

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR.

Service Appeal No. 630/2019

Date of Institution ... 15.05.2019

Date of Decision... 23.11.2022

Mrs. Nida Ali, Ex-Lady Constable No. 2787, Police Lines, District Mardan.

... (Appellant)

VERSUS

The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and 02 others.

... (Respondents)

MR. WALEED ADNAN,
Advocate

--- For appellant.

MR. MUHAMMAD RIAZ KHAN PAINDAKHEL,
Assistant Advocate General

--- For respondents.

SALAH-UD-DIN
MIAN MUHAMMAD

MEMBER (JUDICIAL)
MEMBER (EXECUTIVE)

JUDGMENT:

SALAH-UD-DIN, MEMBER:- Precise facts forming background of the instant service appeal are that departmental action was taken against the appellant on the allegations of her absence from duty and she was dismissed from service vide order bearing OB No. 531 dated 24.02.2017. The departmental appeal of the appellant was declined vide order dated 07.03.2019 on the ground that she was having bad service record and her appeal was also time barred. The mercy



petition of the appellant was also declined vide order dated 29.03.2019, hence the instant service appeal.

2. Notices were issued to the respondents, who submitted their comments, wherein they refuted the assertions made by the appellant in his appeal.

3. Learned counsel for the appellant has argued that the absence of appellant could not be considered as willful for the reason that she was unable to attend her duty due to illness; that no regular inquiry was conducted in the matter and she was condemned unheard; that the appellant has not been treated in accordance with law/rules and her rights guaranteed under Articles 4 & 25 of the constitution of Islamic Republic of Pakistan, 1973 have been violated; that as the absence of appellant was treated as leave without pay, therefore, there was no justification in awarding her major penalty of dismissal from service; that the impugned orders are against law and facts, therefore, the same may be set-aside and the appellant may be reinstated in service with all back benefits. Reliance was placed on 2003 SCMR 826, 2004 SCMR 527 and 2008 PLC (C.S) 1055.

4. On the other hand, learned Assistant Advocate General for the respondents has contended that the appellant had willfully remained absent from duty for considerable long period without any casual leave or permission of the competent Authority; that charge sheet as well as statement of allegations were issued to the appellant, however she did not join the inquiry proceedings; that disciplinary action was

taken against the appellant by complying with all legal and codal formalities and as the allegations against the appellant stood proved, therefore, she was dismissed from service; that the appellant was dismissed from service vide order dated 24.02.2017, which was challenged through filing of departmental appeal on 15.02.2019, which was badly time barred; that as the departmental appeal of the appellant was barred by time, therefore, her service appeal is not maintainable; that in her service appeal, the appellant has alleged that she was unable to attend her duty due to illness; while in her departmental appeal she has taken altogether different stance by alleging that she had remained absent from duty for a long period on account of her marriage; that the appellant has taken different stances in her service appeal and departmental appeal, which would show that she has not come to the court with clean hands and her appeal is thus liable to be dismissed.

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

6. While perusing the record, we have observed that the appellant was dismissed from service vide order bearing O.B No. 531 dated 24.02.2017 on account of her willful absence from duty for a period of 118 days. The said order was challenged by the appellant through filing of departmental appeal in the year 2019, which was badly time barred. It is settled proposition of law that when the appeal of an employee was time barred before the appellate Authority, then his appeal before the Tribunal was not competent. Reliance is placed on

2007 SCMR 513, PLD 1990 S.C 951 and 2006 SCMR 453. Furthermore, august Supreme Court of Pakistan in its judgment reported as 1987 SCMR 92 has held that when an appeal is required to be dismissed on limitation, its merits need not to be discussed.

7. In view of the above discussion, it is held that as the departmental appeal of the appellant was badly time barred, therefore, the appeal in hand being not competent is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
23.11.2022



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)


ORDER
23.11.2022

Learned counsel for the appellant present. Mr. Atta-ur-Rehman, Inspector (Legal) alongwith Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, it is held that as the departmental appeal of the appellant was badly time barred, therefore, the appeal in hand being not competent is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
23.11.2022

(Mian Muhammad)
Member (Executive)


(Salah-Ud-Din)
Member (Judicial)

27.11.2021

Proper D.B is not available, therefore, case is adjourned to 28/2/2022 for the same as before.


Reader

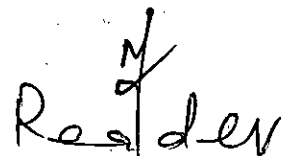
28-2-22

Due to retirement of the Hon.ble chairman the case is adjourned on 5-6-22


Reader

5-6-22

Proper DB not available the case is adjourned to 6-9-22



Reader

06.09.2022

Nemo for appellant.

Kabir Ullah Khattak, learned Additional Advocate General alongwith Atta Ur Rehman Inspector for respondents present.

Preceding three dates were adjourned on a Reader's Note, therefore, notice be issued to appellant/counsel for 23.11.2022 for arguments before D.B.


(Fareeha Paul)
Member(E)


(Rozina Rehman)
Member(J)

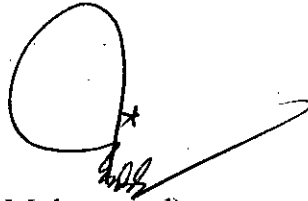
Counsel was informed telephonically for the date fixed

18.02.2021

Mr. Haider Ali, Advocate on behalf of counsel for the appellant and Mr. Muhammad Rashid, DDA for respondents present.

Former requests for adjournment as learned senior counsel for the appellant is engaged before the High Court in various cases today.

Adjourned to 28.05.2021 for arguments before D.B.



(Mian Muhammad)
Member (E)

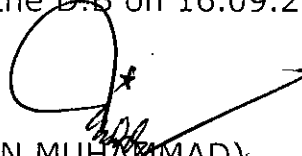


Chairman

28.05.2021

Learned counsel for the appellant present. Mr. Kheyal-Roz, Inspector (legal) alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Former sought adjournment being not prepared for arguments today. Adjourned. File to come up for arguments before the D.B on 16.09.2021.



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

16.09.2021

Mr. Noor Muhammad Khattak, Advocate, for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Arguments could not be heard due to paucity of time. Adjourned. To come up for arguments before the D.B on 24.11.2021.



(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)



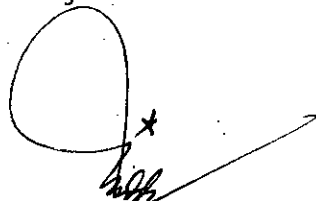
(SALAH-UD-DIN)
MEMBER (JUDICIAL)


23.06.2020

Learned counsel for the appellant and Mr. Riaz Paidakhel learned Asst. AG alongwith Mr. Atta Ur Rehman SI for the respondents present.

Learned counsel for the appellant states that due to adjournment on previous date through reader's note he had no notice of the fixation of case today, therefore, he is not in possession of the appeal.

Adjourned to 08.09.2020 for arguments before D.B.


Member

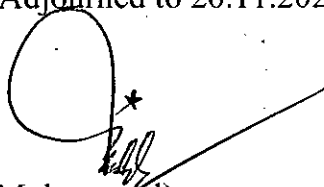

Chairman

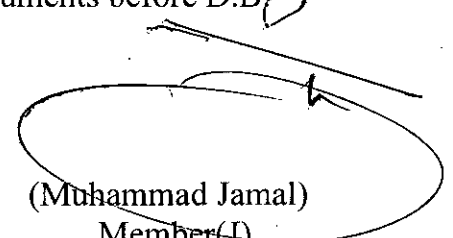
08.09.2020

Mr. Afrasiab Khan Wazir, Advocate, Junior to senior counsel for the appellant is present. Mr. Mr. Kabriullah Khattak, Additional Advocate General for respondents present.

Formal request for adjournment that his senior counsel is busy in august Peshawar High Court, Peshawar.

Adjourned to 26.11.2020 for arguments before D.B.

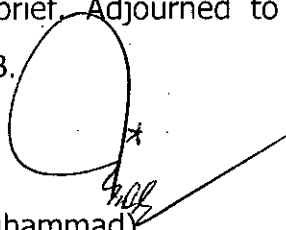

(Mian Muhammad)
Member (E)

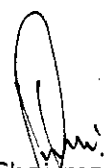

(Muhammad Jamal)
Member(J)

26.11.2020

Counsel for the appellant and Addl. AG alongwith Khyal Roz, Inspector for the respondents present.

Former requests for adjournment in order to further prepare the brief. Adjourned to 18.02.2021 for hearing before the D.B.


(Mian Muhammad)
Member(E)


Chairman

27.11.2019

Counsel for the appellant present. Asst: AG alongwith Mr. Atta ur Rehman, SI for respondents present. Representative of the respondents submitted copy of departmental appeal of the appellant submitted to the appellate authority which is placed on file. A copy of the same was also handed over to the learned counsel for the appellant. Learned counsel for the appellant seeks adjournment to furnish rejoinder and to further prepare the appeal. Adjourn. To come up for rejoinder and arguments on 30.01.2020 before D.B.


Member


Member

30.01.2020

None for the appellant present. Asst: AG alongwith Mr. Atta ur Rehman, Inspector for respondents present. Due to General Strike of the bar on the call of Khyber Pakhtunkhwa Bar Council, the instant case is adjourned. To come up for further proceedings/arguments on 31.03.2020 before D.B. Appellant be put on notice for the date fixed.


Member


Member

31.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 23.06.2020 before D.B.


Reader

630/2019

18.09.2019

Counsel for the appellant and Addl. AG alongwith Attaur Rahman, Inspector (Legal) for the respondents present.

On 26.06.2019 it was observed by this Tribunal that according to order of departmental appellate authority the appeal of appellant was barred by time while the copy of appeal available on the record suggested that it was submitted on 11.04.2017. On that score and in order to ascertain the real date of submission of departmental appeal pre-admission notice was ordered to be issued to the respondents. They were required to produce the enquiry file including memo of departmental appeal.

Today the representative of respondents has submitted reply on behalf of all the respondents, however, the record appended with the reply is bereft of the departmental appeal which could reflect the date of its filing. In the circumstance, the appeal in hand is admitted for regular hearing. The appellant shall deposit security and process fee within 10 days. As reply on behalf of the respondents has already been submitted the matter is assigned to a D.B for hearing on 27.11.2019. The appellant may submit rejoinder, within a fortnight, if so advised.

Appellant Deposited
Security & Process Fee

18/9/19


Chairman

25.06.2019

Learned counsel for the appellant present. Heard.

As per order dated 07.03.2019 of the appellate authority, the departmental appeal of the appellant is badly time barred. On the other hand stance of the learned counsel for the appellant was that the appellant filed departmental appeal within the prescribed period.

In the interest of justice, preadmission notice be issued to the respondents for reply. Adjourn. to come up for reply of the respondents alongwith record of inquiry including memo of departmental appeal of the appellant filed before the RPO Mardan (appellate authority), on 06.08.2019 before S.B.



Member

06.08.2019

Counsel for the appellant and Mr. Ziaullah, DDA for respondents present.

The respondents have not produced the requisite record as ordered on the last date of hearing. Learned DDA shall attempt to procure the same on next date of hearing.

Adjourned to 18.09.2019 before S.B.




Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 630/2019 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/05/2019	<p>The appeal of Mst. Nida Ali presented today by Mr. Noor Muhammad Khattak 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 15/5/19 </p>
2-	16/05/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>25/06/19</u></p> <p style="text-align: right;">  CHAIRMAN </p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 630 /2019

NIDA ALI

VS

POLICE DEPARTMENT

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
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2	Medical prescriptions	A	4- 7.
3.	Roznamcha	B	8.
4.	Applications	C & D	9- 10.
5.	Impugned order	E	11.
6.	Departmental appeal	F	12.
7.	Rejection	G	13.
8.	Revision petition & Rejection	H & I	14- 15.
9.	Vakalat nama	16.

APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK,
ADVOCATE

Flat No. 3, Upper Floor,
Islamia Club Building,
Khyber Bazar, Peshawar
0345-9383141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 630 /2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 754

Dated 15/5/2019

Mrs. Nida Ali, Ex- Lady Constable No. 2787,
Police Lines, District Mardan.....

APPELLANT

VERSUS

- 1- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2- The Regional Police Officer, Mardan Region, District Mardan.
- 3- The District Police Officer, District Mardan.

.....**RESPONDENTS**

APPEAL UNDER SECTION OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 28.02.2017 WHEREBY MAJOR PENALTY OF DISMISSAL FROM SERVICE HAS BEEN IMPOSED UPON THE APPELLANT AND AGAINST THE APPELLATE ORDER DATED 07.03.2019 AND REVISION ORDER DATED 29.3.2019 COMMUNICATED TO THE APPELLANT ON 26.04.2019 WHEREBY THE DEPARTMENTAL APPEAL AND REVISION PETITION (11A) OF THE APPELLANT HAS BEEN REJECTED ON NO GOOD GROUNDS

PRAYER:

That on acceptance of this appeal the impugned orders dated 28/02/2017, 07.03.2019 and 29.3.2019 communicated to the appellant on 26.4.2019 may very kindly be set aside the appellant may be re-instated into service with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:
ON FACTS:

Brief facts giving rise to the present appeal are as under:-

- 1- That appellant was the employee of the respondent Department and had served as Lady Constable the respondent Department for quite considerable time efficiently and up to the entire satisfaction of her superiors.
- 2- That due to illness (Gyne Issue) the appellant submitted application for medical leave. That the said leave was allowed to the appellant for a period of thirty days i.e. w.e.f. 12.10.2016 to 11.11.2016. That on expiry of medical leave the appellant submitted her arrival on 11.11.2016 and requested for the extension of her medical leave w.e.f 12.11.2016 to 11.3.2017 but no response was given by the respondent No.3 to the said application of the appellant for grant of

Filed to-day
Registrar
15/5/19

medical leave. Copies of the medical prescriptions, roznamcha and applications are attached as annexure..... **A, B, C and D.**

- 3- That after gaining health when the appellant visited the concerned quarter to join her duty the appellant was handed over the impugned order dated 28.2.2017 whereby major penalty of dismissal from service was imposed on the appellant. Copy of the impugned order is attached as annexure..... **E.**
- 4- That appellant feeling aggrieved from the impugned order dated 28.02.2017 preferred Departmental appeal before the respondent No.2 but the same was rejected on 07/03/2019 on no good grounds, where after the appellant submitted revision petition (11A) before the respondent No.1 and the same has also been rejected on 29.03.2019 communicated to the appellant on 26.04.2019. Copies of the Departmental appeal, rejection, review petition and rejection order dated 29.03.2019 are attached as annexure..... **F, G, H & I.**
- 5- That appellant feeling aggrieved and having no other remedy filed the instant service appeal on the following grounds amongst the others.

GROUND:

- A- That the impugned orders dated 28.02.2017, 07.03.2019 and 29.03.2019 are against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That the appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That no charge sheet and statement of allegation has been served on the appellant before issuing the impugned order dated 28.02.2017.
- D- That no show cause notice has been served on the appellant before issuing the impugned order dated 28.02.2017.
- E- That no chance of personal hearing has been provided to the appellant which is necessary as per Supreme Court Judgment before taking any punitive action against the Civil Servant.
- F- That the absence of the appellant was not willful but caused due to the illness, therefore under the principle of natural justice the appellant deserve to be re-instated into service with all back benefits.
- G- That the respondent Department acted in arbitrary and malafide manner while issuing the impugned order dated 28.2.2017, 07.02.2019 and 29.03.2019.

H- That the impugned order dated 28.02.2017 is void-ab-initio on the score that the absence period is treated by the respondents as leave without pay.

I- That no regular inquiry has been conducted in the matter of the appellant which is as per Supreme Court judgments is necessary in punitive actions against the Civil servants.

J- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 08.05.2019

APPELLANT



NIDA ALI

THROUGH:



NOOR MOHAMMAD KHATTAK

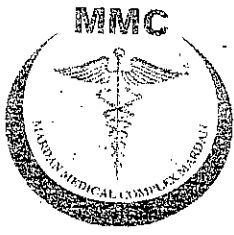
SHAHZULLAH KHAN YOUSAFZAI

&



**MIR ZAMAN SAFI
ADVOCATES**

A-4



MTI- MARDAN MEDICAL COMPLEX, MARDAN

Accident & Emergency Service Deptt

Name _____ Age _____ Sex _____

Address _____

Hospital Yearly No _____ Dated _____

Pt. Status: *Admitted*

Pt. Hist. *History*

Clinical Examination

Provisional Diagnosis

Investigations Required

R/- *Chief Complaint*

3. Diarrhoea of 10 days

3. Abdominal pain

3. Nausea & vomiting

3. Loss of appetite

3. Weight loss

3. No fever

3. No blood in stool

3. No mucus in stool

3. No pus in stool

3. No tenesmus

3. No rectal bleeding

3. No perianal abscess

3. No anal fissure

3. No haemorrhoids

3. No colitis

3. No Crohn's disease

3. No ulcerative colitis

3. No diverticulitis

3. No small intestine disease

3. No large intestine disease

3. No pancreatic disease

3. No biliary disease

3. No liver disease

3. No gallbladder disease

3. No stomach disease

3. No duodenal disease

3. No esophageal disease

3. No oral disease

3. No dental disease

3. No ENT disease

3. No eye disease

3. No ear disease

3. No nose disease

3. No throat disease

3. No chest disease

3. No lung disease

3. No heart disease

3. No kidney disease

3. No bladder disease

3. No prostate disease

3. No testis disease

3. No ovary disease

3. No uterus disease

3. No vagina disease

3. No breast disease

3. No skin disease

3. No bone disease

3. No joint disease

3. No muscle disease

3. No nerve disease

3. No brain disease

3. No spinal cord disease

3. No endocrine disease

3. No autoimmune disease

3. No infectious disease

3. No parasitic disease

3. No neoplastic disease

3. No congenital disease

3. No acquired disease

3. No hereditary disease

3. No idiopathic disease

3. No unknown disease

Dr. Name: _____ Signature: _____

ATTESTED

[Handwritten signature]

PATHOLOGY DEPARTMENT MTI/MMC MARDAN

5

PATIENTNAME Nida Ali

DATE 28/9/2016

SEROLOGY		BIO-CHEMISTRY		
Tests	Report	Tests	Report	N. Range
Blood Group		Sugar Fasting		60-- 115mg/dl
H.Pylori	<i>Positive (+ve)</i>	Sugar Random		70-- 130mg/dl
R A Factor		Blood Urea		10--- 48mg/dl
ASO Titer		Serum Creatinine		Upto 1.0mg/dl
HBS Antigen		Serum Uric Acid		3.5- 7.7mg/dl
Anti HCV		SGPT (ALT)		Upto 40u/l
HIV		T. Billirubine		Upto 1.0mg/dl
VDRL		D. Billirubine		< 0.3mg/dl
ANF		In. Billirubine		<0.7mg/dl
TYPHIDOT	IgG <i>Positive (+ve)</i>	Alkaline phosphates		120250U/L
	IgM <i>Positive (+ve)</i>	Serum Cholesterol		120- 200mg/dl
TAXOPLASMA	IgG	Triglycerides		120- 200mg/dl
	IgM	Total lipids		450- 850mg/dl
WIDAL	TO	ELECTOLYTS		
	TH	Na+		135-145mEq/l
	AO	K+		3.5---5.1mEq/l
	BO	Cl-		98---106mEq/l
BRUCELLA	Ab	HBA I C		
	Mel	ICT T B		

Remarks.....

Lab.Tech.....

Signature

HOD (Pathology)
M.T.I. MMC Mardan

ATTESTED

Signature

PATHOLOGY DEPARTMENT MTL/MMC MARDAN

6

PATIENTNAME Saida Ali DATE 25/11/2016

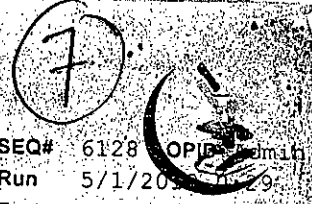
HEMATOLOGY			SEMIN ANALYSIS		
Tests	Report	N Range	Tests	Report	N Range
HB%		M=13.5...16.5 F=11.5...13.5	Physical & Chemical examination		
M.P			Quantity		01.....04ml
TLC		4000.....10000	Color		TURBID WATERY
DLC			Viscosity		VISCUS
Neutrophil		45.....75%	Reaction		ALKALINE
Lymphocytes		20.....45%	MICROSCOPIC EXAMINATION		
Monocytes		01.....08%	Total sp count		60.....150 million/ml
Eosinophil		01.....06%	Active Sperm		> 60%
Basophil		00.....01%	Sluggish sper		<20%
Platelets.		150000-500000/cmm	Dead Sperm		<50%
ESR		0-----10mm/h	Pus Cells		02.....03
B T		1-----5min	RBCs		Nil
C T		5-----10min	Others		Nil
URINE ANALYSIS			MORPHOLOGY		
Color	<i>P yellow</i>	P. YELLOW	Normal sperm		>80%
P H	<i>Acidic</i>	ACIDIC	Abnormal spr		<20%
SP.Gravity	<i>1.013</i>	1,010....1,030	COAGULATION PROFILE		
Sugar	<i>nil</i>	NIL	P.T		12 Sec
Protein	<i>nil</i>	NIL	APTT		Less then 35sec
MICROSCOPIC EXAMINATION			INR		1.20
Pus Cells	<i>06 - 08</i>	00.....03	STOOL R/E		
RBCs	<i>04 - 06</i>	00.....03	Color		Brown
Casts.	<i>nil</i>	NIL	Blood		Nil
Crystals	<i>nil</i>	a few	Mucus		Nil
EP-Cells	<i>nil</i>	a few	MICROSCOPIC EXAMINATION		
Others	<i>A - curvates (+)</i>	Nil	Pus Cells		Nil
Pregnancy test			RBCs		Nil
Remarks..... Lab.Tech.....			Ova		Nil
			Casts		Nil

HOD (Pathology)
M.T.I. MMC Mardan

[Signature]

Chartable Page

PATHOLOGY DEPARTMENT



S_ID No_ID
 Pat Name NIDA ALI
 Pat ID
 Doctor
 Comment

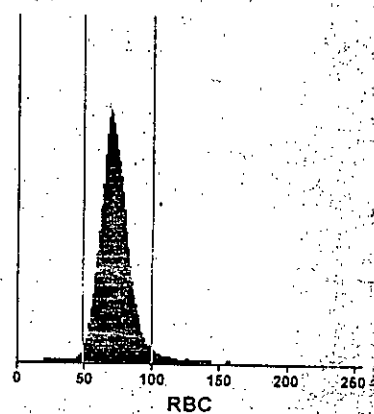
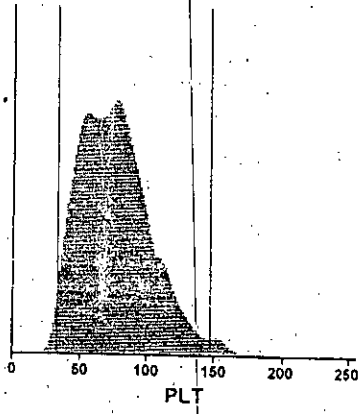
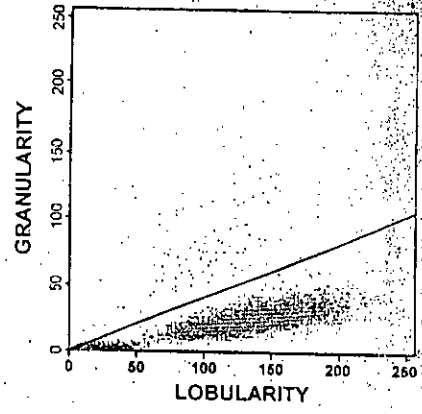
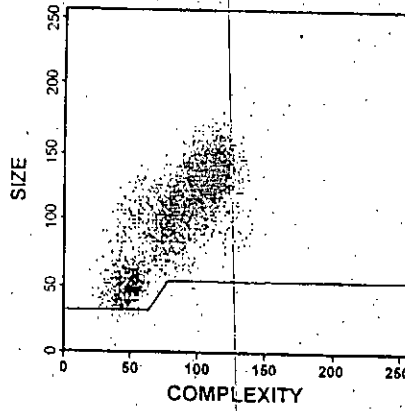
Sex Unknown
 Draw Date/Time
 User Field 1
 User Field 2

SEQ# 6128
 Run 5/1/2019
 Test CBC
 Mode Open Param
 Limits Default (1)

WBC 5.20 10e3/uL
 NEU 4.23 81.4 %
 LYM .730 14.0 %
 MONO .157 3.02 %
 EOS .061 1.18 %
 BASO .019 .372 %

RBC >>>> 10e6/uL
 HGB 11.2 g/dL
 HCT %
 MCV 78.0 fL
 MCH pg
 MCHC g/dL
 RDW 13.4 %

PLT 160. 10e3/uL
 MPV 7.33 fL



(MPV = 11.0 uL seen)

LIMIT SET				
WBC	3.70-10.1	RBC	4.06-4.69	
NEU	1.63-6.96	39.3-73.7 %	HGB	12.9-14.2
LYM	1.09-2.99	18.0-48.3 %	HCT	37.7-53.7
MONO	.240-.790	4.40-12.7 %	MCV	81.1-96.0
EOS	.030-.440	.600-7.30 %	MCH	27.0-31.2
BASO	0.00-.080	0.00-1.70 %	MCHC	31.8-35.4
			RDW	11.5-14.5
			PLT	155-366
			MPV	6.90-10.6

INTERPRETATION

-----WBC-----RBC-----PLT-----

SUSPECTED ABNORMAL POPULATIONS:

RBC Data Overage

USER DEFINED ABNORMALITIES:

Lymphopenia

Microcytic RBC

[Signature]
 Director

ATTESTED

[Signature]

MTI / MMG / BKMG

MARDAN

B-8

ند 28 رپورٹ غیر ماہری عدلیہ MAE وقت 1410 بھ مورخہ 11/16 راج سنگھ
 لیڈی سٹیبل نداء علی 2787 جو کہ بحوالہ ند 19 روزنامہ 10/16 رخصت کارڈ 03 نوم
 سرگسر خود گئی ہوئی تھی منگی ترح و اسی مقدر تھی مگر مذکورہ سٹیبل راج سنگھ واپس
 حاضر نہیں ہوئی ہے سردست لیڈی سٹیبل نداء علی 2787 کی صرف رپورٹ غیر ماہری
 راج روزنامہ 10/16 ہو کر نقل مد علیحدہ مرتب کرنے لفر میں مناسب کارڈ واپس سران
 باہ کی خدمت میں ارسال ہے۔

صا علی!

تعداد 28 روزنامہ 11/16
 @na
 min-mps sor
 26-04-19

ATTESTED

[Signature]

9

صا عالی

موردیام تر از اس وقت سائله چون بی عیار یک اور
دو بی سر انجام بی درستی
دستور عامه سائله کو چار ماه وقت کمال دینے کا
کم صادر فرمایا جائے

عین نزلتیں سورج

مستحق

کری سیکل ندرتیں 2787 فصلیہ بوسہ لائن دینے
الکونیا 11/11/2016

ATTESTED

Handwritten signature or mark

صفا عالی

خود باہر ترانس پیما کی ہیں کہ معاملہ اور لی رو میں
خوشی خود پیش ہونا چاہتی ہیں

دستہ عام تعلیم سائنس کو اور لی رو میں پیش ہونے کی اجازت
عطا فرمائی جائے
عین ترانس پیما

اللہ

11/11/2016

نقدی اکاؤنٹ ذرا و علی عمر 2787 سہ ماہی پودھی لائن بریل

ATTESTED

[Signature]

POLICE DEPARTMENT

MARDAN DISTRICT

ORDER

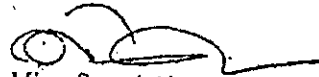
This order will dispose-off departmental inquiry, which has been conducted against Lady Constable Nida No. 2787, on the allegation that he while posted at Women Disk Police Station Saddar, deliberately absented herself from lawful duty from dated DD No. 32 dated 28.09.2016 to DD No. 13 dated 12.10.2016 and vide DD No. 28 dated 11.11.2016 to till-date i.e 23.02.2017. This attitude adversely reflected on his performance which is an indiscipline act and gross misconduct on his part as defined in rule 2(iii) of Police Rules 1975. Therefore he was recommended for departmental action.

In this connection, Lady Constable Nida No. 2787, was charge sheeted vide this office No. 383/R, dated 19.10.2016 and also proceeded him against departmentally through Mr. Shah Mumtaz Khan, DSP/City Mardan, who after fulfilling necessary process, submitted his findings to the undersigned vide his office endorsement No. 3284/S, dated 19.12.2016. The allegations have been established against him and recommended for major punishment.

The undersigned agreed with the findings of the enquiry officer and the alleged Lady Constable Nida No. 2787, is hereby awarded major punishment of "Dismissal from Service" while his 118-days absence period is counted as leave without pay, with immediate effect in exercise of the power vested in me under the above quoted rules.

Order announced

O.B No. 531
Dated 24/2/2017.

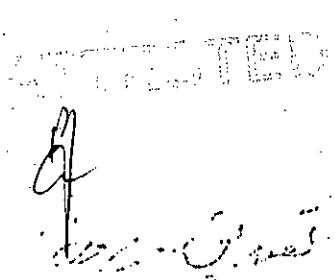

Dr. Mian Saeed Ahmed (PSP)
District Police Officer,
Mardan.

No. 21-271 dated Mardan the 28/02 2017.

Copy for information and necessary action to:-

1. The Deputy Inspector General of Police, Mardan Region-1, Mardan.
2. The S.P Operations, Mardan.
3. The DSP/ City, Mardan.
4. The DSP/HQs: Mardan.
5. The Pay Office: (DPO) Mardan.
6. The E.C (DPO) Mardan.
7. The OSI (DPO) Mardan.

22/02/17



To

The Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Subject: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER DATED
28.02.2017 WHEREBY THE APPELLANT HAS BEEN DISMISSED FROM
SERVICE.

Respected Sir,

It is most humbly stated that was the employee of your good self Department and had served as Lady Constable the respondent Department for quite considerable period efficiently and upto the entire satisfaction of her superiors. Due to illness (Gyne issue) I have submitted application for medical leave. That the said leave was allowed to me for a period of thirty days and on the expiry of medical leave the appellant submitted my arrival on 11.11.2016 and requested for the extension of medical leave w.e.f 12.11.2016 to 11.3.2017 but the said application was un-responded. After recovery from the said illness I visited the concerned quarter for joining of my duty but the concerned authority handed over the impugned order dated 28.2.2017 whereby I have been dismissed from service. I was feeling aggrieved from the above mentioned dismissal order filed this Departmental appeal before your good self for redressal of my grievances and to re-instate in service.

It is therefore, most humbly prayed that on acceptance of this Departmental the impugned order dated 28.2.2017 may very kindly be set aside and I may be re-instated into service with all back benefits. Any other remedy which your good self deems fit that may also be awarded in favor of me.

Dated: 11.04.2017.

Your obediently



NIDA ALI

Ex-Lady Constable No.2787,
District Mardan.

G (13)
⊗

ORDER.

This order will dispose-off the departmental appeal preferred by Ex-Lady Constable Nida No. 2787 of Mardan District Police against the order of the District Police Officer, Mardan, wherein she was awarded Major Punishment of dismissal from Service by the then District Police Officer, Mardan vide his office OB: No. 531 dated 24.02.2017.

Brief facts of the case are that the appellant while posted at Women Desk Police Station Saddar deliberately absented herself from lawful duty vide dally dalry No. 32 dated 28.09.2016 to dally diary No. 13 dated 12.10.2016 and dally diary No. 28 dated 11.11.2016 till the date of her dismissal. Therefore, she was recommended for departmental action.

Consequently she was charge sheeted and also proceeded him against departmentally through Mr. Shah Mumtaz Khan the then DSP/City, Mardan. The Enquiry Officer after fulfilling necessary process submitted his findings to the then District Police Officer, Mardan. The allegations were established against her and recommended for Major Punishment.

The then District Police Officer, Mardan agreed with the findings of the enquiry Officer and the alleged Lady Constable Nida was awarded Major Punishment of dismissal from service while her 118 days absence period was counted as leave without pay.

She was called in orderly room held in this office on 27.02.2019 and heard in person. The appellant did not produce any cogent reason for her absence. Therefore, I find no grounds to intervene into the order passed by the then District Police Officer, Mardan. She has bad service record and her appeal is also badly time barred. Hence field.

ORDER ANNOUNCED

Muhammad Ali Khan

(MUHAMMAD ALI KHAN)PSP
Regional Police Officer,
Mardan.

No. 1946 /ES,

Dated Mardan the 07/03 /2019.

Copy to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No. 101/LB dated 22.02.2019. Her Service Record is returned herewith.

(.....)

ARRESTED
[Signature]

ORDER

This order will dispose of the departmental appeal preferred by Ex-Lady Constable with No. 2387 of Meriden District Police against the order of the District Police Officer, Meriden, wherein she was awarded Major Punishment of dismissal from service by the then District Police Officer, Meriden vide his order D/P No. 511 dated 27.02.2019.

Chief facts of the case are that the applicant, who posted at Women's Detach Police Station Radnor maliciously conspired to abscond from her duty vide daily diary No. 22 dated 28.02.2016 to daily diary No. 13 dated 14.10.2016 and daily diary No. 28 dated 11.11.2016 and the date of her dismissal. Therefore, she was recommended for departmental action.

Consequently she was charge sheeted and also proceeded for departmental action through Mr. Shah Mumtaz Khan, the then DSP/Cy. Meriden. The enquiry officer after fulfilling necessary process submitted his finding to the then District Police Officer, Meriden. The allegations were established against her and recommended for Major Punishment.

The then District Police Officer, Meriden agreed with the finding of the enquiry officer and the aforesaid Lady Constable was awarded Major Punishment of dismissal from service with her 128 days absence period was counted as leave without pay.

She was called in orderly room held in this office on 27.02.2019 and heard in person. The respondent did not produce any cogent reason for her absence. Therefore, I had no grounds to interfere into the order passed by the then District Police Officer, Meriden. She has had service record and her appeal is also hereby dismissed. Hence held.

M. Mumtaz Khan

(MUHAMMAD ALI KHAN) DSP
Regional Police Officer,
Meriden

10/03/2019 Dated Meriden the 10/03/2019

Copy to District Police Officer, Meriden for information and necessary action will be taken. Meriden No. 10742 dated 25.02.2019. Her service record is returned herewith.

محرمہ صبر اللہ صبرہ ام و صبر علیٰ ما آتاکم

نظر الیٰ علیہ

H-14

صبر علیٰ ما آتاکم
صبر صبر صبر صبر صبر

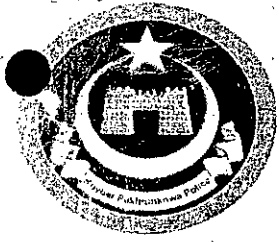
کہ جس کے متعلق راجس دوران میں پور گریڈ کا فارم 2787
تعمیرات کس کے لئے منظور کیا گیا ہے اس میں کوئی فرق نہیں ہے
رہی دوران دوران میں سے ایک درخواست پر جمع کرادی گئی
میں جو کچھ کہا گیا ہے اس پر عمل کرنا ہے اس میں کوئی فرق نہیں
گورنری پر جاننے کی وجہ سے اس کے لئے Dismissal آرڈر
پر 28/02/2017 کو جاری کیا گیا ہے اس میں کوئی فرق نہیں
دوران کو جاننے اس کے لئے وہ جو فورم 07-3-2018 کو جاری کیا گیا
ہے اس کے لئے ایک خاصان کو تفریق کی گئی ہے اس کے لئے
دوبارہ فرم پر عمل کرنا ہے

گفتا اب صبر صبر صبر صبر صبر صبر صبر صبر صبر صبر
صبر صبر صبر صبر صبر صبر صبر صبر صبر صبر

15/3/2018

اللہ اعلم

نور الدین
صبر صبر صبر صبر صبر صبر صبر صبر صبر صبر



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

No. S/ 972 /19, dated Peshawar the 29/03 /2019.

To: The Regional Police Officer,
Mardan.

Subject: **MERCY PETITION.**

Memo:


The Competent Authority has examined in the light of Police Rule 16.32 and filed the mercy petition submitted by Ex-Lady Constable Nida No. 2787 of Mardan District Police against the punishment of dismissal from service awarded by DPO/Mardan vide OB No. 531, dated 24.02.2017 being badly time barred.

The applicant may please be informed accordingly.


(SYED ANIS-UL-HASSAN)

Registrar,

For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

ATTESTED


VAKALATNAMA

Before the Khyber Pakhtunkhwa Service Tribunal
Peshawar

No. _____/2019

Nida Ali

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Police Department

(RESPONDENT)
(DEFENDANT)

I/We *Nida Ali*

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. _____/_____/2019

[Signature]

CLIENT

[Signature]
ACCEPTED

NOOR MOHAMMAD KHATTAK

W
SHAHZULLAH KHAN YOUSAFZAI

[Signature]
MIR ZAMAN SAET
ADVOCATES

OFFICE:

Room No. 2, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.
Phone: 091-2211391

C

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

Service Appeal No. 630/2019

Mrs. Nida Ali, Ex-Lady Constale No. 2787,
Police Lines, Mardan.

.....Appellant

V E R S U S

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawra.
2. Regional Police Officer, Mardan Region, District Mardan.
3. District Police Officer, Mardan.

.....Respondents

REPLY ON BEHALF OF RESPONDENTS No. 1, 2 & 3,

Respectfully Sheweth: -

PRELIMINARY OBJECTIONS

1. That the appellant has got no cause of action.
2. That the appeal is badly time-barred.
3. That the appellant has been estopped by his own conduct to file the appeal.
4. That the appeal is not maintainable in its present form.
5. That the appellant has not come to the Honourable Tribunal with clean hands.

ON FACTS

1. Para to the extent employment in Police Department, pertains to record needs no comment while rest of the para is not plausible because every Police Officer/Official is under obligation to discharge duties upto the entire satisfaction of seniors.
2. Para incorrect. Because the appellant while posted at women desk Police Station, Saddar, willfully and deliberately absented herself from her lawful duty and in this regard proper report was penned in daily diary vide No. 32 dated 28-09-2016, Police Station, Saddar, where-after she reported her arrival on 12-10-2016 vide daily diary No. 13. However, on 11-11-2016, a report was again entered in daily diary vide No. 28, according to which the appellant was granted 30 days leave and her arrival was due on the aforementioned date but neither she reported her arrival nor applied for leave hence, she was marked absent. (Daily diary reports are annexed as Annexure "A", "B" & "C").


3. Para incorrect. The appellant in order to give legal cover to her absence period propounded this story because her arrival was due on 11-11-2016, but instead of arrival she again willfully and deliberately absented herself and after long absence of almost 03 months and 17 days, she alleged to report her arrival which is not plausible. That on account of her willful absence, she was proceeded against departmentally by issuing charge sheet & statement of allegation and SDPO City, Mardan was appointed as enquiry officer, who during the course of enquiry perused her service record which depicted that the appellant had tented service record with 19 bad entries which also show her lethargic attitude towards her official duties. Therefore, the enquiry officer after fulfillment of all legal and codal formalities, recommended the appellant for awarded appropriate punishment. Since, the allegations against the appellant have been proved to the hilt therefore, she was awarded appropriate punishment of dismissal from service which does commensurate with the gravity of misconduct of appellant. (Copy of charge sheet and statement of allegation are annexed as annexure "D"&"E").
4. Correct to the extent that the appellant preferred departmental appeal while rest of the para is incorrect, because, her dismissal order was passed on 24-02-2017 and she preferred departmental appeal in the year 2019, the appellant was also called in Orderly Room held on 27-02-2019, by providing of her right of self defense, but she bitterly failed to prove her innocence. Hence, the same was dismissed vide order No. 1946/ES dated 07-03-2019.
5. That appeal of the appellant is liable to be dismissed on the following grounds amongst the others: -

GROUNDS

- A. Incorrect. The orders passed by the competent as well as appellate authority are in accordance with law, facts, norms of natural justice and materials available on record, hence, tenable in the eye of law.
- B. Incorrect. Neither the respondent department has any grudges against the appellant nor she has been treated against the law. Hence, plea of the appellant is not plausible.
- C. Incorrect. As discussed earlier, the appellant was issued charge sheet and statement of allegation and proper departmental enquiry was initiated, during the course of which all legal and codal formalities were fulfilled and the appellant was provided ample opportunities to defend herself but in fiasco.

- D. Para already explained needs no comments.
- E. Incorrect. The appellant during the course of enquiry was provided full-fledged opportunities of defending herself but she bitterly failed to produce any sort of evidence regarding her innocence, therefore, plea taken by the appellant is a whimsical one.
- F. Incorrect. The appellant being member of disciplined force was under obligation to take proper leave/permission of the competent authority, but she did not bother to do so, rather absented herself, which shows her lethargy towards her official duties.
- G. Incorrect. As discussed earlier, the respondent department has no grudges against the appellant rather she has been treated in consonance with law, facts and material available on record.
- H. Para already explained hence, no comments.
- I. Para explained in preceding para hence, no comments.
- J. That the respondents also seek permission of this Honourable Tribunal to raise additional grounds at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of above submissions the appeal of the appellant may very kindly be dismissed with cost through out.


Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.
Respondent No.1


Regional Police Officer,
Mardan Region-I, Mardan
Respondent No. 2


District Police Officer,
Mardan
Respondent No.3

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

Service Appeal No. 630/2019

Mrs. Nida Ali, Ex-Lady Constable No. 2787,
Police Lines, Mardan.

.....Appellant


V E R S U S

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Mardan Region, District Mardan.
3. District Police Officer, Mardan.


.....Respondents

COUNTER AFFIDAVIT.

We, the respondents do hereby declare and solemnly affirm on oath that the contents of the Para-wise comments in the service appeal cited as subject are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honourable Tribunal.


Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.
Respondent No.1


Regional Police Officer,
Mardan Region-I, Mardan
Respondent No. 2


District Police Officer,
Mardan
Respondent No.3

نمبر 28 روزنامہ 11/16

MPs

صدرت 28 ریلوے سٹیشن پر کراچی کے لیے مسافر ٹرین کے لیے 10-11 بجے اور 11/16
 لیڈنگ سٹیشن پر 2787 جو کہ بحالہ نمبر 19 روزنامہ 10/12 ریلوے
 30 ایم پی کے گروپ کے ریلوے کی کمی کو حل کرنے کے لیے ایسے اقدامات اختیار کرنے
 آج کے دن کے لیے سب سے پہلے لیڈنگ سٹیشن پر
 صدرت 28 ریلوے سٹیشن پر کراچی کے لیے 10-11 بجے اور 11/16
 مناسب کارروائی اختیار کرنا اور حکومت سے ارسال ہونے

صاحب
 نثر علی
 MPAI MP's Subdiv
 11-11-16

Sir
 Feroz
 SHO MP's SDA
 11-11-16

پولیس لائن

نقلہ 26 - سٹریٹ نمبر 04/03
016

2016

ایورٹ میٹر حافری: قیمت زیادہ MASI وقت 08:05 بجے مورفہ 04/03/16 اس وقت
قریب سے لٹری کی کوئی حمارت پیش کر کے جسے خاندان میٹر
لٹری کی بجائے زیادہ 2787 پر لکھی گئی جسے فلاں پر مورفہ
درج سٹریٹ نمبر کر کے نقلہ بٹرفی سٹریٹ نمبر کاروائی اور ان کے

مناجیاتی!

نقل مطابق اصل

M. M. P. Mandu

20/4/16

Sit: Forwarded

Lo P. Mandu

21/04/16

مملکت

نقلہ 30 - سٹریٹ نمبر 04/03
016

پولیس لائن

حافری: قیمت زیادہ MASI وقت 08:05 بجے مورفہ 04/03/16 اس وقت لٹری کی بجائے

زیادہ 2787 سٹریٹ نمبر حافری زیادہ جو الٹری 26 سٹریٹ نمبر 04/03/16 سے حافری

جسے حافری درج سٹریٹ نمبر کر کے نقلہ بٹرفی سٹریٹ نمبر کاروائی اور ان کے

مناجیاتی!

مناجیاتی!

نقل مطابق اصل

M. M. P. Mandu

20/4/16

میں - - - میں

Forwarded PL

R / L / M / Mandu

21-04-16

(2)

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.

5) MP MPS cl

تعداد 32
28/09/16

ریورٹ عسکر خاں جو گیم MAS دت 15/45 بجے 28/09/16 درہمیں ایسٹ لڈ
نڈا 2787 جو مقام نڈا کے وین ڈسک میں لکھا ہے اور عسکر خاں
وہ دور مقام میں چکر کے در فورہ لڈ میں لکھی گئی ہے تاکہ کسی بھی
سرپرست کے خلاف ریورٹ عسکر خاں کے بارے میں کوئی بھی نوٹ نہ لیا
جس کے ذریعے اس کے بارے میں کوئی بھی نوٹ نہ لیا
بہت دور عسکر خاں

نیا کار
نقل عسکر خاں

MM MPS Section

29-9-16

Sir Forwarded

SHO - MRS - SDR
05-10-16

نمبر صاحب قحاز صدر

ریورٹ عسکر خاں میں کریں۔ اگر ہو تو
عسکر خاں سے۔ تو جس کے پاس ہے۔

No = 99 - R
dt = 5/10/16

The AC
R/Asi, DSP, City
5/10/16

عسکر خاں کے بارے میں
میں پاس میں
5/10/16

Sir,
FORWARDED PLS
D.S.P City MDN:
14/10/16

تھانہ MPS

نمبر 13 روزنامہ 12/10

حاضری ارشد خان SHQ وقت 08:00 بجے 12/10 اس وقت ٹیبل کٹیل نذر علی
 غیر حاضر شدہ بچوں کے نام 28/10 حاضری کر بیان کیا تم بیمار تھی میری دم
 پر صحتی ہو اب حاضری آئی ہو میری حاضری ہے روزنامہ کا جائے لیا آن
 کٹیل کی حاضری اور وقت درج روزنامہ پر ہرگز نہیں مد عملیہ مرتب ہو کر بغیر حاضری
 کاروائی افسرانہا کی طرف سے ارسال ہوئی
 جناب عالی!

نذر علی اصل ہے
 AMHC MPS SDR
 8-12-16



OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

No. 383 /R/D.A-P.R-1975.

Dated 19-10- /2015

DISCIPLINARY ACTION UNDER KPK POLICE RULES - 1975

I, **Faisal Shahzad** District Police Officer, Mardan as competent authority am of the opinion that **LFC Nida No. 2787**, rendered himself liable to be proceeded against as he committed the following acts/omission within the meaning of section-02 (iii) of KPK Police Rules 1975.

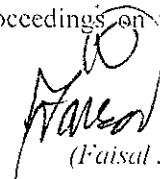
STATEMENT OF ALLEGATIONS

That **LFC Nida No. 2787**, while posted at Women Disk Police Station **Saddar**, deliberately absented herself from lawful duty from dated DD No. 32 dated 28.09.2016 to-date.

2. For the purpose of scrutinizing the conduct of the said official with reference to the above allegations **Shah Mumtaz Khan DSP/City Mardan** 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 official, record its findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

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


(Faisal Shahzad) PSP
District Police Officer,
Mardan

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

No. 383 /R, dated Mardan the 19-10 /2015.

Copy of above is forwarded to the:

1. DSP/City Mardan for initiating proceedings against the accused official / Officer namely **LFC Nida No. 2787**, under Police Rules, 1975.
2. **LFC Nida No. 2787**, with the directions to appear before the Enquiry Officer on the date, time and place fixed by the enquiry officer for the purpose of enquiry proceedings.

***** !!! *****

(0348-5705485)

12/10/2015
19
رکورد مطابقت فرمایا گیا
12/10/2015

CHARGE SHEET UNDER KPK POLICE RULES 1975

I, **Faisal Shahzad** District Police Officer, Mardan as competent authority hereby charge you **LFC Nida No. 2787**, as follows.

That you Lady constable, while posted at Women Disk Police Station Saddar, deliberately absented yourself from lawful duty from dated DD No. 32 dated 28.09.2016 to-date.

This amounts to grave misconduct on your part, warranting departmental action against you, as defined in section - 6 (1) (a) of the KPK Police Rules 1975.

1. By reason of the above, you appear to be guilty of misconduct under section - 02 (iii) of the KPK Police Rules 1975 and has rendered yourself liable to all or any of the penalties as specified in section - 04 (i) a & b of the said Rules.
2. You are therefore, directed to submit your written defense **within seven days** of the receipt of this charge sheet to the enquiry officer.
3. Your written defence if any, should reach to 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, an ex-parte action shall follow against you.
4. Intimate whether you desired to be heard in persons.



(Faisal Shahzad) PSP
District Police Officer,
Mardan.

INQUIRY REPORT AGAINST LADY CONSTABLE NIDA NO 2787.

Undersigned was deputed to conduct Enquiry of LFC Nida No 2787 PS Saddar Mardan, by Worthy District Police Officer Mardan through office Letter No.383/R/D.A.P.R-1975 Dated 10/2016.

BRIEF FACTS.

That LFC Nida No 2787, while posted at Women Disk Police Station Saddar, deliberately absented herself from lawful duty vide DD No 32 dated 28-09-2016, to-date.

PROCEEDINGS.

The proceedings of the enquiry have been conducted strictly in accordance with the NWFP Police Rules 1975.

The Ex-record of the above mentioned Lady Constable was questioned from establishment branch, wherein it was observe that she join police department from 18/05/2009 with 02 good and 19 bad entries.

The Moharrar of PS Saddar was contacted regarding the enquiry of lady constable Nida, wherein it was observe that she was approved with 30 days casual leave vide DD No 19 dated 12/10/2016, who had to report her arrival on 11/11/2016, but she did not report her arrival. Thus, a report of her absence has been registered against her vide DD No 28 dated 11/11/2016, PS Saddar Mardan.

FINDINGS.

During the enquiry it was observe that the above mentioned lady constable has total 14 days absence, wherein she had also 30 days leave and up to date absence from 11/11/2016.

CONCLUSION.

In view of the above, the undersigned has reached to the conclusion that the above mentioned lady constable may be given major punishment, if agreed.

No: 3284 /S
Dt: 19-12-2016
Encl: (05)

Good = 2

Bad = 21

Deputy Superintendent of Police,
City Circle, Mardan.

Dismissal from Service

/
~~6~~
22/02/17

ORDER

This order will dispose-off departmental inquiry, which has been conducted against **Lady Constable Nida No. 2787**, on the allegation that he while posted at Women Disk Police Station Saddar, deliberately absented herself from lawful duty from dated DD No. 32 dated 28.09.2016 to DD No. 13 dated 12.10.2016 and vide DD No. 28 dated 11.11.2016 to till-date i.e 23.02.2017. This attitude adversely reflected on his performance which is an indiscipline act and gross misconduct on his part as defined in rule 2(iii) of Police Rules 1975. Therefore he was recommended for departmental action.


In this connection, **Lady Constable Nida No. 2787**, was charge sheeted vide this office No. 383/R, dated 19.10.2016 and also proceeded him against departmentally through **Mr. Shah Mumtaz Khan, DSP/City Mardan**, who after fulfilling necessary process, submitted his findings to the undersigned vide his office endorsement No. 3284/S, dated 19.12.2016. The allegations have been established against him and recommended for major punishment.

The undersigned agreed with the findings of the enquiry officer and the alleged **Lady Constable Nida No. 2787**, is hereby awarded major punishment of "**Dismissal from Service**" while his 118-days absence period is counted as leave without pay, with immediate effect in exercise of the power vested in me under the above quoted rules.

Order announced

O.B No. 531

Dated 24 / 2 /2017.

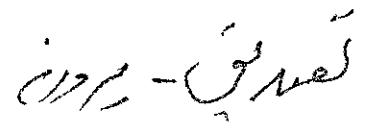

Dr. Mian Saeed Ahmed (PSP)
District Police Officer,
Mardan.

No. 2521-27/ dated Mardan the 28/02 /2017.

Copy for information and necessary action to:-

1. The Deputy Inspector General of Police, Mardan Region-I, Mardan.
2. The S.P Operations, Mardan.
3. The DSP/ City, Mardan.
4. The DSP/HQrs: Mardan.
5. The Pay Officer (DPO) Mardan.
6. The E.C (DPO) Mardan.
7. The OSI (DPO) Mardan.

*****!!!*****



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

Service Appeal No. 630/2019

Mrs. Nida Ali, Ex-Lady Constale No. 2787,
Police Lines, Mardan.

.....Appellant

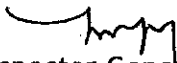
V E R S U S

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawra.
2. Regional Police Officer, Mardan Region, District Mardan.
3. District Polie Officer, Mardan.


.....Respondents

AUTHORITY LETTER.

Mr. Atta-ur-Rahman Inspector Legal, (Police) Mardan is hereby authorized to appear before the Honourable Service Tribunal, Khyber Pakhtunkhwa, Peshawar in the above captioned service appeal on behalf of the respondents. He is also authorized to submit all required documents and replies etc. as representative of the respondents through the Addl: Advocate General/Govt. Pleader, Khyber Pakhtunkhwa Service Tribunal, Peshawar.


Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.
Respondent No.1


Regional Police Officer,
Mardan Region-I, Mardan
Respondent No. 2


District Police Officer,
Mardan
Respondent No.3

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

Service Appeal No. 630/2019

Mrs. Nida Ali, Ex-Lady Constale No. 2787,
Police Lines, Mardan.

.....Appellant

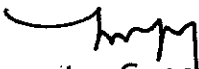
V E R S U S

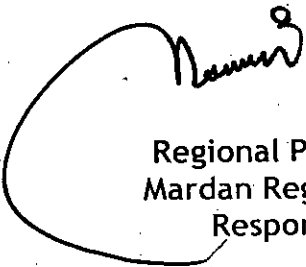
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2. Regional Police Officer, Mardan Region, District Mardan.
3. District Polie Officer, Mardan.

.....Respondents

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Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.
Respondent No.1


Regional Police Officer,
Mardan Region-I, Mardan
Respondent No. 2


District Police Officer,
Mardan
Respondent No.3

درخواست نمبر 2783/2019
2783/19
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1396
15-02-2019

ضمانت عالیہ اور درخواست ضمانت نمبر 2783/2019

اس کیس کے سائلہ / انٹیل جنس 2783/2019 ضلع مردان پولیس سال 2009 گیسٹ ہاؤس ٹھکانہ
اور اس سائلہ نے اپنی ڈیوٹی ایجنڈوں سے کسی سے اور مردان ڈیوٹی آفس میں
ضمانت نامہ جمع نہیں دیا گیا ہے اور نہ ہی کوئی غیر جانبدار کی گواہی
اس کیس کے سائلہ / انٹیل جنس اور نوٹیفکیشن اور نوٹیفکیشن میں ملتی ہے اس کے سائلہ نے
بیوی اور یو جی شادی بھلاہ محمد یونس مددیت سے نمونہ نمبر 10/2019
نمبر 10/2019 سے مددیت سے نمونہ نمبر 10/2019 سے مددیت سے نمونہ نمبر 10/2019
کی تصدیق نہیں کی گئی ہے یہ پورے نمونہ حالات کے سائلہ کا نام ہے
اس کیس کے سائلہ / انٹیل جنس نے مشورہ مکان سے علیحدگی کی گئی ہے اور
حال پکارہ ہے اور شوہر ام بیروز کا ہے اور لکھنے کے اجراءات پر دست کوڑا اور
گھر بیوں حالات کافی حد تک ہے اور اس سائلہ / انٹیل جنس کے نمونہ نمبر 10/2019

DSPLegal
EC
For comments

اس کیس کے سائلہ / انٹیل جنس اور انٹیل جنس کے قابل ہے اور انٹیل جنس کے قابل ہے
کنڈیشن کے سائلہ / انٹیل جنس کے نمونہ حالات و مال حالات کو تیز کر کے
اور سائلہ کے حالات پر مہر دہ اور مہر دہ اور انٹیل جنس کے قابل ہے اور انٹیل جنس کے قابل ہے
صدار فرمائی جاوے گا سائلہ / انٹیل جنس کے نمونہ حالات پر مہر دہ اور مہر دہ اور انٹیل جنس کے قابل ہے

No. 1310/ES
DP: 14-2-2019
EC/DPD/orden
For comments

2783/2019 جنس 2783/2019
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195/LB
15-02-19

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DPD/orden