

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.2819/2021

Date of Institution ... 16.02.2021
Date of Decision ... 08.09.2022

Murad Khan, Ex-Constable No.587, Police Post Jehangira, Nowshera.
... (Appellant)

VERSUS

The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and two
others.
... (Respondents)

Taimur Ali Khan,
Advocate ... For appellant.

Muhammad Adeel Butt,
Additional Advocate General ... For respondents.

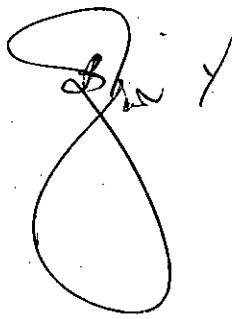
Rozina Rehman ... Member (J)
Fareeha Paul ... Member (E)

JUDGMENT

ROZINA REHMAN, MEMBER (J): The appellant has invoked the
jurisdiction of this Tribunal through above titled appeal with the prayer as
copied below:

“On acceptance of this appeal, the order dated
18.08.2020 and 12.10.2020 may kindly be set aside and the
respondents may be directed to reinstate the appellant into
service with all back and consequential benefits”.

2. Brief facts of the case are that appellant was appointed as
Constable in the year 2013. While serving in the said capacity, he was
posted in Police Post Jehangira and due to the ailment of his mother, he
remained engaged in her treatment. Departmental proceedings were

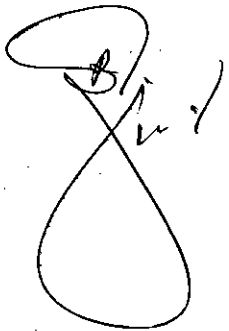


conducted against him and the Inquiry Officer recommended that the appellant may be awarded punishment of stoppage of one increment for one year. Where-after, final show cause notice was issued which was replied but the appellant was awarded major punishment of dismissal from service. Feeling aggrieved, he filed departmental appeal which was rejected, hence, the present appeal.

3. We have heard Taimur Ali Khan, Advocate learned counsel for the appellant and Muhammad Adeel Butt, learned Additional Advocate General for respondents and have gone through the record and the proceedings of the case in minute particulars.

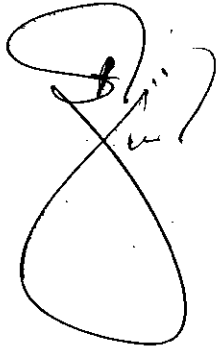
4. Taimur Ali Khan Advocate, learned counsel for the appellant argued inter alia that the impugned orders are against law, facts and norms of justice as appellant was not treated according to law. He submitted that inquiry was not conducted according to the prescribed procedure as no opportunity of defense was provided to the appellant; that the penalty of dismissal from service is very harsh and in violation of law, therefore, liable to be set aside. He, therefore, requested for acceptance of this appeal.

5. Conversely, learned AAG submitted that plea of the appellant regarding his mother's illness is baseless and misconceived because he did not inform the high ups regarding her illness and absented himself from duty without permission. It was submitted that the appellant never remained regular in official duty nor he remained a responsible police official. That after getting the inquiry report from the Inquiry officer, he was issued final show cause notice to which he submitted



reply but the same was unsatisfactory, therefore, he was dismissed from service after completion of all codal formalities.

6. After hearing the learned counsel for the parties and going through the record of the case with their assistance and after perusing the precedent cases cited before us, we are of the opinion that appellant while posted at PP Jehangira, he remained absent from lawful duty without any leave/permission of the competent authority vide DD No.13 dated 27.04.2020 to DD No.10 dated 29.06.2020 and DD No.02 dated 29.06.2020 to DD No.43 dated 28.07.2020, on account of which he was served with show cause notice but he failed to submit reply. Therefore, he was proceeded against departmentally through Ayaz Mehmood, DSP Akora who after fulfillment of legal formalities, submitted report, wherein the allegations leveled against the appellant were proved and he was recommended for minor punishment. On 29.07.2020, he was served with final show cause notice to which he submitted reply and he again absented himself from duty without leave vide DD NO.05 dated 02.08.2020 and was absent even on the date of passing of impugned order. He remained absent for 108 days. His service record is replete with red entries. He was enlisted in Police Department on 28.10.2013 and during his short service, he earned two minor punishments i.e. stoppage of three increments vide OB No.1337 dated 22.11.2019 and stoppage of two increments on account of 83 days absence vide OB No.286 dated 18.03.2020 with 19 bad entries which means that he is incorrigible. He was also heard in Orderly Room on 18.08.2020 but he failed to satisfy




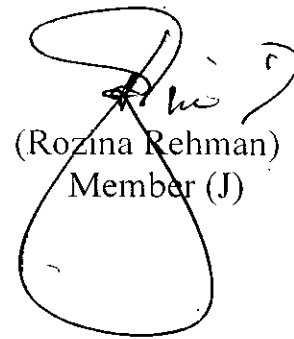
the authority. The service record of the appellant does not favor him. He is a member of disciplined force but he is not corrigible.

7. In view of the above discussion, instant service appeal is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.

08.09.2022


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

ORDER

08.09.2022


Appellant present through counsel.

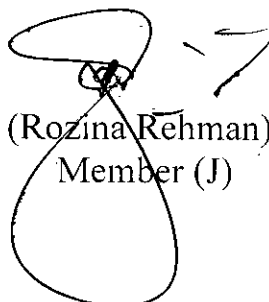
Muhammad Adeel Butt, learned Additional Advocate General alongwith Fayaz HC for respondents present. Arguments heard. Record perused.

Vide our detailed judgment of today of this Tribunal placed on file, instant service appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.

08.09.2022


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

28.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 24.03.2022 for the same as before.


Reader

24.03.2022

Appellant in person present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Muhammad Fayaz, HC for respondents present.

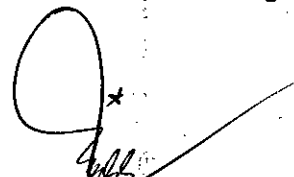
Written reply/comments on behalf of respondents No. 1,2 and 3 ^{submitted} which is placed on file. Adjourned. To come up for rejoinder as well as arguments on 22.06.2022 before D.B.



(MIAN MUHAMMAD)
MEMBER(E)

22.06.2022

Clerk of learned counsel for the appellant present. Mr. Fayaz, Head Constable alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 08.09.2022 before the D.B.


(Mian Muhammad)
Member (E)


(Salah-ud-Din)
Member (J)

11.08.2021

Counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration. Subject to all just and legal objections including that of limitation to be determined during full hearing, this appeal is admitted for full hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 15.12.2021 before the D.B.

Appellant Deposited
Security & Process Fee

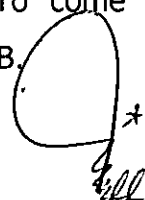
11/8/21


Chairman

15.12.2021

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

Written reply/comments on behalf of respondents not submitted. Learned AAG seeks time to contact the respondents for submission of written reply/comments. To come up for written reply/comments on 28.02.2022 before S.B.





(MIAN MUHAMMAD)
MEMBER (E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 2819 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	16/02/2021	<p>The appeal of Mr: Murad Khan presented today by Mr. Taimur Ali 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 16/2/2021</p>
2-	23.04.2021	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>23/04/21</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 11.08.2021 for the same as before.</p> <p style="text-align: right;"> Reader</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE, TRIBUNAL
PESHAWAR.

APPEAL NO. _____/2021


Murad Khan

V/S

Police Deptt:

INDEX

Sr.No.	Documents	Annexure	Page
01.	Memo of Appeal	-----	01-03
02.	Copy of medical reports	A	04-18
03.	Copy of inquiry report	B	19
04.	Copies of show cause notice and reply to show cause notice	C&D	20-21
05.	Copies of dismissal order dated 18.08.2020, departmental appeal, application and rejection order	E,F,G&H	22-26
06.	Wakalat Nama	-----	27

THROUGH: **APPELLANT**

TAIMUR ALI KHAN
(ADVOCATE HIGH COURT)
&

ASAD MAHMOOD
(ADVOCATE HIGH COURT)

Room No. Fr-8, 4th Floor,
Bilour Plaza, Peshawar Cantt.
Contact No. 03339390916

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

APPEAL NO. 2819 /2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 2771

Dated 16/2/2021

Murad Khan, Ex-Constable No.587,
Police Post Jehangira, Nowshera.

(APPELLANT)

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Mardan Region, Mardan.
3. The District Police Officer, Nowshera.

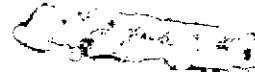
(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 18.08.2020, WHEREBY THE APPELLANT WAS DISMISSED FROM SERVICE AND AGAINST THE ORDER DATED 12.10.2020 RECEIVED BY THE APPELLANT ON 10.02.2021, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED FOR NO GOOD GROUNDS.

PRAYER:

THAT THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 18.08.2020 AND 12.10.2020 MAY KINDLY BE SET ASIDE AND THE RESPONDENTS MAY BE DIRECTED TO REINSTATE THE APPELLANT INTO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

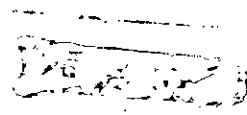
Filed to-day
Registrar
16/2/2021



RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant was appointed in as constable in the respondent department in the year 2013 and since his appointment the appellant has performed his duty with great devotion and honesty, whatsoever, assigned to him and no complaint has been filed by his superiors regarding his performance.
2. That while serving in the said capacity, the appellant was posted in Police Post Jehangira, the mother of the appellant became ill and as he was engaged in the treatment of her mother, therefore, he was compelled to remain absent from his duty the appellant. **(Copy of medical reports of the appellant's mothers are attached as Annexure-A)**
3. That inquiry was conducted against the appellant in which the appellant clearly mentioned to the inquiry officer that he was engaged in the treatment of his mother and could not performed his duty due to that reason on which the inquiry officer recommended that the appellant may be awarded minor punishment i.e absence period (62 days) may be treated as leave without pay with stoppage of increment for one year. **(Copy of inquiry report is attached as Annexure-B)**
4. That final show cause notice was issued to the appellant which was properly replied by the appellant in which he clearly mentioned that due to engagement in the treatment of his mother, he was compel to remain absent from his duty. **(Copies of show cause notice and reply to show cause notice are attached as Annexure-C&D)**
5. That without giving reason for not agreeing with recommendation of inquiry officer, respondent No.3 passed an order dated 18.08.2020, whereby the appellant was dismissed from service from the date of his absence without observing the recommendation of inquiry officer and engagement of the appellant in the treatment of his mother. The appellant filed departmental appeal on 24.08.2020 against the order dated 18.08.2020, which was also rejected on 12.10.2020 for no good grounds. The said rejection order was received by the appellant on 10.02.2021 through an application. **(Copies of dismissal order dated 18.08.2020, departmental appeal, application and rejection order are attached as Annexure-E,F,G&H)**
6. That the appellant has no other remedy except to file the instant service appeal in this Honourable Service Tribunal on the following grounds amongst others.




GROUND:

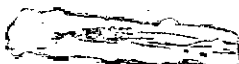
- A) That the impugned orders dated 18.09.2020 and 12.10.2020 are against the law, facts, norms of justice and material on record, therefore, not tenable and liable to be set aside.
- B) That the inquiry proceeding was not conducted according to the prescribed procedure as no opportunity of defence was provided to the appellant before passing the impugned order of dismissal from service, which is violation of law, rules and inquiry proceeding.
- C) That the inquiry officer recommended that the appellant may be awarded minor punishment i.e absence period (62 days) may be treated as leave without pay with stoppage of increment for one year, but without giving reason for not agreeing with recommendation of inquiry officer by the authority, the appellant was dismissed from service, which is against the norms of justice, fair play and superior court judgments.
- D) That the penalty of dismissal from service is very harsh, which is passed in violation of law and rules, therefore, the same is not sustainable in the eyes of law and liable to be set aside.
- E) That the appellant did not intentionally absent from his duties, but his mother was ill and due to engagement in her treatment, he was unable to perform his duty and was compel to remain absent from his duty. Therefore, needs to be treated with a lenient view.
- F) That the appellant has been condemned unheard and has not been treated according to law and rules.
- G) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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


APPELLANT

THROUGH:


TAIMUR ALI KHAN
(ADVOCATE HIGH COURT)
&
ASAD MAHMOOD
(ADVOCATE HIGH COURT)





Eye Specialist & Phaco Eye Surgeon
Dr. Muhammad Bilal

M.B.B.S., F.C.P.S. (Ophthalmology)

Assistant Professor

Bacha Khan Medical College Mardan
Mardan Medical Complex Teaching Hospital Mardan

A (4)

Name M/o Murad Khan Age/Sex 60y/R Date 27/04/2020

Go
Dr. both eyes

B/L ARE -

(+) DM 2009.
(on oral)

7e

Adv

HTN^o

VA CF
CF NFI

(R) Car exterior

LLTA

AS

B/L ARE -

S/S (L)

(Psc + Cortical)

HBS
HEV
RBS
(R) Bromeluz

Fund:

Hazy view

چشمی بروز ہفتہ، اتوار

Tel: 0344-9903041 / 0313-9394792

آئی وژن سنٹر، KPK میڈیکل پلازہ نزد مردان پریس کلب شمس روڈ مردان

Dr
ATTESTED

5

SAHIB ZADA EYE CLINIC



QUALITY EYE CARE

Dr. Muhammad Bilal
MBBS (Pesh)
FCPS (Pak)

ڈاکٹر محمد بلال
ایم۔ بی۔ بی۔ ایس (پشاور)
ایف۔ سی۔ پی۔ ایس (پاک)

Patient's Name M/o Murad Khan Age/Sex 60y/F

Address Nowshera

Date of Operation 27/4/20 Date of Discharge 27/4/20

Disease R. ARC

Operation R. Mx. e. p.c.

Gal.

KPK Medical Plaza Near Mardan Press Club

Shamsi Road Mardan

Contact No: 0344-9903041 - 0313-9394792

9

ATTESTED

INVESTIGATIONS

B.P

Blood Sugar 150

HBS Neg

HCV Neg

BIOMETRY

R

K1 45.37
K2 46.25

Axial Length 22.48

IOL Power 21.0D

A. Constant 118.2

L

K1 45.00
K2 46.00

Axial Length 22.46

IOL Power 21.0D

A. Constant 118.2

POST OP. TREATMENT

Eyebrades al. N^o 10000

MoxiRal al. N^o 10000

Amgylax cont 200 2311

Tab. Bufen 40mg 1+1+1

6



ABUZAR MEDICAL LABORATORY

KPK Medical Plaza Shamsi Road, Mardan. Cell: 0346-9307669

Patient Name M/0 Murad Khan Date 27/4/20

Advised By Dr. Muhammad Bilal Sex F

HEMATOLOGY

Test	Result	Normal Range
Hb		F: 12-16 G/dl M: 14-18 G/dl
TLC		4000 - 1100/cmm
DLC		
Polys		40% - 75%
Lymphos		20% - 45%
Mons		02% - 10%
Esoins		01% - 06%
Mp		
Platelets		150.00-40000/cmm
Bleeding Time		02 - 07 Min
Clotting Time		05 - 11 Min
Esr		F: 01 - 09 mm / hour M: 01 - 15 mm / hour

URINE ANALYSIS

Test	Result	Normal Range
Ph		
Sugar		
Albumine		
RBC,s		
Pus cell		
C.oxalate		
Epithilil cell		
Other		
Pregnancy		

CHEMISTRY

Test	Result	Normal Range
Sugar (F)		65-100mg/dl
Sugar (R)	150	80-180mg/dl
S. Bilirubine		0.1- 1.3 mg/dl
Sgpt(SLT)		0.5-44 u/l
Alk, Phosphates		upto 220mg/dl
Urea		10 - 45 mg/dl
Calcium		8.5 - 10.5 mg/dl
S.Creatinine		0.4-1.2 mg/dl
Uric Acid		F: 2.4 - 6.0 mg/dl M: 2.4 - 7.0 mg/dl
Cholesterol		50 - 200 mg/dl
S.Triglycerides		upto 200 mg/dl
LDL		upto 165 mg/dl
HDL		40 - 65 mg/dl

BRUCELLA

Abortus	
Melitensis	
Blood Group	
RH Factor	
Toxoplasma IgG/IgM	
R.A Factor	
ASO Titre	
VDRL	
Typhidot	
Typhidot IgM/IgG	
HCV Ab	Negative (-ve)
Hbs Ag	Negative (-ve)
HIV	
H.Pylori	
ICT (TB)	

SEMEN ANALYSIS

Volume	Consistency
Total Sperm Count	
Active	Sluggish
Dead	Abnormal
Pus Cells	R.B.C

Remarks:

Signature _____

ATTESTED

Dr. Ali Akbar

M.B.B.S (Pesh) D.CARD (Pak)

Cardiologist

Ex-incharge Cardiology Ward

Distt. Headquarters Hospital

Nowshera

Mob: 0302-5733034



ڈاکٹر علی اکبر

ایم۔ بی۔ بی۔ ایس (پشاور)، ڈی۔ کارڈ (پاک)

ماہر امراض قلب و ہلڈ پریشر

سابقہ انچارج کارڈیالوجی وارڈ

ڈسٹرکٹ ہیڈ کوارٹر ہسپتال نوشہرہ

ہسپتال روڈ نزد کوچی مارکیٹ نوشہرہ کینٹ

0346-5658858

0333-7707079

Name: Tajunna Age: 62 Sex: ♀ Date: 24 AUG 2020

R. A. Boyan...

Ad

CECA @ Echo

I examined the patient Her

BP is 130/80 ECG shows

Ischemic changes. Echo shows

Ischemia and Mildly impaired

Lv systolic function. She is

Moderate to Severe Risk patient

not fit for a A and Surgery. She is

not fit for a A and Surgery

ATTESTED

8



**SHAFI
MEDICAL
CENTER**

1075 - Cavalry Road,
Nowshera Cantt.
KP 24100, Pakistan.
Tel: 0923-612703, 0309-9598058

July 31, 2020 9:46 AM

Patient's Name:	M/o Muhammad Ayaz	Contact: 03329372623
Consultant:		U/S Adv:
History:		
Cl. Data:		

COLOR POWER DOPPLER ULTRASOUND

Findings:

UPPER ABDOMEN:

Gallbladder size normal. *Wall thickened. Few calculi noted measuring less than 5mm individually.* Normal extra hepatic biliary passages.

Pancreas size and shape normal with no focal lesion. Normal pancreatic duct. Peri-pancreatic region normal.

Liver size normal. Parenchyma echo pattern is homogenous. Portal vein caliber is normal with no evidence of thrombus. No dilatation of intra hepatic biliary passages or hepatic veins.

Spleen size normal. Echo pattern normal. No focal or hilar lesion.

Right Kidney size *small measuring 70mm.* No calculus. No obstructive changes. Cortical thickness adequate and echogenicity normal. No lesion detected in Peri-renal area.

Left Kidney size *small measuring 80mm.* No calculus. No obstructive changes. Cortical thickness adequate and echogenicity normal. No lesion detected in Peri-renal area.

No Vesical or Pelvic lesion. No ascitis.

Impression:

Cholelithiasis.

Dr. Ahmad Shafi
MBBS, MUSP, MAJUM
X TMO M. Phil Radiology.

*This document is not
valid for legal purpose.*

*May God help us disseminate comfort, health & happiness w
kindness, concern and love, for the art of healing and human*

ATTESTED

9



Nowshera Cardiac Diagnostic Center

Colour Doppler Echocardiography Echocardiography Report

Name	TAJ MEENA	Receipt No.	37	Address	Nowshera
Date	24-Aug-20	Age	62 Years	Referred By	Dr Ali Akbar

Measurements	Observed	Normal mm
Aortic root dimension	27	40
Left Atrial dimension	28	40
LV End Diastolic dimension	39	57
LV End Systolic dimension	29	
IVS thickness	11	12
LVPW Thickness.	10	12
Rt. Vent. Dimension.	26	30

Parameters	Values
EPSS(<6 mm)	
PHT	ms
RVSP	25 mmHg
A Velocity	Cm/s
E Velocity	Cm/s
E: A Ratio	
LVOT VTI cm	

LV Function Indices.

Fractional Shortening	27%	Ejection Fraction	53%
IVRT		DCT	

Doppler Study.

Valves	Gradient (mm Hg)		Peak Velocity (cm/sec)	Valve Area (cm ²)		Regurgitation
	Peak	Mean		Doppler	2-D	
Mitral Valve						Trace
Tricuspid Valve						Trace
Aortic Valve						Trace
Pulmonic valve						

Comments:

- Normal size cardiac chambers.
- Mildly impaired LV systolic Function with calculated EF of 53%
- Valves are normal in structure
- E and A wave ratio across the mitral valve is reversed suggestive of abnormal LV relaxation
- basal and mid segments of posterio-inferior wall + anteroapical segment while preserved systolic thickening seen in all other segments of LV
- No clot seen, No pericardial effusion.
- RVSP calculated = 25 mmHg lies within normal limits , no evidence of pulmonary artery hypertension

Conclusion:

- Wall motion abnormality
- Mildly impaired LV systolic function
- No PAH

Dr. Ali Akbar
Consultant Cardiologist

For comments and suggestions just don't hesitate to contact 03369476751

Mr. Tahir Ali Afridi
Cardiac Technologist.

Hospital Road Near Kochi Market Nowshera Cantt.
Ph: 0646-5658858 / 0302-5733034


ATTESTED



**QAZI HUSSAIN AHMAD MEDICAL COMPLEX
& NOWSHERA MEDICAL COLLEGE**

Kabul River Mardan Road Nowshera
Tel: 0923 - 9220403 , info@nmcn.edu.pk
Receipt No. **Q2008-13287**

Department of Pathology

Patient Name	Taj Meena	Gaurdian's Name	-
Age	62-Years	Date	24-Aug-2020 11:43 AM
Gender	Female	Consultant	Surgery
Address	Nowshera	M.R. No.	Q200824532

	RESULT	NORMAL VALUES	UNIT
Glucose Random	175	60-150	mg/dl
	RESULT	NORMAL VALUES	UNIT
Glycated Hemoglobin(HBA1C)	4.3	Normal: 5.5-6.5 % Good Control:5.5-6.7% Fair Control: 6.8-7.7 Poor Control:>7.7%	%
	RESULT	NORMAL VALUES	UNIT
Amylase	136	Upto 90	mg/dl
	RESULT	NORMAL VALUES	UNIT
HBsAg by ICT	Negative		

NOTE: Please Confirm by ELISA

	RESULT	NORMAL VALUES	UNIT
Anti HCV by ICT	Negative		

NOTE: Please Confirm by ELISA

HIV BY ICT

	RESULT	NORMAL VALUES	UNIT
HIV by ict	Negative		
HIV by ict			

This report is electronically verified and does not require any signature/stamp.
All queries / discrepancies shall be addressed within 24-hours.

Dr. M. Riazuddin Ghorl (HOD Pathology Deptt)
Professor
(Haematology)

Dr. Fazli Bari
Professor
(Microbiology)

Dr.Hamzullah Khan
Assistant Professor
(Haematology)

Dr.Adnan Masood
Assistant Professor
(Microbiology)

NOTE: Please Confirm by ELISA

Dr. M. Basharat Khan
Assistant Professor
(Chemical Pathology)

Dr. Naila Tabassum
Medical Officer


ATTESTED

100
100

REFRACTION

	RIGHT EYE			LEFT EYE		
	Spherical	Cylindrical	Axis	Spherical	Cylindrical	Axis
Distance						
Near						

(SIGNATURE)

مریض کیلئے ہدایات

- ۱۔ آنکھ میں اچانک شدید درد و سرخی یا پانی بہنے کی صورت میں فوراً ہسپتال سے رجوع کریں۔
- ۲۔ ایک ہفتے تک نماز میں سجود ہا اشارے سے کریں اور وزن اٹھانے والے اور بچن کے کام سے پرہیز کریں۔
- ۳۔ آپریشن کے اگلے دن سے پٹی کھلنے کے بعد ہاتھ، منہ دھو سکتے ہیں
- ۴۔ سرمہ یا کسی اور طرح کی دوائی آنکھ میں مت ڈالیں۔
- ۵۔ معمول کے مطابق کھانا کھائیں۔
- ۶۔ کسی بھی ہدایت یا وضاحت کیلئے صرف آنکھوں کے ڈاکٹر سے رجوع کریں۔
- ۷۔ یہ کارڈ ہمیشہ اپنے ساتھ لائیں۔

التماس: یہ ہسپتال غریب مریضوں کیلئے ہے اور عطیات سے چلتا ہے۔ اگر آپ صاحب حیثیت ہیں تو آپ کو چاہئے کہ اپنی مالی حیثیت کے مطابق عطیہ دیں ورنہ کسی غریب مریض کی حق تلفی ہوگی۔ آپ اپنی زکوٰۃ بھی اس ہسپتال میں دے سکتے ہیں۔



LRBT FREE SECONDARY EYE HOSPITAL
AKORA KHATTAK

(LOCATION)

DISCHARGE CARD

ADMISSION NO. 6456
 NAME Taj Numan
 AGE _____ GENDER M BED NO. _____
 DATE OF ADMISSION 14 SEP 2020
 DATE OF OPERATION 14 SEP 2020
 DATE OF DISCHARGE 14 SEP 2020
 DIAGNOSIS Hi Calc
 PROGNOSIS

GOOD	FAIR	POOR	GUAF
------	------	------	------

 OPERATION Singh
 CODE NO. 507-5
 REVIEW IN OPD ON 17 SEP 2020

DATE

POST - OP FOLLOW-UP

DATE

FIRST FOLLOW-UP VISIT

POST OP - MEDICATIONS

1. Tab : Ciproday 250mg 1+1 (2 days)

ایک گولی صبح، شام (دو دن تک)

2. Tab : Brufen 200mg 1+1 (2 days)

ایک گولی صبح شام (دو دن تک)

3. Methachlor E/D or Betnesol.N. E/D

1x5
ایک قطرہ دن میں پانچ مرتبہ

4. Ployfax Eye Ointment at Night Time

رات کو سوتے وقت آنکھ میں مرہم لگائیں

SECOND FOLLOW-UP VISIT

THIRD FOLLOW-UP VISIT



LRBT FREE SECONDARY EYE HOSPITAL

(LOCATION)

POST OP: VISUAL ASSESSMENT CARD

M.R No: 64561 Date: 19/4 SEP 2022
Name: سید محمد علی S/o D/o w/o: سعید علی
Age: 45 Years N.I.C. Religion: Muslim
Address: _____

PROGNOSIS	GOOD	FAIR	POOR	GUARDED
-----------	------	------	------	---------

Pre Op: _____
VA: _____ Diagnosis: Cataract

Surgical Procedure: cataract removal Date: 19/09/22
Date of Discharge: 19/09/22 Code No: 1000

VA (uncorrected): _____
VA (corrected): 6 to 8 weeks (± 2 weeks)

Refraction: Sph _____ Cyl _____ Axis _____
RE / LE _____

Remarks: _____

Signature: _____

Surgeon

PMDC Reg No:21795-N

حوالشیانی

13 (13)

Dr. Waleed Shaukat

MBBS RMP (Peshawar)

MCPS (Gen Surgery)

FCPS (Gen Surgery)

ZAMAN
MEDICAL CENTER
Nowshera



سرجن
ڈاکٹر ولید شوکت

ایم بی بی ایس آرا ایم پی (پشاور)

ایم سی پی ایس (جنرل سرجری)

ایف سی پی ایس (جنرل سرجری)

Patient Name: TALMINA

Age

Address

Manki
Sharif

Date 24/ August / 2020

Clinical Record

Known Diabetic Rx

RHC pain

radiant towards \Rightarrow 3-4 days

Needs Cardiac

Consultation for

General Anaesthesia for

in order to do the open

Cholecystectomy

Dr Waleed

QREI -

Murphy's Sign

+

Ad

(

Rel

HSAJ

4/5

S. Amylase

LFT's

CXR PA view

etc

(ایمرجنسی فل ٹائم)

اوقات کار: دوپہر 4 بجے تا شام 8 بجے

Contact: 0300-9044909

ایڈریس: زمان میڈیکل سنٹر، مقابل پولیس اسٹیشن، گلہ نوشہرہ

ATTESTED

14

Appointment #
50



Qari Husain Ahmad Medical Complex

8/24/2020 9:44:26 AM
24-Aug-20

Near Kabul River, Mardan Road, Nowshera

Surgery

MR # Q200824532

Entry Date & Time

24-Aug-2020 09:44 AM

Patient's Name Taj Meena

Age 62-Years

Gender Female

Receipt No Q2008-22068

Address Nowshera

Fee. Rs. 0

Ayaz Ali

Book No 27/28

- DM -

Pi RHC

9/2



Cap. Nardlesh - 407

- in 41

TM: ORGLU

- 171

1
7

Admi

- RBS
- HBAIC
- S-Amylase
- PBL
- CRP
- ECG
- HBS
- Anti-HCV
- HIV

24-Aug-20 9:49 AM


ATTESTED

(13) (15)

D.H.O. HOSPITAL NOWSHERA

OUT.DOOR PATIENTS TICKET



(Rs.10) Yearly Evening OPD No: 4807

Name M/s Muzaf Date 12-05-2020

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ATTESTED

FACE VALUE RUPEES 10/-IF/

No.

Rs. 10/-

OUT-PATIENTS DEPARTMENT

NAME 21

YEARLY NO. (231)

DATE 13-08-20

DISEASE (2) SOW

FACE VALUE RUPEES 10/-

(16)

Ear Pain
Mildly
Need R 7

3 UNICOLINE 600s
3 PRAVAs 4-

Oflazone Ear 27
11-11-20

To Nabil for
1-1

9


ATTESTED

18

No. _____ Rs. 10/-
OUT-PATIENTS DEPARTMENT

NAME _____

YEARLY NO. 1770 _____

DATE 11-9-2010 _____

DISEASE _____

FACE VALUE RUPEES 10/- FA

Simvastatin

R. tab Dicyclanil

ω 10 1 - 1

~~Tab Risperidone~~

ω 10 1 - 1

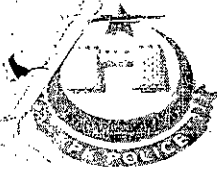
~~Tab Paracetamol~~

ω 5 2 2 2

Tab Mirtazapin 15

ω 10 2 1 0


ATTESTED



B

19

**OFFICE OF THE
SUB-DIVISIONAL POLICE OFFICER, AKORA CIRCLE.**

Tel: 0923-561619, E-Mail: sdpo_akora@yahoo.com

No. 660 /ST, Dated: 28 /07/2020.

ENQUIRY REPORT OF FC MURAD NO. 587 POLICE POST JEHANGIRA.

The undersigned was deputed to conduct the enquiry of FC Murad No. 587 through letter No.101/PA dated 21.07.2020.

ALLIGATION:

FC Murad No. 587 While posted at Police Post Jehangira, remained absent from duty without any leave/permission of the competent authority vide DD No. 13 dt 27.04.2020 to DD No. 10 dt 29.06.2020 (62 days). On account of which, he was served with Show Cause Notice but failed to submit his reply, which amounts to grave misconduct on his part and rendered him liable for minor/ major punishment under Khyber Pakhtunkhwa Police Rules 1975.

PROCEEDINGS:

During the course of the inquiry, FC Murad No. 587 was called to the office of the undersigned, served him with Charge Sheet/ statement of allegations, to which he submitted his reply stating therein that his mother was ill and he was look after and remained in touch with her treatment solely. During that time, he was unable to continue his duty with treatment of his mother.

FINDING:

His statement was found unsatisfactory because he was not only responsible to look after an under treatment patient because he have six brothers however, he should have brought the said matter to the notice of his concerned high-ups. But he ignored the same, which shows that his absence is willfully.

RECOMMENDATION

Keeping in the view the above detail the undersigned recommends that, the defaulter official may be awarded minor punishment i.e absence period (62 days) may be treated as leave without pay with stoppage of increment for one year, if agreed so.

Agreed
Final SCN

Amudal
Deputy Superintendent of Police,
Akora Circle
Encloses 12 pages.


ATTESTED

20

FINAL SHOW CAUSE NOTICE

Whereas, you Constable Murad No.587, while posted at-PP Jehangir remained absent from lawful duty without any leave/permission of the competent authority vide DD No. 13 dated 27.04.2020 to DD No. 10 dated 29.06.2020. You have been transferred to Police Lines Nowshera and absented again vide DD No. 27 dated 29.06.2020 and is still absent.

On account of which, you were served with Show Cause Notice, but failed to submit your reply, therefore, you were proceeded against departmentally through Mr. Ayaz Mehmood, DSP Akora, who after fulfillment of legal formalities submitted his report to undersigned wherein he highlighted that you have remained absent from duty willfully and deliberately and recommended you for awarding punishment.

Therefore, it is proposed to impose Major/Minor penalty including dismissal as envisaged under Rules 4(b) of the Khyber Pakhtunkhwa Police Rules 1975.

Hence, I, Najmul Husnain Liaquat, PSP, District Police Officer Nowshera, in exercise of the powers vested in me under Rules 5(3) (a) & (b) of the Khyber Pakhtunkhwa Police Rules 1975, call upon you to Show Cause finally as to why proposed punishment should not be awarded to you.

Your reply shall reach this office within **07 days** of the receipt of this notice, failing which, it will be presumed that you have no defense to offer.

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

[Signature]
District Police Officer
Nowshera

No. 143 /PA,
Dated 29/07/2020.

[Signature]
ATTESTED

[Signature]
30/07/2020

PL PL NOWSHERA
022-07-2020

owsher
DSP/PL/NSR
8-7-2020
NO-186 R: PSH

خواجہ ماشل جو گاؤں نوٹس معروضی صرفت میں کم عمری
والدہ ایسی ہی صرفت العمری میں آئندوں کی سبب
علاقہ کی ہے۔ سبب توئی شفا میں ہے۔ ۱۔ ۱۔ ۱۔ ۱۔ ۱۔ ۱۔ ۱۔ ۱۔
آئندوں کی ایسی ہی ہے ۱۵ فیصد کام آتا ہے جس کا
۱۰ ظاہر ہے ظاہر ہو گیا ہے۔ اور یہ عشر ظاہر ہو گیا ہے
اس کے علاوہ ایک اور ذاتی گھریلو عملہ درج ہو گیا
جو ایسی ہی سبب کا ہے جو میں مہران ایسی ہی DPO کو سزا
میں پراسٹو گاؤں نوٹس میں آتا ہے ہم کارڈ کا وہ
۱۰ فیصد فردان 587

Total absence 92 days

Unsatisfactory / Dismissed
File OR

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ATTESTED

587
POLICE DEPARTMENT

DISTRICT NOWSHERA

ORDER

This order will dispose of the departmental enquiry initiated under Khyber Pakhtunkhwa Police Rules-1975, against FC Murad Khan No. 587 under the allegations that he whilst posted at PP Jehangira, remained absent from lawful duty without any leave / permission of the competent authority vide DD No. 13 dated 27.04.2020 to DD No.10 dated 29.06.2020 and DD No. 2 dated 29.06.2020 to DD No. 43 dated 28.07.2020, Police Lines.

On account of which, he was served with Show Cause Notice, but he failed to submit his reply, therefore, he was proceeded against departmentally through Mr. Ayaz Mehmood, DSI Akora, who after fulfillment of legal formalities submitted his report to undersigned vide his office Encls No. 660/St: dated 28.07.2020, wherein the allegations leveled against him were proved and was recommended for minor punishment of stoppage of increment for one year.

On 29.07.2020, he was served with Final Show Cause Notice, to which, he submitted his reply, perused by the undersigned and found unsatisfactory. Furthermore, he again absented from duty without any leave / permission of the competent authority vide DD No. 05 dated 02.08.2020, Police Lines (total absence 108 days) and is still absent.

Previous Record

He was enlisted in police department on 28.10.2013 and during his short service he earned, 02 minor punishments i.e stoppage of 03 increments with cumulative effect on account of 8 days absence vide OB No. 1337 dated 22.11.2019 and stoppage of 02 increments without cumulative effect on account of 83 days absence vide OB No. 286 dated 18.03.2020 with 19 bad entries.

He was heard in orderly room on 18.08.2020, wherein he failed to satisfy the undersigned, therefore, he is hereby awarded major punishment of dismissal from service from the date of absence, in exercise of powers vested in me under Khyber Pakhtunkhwa Police Rules-1975.

OB No. 668

Dated 18/08 /2020

No 2136-39 /PA, dated Nowshera, the 19-08 /2020.

Copy for information and necessary action to the:

1. Pay Officer.
2. Establishment Clerk.
3. FMC with its enclosures (20 pages).
4. Official concerned.


District Police Officer
Nowshera


ATTESTED

اکھنڈ صاحب، کھنڈ لوہی آفس، محلہ سردان، بھنگا، سرحد

(23) F سوال: درخواست ملا کالی ملدزیت

طا عالی!

مذہبیتھی عہدہ سال 2013 سے کثرت کاٹیلنگ
ہوئی اور عدالت شروع کی۔
بہت سال سے ماہانہ آفس ان ہاؤس کی حکایت کا موقع فراہم نہیں
جہاں تک مجھ پر الزام عہدہ میں نے غیر حاضر کیا ہے۔ وہ غیر طاقی
میں نے چند عملہ میں کی ہے۔ بلکلایہ آفس مجبوراً سرزد ہو گیا ہے
بہتہ غیر والد جمع سال 2018 سے وفات ماہانہ - اس
وفات کے بعد والد ختم کی کفالت میں زعمہ ہوئی۔ وہ لای
للہ برادر شوگر اور آنکھوں کی بیماریاں کے ساتھ ساتھ کونینہ کی
بیماری بھی ہے۔ اسکا علاج معالجہ اور ضرورت میں
زعمہ ہے۔ میں بھی شادی شدہ ہوں۔ اور کفالت کا عام فرض
میں زعمہ ہے۔

مذہبیتھی اس غیر حاضر پر صاحب ضلعی لوہی سردان کے قحہ لکھوڑی
سزا لکھنے کے حوالہ آرڈر نمبر 668، قسنہ 18/2020 برخواست کی
لینا عاجز رہا۔ استدعا ہے کہ سال کا تمام مجبوراً کوئی نظر رکھنے
ہو کر نوکری پر کالی کی حکامات صادر فرمائی جاوے۔
آئندہ میں خشتا وار ہو گا۔ عفا فرمایا جاوے۔
لوٹا والدہ کی بیماری کا عام (عہدہ) میں زعمہ ہے۔
میں زعمہ ہے۔

ایک مالین ڈی
دیکھو، سردان 5876 سابقہ کاٹیلنگ

سائن مائیکروفون صلح فرمایا
cell no 0313-9050241

EC/DPD/NSR

For comments

8

NO-5143/ES
dts 24-8-20

ATTESTED

RPO/Mch

(24)

289
10-2-2021

صاحب
خدمت حساب رکھل ٹولیس آفیسر سردان

صاحب عالی

موردیاتیہ نریش ہیج کہ 18-8-2020 سے جی ڈی پی او

صاحب نے ٹولری سے درخواست کیا تھا۔ جسکے خلاف
میں آپ کے حضور میں ایک حکم نامہ ارسال دائری تھا
اگر اس ارسال پر کوئی فیصلہ آیا ہو، تو اس کے اہل
کاری جیجے مہیا کریں،

عین نریش ہیج

10-2-2021

ایک نالغ حکم نطیل سردان
587 ع

ATTESTED

ORDER.

H (25)

This order will dispose-off the departmental appeal preferred by Ex-Constable Murad Khan No. 587 of Nowshera District Police against the order of District Police Officer, Nowshera, whereby he was awarded major punishment of dismissal from service vide OB No. 668 dated 18.08.2020. The appellant was proceeded against departmentally on the allegations that he while posted at Police Post Jehangira, District Nowshera absented himself from his lawful duty with effect from 27.04.2020 to 29.06.2020 and 29.06.2020 to 28.07.2020 without any leave/prior permission of the competent authority.

He was issued Show Cause Notice but he failed to submit his reply. Therefore, proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Sub Divisional Police Officer (SDPO) Akora was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities, submitted his findings wherein the allegations leveled against him were proved and recommended the delinquent Officer for minor punishment of stoppage of increment for one year.

He was issued Final Show Cause Notice by the District Police Officer, Nowshera to which his reply was received and found unsatisfactory. He again absented himself from duty without any leave / permission of the competent authority vide daily diary No. 05 dated 02.08.2020, Police Lines (total absence 108 days) till date of dismissal.

He was also provided opportunity of self defense by summoning him in the Orderly Room held in the office of District Police Officer, Nowshera on 18.08.2020. But he failed to advance any cogent reason in his defense. Hence, he was awarded major punishment of dismissal from Service vide OB: No. 668 dated 18.08.2020.

Feeling aggrieved from the order of District Police Officer, Nowshera, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 06.10.2020

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations leveled against the appellant have been proved beyond any shadow of doubt. It is pertinent to mention here that the appellant was enlisted in Police Department on 28.10.2013 as Constable and during his short span of service, he earned, 02 minor punishments i.e

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ATTESTED

o)

RPO/Nowshera

Keam
A/E
15-9-2020

stoppage of 03 increments with cumulative effect on account of 81 days absence vide OB No. 1337 dated 22.11.2019 and stoppage of 02 increments without cumulative effect on account of 83 days absence vide OB No. 286 dated 18.03.2020 with 19 bad entries..Hence, the very conduct of appellant is unbecoming of a disciplined Police Officer. Therefore, the order passed by the competent authority does not warrant any interference.

Keeping in view the above, I, Sher Akbar, PSP S.St Regional Police Officer, Mardan, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being time barred.

Order Announced.


Regional Police Officer,
Mardan.


No. 6305 /ES, Dated Mardan the 12-10- /2020.

Copy forwarded to District Police Officer, Nowshera for information and necessary action w/r to his office Memo: No. 2460/PA dated 14.09.2020. His Service Record is returned herewith.

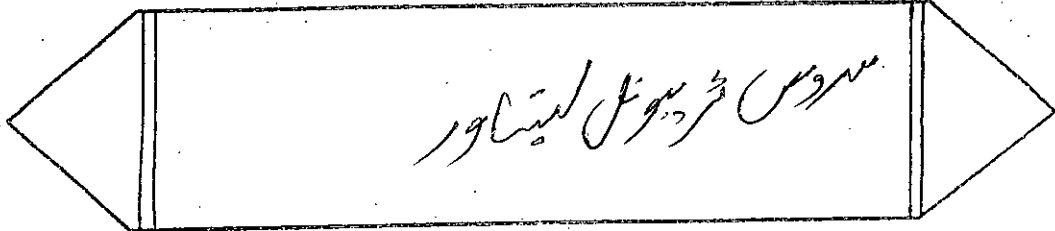
(*****)

Recd
All
15-9-2020


ATTESTED


District Police Officer,
Nowshera.
RPO/Mdn.

بعد الت



2 مخانب
بنام

موزخه
مقدمه
دعوی
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام سٹیشنر کیلئے دکھنور علی خان اور اسید محمود اور اولی
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار دیا گیا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثتہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک ورد پیار عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سند ہے۔

Accepted
&
Attested

المرقوم _____ ماہ _____ 20 _____

العبد _____ واہ العبد _____

کے لئے منظور ہے۔

بمقام

ATTESTED

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

Service Appeal No. 2819/2021

Murad Khan Ex-Constable 587
Police Post, Jehangira, Nowshera.

.....Appellant


V E R S U S

Provincial Plice Officer, Khyber Pakhtunkhwa, Peshawar and others

.....Respondents

I N D E X

S.No.	Description of documents	Annexure	Pages
1.	Reply of Respondents	-	1-3
2.	Affidavit	-	04
4.	Detail of bad entries	A	05
5.	Copy of daily diary report	B	06
6.	Copy of relevant para of Police rules 1975	C	07-08
7.	Copy of rejection order of respondent No. 02.	D	09-10
8.	Copy of statement of appellant	E	11


**Inspector Legal,
Nowshera**

①

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

Service Appeal No. 2819/2021

Murad Khan Ex-Constable 587
Police Post, Jehangira, Nowshera.

.....Appellant

V E R S U S

1. Provincial Plice Officer, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Mardan.
3. District Police Officer, Nowshera.

.....Respondents

REPLY ON BEHALF OF RESPONDENTS

Respectfully Sheweth: -

PRELIMINARY OBJECTIONS: -

1. That the appellant has got no cause of action and locus standi to file the instant appeal.
2. That the appeal is badly barred by law and limitation.
3. That the appellant is estopped by his own conduct to file the instant 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.
6. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.

Reply on Facts: -

1. Para to the extent of appointment of appellant as Constable, pertains to record while rest of the para is incorrect as service record of the appellant is tainted with bad entries. (Copy of bad entries is annexure "A").
2. Incorrect. Plea of appellant regarding his mother's illness is baseless and misconceived. He did not inform the high-ups regarding the illness and absented from official duties without permission. Appellant during his entire service has never ever been regular or remained a responsible Police Officer/Official. It is evident from the report of Muharrar Police Lines, Nowshera that appellant is a habitual absentee and does not take interest in his official duties. (Copy of report is annexure "B").
3. Correct to the extent that departmental enquiry, against the appellant, was conducted through DSP Akora, wherein allegations against the appellant were proved and was recommended by the enquiry officer for punishment. Before awarding punishment to the appellant, he was issued Final Show Cause Notice to which appellant submitted his reply but the same was found unsatisfactory. Moreover, appellant despite the fact that he had remained absent from duty with effect from 27-04-2020 to 29-06-2020 and 29-06-2020 to 28-07-2020 and

enquiry was conducted against the appellant for the said absence, he again remained absent vide daily diary No. 05 Police Lines, Nowshera with effect from 02-08-2020 till the time of his dismissal. On his such irresponsible attitude he was dismissed from service.

4. Incorrect. The reply of appellant was not satisfactory and devoid of material facts, hence, rejected by the competent authority.
5. Incorrect. Enquiry Officer is required to give his finding report to the competent authority and it is for the competent authority to decide to award one or more of the major or minor punishments as deemed necessary. Sub section 05 of para 05 of Police Rules, 1975 is very much clear in this regard. Moreover, even after absence from duty in respect of which enquiry was conducted against the appellant, he again remained absent from duty with effect from 02-08-2020 till the order of his dismissal. Appellant moved departmental appeal before the appellate authority i.e DIG Mardan but keeping in view previous record of the appellant, his appeal was rejected. (Copy of relevant para of Police Rules 1975 is annexure "C" and copy of rejection order passed by respondent No. 02 is annexure "D").
6. Appeal of the appellant is liable to be dismissed inter-alia on the following grounds: -


Reply on GROUNDS

- A. Incorrect. Orders passed by respondent No. 03 and 02 are in accordance with law and rules hence, liable to be maintained.
- B. Incorrect. Proper departmental enquiry was conducted against the appellant wherein he was provided opportunity to defend himself but he failed to give any plausible reason for his long absence. Moreover, he submitted unsatisfactory reply before the enquiry officer wherein a very lame/sorry excuse has been given by the appellant regarding his absence. (Copy of statement of the appellant is annexure "E").
- C. Incorrect. Enquiry officer is required only to move his finding report to the authority and it is for the authority to decide to award one or more of major or minor punishments as deemed necessary. Moreover, even after absence from duty in respect of which enquiry was conducted against the appellant, he again remained absent from duty with effect from 02-08-2020 till the order of his dismissal.
- D. Incorrect. Punishment awarded to the appellant commensurate with the gravity of misconduct as well as previous record of the appellant. Taking lenient view in respect of appellant will not only encourage him for further such behavior/attitude but will also encourage likeminded officials.


- E. Incorrect. This was not the only time that appellant remained absent from duty for long time without any prior permission of his high-ups rather his service record is full of such willful absence.
- F. Incorrect. Appellant was provided full opportunity to defend himself but he failed to give any plausible reasons for his long absence rather gave a very lame excuse i.e illness of his mother.
- G. The respondents also seek permission of this Honourable Tribunal to advance additional grounds at the time of arguments.

Prayers

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


Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.
Respondent No. 01


Regional Police Officer,
Mardan.
Respondent No. 02


District Police Officer,
Nowshera.
Respondent No.03

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

Service Appeal No. 2819/2021

Murad Khan Ex-Constable 587
Police Post, Jehangira, Nowshera.

.....Appellant


V E R S U S


1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Mardan.
3. District Police Officer, Nowshera.


.....Respondents

AFFIDAVIT

We the respondents No. 1, 2 &3 do hereby solemnly affirm and declare on Oath that the contents of reply to the appeal are true and correct to the best of our knowledge and belief and nothing has been concealed from the Honourable tribunal.


Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.
Respondent No. 01


Regional Police Officer,
Mardan.
Respondent No. 02


District Police Officer,
Nowshera.
Respondent No.03

Detail of bad entries of ex-Constable Murad Khan No. 587

S.No.	Detail of punishment	Reason
1.	Awarded minor punishment of 03 days extra drill vide OB No. 66 dated 14-01-2015.	02 days absent
2.	Awarded minor punishment 04 days extra drill vide OB No. 66 dated 14-01-2015.	03 days absent
3.	Awarded minor punishment of leave without pay vide OB No. 158 dated 10-02-2015.	03 days absent
4.	Awarded minor punishment of leave without pay vide OB No. 183 dated 13-02-2015.	03 days absent
5.	Awarded minor punishment of leave without pay vide OB No. 262 dated 11-03-2015.	04 days absent
6.	Awarded minor punishment of stoppage of 01 annual increment and absented period is treated as leave without pay vide OB No. 571 dated 27-05-2015.	41 days absent
7.	Awarded minor punishment of leave without pay vide OB No. 624 dated 16-06-2015.	06 days absent
8.	Awarded minor punishment of leave without pay vide OB No. 1106 dated 16-11-2015.	01 day absent
9.	Awarded minor punishment of leave without pay vide OB No. 170 dated 23-02-2016.	21 days absent
10.	Awarded minor punishment of leave without pay vide OB No. 170 dated 23-02-2016.	16 days absent
11.	Awarded minor punishment of leave without pay vide OB No. 608 dated 17-07-2016.	03 days absent
12.	Awarded minor punishment of leave without pay vide OB No. 626 dated 02-08-2016.	04 days absent
13.	Awarded minor punishment of leave without pay vide OB No. 628 dated 04-08-2016.	14 days absent
14.	Awarded minor punishment of leave without pay vide OB No. 375 dated 04-05-2017.	07 days absent
15.	Awarded minor punishment of leave without pay vide OB No. 443 dated 25-05-2017.	01 day absent
16.	Awarded minor punishment of leave without pay vide OB No. 568 dated 21-07-2017.	02 days absent
17.	Awarded minor punishment of leave without pay vide OB No. 708 dated 11-09-2017.	04 days absent
18.	Awarded minor punishment of leave without pay vide OB No. 43 dated 15-01-2018.	03 days absent
19.	Awarded minor punishment of leave without pay vide OB No. 193 dated 22-02-2018.	01 days absent
20.	Awarded minor punishment of leave without pay vide OB No. 282 dated 14-03-2018.	02 days absent
21.	Awarded minor punishment of leave without pay vide OB No. 794 dated 20-08-2018.	12 days absent
22.	Awarded minor punishment of leave without pay vide OB No. 1243 dated 19-12-2018.	17 days absent
23.	Awarded minor punishment of leave without pay vide OB No. 48 dated 15-01-2019.	07 days absent
24.	Awarded minor punishment of leave without pay vide OB No. 263 dated 09-03-2020.	03 days absent
25.	Awarded minor punishment of stoppage of 03 annual increments and absence period is treated as leave without pay vide OB No. 1337 dated 22-11-2019.	81 days absent
26.	Awarded minor punishment of stoppage of 02 annual increments and absence period is treated as leave without pay vide OB No. 286 dated 18-03-2020.	83 days absent.
27.	Awarded major punishment of dismissal from service vide OB No. 688 dated 18-08-2020.	92 days absent.

گزارش حسب سنبل مراد علی 587 کا تبادلہ حسب المجمع انٹرن پانچ
 چوکی جھانگیرہ سے پولیس اسٹیشن ہو چکا ہے۔ مگر تاحال پولیس اسٹیشن
 میں حاضر کی رپورٹ نہیں کی ہے۔ سنبل فزکورد اس سے قبل
 ہی سال 2019 پولیس اسٹیشن میں تعینات تھا۔ مگر پولیس اسٹیشن
 میں نوکری کا شوقین نہیں ہے۔ عادی غیر حاضر بائس ہے اور
 ڈیوٹی میں خاصی دلچسپی نہیں رکھتا ہے۔

حاضر

تاریخ	حاضر تاریخ	جائے تعیناتی	آیا یا نہیں
16/7/19	22-10-19	پولیس اسٹیشن	8 دن
29/6/20	پدرتور غیر حاضر	پولیس اسٹیشن	پہ سٹور

بدرتور کی درخواست اس کے معاصم حکمانہ کارروائی کے ساتھ ساتھ
 تنخواہ بندش کی بھی سفارش کی جاتی ہے۔

عین نوکری میں

8.7.20

174-2429-P-P
 09-07-2020

FORWARDED PLs
 PL PL NOWSHERA



NO-186 R: P: 110

3. In this rule, removal or dismissal from service does not include the discharge of a person.
- (a) Appointed on probation, during the period of probation, or in accordance with the probation or training rules applicable to him; or
 - (b) Appointed, otherwise than under a contract, to hold a temporary appointment on the expiration of the period of appointment; or
 - (c) Engaged under a contract, in accordance with the terms of the contract.

4-A.

In case a Police Officer is accused of subversion, corruption or misconduct the Competent Authority may require him to proceed on leave or suspend him.

5. Punishment proceedings.-

The punishment proceedings will be of two kinds. i.e. (a) Summary Police Proceedings and (b) General Police Proceedings and the following procedure shall be observed when a Police Officer is proceeded against under these rules:---

- (1) When information of misconduct or any act of omission or commission on the part of a Police Officer liable for punishment provided in these rules is received by the authority, the authority, shall examine the information and may conduct or cause to be conducted quick brief inquiry if necessary, for proper evaluation of the information and shall decide whether the misconduct or the act of omission or commission referred to above should be dealt with in a Police Summary Proceedings in the Orderly Room or General Police Proceedings.
- (2) In case the authority decides that the misconduct is to be dealt with in Police Summary Proceedings, he shall proceed as under-
 - (i) The accused officer liable to be dealt with in the Police Summary Proceedings shall be brought before the authority in an Orderly room.
 - (ii) He shall be apprised by the authority orally the nature of the alleged misconduct, etc. The substance of his explanation for the same shall be recorded and if the same is found unsatisfactory, he will be awarded one of the minor punishments mentioned in these rules.
 - (iii) The authority conducting the Police Summary Proceedings may, if deemed necessary, adjourn them for a maximum period of 7 days to procure additional information.
- (3) If the authority decides that the misconduct or act of omission or commission referred to above should be dealt with in General Police Proceedings he shall proceed as under-
 - a) The authority shall determine if in the light of facts of the case or in the interests of justice, a departmental inquiry, through an Inquiry Officer if necessary. If he decides that is not necessary; he shall-
 - b) By order in writing inform the accused of the action proposed to be taken in regard to him and the grounds of the action: and

c) Give him a reasonable opportunity of showing cause against that action: Provided that no such opportunity shall be given where the authority is satisfied that in the interest of security of Pakistan or any part thereof it is not expedient to give such opportunity.

(4) If the authority decides that it is necessary to have departmental inquiry conducted, through an Inquiry Officer, he shall appoint for this purpose an Inquiry Officer, who is senior in rank to the accused:

(5) On receipt of the findings of the Inquiry Officer or where no such officer is appointed, on receipt of the explanation of the accused, if any, the authority shall determine whether the charge has been proved or not. In case the charge is proved the authority shall award one or more of major or minor punishments as deemed necessary.

6. **Procedure of Departmental Inquiry:-**

- i. Where an Inquiry Officer is appointed the authority shall-
 - a. Frame a charge and communicate it to the accused together with statement of the allegations explaining the charge and of any other relevant circumstances which are proposed to be taken into consideration;
 - b. Require the accused within 7 days from the day the charge has been communicated to him to put in a written defence and to state at the same time whether he desires to be heard in person;
- ii. The Inquiry Officer shall inquire into the charge and may examine such oral or documentary evidence in support of the charge or in defence of the accused as may be considered necessary and the witnesses against him.
- iii. The Inquiry Officer shall hear the case from day to day and no adjournment shall be given except for reasons to be recorded in writing and where any adjournment is given,
 - a. It shall not be more than a week; and
 - b. The reasons therefore shall be reported forthwith to the authority.
- iv. Where the Inquiry Officer is satisfied that the accused is hampering, or attempting to hamper the progress of the inquiry he shall administer a warning and if thereafter he is satisfied that the accused is acting in disregard of the warning, he shall record a finding to that effect and proceed to complete the departmental inquiry ex parte.
- v. The Inquiry Officer shall within 10 days of the conclusion of the proceedings or such longer period as may be allowed by the authority, submit his findings and grounds thereof to the authority.

ORDER.

This order will dispose-off the departmental appeal preferred by Ex-Constable Murad Khan No. 587 of Nowshera District Police against the order of District Police Officer, Nowshera, whereby he was awarded major punishment of dismissal from service vide OB No. 668 dated 18.08.2020. The appellant was proceeded against departmentally on the allegations that he while posted at Police Post Jehangira, District Nowshera absented himself from his lawful duty with effect from 27.04.2020 to 29.06.2020 and 29.06.2020 to 28.07.2020 without any leave/prior permission of the competent authority.

He was issued Show Cause Notice but he failed to submit his reply. Therefore, proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Sub Divisional Police Officer (SDPO) Akora was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities, submitted his findings wherein the allegations leveled against him were proved and recommended the delinquent Officer for minor punishment of stoppage of increment for one year.

He was issued Final Show Cause Notice by the District Police Officer, Nowshera to which his reply was received and found unsatisfactory. He again absented himself from duty without any leave / permission of the competent authority vide daily diary No. 05 dated 02.08.2020, Police Lines (total absence 108 days) till date of dismissal.

He was also provided opportunity of self defense by summoning him in the Orderly Room held in the office of District Police Officer, Nowshera on 18.08.2020. But he failed to advance any cogent reason in his defense. Hence, he was awarded major punishment of dismissal from Service vide OB: No. 668 dated 18.08.2020.

Feeling aggrieved from the order of District Police Officer, Nowshera, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 06.10.2020

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations leveled against the appellant have been proved beyond any shadow of doubt. It is pertinent to mention here that the appellant was enlisted in Police Department on 28.10.2013 as Constable and during his short span of service, he earned, 02 minor punishments to

Recd
15.12.2020


89

10

stoppage of 03 increments with cumulative effect on account of 81 days absence vide OB No. 1337 dated 22.11.2019 and stoppage of 02 increments without cumulative effect on account of 83 days absence vide OB No. 286 dated 18.03.2020 with 19 bad entries..Hence, the very conduct of appellant is unbecoming of a disciplined Police Officer. Therefore, the order passed by the competent authority does not warrant any interference.

Keeping in view the above, I, Sher Akbar, PSP S.St Regional Police Officer, Mardan, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being time barred.

Order Announced.


Regional Police Officer,
Mardan.

No. 6305 /ES, Dated Mardan the 12-10- /2020.

Copy forwarded to District Police Officer, Nowshera for information and necessary action w/r to his office Memo: No. 2460/PA dated 14.09.2020. His Service Record is returned herewith.

(****)

Ref/ame
for n. action

DPOVSR
13/11/2020

No. 1324/PA
dt 13/11/2020

87

حساب عالی

میں کیش سرادخان 587 قسمن پولیس لائن اس اصرار سے لکھ دیا۔
 کہ میری والدہ انتہائی ضعیف العمر ہے جسکی آنکھوں کی بین بار علاج
 کی ہے لیکن کوئی شفا نہیں ملی۔ اب بوجہ محجوری آنکھوں کی آپریشن
 کرنے جسکی وجہ سے ایک آنکھ سے کل نابینا ہیں اور ایک آنکھ
 سے ہاضمہ کام کرتا ہے جسکی تیمارداری کے خاطر غیر حاضر ہوا ہوں
 اور یہ غیر حاضر کی بوجہ محجوری کی ہے اس کے علاوہ ایک اور ذاتی
 گھریلو مسئلہ درپیش ہوا تھا جو انتہائی سنگین تھا۔ اس سلسلے
 میں حساب DPہ صاحب کو موروثی پیشی زمینی طور پر سناؤں و
 یہ صراحتاً بیان ہے۔ جو کہ درست ہے۔

Amal Khan

کیش سرادخان 587 قسمن پولیس لائن

Attested

[Signature]
 DSP/ANOR
 20/07/20

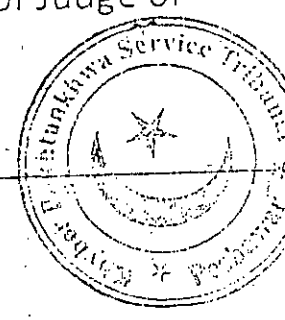
For appellant
Mughal

No. of
order/
proceeding

2

Order or other proceedings with signature of Judge or
Magistrate

3



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Appeal No. 502/2015

Date of Institution ... 27.05.2015
Date of Decision ... 05.03.2018

Shehzad Hassan Ex-Constable no.4949, Capital Police
Peshawar.
Appellant

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

502/15

5.03.2018

JUDGMENT

MUHAMMAD HAMID MUGHAL, MEMBER.

Learned counsel for the appellant and Mr. Muhammad
learned Deputy District Attorney on behalf of
respondents present.

2. Appellant has filed the present service appeal u/s
the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against
the respondents and made impugned the order of
27.02.2015 of the respondent No.3 whereby he
dismissed from service on the ground of absence from

Handwritten signature and stamp

The appellant has also challenged the order dated 29.04.2015 of respondent No.2 whereby the departmental appeal of the appellant against the order of dismissal from service was rejected/filed.

3. Learned counsel for the appellant argued that both the impugned orders are unlawful. Further argued that the impugned orders are excessive/harsh as such do not commensurate with guilt of appellant, in this respect learned counsel for the appellant relied upon the judgment of august Supreme Court reported in 2006 SCMR page 1120. Further argued that the absence of the appellant from duty was beyond his control as his mother was seriously ill and admitted at hospital.

4. As against that learned DDA resisted the present appeal and contended that the appellant was rightly dismissed from service as he remained absent from duty without any leave and permission. Further contended that the impugned orders were issued after adhering to all the legal requirements and codal formalities.

5. Arguments heard. File perused.

6. There is not dispute that the appellant remained absent from duty without any leave/permission. Learned counsel



The appellant has also challenged the order dated 29.04.2015 of respondent No.2 whereby the departmental appeal of the appellant against the order of dismissal from service was rejected/filed.

3. Learned counsel for the appellant argued that both the impugned orders are unlawful. Further argued that the impugned orders are excessive/harsh as such do not commensurate with guilt of appellant, in this respect learned counsel for the appellant relied upon the judgment of august Supreme Court reported in 2006 SCMR page 1120. Further argued that the absence of the appellant from duty was beyond his control as his mother was seriously ill and admitted at hospital.

4. As against that learned DDA resisted the present appeal and contended that the appellant was rightly dismissed from service as he remained absent from duty without any leave and permission. Further contended that the impugned orders were issued after adhering to all the legal requirements and codal formalities.

5. Arguments heard. File perused.

6. There is not dispute that the appellant remained absent from duty without any leave/permission. Learned counsel



Sd/-
Peshawar

For the appellant remained unable to demonstrate that the impugned orders were issued without observing the legal requirements/codal formalities. However keeping in view the stance of the appellant before the departmental authorities and in the present service appeal as to his absence from duty, the punishment awarded to the appellant appears to be excessive when the appellant is not guilty of corruption. Consequently in the stated circumstances, the present appeal is partially accepted and the impugned orders /punishment is modified and converted into withholding of two (02) annual increments for a period of two (02) years and consequently the appellant is reinstated in service. Absence period and intervening period shall be treated as leave without pay. Parties are left to bear their own costs. File be consigned to the record room after its completion.

ANNOUNCED
05.03.2018

Sd/- M. Hameed Mughal
Member

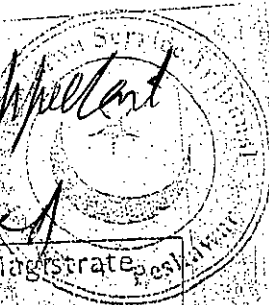
Sd/- Gul Zeb Khan,
Member

Certified to be a true copy

[Signature]
K. S. [unclear]
PRESIDENT

Date of Presentation of Petition 11-6-18
 Number of Pages 1600
 Copying Fee 10
 Urgent 2
 Total 12
 Name of Counsel
 Date of Court 11-6-18

For appellant
 Mulla



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

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Appeal No. 641/2016

Date of Institution 10.06.2016
 Date of Decision 09.01.2019

Alam Zeb S/o Farid Gul Resident of Mohalla Afzal Abad
 Nowshera City, Tehsil & District Nowshera.

- Appellant
- Govt. of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa.
 - The Provincial Police Officer, (Inspector General of Police) Khyber Pakhtunkhwa Peshawar.
 - Deputy Inspector General of Police Mardan Region Mardan I Mardan.
 - District Police Officer, Nowshera.

-----Respondents
 Mr. Muhammad Hamid Mughal..... Member
 Mr. Hussain Shah..... Member

09.01.2019

JUDGMENT

HUSSAIN SHAH, MEMBER:- Learned counsel for the

appellant and Mr. Muhammad Jan learned Deputy District Attorney on behalf of the respondents present.

2. The appellant served in police department as a constable since year 2009. On the charge of absence from duty for two months and 12 days the respondent No. 4 dismissed the appellant from service on 17.03.2015 w.e.f. 26.12.2014. His departmental appeal against the order of dismissal from service was rejected on 05.06.2015. His appeals to respondent No. 2 was also rejected on the ground that the appellant was habitual absentee as well as on the

ATTESTED

MEMBER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

his lawful duty on many occasion before his instant continuous absence from duty w.e.f. 26.12.2014 till the order of dismissal from service by respondent No.4. He further argued that the statement of allegation a show cause notice was issued vide No. 210/PA, dated 23.04.2015 which was duly served but the appellant failed to submit his reply. He further stated that the appellant was given full-fledged opportunity of defending himself through orderly room held on 27.05.2015 but he failed to justify his prolonged absence thereafter his departmental appeal was rejected. The learned Deputy District Attorney pleaded that the appellant was guilty of violating the discipline of the police force and he was proceeded for the same as per law and prescribed procedure hence the appeal may be dismissed with costs.

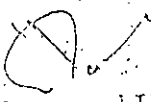
5. Arguments heard. File perused.

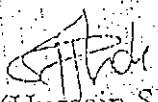
6. This tribunal examined the record on file and the arguments of the parties. The alleged absence from duty is an admitted fact but the reason for the said absence needed proper consideration. The appellant and the learned counsel placed on record the medical description and advice for bed rest allegedly issued from the DHQ Hospital Nowshera. In this view of the matter while also taking into account the period of absence, length of service of the appellant and the fact that the appellant is a low paid employee, this tribunal reached to the conclusion that the punishment awarded to the appellant is excessive. Moreover this tribunal had already given relief in numerous cases of similar nature.

ATTESTED



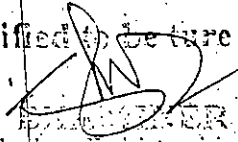
7. As a sequel to above a penalty of dismissal from service is modified and converted into stoppage of three (03) annual increments for five (05) years. Resultantly the appellant is reinstated into service. The absence period and intervening period shall be treated as leave without pay. The present service appeal is partially accepted in the above terms. Parties are left to bear their own costs. File be consigned to the record room.


(Muhammad Hamid Mughal)
Member


(Hussain Shah)
Member

ANNOUNCED
09.01.2019

Certified to be true copy


Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 09-01-19
Number of Wards 1600
Copying Fee 10.00
Urgent —
Total 10.00
Name of Copyist [Signature]
Date of Completion of Copy 22-2-19
Date of Delivery of Copy 22-2-19

For appellant

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



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT, D.I. KHAN
 Appeal No. 317/2014

Date of Institution ... 06.03.2014
 Date of Decision ... 25.10.2017

Inam Ullah S/O Atta Ullah caste Yaqoobkhel R/O Garah
 Sheikh Sultan District Tank.

Versus

1. Deputy Inspector General of Police D.I.Khan.
2. District Police Officer Tank.

25.10.2017

JUDGMENT

MUHAMMAD HAMID MUGHAL, MEMBER:

Appellant, learned counsel for the appellant and Mr. Farhaj Sikandar, District Attorney on behalf of the respondents present.

ATTESTED

[Signature]
 Member,
 Service Tribunal,
 Peshawar

2. The appellant has filed the present appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the respondents and made impugned the order dated 11.02.2014 regarding the dismissal of departmental

appeal filed by the appellant. The appellant has also prayed for setting aside the original order dated 02.12.2013 issued by respondent No. 2 whereby the appellant was discharged from service.

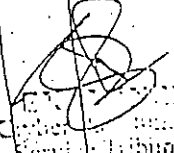
3. Learned counsel for the appellant argued that both the impugned orders are unlawful and no specific instance of corruption/ill-reputation against the appellant is on the record. Further argued that the punishment awarded to the appellant is harsh hence not tenable in the eyes of law.

4. As against that learned District Attorney while opposing the present appeal argued that the appellant remained willfully absent hence the impugned orders were rightly issued.

5. Argument heard. File perused.

6. It is not disputed that the appellant remained absent without permission, however the stance of the appellant is that the cause for his absence was the serious illness of his father. No specific instance/allegation of corruption/ill-reputation of the appellant found on the record. In these circumstances the impugned orders appear to be harsh one and do not commensurate with the lapse/guilt on the part of the appellant and as such the punishment imposed upon

ATTESTED


K. S. Srinivas
Service Tribunal,
P. Mawar

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the appellant requires modification, Hence the punishment of discharge from service is modified/converted to the withholding of one increment for two (02) years. Absence period and intervening period shall be treated as leave of the kind due.

Parties are left to bear their own costs. File be consigned to the record room.

*Announced self M. Hameed Mughal,
2.5.10.2017 Member
Comptroller D.I. Khan*

Certified true copy
Khy. Peshawar
Services
Peshawar

*self Ahmad Hassan,
Member*

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for appellant ~~Abd~~
Ahmad Ali

Stopping of institution
for appellant

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.1205/2019

Date of Institution ... 19.09.2019
Date of Decision ... 25.01.2021



Hina Gul, Ex-PST. GGPS Eid Gaah Road, Mardan.

(Appellant)

VERSUS

1. The Secretary E&SE Khyber Pakhtunkhwa Peshawar and two others.
(Respondents)

Present:

Taimur Ali Khan,
Advocate

For appellant.

Riaz Khan Paindakheil,
Assistant Advocate General

For respondents.

ROZINA REHMAN
ATIQU-UR-REHMAN WAZIR

MEMBER (J)
MEMBER (E)

ATTESTED

EXAMINED
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

JUDGMENT

ROZINA REHMAN, MEMBER: Appellant Hina Gul, was a PST in the respondents' Department. She was removed from service vide order dated 29.04.2019. It is the legality and validity of this order which has been challenged by her in the present service appeal filed U/S 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.

2. Precisely stated the facts of the case are that appellant joined the Education Department as PST Teacher on 22.06.2016 and was posted at GGPS Jaba Mayer. She was transferred from GGPS Jaba Mayer to GGPS Kass Koroonia vide order dated 16.09.2016. In the meanwhile she applied for

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Scholarship in China and received admission notice for the period of March 2018 to August 2019. Prior to admission, she filed application to respondent No.3 for Ex-Pakistan Study Leave (without pay) w.e.f 01.03.2018 to 31.08.2019 which was forwarded to respondent No.2. The appellant left the country presuming that leave had been sanctioned. She filed Appeal directing the respondents to sanction her application. In the meanwhile, she was removed from service vide impugned order dated 29.04.2019. She preferred departmental appeal on 21.05.2019 which was not responded to, hence, the present service appeal.

3. Learned counsel appearing on behalf of appellant in support of the appeal, contended that the impugned order is illegal as the appellant was not treated according to law and rules. That the appellant has been removed from service without issuance of charge sheet and statement of allegations; that show cause notice was not communicated to the appellant and no proper inquiry was conducted in the matter. He submitted that appellant filed application for leave which was also forwarded to competent authority and she never willfully remained absent from duty. Further argued that the appellant was condemned unheard and was not treated according to law and rules, therefore, he requested for acceptance of the instant appeal. In order to substantiate his version, reliance has been placed on 2006 SCMR 1120; 2013 SCMR 817; 2015 PLC (C.S) 117 and 2016 PLC (C.S) 858.

25/1/21
4. Conversely, learned A.A.G argued that the appellant was not allowed Ex-Pakistan Leave and no N.O.C was issued to her for travelling abroad and she absented herself from duty; that the appellant remained absent from duty without approval of the competent authority and in this regard show cause notice was served upon her. Further argued that the respondents

TESTED

EXAMINER
Service Tribunal
Peshawar

issued absence notice on her home address as well published absence notice in daily AAJ and daily MASHRIQ dated 10.03.2019 and 12.03.2019 respectively. Lastly, he contended that the impugned order of her removal from service was issued after observing all the codal formalities.

5. Perusal of record would reveal that appellant was appointed as PST Teacher on 22.06.2016. Her appointment order is not disputed and it is available on file. She was posted at GGPS Jaba Mayar. It is also not disputed that she was later on posted/adjusted at GGPS Kass Koroona-1 vide office order dated 16.09.2016 which means that she was properly performing her duty. Later on, she was transferred from Kass Koroona-1 to Eid Gah Mardan. It is also admitted that she applied for Scholarship in China and accordingly she received admission notice for a period from March, 2018 to August, 2019. It is also not disputed that she properly filed an application for Ex-Pakistan Study Leave (without pay) on 22.02.2018 which was properly forwarded to the authority and she left for abroad without waiting for any approval/sanction of her application with the result that she was removed from service vide impugned order dated 29.04.2019. The order passed by the District Education Officer shows the date of her absence from March while her appointment notification shows her appointment on 22.06.2016. The District Education Officer (Female) was not in the knowledge of her proper date of appointment which is 22.06.2016 and a wrong date was mentioned in the impugned order as March, 2016. She was transferred thrice but she was shown absent much before her appointment till the date of impugned order. She properly filed departmental appeal on 14.05.2019. Service Certificate issued by the Headmistress of GGPS No.1 is available on file, which favors the appellant. The grounds raised by the appellant before

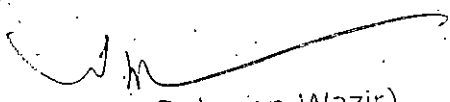
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the departmental authority and before this Tribunal as well regarding her alleged absence is her study abroad. The punishment awarded to the appellant appears to be harsh one.

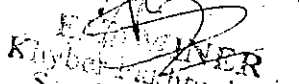
6. Consequently, the present service appeal is accepted and the impugned order of removal from service is modified and converted into withholding of two annual increments for a period of two years. Resultantly the appellant is reinstated. Absence period and the intervening period shall be treated as leave without pay. With no order as to costs. File be consigned to the record room.

ANNOUNCED.
25.01.2021


(Attiqur Rehman Wazir)
Member (E).


(Rozina Rehman)
Member (J)

Certified to be true copy


REGISTRAR
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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