سائیل نے شرعی طریقے سے داڑھی اور بال چھوڑے ہے جس کی بھی سائیل کو اجازت دینے کے احکامات صادر فرمائے تو سائیل تاحیات دعا گورہیگا۔

عریفہ

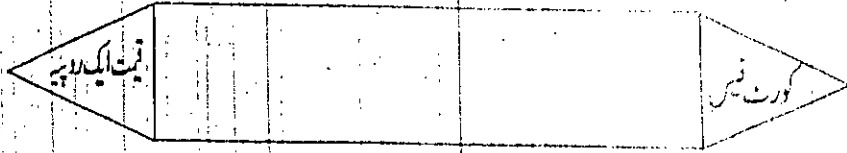
اقبال عالم ولد سلیمان بکنہ دولت خیل آمانکوٹ ضلع سوات

موبائیل نمبر: 0347-4531398

(16)

17

بعد اہلت ہر سزا سزا دیکھنے کے لئے اس کی ایک کاپی کورٹ میں



Be-17-7785
383

موری 28 گزٹ
مقدمہ اقبال عالم
دہلی اس کے بارے میں منظر
مقام

باعث تحریر آنکھ

مقدمہ سندریہ جوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی

متعلقہ آن مقام

مقرر کر کے قرار کیا جاتا ہے کہ صاحب موسوف کو مقدمہ کی کل کاروائی کا کامل اختیار دیا جائے گا۔ نیز وکیل صاحب کو رضی نامہ و تقرر ثالثتہ فیصلہ پر حلف دینے جواب دی اور اقبال دہلی اور درخواست ہر قسم کی تصدیق زرا اور اس پر دستخط کرنے کا اختیار ہوگا۔ نیز یہ صورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ مذکور کے نسل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقررہ شدہ کو بھی ہنگامہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برواختہ منظور قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہر جانہ التوا یہ مقدمہ کے سبب سے ہوگا اسکے حق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہوا یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سندریہ

المرقوم

ماہ

۲۰

نیل اقبال عالم و دیگر سزا سزا دیکھنے کے لئے اس کی ایک کاپی کورٹ میں

المرقوم

شان وصال انور
شاہ عیسیٰ
Sher Shah Khan
Advocate High Court

مقام کی ایک کاپی کورٹ میں دیکھنے کے لئے منظور ہے

CHARGE SHEET

Swat
(18)

I, Syed Ashfaq Anwar, PSP District Police Officer, Swat being competent authority, hereby charge you, Constable Iqbal Alam No. 2688 while posted to Police Lines Kabal as follows:-

You committed the following act/acts, which is/are gross misconduct on your part as defined in Rules 2 (iii) of Police Disciplinary Rules 1975 with amendments 2014 vide Notification No.3859/Legal, dated 27-03-2014 of the General of Police, Khyber Pakhtunkhwa, Peshawar.

It has been reported vide DD No. 15 dated 03-07-2019 of Police Lines Kabal that you are a drug addict and do not take interest in your job. You are also a habitual absentee and violate discipline. Your this act is against discipline which warrants strict departmental action. You are therefore issued this charge sheet and statement of allegations.

2. By reasons of the above, you appear to be guilty of misconduct and rendered yourself liable to all or any of penalties specified in Rule-4 of the Disciplinary Rules 1975.

3. You are, therefore, required to submit your written reply within seven (07) days of the receipt of this Charge Sheet to the Enquiry officer.

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

5. Intimate as to whether you desire to be heard in person or not.

6. A statement of allegations is enclosed.


District Police Officer
Swat

No. 30 /PA,

Dated: 15-07 /2019.

DISCIPLINARY ACTION

(19)

1. Syed Asif Ali Swat, PSP District Police Officer, Swat being competent authority, is of the opinion that he Constable Iqbal Alam No. 2688 while posted to Police Lines Kabal has rendered himself liable to be proceeded against departmentally as he has committed the following acts/omissions as defined in Rule 2 (iii) of Police Rules 1975 with amendments 2014 vide Notification No.3859/Legal, date 27-08-2014 of the Inspector General of Police, Khyber Pakhtunkhwa, Peshawar, as per Provincial Assembly of Khyber Pakhtunkhwa Notification No. PA/Khyber Pakhtunkhwa/ Bilis/ 2011/44905 dated 16/09/2011 and C.P.O; K.P.K Peshawar Memo: No. 3037-62/Legal, dated 19/11/2011.

STATEMENT OF ALLEGATIONS

It has been reported that he while posted to Police Lines Kabal committed the following acts, which is / are gross misconduct on his part as defined in Rules 2 (iii) of Police Rules 1975.

It has been reported vide DD No. 15 dated 03-07-2019 of Police Lines Kabal that he is a drug addict and does not take interest in his job. He is also a habitual absentee and violates discipline. His this act is against discipline which warrants strict departmental action.

2. For the purpose of scrutinizing the conduct of the said officer with reference to the above allegations, DSP City is appointed as Enquiry Officer.

3. The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused officer and submit his findings immediately.

4. The accused officer shall join the proceedings on the date, time and place fixed by the enquiry officer.

District Police Officer
Swat

No. 30 /PA, Dated Guikada the, 15-07 2019.

Copies of above to:-

1. DSP City for initiating proceeding against the accused Officer/Official namely Constable Iqbal Alam No. 2688 under Police Rules, 1975.
2. Constable Iqbal Alam No. 2688

With the direction to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer for the purpose of enquiry proceeding.



ڈپٹی سپرنٹنڈنٹ آف پولیس
سٹی سرکل سوات
فون نمبر: 0946-9240395

6102
2019

فائنڈنگ رپورٹ بر خلاف کانشیل اقبال عالم نمبر 2688 معینہ پولیس لائن کبل سوات بسلسلہ چارج شیٹ

نمبر PA/30 محرمہ 2019-07-15

الزام: کانشیل اقبال عالم نمبر 2688 پر الزام ہے کہ منشیات کا عادی ہے۔ اپنی ڈیوٹی میں دلچسپی نہیں لیتا ہے۔ وہ عادی غیر حاضر باش ہے۔ وہ غیر ڈسپلن ہے۔ جس کے خلاف لائن آفیسر نے بحوالہ مد 15 روز نامچہ 03-07-2019 جس پر جناب DPO صاحب سوات نے چارج شیٹ نمبر PA/30 جاری کر کے من DSP سرکل سٹی کو انکوائری آفیسر مقرر کرنے کا حکم صادر فرمایا۔

تحقیق: دوران انکوائری ملزم کانشیل اقبال عالم کے علاوہ لائن آفیسر ضیا اللہ ASI اور محرر لائن نجیب اللہ ASI کے بیانات قلم بند ہو کر شامل انکوائری ہے۔ اس طرح ملزم کانشیل کی غیر حاضری کا انڈکس مورخہ 02-04-2018 تا 02-07-2019 اور نقل مدت 30 روز نامچہ 30-04-2019 مد 20 روز نامچہ 20-05-2019 پولیس لائن بھی شامل انکوائری ہے۔ ملزم کانشیل کی محکمہ پولیس میں ملازمت پر نظر ثانی کرنے کیلئے دفاتر پولیس سے بھی ریکارڈ حاصل کیا گیا۔ حاصل کردہ ریکارڈ سے معلوم ہوا کہ ملزم کانشیل نشے کا عادی ہے۔ علاج کیلئے بحوالہ مد 30 روز نامچہ 30-04-2019 ادارہ بحالی منشیات سنٹر جنیل گلگئی سیدو شریف ریفر کیا گیا ہے۔ جہاں ملزم کانشیل اپنا علاج نہ کر سکا اور ہسپتال سے فرار ہوا۔ جس کے متعلق رپورٹ بحوالہ مد 20 روز نامچہ 22-05-2019 پولیس لائن میں درج ہے۔ سابقہ ملازمت مذکورہ کی 26 بیڈ انٹریاں بھی موجود ہیں۔

علاوہ ازیں ملزم کانشیل ایک عادی غیر حاضر باش ہے جس نے تقریباً ایک سال کے عرصہ میں 2 مہینے، 24 دن، 18 گھنٹے اور 05 منٹ غیر حاضر ہوا ہے۔ ملزم کانشیل نے بڑے بڑے بال اور بڑے بڑے ناخن رکھے ہوئے ہیں جو غیر ڈسپلن ہیں۔

رائے انکوائری آفیسر: کردہ انکوائری، ریکارڈ اور بیانات میں سے پایا گیا کہ کانشیل اقبال عالم نمبر 2688 منشیات کا عادی ہے۔ اپنی ڈیوٹی میں دلچسپی نہیں لے رہا ہے۔ عادی غیر حاضر باش اور غیر ڈسپلن ہے۔ کانشیل اقبال عالم نمبر 2688 اپنے غیر ڈسپلن حرکات سے مجبور ہے۔ جو راہ راست پر آنے والا نہیں ہے۔ ملزم کانشیل کے ان غیر ڈسپلن حرکات سے دیگر پولیس جوانان پر برے اثرات پڑنے کا قوی خدشہ ہے۔ محکمہ پولیس سے علیحدہ کرنے کی سفارش کی جاتی ہے۔

ڈپٹی سپرنٹنڈنٹ آف پولیس
سرکل سٹی سوات

"B"

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

TB

No.

Appeal No. 7448 of 2021

Iqbal Alam Appellant/Petitioner

Versus

The PPO, 14th Pk Pesh. Respondent

Respondent No. 3 Malakand

Notice to: —

The Regional Police Officer
at Sardar Sharif Smart

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

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

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated..... 12/11/21

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

Jan: 22

Day of.....20 .

at Camp Court Smart

Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

"B"

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

No.

TB

Appeal No. 7448 of 20 21

19601 Alam Appellant/Petitioner

Versus

The P.P.O. N.P.S. Pesh: Respondent

Respondent No. 14

Notice to: —

The Distt. Police Officer Swat at
Gulthada Saidus Sharif Swat

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 10-2-2022 at 8.00 A.M. If you wish to urge anything against the appellent/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this 12/11

Day of Jan 20 22

at Camp Court Swat

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

"B"

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

No.

Appeal No. 7448 of 20 13

Iqbal Alam Appellant/Petitioner
Versus

The P.P.O, K.P.H. Peshawar Respondent
Respondent No. 1

Notice to: — The Provincial Police Officer, Govt. of K.P.H. Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 15-2-2022 at 8.00 A.M. If you wish to urge anything against the appellants/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this 12th Day of Jan 20 22

at Camp Court Swat

[Signature]
10/1/22

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

“B”

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

No.

TB

Appeal No. 7448 of 20 21

Iqbal Hussain Appellant/Petitioner

Versus

The P.P.O. K.P.K. Pesh. Respondent

Respondent No. 2

Notice to: —

The Additional Inspector General of
Police Head Quarters Govt. of W.P. Pesh.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 10-2-2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this 12th

Day of Jan 20 22

at Camp Court Swat

11/01/22

[Signature]
Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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