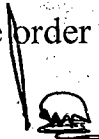


FORM OF ORDER SHEET

Court of _____

Case No.- 1721/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	30/11/2022	<p>The appeal of Mr. Hashmat Khan presented today by Mr. Muhammad Aslam Tanoli Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;">By the order of Chairman</p> <p style="text-align: center;"> REGISTRAR</p>

BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

A. No. 1721/2022

Hashmat Khan Ex-Constable No. 795 District Police Haripur
R/O Village & Post Office Kundi, Tehsil Ghazi, District
Haripur.

(Appellant)

VERSUS

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

(Respondents)

SERVICE APPEAL

INDEX

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Hashmat Khan
APPELLANT

THROUGH

M. Aslam Tanoli
(MUHAMMAD ASLAM TANOLI)
ADVOCATE HIGH COURT
AT PESHAWAR

Dated: 30-11-2022

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No.....1727/2022.....

Hashmat Khan Ex-Constable No. 795 District Police Haripur R/O
Village & Post Office Kundi, Tehsil Ghazi, District Haripur.

(Appellant)

VERSUS

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

(Respondents)

**SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL ACT
1974 AGAINST ORDER DATED 23-08-2022 OF THE DISTRICT POLICE
HARIPUR WHEREB APPELLANT HAS BEEN DISMISSED FROM SERVICE
AND ORDER DATED 22-11-2022 OF THE REGIONAL POLICE OFFICER
HAZARA REGION ABBOTTABAD WHEREBY APPELLANT'S
DEPARTMENTAL APPEAL HAS BEEN FILED/REJECTED.**

**PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL BOTH
ORDERS DATED 23-08-2022 AND 22-11-2022 OF THE RESPONDENTS
MAY GRACIOUSLY BE SET ASIDE AND APPELLANT BE REINSTATED IN
HIS SERVICE FROM THE DATE OF DISMISSAL WITH ALL
CONSEQUENTIAL SERVICE BACK BENEFITS ON RENDITION OF
ACCOUNTS.**

Respectfully Sheweth:

1. That appellant has served the police department for about 09 years. Appellant always performed his assigned duties with devotion and honesty to the entire satisfaction of his officers and never provided a chance of reprimand. Appellant has meritorious service record at his credit.
2. That appellant while posted as Constable at Haripur was served upon with a Charge Sheet which was replied in detail

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and allegations were vehemently denied being incorrect and baseless. **(Copies of the Charge Sheet and its reply are attached as Annexure-"A & B")**.

3. That in fact on 02-04-2022 appellant was deputed for training at Police Training School Swat. Though appellant feeling not well yet obeying the orders of his officers he set out for training at Swat. Appellant when reached Tehsil "Ghazi" he felt his position serious and got down from vehicle and immediately reached Tehsil Hospital Ghazi. He was found suffering from heart disease and after examining doctor prescribed some medicines with 03 weeks bed rest.
4. That appellant submitted leave application alongwith medical certificate to his office at Haripur. But appellant was directed to submit his leave application and medical certificates to Police Training School Swat as he was on the strength of Training Institute. Appellant submitted his leave application with medical certificates to PTS Swat through registered post. **(Copies of medical certificate and registry receipts are attached as Annexure- "C")**.
5. That appellant appeared before the doctor time and again for medical treatment. He was prescribed medicines and advised bed rest by the medical officer. **(Copies of medical certificates are attached herewith as Annexure- "D")**.
6. That on receiving so called inquiry report, the District Police Officer Haripur vide his order dated 23-08-2022 dismissed appellant from service. **(Copy of dismissal order dated 23-08-2022 is attached as Annexure-"E")**.

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7. That no proper departmental inquiry was conducted. Neither Final Show Cause Notice was issued nor inquiry report, if any, was given to him. Even the appellant was not provided with the opportunity of personal hearing and he was awarded major punishment of dismissal from service in serious violation of law, departmental rules & regulations, facts and principle of natural justice as he was condemned unheard.

8. That appellant aggrieved of the order of DPO Haripur filed a departmental appeal before the Regional Police Officer, Hazara Region, Abbotabad which has been rejected vide order dated 22-11-2022 without giving any heed to the grounds taken in the memo of appeal. **(Copies of appeal and its rejection order are attached as Annexure-"F & G")**. Hence instant service appeal inter alia on the following as well as other grounds.

GROUND:-

- A) That both the impugned orders dated 23-08-2022 and 22-11-2022 of the respondents are illegal, unlawful against the facts, departmental rules and regulations and principle of natural justice hence are liable to be set aside.

- B) That no proper departmental inquiry was conducted. No show cause notice was issued. Copy of inquiry report, if any, was never provided to the appellant. Even opportunity of personal hearing was not afforded to the appellant rather he was condemned unheard in serious violation of principle of natural justice.

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- C) That respondents have not treated the appellant in accordance with law, departmental rules, regulation and policy on the subject and have acted in violation of Article-4 of the constitution of Islamic Republic of Pakistan 1973 and unlawfully issued the impugned orders which are unjust, unfair hence not sustainable in the eyes of law.
- D) That appellate authority has also failed to abide by the law and even did not take into consideration the grounds taken in the memo of appeal and has rejected the departmental appeal. Thus act of respondent is contrary to the law as laid down in the KPK Police Rules 1934 read with section 24-A of General Clauses Act 1897 and Article-10 of the Constitution of Islamic Republic of Pakistan 1973.
- E) That the allegations leveled against appellant in the charge sheet as well as show cause notice are incorrect, false and fabricated, without any reason based on surmises and conjectures which remained unproved and unsubstantiated to this day. Nothing adverse could be brought on record against the appellant to prove the allegation against him.
- F) That instant service appeal is well within time and this honorable Service Tribunal has got every jurisdiction to entertain and adjudicate upon the lis.

PRAYER:

It is, therefore, humbly prayed that on acceptance of instant service appeal both the orders dated 23-08-2022 and dated 22-11-2022 of the respondents may graciously be set aside and appellant be re-instated in service from the date of dismissal with

5

all consequential service back benefits. Any other relief which in the circumstances of the case this honourable Tribunal deems fit may also be granted.

Hashim

Appellant

Through

M. Aslam Tanoli
(Muhammad Aslam Tanoli)
Advocate High Court
At Abbottabad

Dated: 30-11-2022

VERIFICATION

It is verified that contents of instant service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

Dated: 30 -11-2022

Hashim
Appellant

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BEFORE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Hashmat Khan Ex-Constable No. 795 District Police Haripur
R/O Village & Post Office Kundi, Tehsil Ghazi, District
Haripur.

(Appellant)

VERSUS

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

(Respondents)

SERVICE APPEAL

AFFIDAVIT

I, Hashmat Khan, appellant do hereby solemnly declare and affirm on oath that contents of instant service appeal are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honorable Tribunal.

Dated: 30-11-2022

Hashmat Khan
Deponent/Appellant

Identified By:

M. Aslam
(Muhammad Aslam Tanoli)
Advocate High Court
At Peshawar

Dated: 30-11-2022

Hashmat Khan
Appellant



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BEFORE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Hashmat Khan Ex-Constable No. 795 District Police Haripur
R/O Village & Post Office Kundi, Tehsil Ghazi, District
Haripur.

(Appellant)

VERSUS

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

(Respondents)

SERVICE APPEAL

CERTIFICATE

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

Dated: 30-11-2022


Appellant

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CHARGE SHEET

Annex - 'A'

I, Lt. Cdr @ Kashif Aftab Ahmad Abbasi, PSP, District Police Officer, Haripur as competent authority, hereby charge you FC Hshmat Khan No. 795 as enclosed statement of allegations.

(1) You appear to be guilty of misconduct under Police Efficiency & Discipline Rules 1975 and have rendered yourself liable to all or any of the penalties specified in the said Rules.

(2) You are, therefore, required to submit your written defense within 07 days of the receipt of this charge sheet and statement of allegation to the Committee/Enquiry Officer as the case may be.

(3) Your written defense, if any, should reach the Enquiry Officer/Committee 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.

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

(5) A statement of allegations is enclosed.

Lt. Cdr @ Kashif Aftab Ahmad Abbasi, PSP
District Police Office
Haripur

Attested
Hshmat Khan

DISCIPLINARY ACTION

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I, Lt. Cdr @ Kashif Aftab Ahmad Abbasi, PSP, District Police Officer, Haripur as competent authority of the opinion that you FC Hshmat Khan No. 795 have rendered yourself liable to be proceeded against as you committed the following acts/omissions within the meaning of Police Efficiency & Discipline Rules 1975, (amended 2014).

STATEMENT OF ALLEGATION

"That you while posted at Police Training School Swat absented yourself from legitimate duty w.e.f 04.04.2022 to till date with any prior information or permission from the competent authority, the fact was brought into the notice of the undersigned vide Director PTS Swat office letter No. 556-57 dated 21.04.2022. This behavior shows your lack of interest in disposal of your official duties. As a part of the disciplinary force this irresponsible behavior is undesirable and unacceptable. Your this act is a gross misconduct in terms of KPK Police E&D Rules 1975" (amended 2014) hence, charge sheeted".

(2) For the purpose of scrutinizing the conduct of the said accused officer with reference to the above allegations, an Enquiry Committee consisting of the following is constituted.

Mr. Fida Muhammad DSP Headquarter Haripur

(3) The Enquiry Officer/Committee shall in accordance with the provision of this Ordinance, provide reasonable opportunity of hearing to the accused, record finding and make within 25 days of the receipt of this order, recommendation as to punishment or the appropriate action against the accused.

(4) The accused and a well conversant representative of departmental shall in the proceedings on the date, time and place fixed by the Enquiry Officer/Committee.

Lt. Cdr @ Kashif Aftab Ahmad Abbasi, PSP
District Police Officer
Haripur

No: 159-60/HC dated Haripur the 25/05/2022.

Copy of above is submitted to the: -

- 1) Enquiry Officer for initiating proceedings against the said accused under Police Efficiency & Discipline Rules 1975 (amended 2014).
- 2) FC Hshmat Khan No. 795 with the direction to submit his defense within 7 days of the receipt of this statement of allegations and also to appear before the Enquiry Officer on the date, time and place fixed for the purpose of departmental proceedings.

Attested
Hshmat Khan

District Police Officer
Haripur

گرفتہ مناجات کی اس جگہ پر نوادر ٹریڈ (انٹرنیشنل)

میلوں :- نوادر ٹریڈ سٹیٹ بزنس م/م 11-60-189
25-05-2022

صحت یابی - ڈاکٹر شکیلہ جاوید سٹیٹ ہسپتال میں ملان و ملان
کے جاوید سٹیٹ ہسپتال میں ملان و ملان

1- کہہ جاوید سٹیٹ ہسپتال میں عائد کردہ انعام غیر ماٹری
مکمل غلط ہے بنیاد اور زور وفاقی ہیڈ سٹیٹ ہسپتال
کی جاتی ہے - کہہ جاوید سٹیٹ ہسپتال میں انعام کی جاتی ہے
دبلا اطلاع میں صاف نہیں ہے -

2- اصل صحت یابی میں کہہ جاوید سٹیٹ ہسپتال میں
سوان سے روٹا لیا گیا ہے اور یہ طبیعت ہے جس
کو طبیعت میں انہی صحت یابی میں امید لیا گیا ہے - دوران سفر
جب غازی لیا گیا - تو طبیعت زیادہ خراب ہوئی - اور طبیعت
بیشال غازی لیا گیا - جہاں ڈاکٹر لیا گیا - اور طبیعت
لے پیش ہوا - ڈاکٹر لیا گیا - اور طبیعت
لیا گیا دوران میں کہہ جاوید سٹیٹ ہسپتال میں کہہ جاوید سٹیٹ ہسپتال

3- کہہ جاوید سٹیٹ ہسپتال میں کہہ جاوید سٹیٹ ہسپتال میں
کہہ جاوید سٹیٹ ہسپتال میں کہہ جاوید سٹیٹ ہسپتال میں
کہہ جاوید سٹیٹ ہسپتال میں کہہ جاوید سٹیٹ ہسپتال میں
کہہ جاوید سٹیٹ ہسپتال میں کہہ جاوید سٹیٹ ہسپتال میں
کہہ جاوید سٹیٹ ہسپتال میں کہہ جاوید سٹیٹ ہسپتال میں
کہہ جاوید سٹیٹ ہسپتال میں کہہ جاوید سٹیٹ ہسپتال میں

4۔ یہ کہن من خدمت در خواست و افتخارات و مدد معالی / مہدی رسول
مدیر تعلیم بنزاعہ ریلوے پوسٹ اینڈ ٹیلی گراف سروس
سوات جھنڈا ۴۔ (تفویض مہدی رسول سے تعلیم و تہذیب
ادبیات نفاذ قابل و مدد سے) -

5۔ یہ کہن من خدمت مہدی رسول معالی حوالہ ۲۴/۲۳، ۲۳/۲۲،
۲۲/۲۱، ۲۱/۲۰، ۲۰/۱۹، ۱۹/۱۸، ۱۸/۱۷، ۱۷/۱۶، ۱۶/۱۵، ۱۵/۱۴،
۱۴/۱۳، ۱۳/۱۲، ۱۲/۱۱، ۱۱/۱۰، ۱۰/۹، ۹/۸، ۸/۷، ۷/۶، ۶/۵، ۵/۴، ۴/۳، ۳/۲، ۲/۱،
۱/۰۔
ڈاکٹر صاحب / ریٹائرمنٹ پورٹل - جو محققہ علیہ معالیہ سہ ماہی و دیگر
صفا / اساتذہ کی بیادیاں ہی رہتی رہے۔ علی کاغذات
علیہ معالیہ و دیگر تعلیم و تہذیب نفاذ قابل و مدد سے (۱۰)۔

6۔ یہ کہن من خدمت کی ۹ سالہ سرپرستی میں خدمت میں نفاذ
مذہبی امور و خدمت کے لئے ایسا نفاذ سے سرانجام دیا گیا ہے جو
کوئی شہادت کا واقعہ نہ دیا گیا۔ بہترین کارکردگی اور تہذیب و تہذیب
اور نفاذ انعام سے نوازا گیا۔ بہترین سرپرستی و نفاذ ہے۔

7۔ یہ کہن من خدمت کو ادارہ میں نفاذ کا واقعہ دیا گیا۔ جو جملہ حوائج گوش
گزار کے طور پر نفاذ کے لئے بہترین سرپرستی و نفاذ ہے۔

منہا ماہرین و ماہرین کی قیادت میں اساتذہ کا
جامع تعلیم و تہذیب کے لئے بہترین سرپرستی و نفاذ ہے
جنہ کی سفارش نفاذ کے لئے ہے۔

28/05/2022
مستقیم خان مانسٹر 79
Hashmatullah

(12)

Annex-C

Sent To: OUT DOOR PATIENT TICKET

District U.P. CRP No. 308

Facility Name U.P.

Name U. Ghazi Age 45 Sex M

Father's / Husband's Name P.S. GHAZI

Monthly OPD Serial No. N/A

Provisional Diagnosis BREASTFEEDING

Date	Clinic Findings / Investigations / Treatment / Referred / Test Findings
2-4-22	<p>ECG: Normal & regular heart A Cardiac dysfunction</p> <p>70s Induced by</p> <p>ml Sol N / I / I</p> <p>70s Low cut 2.24</p> <p>70s 70s</p> <p>Admin weight loss</p>

Complete heart at least 3 weeks.

Dr. D. S. M. B. Ghazi
 Principal Medical Officer
 T.D. Hospital, Ghazi

Attested
 [Signature]

o.1283

RGL73968479

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Rs. Ps.

Received a registered* addressed to

Date Stamp

Initials of Receiving Officer *Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures) (in words)

Insurance fee Rs. Ps. (in words) Weight Kilo Grams

Name and address of sender

13 insured

17 MAY 22

No. 1284

RGL73968480

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Rs. Ps.

Received a registered* addressed to

Date Stamp

Initials of Receiving Officer *Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures) (in words)

Insurance fee Rs. Ps. (in words) Weight Kilo Grams

Name and address of sender

insured

17 MAY 22

RGL73968481

No. 1285

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Rs. Ps.

Received a registered* addressed to

Date Stamp

Initials of Receiving Officer *Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures) (in words)

Insurance fee Rs. Ps. (in words) Weight Kilo Grams

Name and address of sender

insured

17 MAY 22

No. 1286

RGL73968482

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Rs. Ps.

Received a registered* addressed to

Date Stamp

Initials of Receiving Officer *Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.

Insured for Rs. (in figures) (in words)

Insurance fee Rs. Ps. (in words) Weight Kilo Grams

Name and address of sender

Attested by

17 MAY 22

14

Annex-D

Sent To: **OUT DOOR PATIENT TICKET**

District CRP No 3738

Facility Name

Name PS [unclear] Age 46 Sex M

Father's / Husband's Name PS Ghasi [unclear]

Monthly OPD Serial No

Provisional Diagnosis Cardiac, Bklt, [unclear]

Date	Clinic Findings / Investigations / Treatment / Referred / Test Findings
23-4-22	<p>D Card Can of</p> <p>Cardiac [unclear]</p> <p>no reman for days</p> <p>weight 100:01</p> <p>198. Cardiac Cardiac</p> <p>[unclear] [unclear]</p> <p>R. Dueson</p> <p>[unclear] [unclear]</p>
[unclear]	<p>[unclear] [unclear]</p> <p>[unclear] [unclear]</p> <p>[unclear] [unclear]</p>

Attested
 Hashmat K

15

Sent To:

OUT DOOR PATIENT TICKET

District Rawalpindi CRP No. 250

Facility Name Ujla

Name Q. Ghani Age 46 Sex M

Father's / Husband's Name PS Ghazi

Monthly OPD Serial No. 2026

Provisional Diagnosis MI of Cor. Ar.

Date	Clinic Findings / Investigations / Treatment / Referred / Test Findings
9-5-22	<p>9/2</p> <p>- weight loss: slight</p> <p>Irregular heart beat</p> <p>and sweating</p> <p>Patient is very anxious</p> <p>advised continuation of</p> <p>current medicine</p> <p>should rest for</p> <p>one week</p>

DR. ASIM SAL
 Principal Medical Officer
 T. D. Hospital Shah

Attested
 Hashim

Sent To: _____

OUT DOOR PATIENT TICKET

(16)

District 354 CRP No. 1621

Facility Name UJL

Name U. Ghazi Age 46 Sex M

Father's / Husband's Name _____

Monthly OPD Serial No. _____

Provisional Diagnosis CRD CASE OF CAD/CA

Date

16-5-22

Clinic Findings / Investigations / Treatment / Referred / Test Findings

BRADYCARDIA

Patient is weakly
& emaciated.

ON ECG: Heart rate
77.

Left axis deviation.

Advised same drug

in 2 weeks for two

100 mg.

[Signature]
M. D. S. H. S.

Attested
Hashim

17

Sent To: **OUT DOOR PATIENT TICKET**

District H. S. District CRP No. 3786

Facility Name PH Centre

Name Maswani Kiran Age 4yrs Sex male

Father's / Husband's Name (1865) Maheshwar Kiran

Monthly OPD Serial No.

Provisional Diagnosis OTD CAPR OK

Date	Clinic Findings / Investigations / Treatment / Referred / Test Findings
25/5/22	<p>PAROTITIS. <u>AS</u></p> <p><u>SURFING</u>. <u>CURATIVE</u> <u>OK</u></p> <p><u>med at a</u> <u>over</u> <u>2/4/22</u></p> <p><u>Adv</u></p> <p><u>rec: ECG</u></p> <p><u>O/E ECG</u></p> <p><u>Pray the same</u> <u>continued</u></p> <p><u>ECG (heart) still show</u> <u>left</u></p> <p><u>left area</u> <u>benign</u> <u>ST</u></p> <p><u>Adv</u> <u>AS</u> <u>OK</u></p>

Attested
[Signature]

18

Sent To: **OUT DOOR PATIENT TICKET**

District _____ CRP No. 364

Facility Name _____

Name [Signature] Age _____ Sex _____

Father's / Husband's Name [Signature]

Monthly OPD Serial No _____

Provisional Diagnosis _____

Date

Clinic Findings / Investigations / Treatment / Referred / Test Findings

3/5/22

Ad-Typhoid

Temp 102°F

Body a/c

Chart clear

Tab Ciprod over
1-1

Tab Paracet
1-1

Adm
bed rest for 07 days

Dr. AYASHIA KHAN
Health Department
KPK

[Signature]

On 30/5/22 - 05-06-2022

Attested
Health [Signature]

19

Sent To: _____

OUT DOOR PATIENT TICKET

District _____ CRP No. 1186

Facility Name _____

Name U. Suresh Age _____ Sex _____

Father's / Husband's Name _____

Monthly OPD Serial No. 105

Provisional Diagnosis _____

Date _____ Clinic Findings / Investigations / Treatment / Referred / Test Findings

7-6-22

For follow up after one week -

Fever: Still high
- Typhoid test

bed rest one week from 06-06-2022 to 12-06-2022

Continue with

Tab Amoxicillin 500mg

Tab Paracetamol 500mg

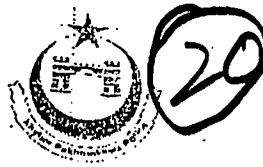
Tab Paracetamol 500mg

DR. AYASHA KHAN
Type-D Hospital
Ghazi

Tab. Moxifloxacin 400mg

Mohammed

Attested
H. S. M. S.



Annex-'E'

DISTRICT POLICE OFFICER
HARIPUR

Ph: 0995-920100/01, Fax-0995614714, Email:- dpoharipur1@gmail.com

ORDER

FC Hashmat No. 795, was referred to Police Training School (Swat) for police recruitment course. However, he was found absent from training activities w.e.f. 04.04.2022 to 22.06.2022 without obtaining any permission or leave from the competent authority. Therefore, he was dropped from the course and repatriated to parent district vide director PTS Swat office letter No.556-57/Secrecy dated 21.04.2022, which shows lack of interest of delinquent official in disposal of official duties. Being a part of disciplinary force, this irresponsible behavior is undesirable and unacceptable. This tantamounts to gross misconduct on his part in terms of Khyber Pakhtunkhwa, police efficiency and discipline rules 1975 (amended 2014).

To probe the allegations of misconduct Mr. Fida Muhammad, DSP/HQrs was appointed as Enquiry Officer vide this office memo No.159-60/HC dated 25.05.2022. The inquiry officer conducted departmental enquiry in which the accused official participated. The inquiry officer recommended him to send for training in next term as well as recommended (period of absence) for leave without pay. However, in view of the undersigned the recommendation of inquiry officer does not meet the gravity of offense committed by the accused. Therefore, Dr. Khadija Omer ASP Ghazi was appointed as enquiry officer for re-enquiry into the matter. She conducted proper departmental inquiry, in which delinquent official also participated and denied the allegations stating therein that he was suffering from heart problems. Therefore, he approached THQ Hospital for treatment and he also produced medical receipts in this regard. The enquiry officer submitted her findings vide Memo No.372 dated 10.08.2022, in which she mentioned that the medical receipts provided by the delinquent officer were not verified from the competent authority. Moreover, pointed out that the act of accused official shows breach of discipline and lack of interest in disposal of official duties, so that charges of misconduct were proved against the delinquent official. Therefore, the enquiry officer recommended him for "Punishment".

Having perused the relevant record and clarification of the defaulter official the charges of misconduct against FC Hashmat No. 795 stood proved. Therefore, I, Imran Shahid, (PSP), District Police Officer, Haripur being a competent authority under the Khyber Pakhtunkhwa, Police Efficiency and Discipline Rule 1975 (amended 2014), am fully satisfied that FC Hashmat No. 795, committed gross misconduct. Therefore, he is awarded Major Punishment of "Dismissal from Service", with immediate effect.

OB No. 542
Dated 23-08-2022

Attested
Imran Shahid

Imran Shahid, PSP
District Police Officer,
Haripur

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Annex F

BEFORE THE REGIONAL POLICE OFFICER HAZARA REGION
ABBOTTABAD

(Departmental Appeal by Hashmat Khan Constable No.795 District Police Haripur)

DEPARTMENTAL APPEAL AGAINST ORDER OB NO.542 DATED 23-08-2022 ISSUED BY DISTRICT POLICE OFFICER HARIPUR WHEREBY APPELLANT HAS BEEN AWARDED PUNISHMENT OF DISMISSAL FROM SERVICE.

PRAYER: ON ACCEPTANCE OF INSTANT DEPARTMENTAL APPEAL ORDER DATED 23-08-2022 MAY KINDLY BE SET ASIDE AND APPELLANT BE RE-INSTATED IN SERVICE FROM THE DATE OF DISMISSAL WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.

Respected Sir,

With most respect and reverence the following few lines are submitted for your kind consideration and favorable orders:-

1. That appellant has served the police department for about 09 years. Appellant always performed his assigned duties with zeal, zest, devotion, dedication and honesty to the entire satisfaction of his officers and never provided a chance of reprimand. Appellant has meritorious service record at his credit.
2. That appellant while posted as Constable, was served upon with a Charge Sheet dated 25-05-2022 by the District Police Officer Haripur which the appellant replied in detail and denied the allegations as incorporated therein being incorrect and baseless. (Copies of the Charge Sheet and its reply are attached as "A&B").

Attested
Hashmat Khan

- 3. That allegations leveled against the appellant in the Charge Sheet were incorrect, against the facts and based on surmises, conjectures and malafide contention having no nexus with any truth.

- 4. That in fact on 02-04-2022, the appellant was deputed for training to Police Training School Swat. Though the appellant was feeling not well yet obeying the orders of his officers he set out for training. When appellant reached "Ghazi" he felt his condition serious and got down from vehicle and went to Tehsil Hospital Ghazi. He was examined and found suffering from heart disease by the doctor. Who prescribed medicines and advised 03 weeks bed rest. **(Copy of medical certificate is attached as "C")**.

- 5. That appellant submitted leave application alongwith medical certificate to his office at Haripur. But the same were not accepted and appellant was asked to submit his application and medical certificates to Police Training School Swat as he was on that institution. Appellant submitted his leave application with medical certificates to PTS Swat through registered post. **(Copies of certificates and registry receipts are attached as "D")**.

- 6. That appellant appeared before the doctor for medical treatment on 02-04-2022, 23-04-2022, 09-05-2022, 16-05-2022, 30-05-2022, 07-06-2022 and 14-06-2022. He was prescribed medicines and advised bed

Attested
 [Signature]

rest by the medical officer. (Copies of medical certificates are attached herewith).

- 7. That on receiving report from Inquiry Officer, the District Police Officer Haripur vide his order dated 23-08-2022 dismissed the appellant from service. (Copy of dismissal order dated 23-08-2022 is attached as "E").
- 8. That no proper departmental inquiry was conducted. Neither Final Show Cause Notice was issued nor inquiry report, if any, was given to him. Even the appellant was not provided the opportunity of personal hearing and he was awarded major punishment of dismissal from service in serious violation of law, departmental rules & regulations, facts and principle of natural justice.
- 9. That appellant is totally innocent and had discharged his official duties with devotion, dedication and honesty but still he was awarded with major punishment of dismissal from service without any cause or justification. Appellant never absented himself from duty rather circumstances were beyond his control due to his serious illness. It is also incorrect the appellant ever remained absent from duty without intimation or cause. There is nothing wrong on the part of appellant.
- 10. That if the appellant is provided with a chance of personal hearing, he will really prove himself a:

Attested
H. S. Swain

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innocent by explaining all the facts and circumstances of the matter.

In view of the aforementioned facts it is earnestly requested that order dated 23-08-2022 of the District Police Officer, Haripur may kindly be set aside and appellant be re-instated in service from the date of dismissal with all consequential service back benefits. Appellant shall pray for your good health and long life. Thanking you sir in anticipation.

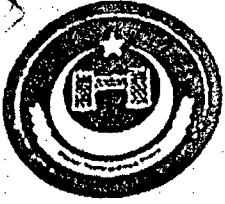
Yours Obedient Servant

Hashmat Khan
(Hashmat Khan)
Constable No.795
District Police Haripur

Address: Village & P.O. Kundi
Tehsil Ghazi, District Haripur
Mobile No.0300-9137054

Dated: 01-09-2022

*Attested
Hashmat Khan*



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OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

0992-9310021-22

0992-9310023

r.r.pohazara@gmail.com

NO: 1677/PA DATED 22/11/2022

Annex-9

ORDER

This order will dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by Ex-FC Hasnmat Khan No. 795 of District Haripur against the order of punishment i.e. *dismissal from service* awarded by DPO Haripur vide OB No.542 dated 23.08.2022.

Brief facts leading to the punishment are that the appellant was referred to Police Training School (Swat) for basic recruitment course. However, he was found absent from training activities w.e.f 04.04.2022 to 22.06.2022 without obtaining any permission or leave from the competent authority. Therefore, he was dropped from the course and repatriated to parent district vide Director PTS Swat office letter No. 536-57/Secrecy dated 21.04.2022. His absence period is 02 month 18 days.

The appellant was issued charge sheet along with summary of allegations and DSP Hqs was deputed to conduct departmental enquiry. The EO held the appellant responsible of misconduct. Consequently, DPO Haripur awarded him major punishment of dismissal from service. Hence, the appellant submitted this present appeal.

After receiving his appeal, comments of DPO Haripur were sought and examined/perused. The undersigned called the appellant in OR and heard him in person. The appellant has been given reasonable opportunity to defend himself against the charges, however he failed to advance any justification in his defense. Thus, the disciplinary action taken by the competent authority seems reasonable and the appeal is liable to be dismissed. Therefore, in exercise of the powers conferred upon the undersigned under Rule 11-4 (a) of Khyber Pakhtunkhwa Police Rules, 1975 the instant appeal is hereby *rejected* with immediate effect.

Z. Asghar

Zeeshan Asghar (PSP)

REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

No. 1678 /PA, dated Abbottabad the 22/11/2022.

Cc.

DPO Haripur for information and necessary action with reference to his office Memo No 5004 dated 21-09-2022. Service Roll and Fuji Missal containing enquiry file of the appellant is returned herewith for record.

Attested
H. Shaukat

وکالت نامہ

کورٹ فیس قیمتی

بعدالت جناب جسٹرز صاحبان - کورٹ فیس کٹر مینٹل اور

منجانب (امیدگفتہ)

کے نام پر

مستحکم خان

بنا

دعویٰ یا جرم سرسین اپیل باعث تحریر آئنگے

مندرجہ بالا عنوان میں اپنی طرف سے پیروی و جوابدہی مقام قیام در / اپیل آباد

محمد اسلم تھوٹی ایڈووکیٹ بدیں شرط وکیل مقرر کیا۔ کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی

پیشی پر مظہر حاضر نہ ہوا۔ اور حاضری کی وجہ سے کسی وجہ پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ

ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی اور جگہ یا کچہری کے مقرر اوقات سے پہلے یا بروز

تعطیل پیروی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ مقام کچہری کے کسی اور جگہ سماعت ہونے یا بروز کچہری کے اوقات

کے آگیا یا پیچھے ہونے پر مظہر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے رابطے کسی معاوضہ ادا کرنے مختار نامہ واپس کرنے کے

بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کل ساختہ پرواختہ صاحب مثل کردہ ذات خود منظور و قبول ہوگا اور صاحب

موصوف کو عرضی دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست پر دستخط تصدیق

کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجرا کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے

کا ہر قسم کا بیان دینے اور سپروٹائشی و راضی نامہ و فیصلہ برخلاف کرنے اقبال دعوے کا اختیار ہوگا۔ اور بصورت اپیل و

برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم اتناعی یا ڈگری قبل از فیصلہ اجراءے ڈگری بھی صاحب موصوف کو

بشرط ادا سنگی علیحدہ پیروی مختار نامہ کرینکا مجاز ہوگا۔ اور بصورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا بیرسٹر

کو بجائے اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب

موصوف کو۔ پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ

کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا ہے کہ سند ہے مضمون

مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا اور منظور ہے۔

Accepted by
M. Aslam

مورخہ: 30-11-2022

العبد العبد العبد

Hasmat
(مستحکم خان)