


17.06.2022

None for the appellant present. Mr. Muhammad Adèel Butt, Additional Advocate General present.


Despite directions notices were not issued to the respondents for submission of written reply/comments. Therefore, fresh notices be issued to the appellant/counsel and respondents for the date fixed. To come up for written reply/comments on 19.08.2022 before S.B at Camp Court Abbottabad.


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

21st Oct., 2022

Nemo for the appellant. Lawyers are on strike. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Written reply/comments on behalf of the respondents have been submitted which are placed on file. To come up for rejoinder/arguments on 27.12.2022 before D.B.


(Fareeha Paul)
Member(E)

16.11.2021

Appellant present through counsel. Preliminary arguments heard. Record perused.

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of reply/comments. To come up for written reply/comments on 15.03.2022 before S.B at Camp Court, Abbottabad.

Appellant Deposited
Security & Process Fee

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

15.03.2022

Due to retirement of the Hon'able Chairman, the Tribunal is defunct, therefore, the case is adjourned for the same before on 17.05.2022

Reader

17.05 2022

Counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Hamid Mansoor. Assistant for the respondents present.

Previous date was changed through Reader note therefore, notices be issued to the respondents for submission of reply/comments. To come for the same before S.B at camp court Abbottabad on 17.06.2022.

(Fareeha Paul)
Member (E)
Camp Court Abbottabad

19.10.2020

Appellant in person present.

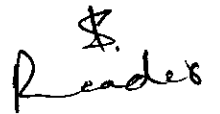
Lawyers are on general strike, therefore, case is adjourned to 20.01.2021 for preliminary hearing, before S.B at Camp Court, Abbottabad.



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

20-1-2021

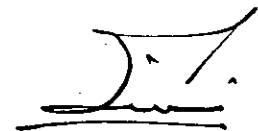
Due to covid 19, the case is Adjourned to - 22-9-2021 For the same.


Reader

22.09.2021

Nemo for the appellant.

Previous date was posted on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel and to come up for preliminary hearing before the S.B on 16.11.2021 at Camp Court Abbottabad.



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

25.10.2019

Appellant present in person. Counsel for the appellee is not present. Appellant requested for adjournment. Adjourn. To come up for preliminary hearing on 20.12.2019 before S.B at camp court, Abbottabad.



Member
Camp court, A/Abad

20.12.2019

Counsel for the appellant present and requested for adjournment. Adjourned to 20.02.2020 for preliminary hearing before S.B at Camp Court Abbottabad.



(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

Due to covid ,19 case to come up for the same on / /
at camp court abbottabad.

Reader

Due to summer vacation case to come up for the same on
19 / 10 / 20 at camp court abbottabad.

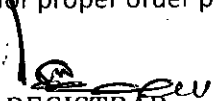

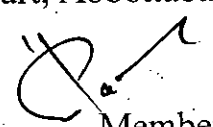


Reader

Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- 721/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/06/2019	<p>The appeal of Mr. Muhammad Yasir presented today by Mr. Muhammad Fayyaz Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 11/6/19</p>
2-	24-6-19	<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>23-08-19</u></p> <p style="text-align: right;"> CHAIRMAN</p>
23.08.2019		<p>Learned counsel for the appellant present. Heard.</p> <p>The present service appeal appears to be time barred/incompetent. Learned counsel for the appellant seeks adjournment to assist this Tribunal on these issues. Adjourn. To come up for preliminary hearing on 25.10.2019 before S.B at Camp Court, Abbottabad.</p> <p style="text-align: right;"> Member Camp Court, A/Abad</p>

**BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR**

Appeal No. 721/2019

Muhammad Yasir.....Appellant

Versus

Government of Khyber Pakhtunkhwa
through Secretary Home KPK Peshawar
etc.....Respondents

SERVICE APPEAL

INDEX

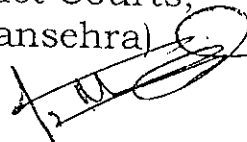
S#	Description of documents	Annexure	Page#
1.	Memo of appeal.	-	1 to 7
2.	Affidavit	-	9
3.	Correct addresses of the parties.	-	8
4.	Copy of appointment letter	"A"	10
5.	Copy of medical record.	"B"	11 to 19
6.	Copy of letter No. 5089-90/PA dated 02.12.2016	"C"	20 to 21
7.	Copy of charge sheet.	"D"	22 to 23
8.	Copy of reply of charge sheet.	"E"	24 to 25
9.	Copy of dismissal order.	"F"	26
10.	Copy of appeal.	"G"	27 to 30
11.	Copy of order and review petition.	"H" & 1"	31 to 33
12.	Copy of order and mercy application.	"J"	34 to 35
13.	Copy of application for attested copies.	"K"	36
14.	Wakalat Nama.	-	37

Dated 10.06.2019

Muhammad Yasir
(Appellant)

Through: -

MUHAMMAD FAYYAZ KHAN
Advocate High Court,
District Courts,
(Mansehra)



BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Muhammad Yasir son Muhammad
Ashraf, Ex-Police Constable FC Yasir
No. 414, district police Mansehra,
resident of Ghanool, Tehsil Balakot
District Mansehra
.....Appellant

VERSUS

- 1) Government of Khyber Pakhtunkhwa through secretary home KPK Peshawar.
 - 2) Inspector general of police Khyber Pakhtunkhwa Peshawar.
 - 3) Deputy Inspector General of Police, Hazara Division Abbotabad.
 - 4) District Police Officer Mansehra.
 - 5) Departmental inquiry committee District Mansehra through District Police Officer, Mansehra
- Respondents**

SERVICE APPEAL UNDER SECTION 4 OF K.P.K
SERVICE TRIBUNAL ACT 1974 AGAINST THE
ORDER NO. 51 DATED 28/03/2017 RELATED
TO THE DISMISSAL OF APPELLANT FROM
SERVICE.

PRAYER

On acceptance of the appeal:-

- 1) The dismissal order from service by respondent No. 4/ DPO Mansehra vide OB No. 51 Dated 28/03/2017 and order of the departmental appeal, filed with Regional Police

Officer Hazara vide order Endst. No. 2835/PA dated 04.07.2017 and the order of review petition No. 7328 dated 15.11.2017 of the Inspector General of Police Khyber Pakhtunkhwa Peshawar and the order of Inspector General of Police No. 1706 dated 09.05.2019 Peshawar may kindly be set aside and appellant may kindly be reinstated in service with all back benefits.

- 2) Any other remedy which this august Court deems proper may also be granted to the appellant.

Respectfully Sheweth!

- 1) That, the appellant was appointed as a Police Constable on dated 22.07.2010 and he served for the police department for about eight years.

(Copy of service appointment letter is annexed as Annexure "A").

- 2) That, the appellant has been served with honestly and performed the duty with working hard and there was no complaint of any nature against the appellant.

- 3) That, appellant is the only person who is looking after his mother. The mother of the appellant was ill and the appellant took her mother for check up to the doctor. No person was present at home except appellant due to this reason the appellant remained absent from his duty and there was no source that the appellant could inform the officials. After that the appellant informed the officials in respect of above said problem time and again.

(The medical record is annexed as Annexure "B").

- 4) That, the appellant belongs from a poor family and the only source of income was the salary of petitioner, no other source of income is available to the appellant and the petitioner become jobless.
- 5) That, due to the absence the District Police Officer (DPO) Mansehra taken disciplinary action through letter No. 5089-90/PA dated Mansehra 02.12.2016.

(The copy of letter is annexed as Annexure "C").

- 6) That, the charge sheet was issued by the respondent No. 4.

(Copy of charge sheet is annexed as Annexure "D").

7) That, appellant replied the charge sheet alongwith summary of allegations.

(Copy of reply of charge sheet is annexed as annexure "E").

8) That, appellant was dismissed from service by respondent No. 4/DPO Mansehra vide letter OB No. 51 dated 28.03.2017 on the charge of absence from the duty.

(Copy of dismissal order is annexed as Annexure "F").

9) That, the appellant preferred the departmental appeal before Regional Police Officer Hazara vide order Endst. No. 2835/PA dated 04.07.2017 which was dismissed.

(Copy of order and appeal is annexed as Annexure "G").

10) That, appellant filed review petition on 09.08.2017 in the office of Inspector General of Police Khyber Pakhtunkhwa Peshawar which was dismissed on dated 15.11.2017.

(Copy of order, review petition and is annexed as Annexure "H" & "H-1").

11) That, the appellant submitted an application "mercy application" submitted to the Inspector General of Police KPK Peshawar which was also dismissed on 09.05.2019.

(Copy of the order and mercy application is annexed as Annexure "I").

12) That, appellant has applied for the supply of attested copies of all the documents, which have not been provided till now.

(Copy of the application is annexed as Annexure "J").

13) That, the respondents did not consider the genuine and material points produced by the appellant and decided the appeals, review and mercy application in slipshod manner hence, this appeal on the following amongst other grounds: -

GROUND: -

- A) That, the impugned orders are illegally, unjust, malafide, without jurisdiction, unconstitutional, against the law, facts, rules and regulations which is based on surmises and conjunctures.
- B) That, no notice was given to the appellant by respondent No. 4 during the absentia period of the appellant.
- C) That, no sufficient reasons were given in support of impugned order by the respondents.

D) That, the inquiry was not conducted according to law and inquiry committee submitted the report against the appellant in slipshod manner. No reasonable time was given to the appellant and the cogent reason given by the appellant was not consider by the Inquiry Committee and dismissed from the service on the only ground of absence and the major punishment was awarded to the appellant which is against the law and justice.

E) That, the respondent No. 4 violated the principle of locus potentia hence the impugned orders are not maintainable.

PRAYER: -

On acceptance of the appeal: -

1) The dismissal order from service by respondent No. 4/ DPO Mansehra vide OB No. 51 dated 28.03.2017 and order of the departmental appeal, filed with Regional Police Officer Hazara vide order Endst. No. 2835/PA dated 04.07.2017 and the order of review petition No. 7328 dated 15.11.2017 of the Inspector General of Police Khyber Pakhtunkhwa Peshawar and the order

7

of Inspector General of Police No. 1706 dated 09.05.2019 Peshawar may kindly be set aside and appellant may kindly be re-instated in service with all back benefits.

- 2) Any other remedy which this august Court deems proper may also be granted to the appellant.

Dated 10.06.2019

Muhammad Yasir
(Appellant)

Through: -



MUHAMMAD FAYYAZ KHAN
Advocate High Court,
District Courts,
(Mansehra)

VERIFICATION

I, MUHAMMAD YASIR SON MUHAMMAD ASHRAF, EX-POLICE CONSTABLE FC YASIR NO. 414, DISTRICT POLICE MANSEHRA, RESIDENT OF GHANOO, TEHSIL BALAKOT DISTRICT MANSEHRA DO HEREBY VERIFY THAT THE CONTENTS OF FORE-GOING APPEAL ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND NOTHING HAS BEEN CONCEALED OR SUPPRESSED FROM THIS HONOURABLE TRIBUNAL.

MUHAMMAD YASIR
(DEPONENT)



(8)

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Muhammad Yasir.....Appellant

Versus

Government of Khyber Pakhtunkhwa
through Secretary Home KPK Peshawar
etc.....Respondents

SERVICE APPEAL

CORRECT ADDRESSES OF THE PARTIES

Respectfully Sheweth!

Correct addresses of the parties are
as under: -

APPELLANT

Muhammad Yasir son Muhammad Ashraf,
Ex-Police Constable FC Yasir No. 414,
District Police Mansehra, resident of
Ghanool, Tehsil Balakot District Mansehra

RESPONDENTS

- 1) Government of Khyber Pakhtunkhwa
through Secretary Home KPK Peshawar.
- 2) Inspector General of Police Khyber
Pakhtunkhwa Peshawar.
- 3) Deputy Inspector General of Police,
Hazara Division Abbottabad.
- 4) District Police Officer Mansehra.
- 5) Departmental Inquiry Committee, Police
department District Mansehra through
District Police Officer, Mansehra

Dated 10.06.2019

Muhammad Yasir

(Appellant)

Through: -



MUHAMMAD FAYYAZ KHAN

Advocate High Court,

District Courts,

(Mansehra)

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BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Muhammad Yasir.....Appellant

Versus

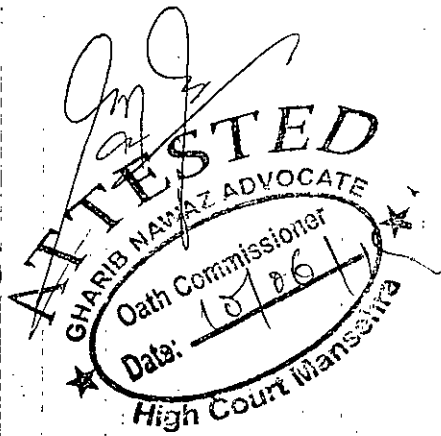
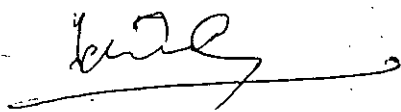
Government of Khyber Pakhtunkhwa
through Secretary Home KPK Peshawar
etc.....Respondents

SERVICE APPEAL

AFFIDAVIT

I, MUHAMMAD YASIR SON MUHAMMAD ASHRAF, EX-POLICE CONSTABLE FC YASIR NO. 414, DISTRICT POLICE MANSEHRA, RESIDENT OF GHANOL, TEHSIL BALAKOT DISTRICT MANSEHRA DO HEREBY SOLEMNLY AFFIRM AND DECLARE ON OATH THAT NO SUCH SUBJECT MATTER APPEAL HAS EVER BEEN FILED BEFORE THIS HONORABLE TRIBUNAL NOR PENDING NOR DECIDED. THAT THE CONTENTS OF FORE-GOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND NOTHING HAS BEEN CONCEALED OR SUPPRESSED FROM THIS HONOURABLE TRIBUNAL.

MUHAMMAD YASIR
(DEPONENT)



10


ENLISTMENT ORDER.

Annex "A"

In compliance with worthy Deputy Inspector General of Police Hazara Abbottabad Memo: No. 8202-06/E dated 30-06-2010 the following candidates who were kept as reserve by the recruitment committee under the chairmanship of Dr. Waqar-ud-Din Syed the then District Police Officer Mansehra are hereby appointed as constable in BPS-5(3340-160-8140) on temporary basis and are liable to be terminated any time.

They are allotted constabulary No. as noted against their names.

S No	Name Parentage & Address	Constabulary No.
1.	Muhammad Naeem s/o Abdul Qayum r/o Ghazikot Township	1184
2.	Shahzad Bashir s/o Muhammad Bashir r/o Trappi	1185
3.	Muhammad Banaris s/o Muhammad Yousaf r/o Ghanool	1186
4.	Saifer Nawaz s/o Muhammad Nawaz r/o Maswal	1187
5.	Babar Khan s/o Muhammad Javed r/o Batdarian	321
6.	Amir Khan s/o Muhammad Hamayun r/o Jabbi	182
7.	Muhammad Hanif s/o Muhammad Waheed r/o Hathi Maira Bala	544
8.	Muhammad Yasir Khan s/o Muhammad Ashraf r/o Dab No.02	414
9.	Motabar Khan s/o Dilawar r/o Chanai	122


District Police Officer.
Mansehra

NO _____ /OHC, dated Mansehra the _____ /2010.

Copy to:-

- 1) The District Accounts Officer Mansehra.
- 2) Pay Officer DPO Office Mansehra
- 3) SRC/OHC DPO office Mansehra

OB $\frac{128}{29-7-2010}$

10

OPD Ticket



OUT PATIENT DEPARTMENT TICKET

Annex
"B"

GHU: Pano Dashi Yearly OPD No:
 Monthly OPD No: Date: 12-12-11 Daily OPD No: (78)
 Patient's Name: Hulsen Libi Age: 54 Sex: M
 Father / Husband's Name: Contact # (if possible):
 Address: Ghazikat
 Problem/Disease Diagnosed: RIT Uti
 Patient Seen By:

C/o

Tab - Gencipso song (10)

1+1

Tab - Aenil song (20)

1+1

Tab - Bascopan plus

1+1

Syp - Citralca

2+2
Pls/ep

1st Bed Rest 10 Days

Signature of Doctor in Charge

Signature of Patient

12

FACE VALUE Rs. 10/-

KING ABDULLAH TEACHING HOSPITAL

MANSEHRA CASUALTY OPD

PATIENT'S NAME MR. R

YEARLY No 125783 Dated 6-12-12

Ad. - Mr. R 40 Female Adult

W-12 Tab No 101 det 5007
1010 - 101

Tab - Painful ERTA
left

Tab - No. 101
1010 - 101

CP Risk 40
1010 - 101

Ad
Brid. 1010 for
for 30 days

13



Zaman Brothers Chemist & Druggist

L.No: (020/NA/MA) (031/Rs/MA)

Near (In Gate) King Abdullah Teaching Hospital, Mansoura

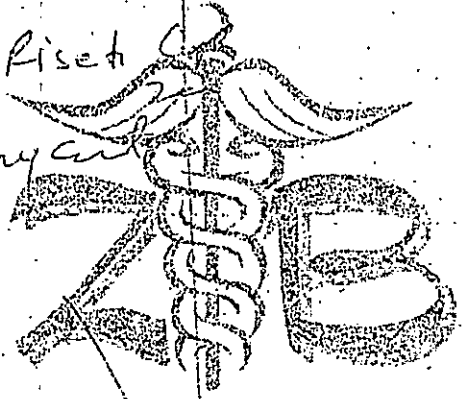
Ref No 1425

Date 6-12-10

Patient's Name

Jessica

Qty	Particulars	Rate	Amount
10	Nardite <i>say</i>	—	562 —
20	Acid <i>enter</i>	—	32 —
20	Mart <i>llan</i>	—	84 —
14	Riset <i>llan</i>	—	280 —
1	Hy <i>llan</i>	—	65 —
			<u>1023 —</u>
		Total	1023



Sig

[Signature]

**AL-HAIDER
LABORATORY & ECG**

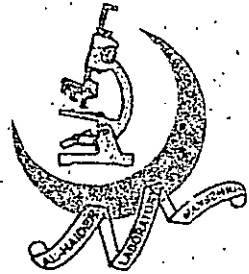
Near King Abdullah Hospital Mansehra

الحیدر لیبارٹری

اینڈ ای سی جی

نزد مشترک ہسپتال مانسرہ

Mob: 0321-9677902
Ph: 0997-306435



Dr. Hifz-ur-Rehman

MBBS (Pesh) DTCD (Pak)

Dr. Wajid Saeed

MBBS
Heart Specialist

Name Hussan B. Khan Age & Sex 7 F
Specimen Blood Titration Lab: No: 122
Consultant Dr. Date: 06-12-16

IMMUNOLOGY

PARAMETERS	RESULT	PARAMETERS	RESULT
V.D.R.L		WIDAL TEST	
A.S.O Titre		S. Typhi "O"	
Typhoid ✓		S. Typhi "H"	
IgG ✓		H. Pylori	
IgM ✓		I.C.T	
Rheumatoid Factor		Brucella Abortus Test	
Tu PPD		Brucella Melitensis Test	
Montoux 5 Tu Mono		Serem Toxo Plasmosis	
Blood Group		Hbs Ag (D.M)	
RH Factor		HCV (D.M)	
Pregnancy Test		HIV (D.M)	

COMMENTS

NO MTP seen

Signature

(14)

Qty	Particulars	Rate	RS. (P)	Total
20	Letlon 50mg	285x2 =	570	
30	Federal Extra	12x3 =	36	
20	Brezin 20mg	175x1 =	175	
14	Omega 20mg	195x1 =	195	
1	Syp - Tres-cortate	90x1 =	90	
				1066

No. 684
 Name: Nisar Khan Swati
 Mob: 0300-5610343
 Date: 15/07/2017

Pharmacy Exchange & Supply (Pvt) Ltd

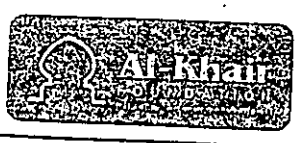
Moheez Medical Center
 Chemist & Druggist



15

17

Al-Khair
FREE MEDICAL PROGRAM



الخیر
سوانسانی

MEDICAL PROJECT
OUT DOOR PATIENT TICKET

فری میڈیکل پروگرام

Name Hussain Bibi Age/Sex 6782

S/o. D/o. W/o _____ Reg No 58

Provisional Diagnosis UTI Date 25/11/17

Signs & Symptoms

UTI

UTI
Tab Levofloxacin 500mg

UTI

Tab Bexofan Plus

UTI

UTI

-Tab Ala Fortan Plus

UTI

UTI

Crammen Seh (10)

18



ڈاکٹر سعید اسحاق چنانی

رجسٹرڈ گروہ مشائخہ وارڈ

ایوب میڈیکل کیمپس ایب آباد

پتہ: نزد سوسپٹل جے پی بازار چنانی منسہرا

فون: 0997-303316

موبائل (ملک نامہ): 0300-5617316

Registrar Urology Ward
Ayub Medical Complex
Abottabad.
Clinic: Near Civil Hospital
Plaza Chana Manshra
Ph. No: 0997-303316
Mob: 0300-5617316 (Malik Aamir)

Hussan Bibi

20

Uterus
Levy

Endometriosis
a subserosal

Uterus
DC
+PI

20

400mg

Insulin
40-P

Diagnostic - P

1+1+1

Attested

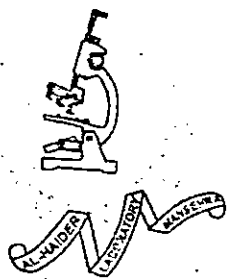
[Signature]

[Signature]
10/11/2022

پران ریکارڈ ہمراہ ضرور لیں۔ ناقصہ بروز اتوار

AL-HAIDER
LABORATORY & ECG
 Near King Abdullah Hospital Mansehra

Mob: 0321-9677902
 Ph: 0997-306435



Dr. Wajid Saeed
 MBBS
 Heart Specialist

Name: Hussan Bibi Age & Sex: F
 Specimen: Urine R/E Lab: No: 127
 Consultant: Dr. Date: 16-11-17

PHYSICAL	CHEMICAL	MICROSCOPIC
Quantity <u>30ml</u>	Albumin <u>Nil</u>	Red Cells <u>02-37</u> HPF
Colour <u>Yellowish</u>	Sugar <u>Nil</u>	Pus Cells <u>15-12</u> HPF
PH <u>5.0</u>	Bile Salts	Epith Cells <u>(+)</u> HPF
SP Gravity <u>1.010</u>	Bile Pigment's	Calcium Oxalate <u>Nil</u> HPF
	Urobilinogen	Granula casts
	Ketone Bodies	Hayline Casts
	Blood	Others <u>Nil</u>

PHYSICAL	MICROSCOPIC: DIRECT & BY	CONCENTRATION
Colour	Red Cells	H Nana Ova
Consistency	Pus Cells	Protozoa
Reaction	Macrophages	Giardia Lambalia Cyst
Mucus	Helminths : Flagellates	Giardia Lambalia Vegetative
Blood	ASC Lumbricoides Ova	ENT Histolytica Cyst
	Taenia Saginata Ova	ENT Histolytica Vegetative
Occult Blood	Tric Trichura Ova	
	Hook Worm Ova	
Cellophane Swab: Ova (Enterobius Vermicular)		

COMMENTS
Cap. rep
407

Urine R/E

197

(20)

DISCIPLINARY ACTION

Annex "C"

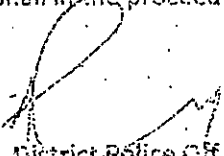
I, Ch: Ahsan Saifullah, District Police Officer Mansehra, as Competent Authority of opinion that you Constable Yasir No. 414 Police Lines has rendered himself liable to be proceeded against as he committed the following act/omissions within the meaning of Khyber Pakhtunkhwa Police Disciplinary Rules 1975.

Vide DD No.26 dated 09-11-2016 Police Lines it has been reported that you have absented your from duty with effect from 09-11-2016 till date without any leave or permission. it shows that you indisciplined and irresponsible police official. It amounts to gross misconduct.

For the purpose of scrutinizing the conduct of the said accused Officer with reference to above allegations. Mr. DSP Ojha is deputed to conduct for departmental enquiry against Constable Yasir No. 414 Police Lines

The Enquiry Officer shall in accordance with the provisions of the Khyber Pakhtunkhwa Police Disciplinary Rules 1975, provide reasonable opportunity of hearing the accused, rec findings and make recommendations as to punishment or other appropriate action against accused.


The accused and a well conversant representative of the department shall in the proceed on the date, time and place fixed by the Enquiry Officer.


District Police Off
Mansehra

No 5059-9a /PA dated Mansehra the 11 -12-2016

Copy of the above is forwarded to: -

1. The Enquiry Officer for initiating proceedings against the defaulter officer under provisions of the Khyber Pakhtunkhwa Police Disciplinary Rules 1975. Copy of DD No dated 09-11-2016 Police Lines are enclosed.
2. Constable Yasir No. 414 Police Lines with the direction to submit his written statement to Enquiry Officer within 7 days of the receipt of this charge sheet/statement of allegations also to appear before the Enquiry Officer on the date, time and place fixed for the purp of departmental proceedings.


District Police Of
Mansehra



21

POLICE DEPARTMENT

DISTRICT MANSEHRA

No: 80 / DSP Office Oghi

Dated 10/02/2017.

From: The Deputy Superintendent of Police,
Circle Oghi Mansehra

To: The Worthy District Police Officer,
Mansehra

Subject: ENQUIRY REPORT AGAINST YASIR NO. 414 POLICE LINE.

Memo:

It is submitted that vide Worthy District Police Officer Mansehra letter No. 5089-90/PA Dated 21.12.2016 the undersigned was entrusted an enquiry against Constable Yasir No. 414 Police Line Mansehra with the allegation that vide DD No. 26 dated 09.11.2016, Police Line Mansehra deliberately absented himself from the lawful duty hence he was served with the charge sheet.

In the light of this allegation the enquiry against the delinquent Constable was initiated. He submitted his detailed reply of charge sheet, he stated that as he is the sole responsible of his family and her mother was sick and he was busy in her treatment due to this reason he absented himself from 9-11-2016 to 23-01-2017, and he submitted Medical Certificate of her mother.

The statements of Arshid Khan MASI Police Line Mansehra was also recorded, he stated that this constable absented himself without any leave or permission, therefore, he was absented vide DD No. 26 dated 09.11.2016 who arrived back vide DD No. 14 dated 23.01.2017, the copies of the DDs are attached herewith.

FINDINGS

After going through the whole process it is concluded that Constable Yasir No 414 absented himself from 09.11.2016 to 23.1.2017 i.e. 2 month and 13 days without any leave or permission. He has produced a medical certificate of her mother and accordance to the record it found that her mother was ill but he proper way has not been adopted. Therefore, he is recommended for suitable order.

OHC/O R

DPO Mansehra

Deputy Superintendent of
Police Circle, Oghi

0346-9473362
0346-9639254
073324
073324

22

Annex "D"

CHARGE SHEET

Ch: Ahsan Saifulah, District Police Officer, Manshra as Competent Authority.
I hereby charge you Constable Yasir No. 414 Police Lines as follows.

Vide DD.No.26 dated 09-11-2016 Police Lines it has been reported that you have absented yourself from duty with effect from 09-11-2016 till date without any leave or permission. It shows that you are indisciplined and irresponsible police official. It amounts to gross misconduct.

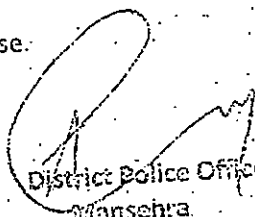
Due to reasons stated above you appear to be guilty of misconduct under Khyber Pakhtunkhawa Police Disciplinary Rules 1975 (amended in 2014) and have rendered yourself liable to all or any of the penalties specified in the said Police Disciplinary Rules.

You are, therefore, required to submit your written defense within 07 days of the receipt of this charge sheet to the enquiry officer.

Your written defense, 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 exparte action shall follow against you.

Intimate whether you desire to be heard in person or otherwise.

Statement of allegation is also enclosed.


District Police Officer,
Manshra

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MANSEHRA DISTRICT

POLICE DEPARTMENT

PROFILE OF CONSTABLE YASIR NO.414

Name No & Designation	FC Yasir .414
Date of Birth	21.03.1989
Domicile/home district	Mansehra
Home Police Station	Balakot
Education	10 th
Date of Enlistment	22.07.2010
Present posting	GD PS Oghi, 31.01.2017

CHARGE SHEET

While posted at Police Lines it has been reported that he has absented himself from duty with effect from on following occasion without any leave or permission.

S No.	From	To
1.	09.11.2016	23.01.2017
2.	27.01.2017	07.03.2017
3.	07.03.2017	Till date

It shows that he is indisciplined and irresponsible police official. It amounts to gross misconduct.

His punishment record is as under.

<u>PUNISHMENT RECORD</u>	
OB No. 136 dated 11.07.2011 Due to absent himself from duty	One day without pay
OB No. 36 dated 02.03.2012 Due to absent himself from duty	One day without pay
OB No. 110 dated 11.05.2015 Negligence of official duty	01 day Quarter Guard
OB No. 204 dated 31.10.2014 Due to absent himself from duty	One day without pay
OB No. 188 dated 16.10.2015 Due to absent himself from duty	10 days without pay
OB No. 216 dated 16.12.2015 Due to absent himself from duty	17 days without pay
OB No. 110 dated 22.06.2016 Due to absent himself from duty	07 days without pay

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Annex
"E"

BEFORE THE WORTHY DISTRICT POLICE
OFFICER DISTRICT MANSEHRA.

REPLY TO CHARGE SHEET ALONGWITH SUMMERY
OF ALLEGATION.

Respected Sir,

1. That, the petitioner has been served with charge sheet alongwith summery of allegation stated therein that, while posted at police line Manshra absented himself from duty w.e.f 09.11.2016 till that without any leave or permission.
2. That, petitioner join the duty as a constable since 7/8 years before.
3. That, the petitioner was performing his duty as a constable in police line Manshra, petitioner got permission from his higher official for one day and went to his native village Ghanool, Tehsil Bafakot District Manshra, on the day of reaching at Ghanool, petitioner found that, his mother is seriously ill and she was suffering kidney and fever. The ailment of my mother was so serious, I rush alongwith my mother to the District Hospital Manshra, the medical officer of the said hospital opine that my mother is suffering kidney disease, so that, my mother was admitted in hospital for three weeks, the petitioner is only male member of family who available at home to look-after my ailing mother. The petitioner's brother is serving in Saudi Arabia and petitioner's fathers has been died and sisters are married, who are residing at Lahore and Karachi, so, no any male or female member of petitioner's family are available at home to look-after my ailing mother.
4. That, the petitioner did not convey about his absence due to serious illness of my mother and non availability of any family member.

Attested

Deputy Superintendent of
Police Oghri (Manshra)

5. That, the petitioner is serving in Police department since 7/8 years and never afforded any chance of complaint to his higher officials.

6. That, the absence of petitioner is neither deliberate nor intentional but on account of above said reasons.

(Copies of medical certificates / receipts are attached herewith reply).

It is therefore, most humbly prayed and requested that, the charge / allegation level against petitioner may kindly be set-aside.

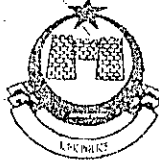
Dated: _____

M. Yasir
.....
Muhammad Yasir Constable No. 414 Police Line
Manshra.....Petitioner

Attested

[Signature]
.....
Deputy Commissioner
Police Manshra

1/6



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Annex "F"

POLICE DEPARTMENT

ORDER

MANSEHRA DISTRICT

This office order will dispose off the departmental enquiry proceeding against Constable Yasir No. 414 who was proceeded against departmentally with the allegation that while posted as GD Police Lines he has absented himself from duty on the following occasions without any leave or permission.

S No.	From	To
1.	09.11.2016	23.01.2017
2.	27.01.2017	07.03.2017
3.	07.03.2017	Till date

76 days
40 days
22 days

The Enquiry Officer i.e. Mr. Shamriaz Khan DSP Oghi after conducting proper departmental enquiry has submitted his report and proved the charges leveled against him. Consequently he was called for orderly room but despite repeatedly summons he willfully avoided his appearance before the undersigned.

I, the District Police Officer, Mansehra, therefore awarded him major punishment of "Dismissal from Service" to the delinquent Constable Yasir No. 414 under Khyber Pakhtunkhwa Police, Disciplinary Rules 1975. His period of absence is treated as leave without pay.

Ordered announced.

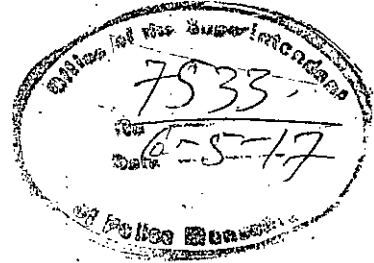
District Police Officer
Mansehra

OB No. 51

Dated. 22-3-2017

27

BEFORE THE D.I.G. HAZARA RANGE
ABBOTTABAD



APPEAL AGAINST THE ORDER OF DPO
MANSEHRA VIDE WHICH THE
APPELLANT HAS BEEN DISMISSED
FROM SERVICE.

PRAYER: -

1406/HA
31/5/17

On acceptance of appeal the impugned order of dismissal may kindly be set aside and appellant may kindly be reinstated in service.

Annex
"G"

Respected Sir,

The appellant begs to submit the following: -

- 1) That, the appellant has joined police force on 22.07.2010 where-after the appellant had been serving the department with full devotion.
- 2) That, the appellant has been served with a charge sheet stating therein that without seeking any permission the appellant absented from duty without any intimation or information to his officers or concerned quarter.
- 3) That, the appellant sought permission from his immediate officer and left for his native village where his came to know about the serious illness of his mother. The brothers of the appellant are abroad in connection with earning their livelihood and his father had died and thus the appellant was the sole person who could take his ailing mother to the hospital or to look-after her. The appellant took his ailing mother to Mansehra where she was diagnosed to be suffering from kidney problem and remained admitted in the hospital. Thereafter she remained in such a serious condition that accept

No. 2448/HA
Dated 31-5-2017
DPO Mansehra

For Comments
along with enquiry
file etc.
[Signature]
BOKH3415

Imp. Legal / S.R.
For Comments & Eff.
at the earliest

[Signature]
01/6/17

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the appellant no body has mentioned about for there to look-after her.

(The certificates relating to the illness of appellant's mother are attached herewith).

- 4) That, DSP Oghi has conducted an inquiry relating to the reasons mentioned by the appellant and according to the finding it has been observed by him that although there was some compulsions on the part of appellant, yet he has not adopted the said and required procedure.
- 5) That, the reasons given by the appellant are so concrete, solid and carrying immense weight that his mother was in such a precarious condition so she could have not been left in such plight condition and on account of the other members having been abroad the appellant was the only person to take her to the hospital or to look after her.
- 6) That, the absence of the appellant from duty is neither intentional nor deliberate but on account of above stated reasons could not resume duty which lead to the dismissal of his service. The appellant has served the department fro about 7/8 years with great dedication and devotion.

It is, therefore, most humbly prayed and requested that on acceptance of appeal the impugned order of dismissal may kindly be set aside and the appellant may kindly be reinstated in service.

Dated 27.05.2017


Muhammad Yasir
No. 414,
District Police Mansehra
(Appellant)

30-5-017
0345-1020309

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Phone No.0992-9310021
Fax No.0992-9310023

From: The Regional Police Officer,
Hazara Region (Abbottabad).

To: The District Police Officer,
Mansehra.

No. 2497 /PA, Dated Abbottabad the, 5/6 /2017.

Subject: APPEALS

Memo:

The following appeals received to this office which were sent to your office for comments, the reply from your end is still awaited. Please submit report to this office by today repeat by toady without further loss of time.

S: No:	Name of appeilant	Letter Nos.
1	Constable Yasir No: 414	This office Endst: No: 2448/PA, dated 31.05.2017
2	SI Khan Asghar	This office Endst: No: 2439/PA, dated 29.05.2017

[Signature]
REGIONAL POLICE OFFICER
Hazara Region (Abbottabad)

PA
*for 24/5 & 24/6
as desired.*

Recd
*check & reply
today*
[Signature]
7.6.17

[Signature]
24/6/17
96/117

Returned in original with the request and report of Dy. clerk, The letter reference was sent to PA. The same may be sent to PA for early reply.
[Signature]
skh 12/06
[Signature]

30

8816
16-7-17

ORDER

This order is hereby passed to dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules 1975 submitted by Ex-Constable Yasir No: 414 of Mansehra District against the order of major punishment i.e. **Dismissed from service** awarded by the DPO Mansehra vide his OB No.51 dated 28.03.2017.

Facts leading to his punishment are that he while posted as GD Police Lines Mansehra absented himself from duty on the following occasions without any leave or permission.

S.No:	From	To
1	09.11.2016	23.01.2017
2	27.01.2017	07.03.2017
3	07.03.2017	28.03.2017

After receiving his appeal, comments of DPO Mansehra were obtained. The comments of DPO were examined /perused. The undersigned called him in OR on 21.06.2017 and heard in person where he failed to explain any plausible reason to convince the undersigned. Therefore the punishment awarded to him by the DPO Mansehra i.e **Dismissed from service** seems to be genuine, hence his appeal is *filed*.

REGIONAL POLICE OFFICER
Hazara Region Abbottabad

No. *2835* /PA Dated Abbottabad the *04/7* /2017.

Copy of above is forwarded to the DPO Mansehra w/r to his Memo: No: 9430/GB, dated 16.06.2017 for information and necessary action.

Service Roll and Fauji manual are also enclosed.

AKC/OTC

Per Faris M/S

ad

*SR/MA
7.7.17*

REGIONAL POLICE OFFICER
Hazara Region Abbottabad

BEFORE THE PROVINCIAL POLICE OFFICER,
KHYBER PAKHTUNKHAWA PESHAWAR

REVIEW PETITION AGAINST ORDER OF REJECTION OF
APPEAL WHICH WAS PREFERRED FOR REINSTATEMENT
IN SERVICE.

Annex
"A"

PRAYER:-

On acceptance of review the impugned order of dismissal may kindly be set aside and petitioner may kindly be reinstated in service.

Respected sir,

The petitioner submits as follows:-

1. That, the petitioner has joined Police Force on 22-07-2010 where-after the appellant had been serving the department with full devotion.
2. That, the petitioner has been served with a charge sheet stating therein that without seeking any permission the petitioner absented from duty without any intimation or information to his officers or concerned quarter.
3. That, the petitioner sought permission from his immediate officer and left for his native village where he came to know about the serious illness of his mother. The brothers of the appellant are very poor and in Karachi in connection with earning their livelihood and his father had died and thus the appellant was the sole person who could take his ailing mother to the hospital or to look after her. The appellant took his ailing mother to Mansehra where she was diagnosed to be suffering from kidney problem and remained admitted in the hospital. Thereafter she remained in such serious conditions that except the petitioner no body has mentioned about for there to look after her.
(The certificates relating to the illness of appellant's mother are attached herewith)
4. That, the DSP Oghi has conducted an inquiry relating to the reasons mentioned by the petitioner and according to the finding it has been observed by him that although there were some compulsions on the part of petitioner, yet he has not adopted the said and required procedure.
5. That, the reason given by the petitioner are so concrete, solid and carrying immense weight that his mother was in such a precarious condition so she could have not been left in such plight condition and on account of the other members having in Karachi the petitioner was the only person to take her to the hospital or to look after her.

6. That, the absence of the petitioner from duty is neither intentional nor deliberate but on account of above stated reasons could not resume duty which lead to the dismissal of his service. The petitioner has served the department about 7/8 years with great dedication and devotion.
7. As per decision of apex court "2008 SCMR 214, the absence from duty does not allowed the department to award major punishment".
8. The, petitioner preferred appeal before your good self which has been rejected vide order no: 7328 dated 15-11-2017.

It is, therefore more humbly prayed and requested that on acceptance of review petition impugned order of dismissal may kindly be set aside and the petitioner may kindly be reinstated in service for the better future of his family members.

Dated 26-11-2018

Muhammad Yasir
No. 414
District Police Mansehra
(Petitioner)



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OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

No. S/ 7328 /17, dated Peshawar the 15/11/2017.

ORDER

Annex I 16771
21-11-17

This order is hereby passed to dispose of departmental appeal under Rule-11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-FC Yasir No. 414. The petitioner was dismissed from service by DPO/Mansehra vide OB No. 51, dated 28.03.2017 on the charge of absence from duty for 04 months and 18 days.

His appeal was filed by Regional Police Officer, Hazara vide order Endst: No. 2835/PA, dated 04.07.2017.

Meeting of Appellate Board was held on 28.09.2017 wherein petitioner was heard in person. During hearing petitioner contended that his absence was not deliberate but his mother was ill and there was no male member to look after her. He also produced medical documents.

Perusal of record revealed that petitioner was dismissed from service on the charge of long absence from duty for 04 months and 18 days vide order dated 28.03.2017. His appeal was filed vide order dated 04.07.2017. The instant review petition filed on 09.08.2017 is time barred besides his service record contain 07 bad entries. Therefore, the Board decided that his petition is hereby rejected.

This order is issued with the approval by the Competent Authority.

Attested

District Police Officer
Mansehra

No. S/ 7328-35 /17,

(ARIF SHAHBAZ KHAN)
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

Copy of the above is forwarded to the:

1. Regional Police Officer, Hazara at Abbottabad.
2. District Police Officer, Mansehra.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

SR/for
for m g
ml
DD of Mansehra
21/11

The Inspector General of Police
Khyber Pakhtunkhwa
Peshawar.

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Annex
"J"

Subject: MERCY APPEAL FOR REINSTATEMENT

Respected Sir,

This mercy appeal is being submitted to your kind honor to review your earlier Order No. S/7328 dated 15/11/2017, through which my appeal for reinstatement in service was rejected on the ground that the same was time barred besides my service record contains 07 bad entries. Copy of the subject order is enclosed. The appeal rejection order requires to be reviewed thereby reinstating me in service on the following grounds: -

1. Before rejecting my appeal, my case was examined by the Appellate Board in its meeting held on 28/09/2017. I also appeared before the said Board and explained my case. The Board was satisfied that the reason behind remaining absent was illness of my mother as the Board also went through the medical history of my mother. When the convincing reason had come before the appellate board that I could not attend duty due to illness of my mother, a lenient view should have been taken on my request for reinstatement in service as in the past in similar nature cases many Police officials were reinstated in service.

2. Under the law past punishments (bad entries in service record) could not be taken as justification for awarding another punishment especially major punishment of dismissal from service as it amounts to double jeopardy. Since my absence from duty is supported by medical documents of my mother, I deserve to be reinstated in service as I am the only bread earner of my family. However, I would be more careful in future.

It is therefore requested that I may kindly be reinstated in service by condoning the time barred restriction by taking a lenient view for which I shall be highly thankful.

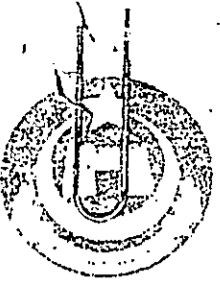
Yours Obediently



YASIR

Ex-FC # 414

Police Line Mansehra



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

No. S/ 1706 /19, dated Peshawar the 09/05/2019

The Regional Police Officer,
Hazara at Abbottabad.

~~Anna~~

Subject: APPLICATION FOR REINSTATEMENT IN SERVICE.

Memo:

The Competent Authority has examined and filed the present application submitted by Ex-Constable Yasir No. 414 of Manshra District Police for re-instatement in service as his revision petition has already been processed in CPO and rejected vide CPO order No. S/7328/17, dated 15.11.2017.

According to Rule 11 (3) of Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) there shall be only one appeal against the original order. The departmental appeal as well as revision petition of the petitioner has already been processed and there is no provision of second revision petition in the Rules.

The applicant may please be informed accordingly.

W.D.

(SYED AMIS-UL-HASSAN)
Registrar.

For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

08-05-2019

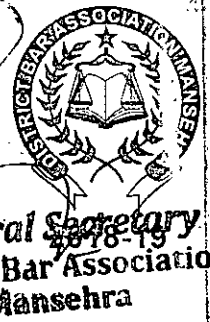
DBAM No. 88

BC No. 10-2747

Name of Advocate ضامن محمد خان

S.No 20240

Fee Rs. 100/-



کالت نامہ
General Secretary
District Bar Association
Mansehra

Before The Service Tribunal Ichyber Pakhtunkhwa Peshawar
M. Yasir : نام : Court of K.P. etc : عنوان
Service Appeal : نوعیت مقدمہ : Appellant : منجانب

باعث تحریر آنکہ

دریں مقدمہ عنوان بالا میں اپنی طرف سے برائے پیروی و جواب دہی بمقام Peshawar کے لئے
Fazl Muhammad Adil Khan Advocate کے
کو بدیں شرائط وکیل مقرر کیا ہے کہ میں ہر پیشگی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا ہوں گا اور بوقت پکارے
جانے وکیل موصوف کو اطلاع دیکر حاضر کروں گا۔ اگر کسی پیشگی پر مظہر حاضر نہ ہوا اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ
میرے خلاف ہو گیا تو وکیل موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل موصوف صدر مقام کچہری کے علاوہ
کسی اور جگہ کچہری کے مقررہ اوقات سے پہلے یا بروز تعطیل پیروی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ کچہری کے علاوہ
کسی اور جگہ سماعت ہوا یا کچہری کے اوقات کے آگے پیچھے سماعت ہونے پر مظہر کو کوئی نقصان پہنچے تو وکیل موصوف ذمہ دار
نہ ہوں گے اور وکیل موصوف کو عرضی دعویٰ اور درخواست اجراء ڈگری و نظر ثانی اپیل نگرانی دائرہ کرنے نیز ہر قسم کی درخواست
بیان حلفی و تصدیق کرنے اور اسپر دستخط کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرانے اور قسم کاروبیہ وصول
کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپر دثالی و راضی نامہ و دستبرداری و اقبال دعویٰ کا اختیار بھی ہوگا
بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری کی طرفہ درخواست حکم امتناع یا فیصلہ قبل از ڈگری اجراء ڈگری بھی وکیل موصوف
کے بشر لادائیگی علیحدہ مختانہ ادا کرنے کا مجاز ہوگا اور بصورت ضرورت بدوراں مقدمہ یا اپیل و نگرانی کسی دوسرے وکیل یا بیرٹر کو
بجائے خود یا اپنے ہمراہ مقرر کریں اور مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے وکیل موصوف کو
او اگر پوری فیس تاریخ پیشگی سے پہلے ادا نہ کروں گا تو وکیل موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی حالت
میں میرا مطالبہ وکیل موصوف کے برخلاف نہیں ہوگا مجھے کل ساختہ پرداخت وکیل موصوف مثل ذات خود منظور و قبول ہوگا۔
لہذا وکالت نامہ لکھ دیا ہے اور دستخط / انگوٹھا ثبت کر دیا ہے تاکہ سند رہے۔ مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے۔

20 مورخہ

ACCEPTED

12/11/20

M. Yasir - App. Pet
YA
Khan