

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT SWAT.**

Service Appeal No. 405/2019

BEFORE: SALAH UD DIN --- MEMBER(J)
MIAN MUHAMMAD --- MEMBER(E)

Said Zaman son of Rahamdad Khan (Ex-Beshti Department of Police Dir Upper), resident of Qaila, Ghandigar, District Dir Upper.

..... (*Appellant*)

VERSUS

1. District Police Officer, Dir Upper at Dir.
2. Regional Police Officer / Deputy Inspector General Malakand Division at Saidu Sharif, Swat.
3. Inspector General of Police Govt. of Khyber Pakhtunkhwa at Peshawar.

..... (*Respondents*)

Present:

ARSHAD KHAN,
Advocate

--- For Appellant.

KABIRULLAH KHATTAK,
Additional Advocate General

--- For respondents.

Date of Institution.....28.03.2019

Date of Hearing.....11.05.2022

Date of Decision11.05.2022

JUDGEMENT.

MIAN MUHAMMAD, MEMBER(E):- The service appeal has been instituted invoking Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 against the impugned order of respondent No.1 dated 08.02.2016 whereby the appellant was dismissed from service and his departmental appeal was filed by respondent No.3 on 15.02.2019. Both the orders have been assailed and are under scrutiny before us for adjudication.

02. Brief facts of the case are that the appellant was serving as Washerman (Beshti) in the respondent-department since 2007. He was on 25 days leave from 25.08.2015 duly sanctioned in his favour by the

authority. However, he did not rejoin his duty on expiry of the said leave. On the report of SHO Police Station Gandigar, he was proceeded against under the Khyber Pakhtunkhwa Police Rules, 1975. The departmental proceedings culminated in his dismissal from service vide order dated 08.02.2016. His departmental appeal dated nil was filed on the ground of being badly time barred vide appellate order dated 15.02.2019 where-after the instant service appeal was instituted in the Service Tribunal on 28.03.2019.

03. On admission of the appeal in preliminary hearing on 24.08.21021, notices were issued to the parties who submitted written replies/comments on contents of the appeal. We have heard learned counsel for the appellant as well as Additional Advocate General and perused the case file with connected documents thoroughly.

04. Learned counsel for the appellant contended that two sons of the appellant were sick and admitted in hospital as indoor patients at different period of time. He was therefore not only passing through persistent mental agony but also in need of financial resources to look after them properly. He therefore, proceeded abroad for bread earning in Kingdom of Saudi Arabia. The departmental proceedings were initiated and conducted on back of the appellant. Neither charge sheet/statement of allegations nor show cause notice communicated to him. He was not provided opportunity of personal hearing either by the enquiry officer or by the competent authority. The prescribed procedure under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 were not followed. The appellant was proceeded against under the Khyber Pakhtunkhwa Police Rules, 1975 and the entire exercise including issuance of the impugned orders are therefore void ab-initio. On the question of

limitation that the departmental appeal was submitted after almost three years, he contended that the limitation would not run against the void order. To strengthen his arguments he relied on 2015 PLC (CS) 151 and 2015 SCMR 795. The penalty of dismissal from service has been imposed with retrospective effect which rendered the impugned order void ab-initio having no legal effect. He therefore, requested that the service appeal may be allowed by reinstating the appellant in service with all back benefits while concluding his arguments.

05. Learned Additional Advocate General on the other hand raised preliminary objection on maintainability of the instant service appeal on the ground of limitation while placing reliance on 2010 SCMR 1982, 2011 SCMR 676 and 2015 SCMR 165. He vehemently objected that no plausible justification has been given for delay by the appellant and no application for condonation to that effect submitted with the service appeal. Moreover, penalty has been imposed after completion of all codal formalities because charge sheet and show cause notice were duly received by brothers of the appellant and who also recorded statements to that effect and also confirmed that the appellant was engaged as employee in Kingdom of Saudi Arabia for 2300/- Saudi Riyals per month. The service appeal being devoid of merits may be dismissed with cost, he concluded.

06. Perusal of record reveals that the appellant was serving in respondent-department as Beshti since 17.07.2007. He was non-uniformed personnel of the police service. The Government of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 were therefore applicable to him for all intends and purposes. It is not disputed that the appellant during his initial 25 days leave, proceeded abroad without approval and sanction of Ex-Pakistan Leave

by the Competent Authority rather it is an admitted fact on both the sides. The department was therefore, required to have followed the laid down procedure under Rule-9 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 instead of Police Rules 1975. The impugned order on its face is devoid of the procedure provided for disciplinary action for willful absence in Rule 9 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. Non application of the procedure as provided under Rule 9 ibid will make the question of voidness of the impugned order relevant. Moreover, the appellant has been dismissed from service on account of willful absence and the penalty so imposed is beyond the scope of penalty provided under Rule 9 on willful absence which is a major penalty of "removal from service". The dismissal from service and removal from service have different connotations and consequences. The former does while the latter does not disqualify for future government service. The subsequent proceedings against the appellant under Khyber Pakhtunkhwa Police Rules 1975 which culminated in issuance of the impugned order dated 08.02.2016 of the competent authority as well as appellate order dated 15.02.2019 therefore stand void ab-initio and to have been issued under the irrelevant law not applicable to the appellant.

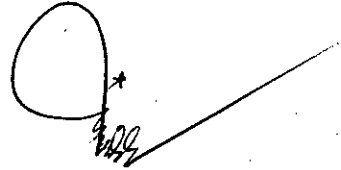
07. As a sequel to the above, we are of the considered view that the impugned orders do not stand the scrutiny on the touchstone of legal parameters and are void ab-initio. The appeal is therefore allowed and the appellant is reinstated in service. The period during which the appellant remained out of service shall be treated as Extra Ordinary Leave without pay. The department is however left at liberty to conduct de-novo enquiry strictly in the mode and manner laid down

in the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011. In case de-novo enquiry is conducted against the appellant, the intervening period shall be decided in the light of findings of the de-novo enquiry. Costs shall follow the event. Consign.

08. *Pronounced in open court in Mingora and given under our hands and seal of the Tribunal this 11th day of May, 2022.*



(SALAH UD DIN)
MEMBER(J)
CAMP COURT SWAT



(MIAN MUHAMMAD)
MEMBER(E)
CAMP COURT SWAT

ORDER

11.05.2022

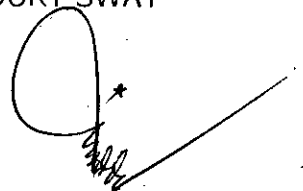
Counsel for the appellant present. Mr. Kabirullah Khattak,
Additional Advocate General for respondents present.

02. Vide our detailed judgement of today placed on file (containing 05 pages), we are of the considered view that the impugned orders do not stand the scrutiny on the touchstone of legal parameters and are void ab-initio. The appeal is therefore allowed and the appellant is reinstated in service. The period during which the appellant remained out of service shall be treated as Extra Ordinary Leave without pay. The department is however left at liberty to conduct de-novo enquiry strictly in the mode and manner laid down in the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. In case de-novo enquiry is conducted against the appellant, the intervening period shall be decided in the light of findings of the de-novo enquiry. Costs shall follow the event. Consign.

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(SALAH-UD-DIN)
MEMBER (J)
CAMP COURT SWAT



(MIAN MUHAMMAD)
MEMBER (E)
CAMP COURT SWAT

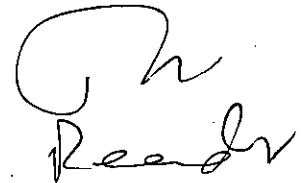
05.01.2022

Appellant in person present. Mr. Ali Rehman, Inspector (Legal) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Para-wise reply on behalf of respondents submitted, which is placed on file and copy of the same is handed over to the appellant. Adjourned. To come up for rejoinder, if any, as well as arguments before the D.B on 07.03.2022 at Camp Court Swat.


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

Due to retirement of the Honorable Chairman the case is adjourned to 09-05-2022 for the same as before.



On
Reader

09.05.2022

Due to non-availability of the Bench, the case is adjourned to 11.05.2022 for the same as before.



On
Reader

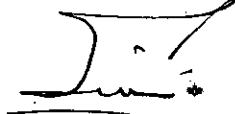
within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 02.11.2021 before the D.B, at camp court, Swat.


Chairman
Camp court, Swat

02.11.2021

Learned counsel for the appellant present. Mr. Lal Bahadar, S.I (Legal) alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present and sought time for submission of reply/comments. Adjourned. To come up for submission of reply/comments as well as arguments before the D.B on 05.01.2022 at Camp Court Swat.


(Atiq-Ur-Rehman Wazir)
Member (E)
Camp Court Swat


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

24.08.2021

Counsel for the appellant present. Preliminary arguments heard.

The impugned order was passed on 08.02.2016 taking into consideration ground of absence of the appellant from duty. The impugned order reveals that report of SHO P.S Gandigar was relied upon as to absence of the appellant, whereby he reported that the appellant had gone to Saudi Arabia. The impugned order on its face is devoid of the procedure provided for disciplinary action for wilful absence in Rule 9 of the Government Servants (E&D) Rules, 2011. If not rebutted by the respondents; non-application of procedure as provided under Rule 9 ibid will make the question of voidness of the impugned order relevant. Moreover, the appellant has been dismissed from service on account of wilful absence and the penalty so imposed is beyond the scope of penalty provided under Rule 9 on wilful absence which is a major penalty of removal from service. The dismissal from service and removal from service have different consequences. Former does while the latter does not disqualify for future government jobs. Let the appeal be fully heard by D.B obviously subject to all just and legal objections including that of limitation. 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 at Peshawar

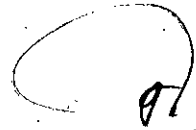
Appellant Deposited
Security Process Fee

2/8/21

05.11.2020

Appellant present in person.

Lawyers are on general strike, therefore, case is adjourned to 07.01.2021 for preliminary hearing, before S.B at Camp Court, Swat.



(Rozina Rehman)
Member (J)
Camp Court, Swat

7-1-2021

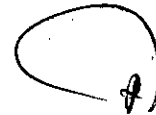
Due to COVID 19, the case is adjourned to 4-3-2021 for the same.



04.03.2021

Appellant in person present.


He made a request for adjournment as his counsel is not available due to death of his relative. Adjourned. To come up for preliminary hearing on 5/5 /2021 before S.B at Camp Court, Swat.



(Rozina Rehman)
Member (J)
Camp Court, Swat


26.07.2021

To come up for preliminary hearing particularly on the point of limitation on 24.08.2021 before S.B at Camp Court, Swat. Notices be issued to appellant/counsel for the date fixed.



Chairman

06.07.2020. Due to Covid-19, the case is adjourned.
To come up for the same on 05/08/2020,
at camp court, Swat.



Reader

5.8.2020

Due to covid-19, the case is adjourned
To come up for the same on 9-9-2020
at camp court, Swat.


Reader

09.09.2020 Appellant present in person, his counsel is busy before
Daraul Qaza and a request was made for adjournment. Last
chance is given for preliminary hearing for 05.11.2020 before
S.B at Camp Court, Swat as the matter is being pending since
March, 2019.


Member
Camp Court, Swat

05.03.2020

Appellant in person present and seeks adjournment as his counsel is not available being indisposed. Adjourn. To come up for preliminary hearing on 09.04.2020 before S.B at Camp Court, Swat.



Member
Camp Court, Swat.

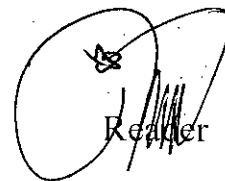
Due to corona virus tour to camp court swat has been cancelled. To come up for the same on 04-06-20



Reader

04.06.2020

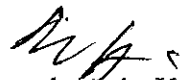
Due to COVID-19, the case is adjourned. To come up for the same on 05.08.2020, at camp court Swat.



Reader


09.10.2019

Counsel for the appellant present and requested for adjournment. Adjourned to 05.12.2019 for preliminary hearing including hearing on the issue of limitation before S.B at Camp Court Swat.


(Muhammad Amin Khan Kundi)
Member
Camp Court Swat


05.12.2019

Clerk to counsel for the appellant present and seeks adjournment on the ground that learned counsel for the appellant is indisposed. Adjourn. To come up for preliminary hearing including hearing on the issue of limitation on 09.01.2020 before S.B at Camp Court, Swat.


Member
Camp Court, Swat

09.01.2020

None present on behalf of the appellant. Notice be issued to appellant and his counsel for preliminary hearing including hearing on the issue of limitation for 05.03.2019 before S.B at Camp Court Swat.


(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

12.06.2019

Appellant present. Clerk to counsel for the appellant present. Clerk to counsel for the appellant seeks adjournment as learned counsel for the appellant is not in attendance. Adjourn. To come up for preliminary hearing on 03.07.2019 before S.B at Camp Court Swat.



Member
Camp Court, Swat.

03.07.2019

Appellant in person present and submitted application for adjournment. Adjourn. To come up for preliminary arguments including arguments on the issue of limitation on 04.09.2019 for before S.B at Camp Court Swat.



Member
Camp Court, Swat.

04.09.2019

Appellant in person present and seeks adjournment as his counsel is not in attendance. Adjourn. To come up for preliminary hearing including hearing on the issue of limitation on 09.10.2019 before S.B at Camp Court, Swat.


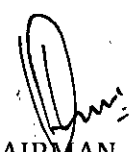
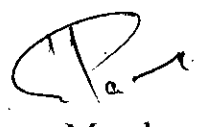


Member
Camp Court, Swat.

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 405/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/03/2019	<p>The appeal of Mr. Said Zaman presented today by Mr: Arshad 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 28/3/19</p>
2-	12-4-19	<p>This case is entrusted to touring S. Bench at Swat for preliminary hearing to be put up there on <u>8-5-19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	08.05.2019	<p>Learned counsel for the appellant present and requested for adjournment to render proper assistance on the issue of limitation. Adjourn. To come up for preliminary hearing on 12.06.2019 before S.B at Camp Court Swat.</p> <p style="text-align: right;"> Member Camp Court, Swat.</p>

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

Service Appeal No. 405 -M of 2019

Said Zaman (Appellant)


VERSUS

District Police Officer and others..... (Respondents)

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6.	Copies of appeal & order	C & D	30-31
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Appellant
Through Counsel


ARSHAD KHAN
Advocate, High Court

Office: Opposite Grassy
Ground Saidu Sharif, Swat
Cell No: 0300-5985653

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BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

Service Appeal No. 405-M of 2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 491

Dated 28/3/2019

Said Zaman son of Rahamdad Khan (Ex-Bahashti
Department of Police Dir Upper), resident of Qila,
Ghandigar, District Dir Upper.

.....Appellant

VERSUS

1. District Police Officer, Dir Upper at Dir.
2. Regional Police Officer / Deputy Inspector General
Malakand Division at Saidu Sharif, Swat.
3. Inspector General of Police Govt. of Khyber Pakhtunkhwa at
Peshawar.

.....Respondents

Filed to-day
Registrar
28/3/19

SERVICE APPEAL UNDER SECTION 4, OF
THE KPK SERVICE TRIBUNAL ACT, 1974,
AGAINST THE ORDER DATED 08-02-2016,
WHEREBY the appellant has been dismissed
from service and order dated 15-02-2019 of
the respondent No. 3 whereby the

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department appeal of the appellant was dismissed.

PRAYER IN APPEAL

On acceptance of this appeal the order passed by Respondent No. 1 be declared as illegal, against law, void ab-initio by setting aside the same and the appellant may be reinstated on service with all back benefits.

Any other relief which are proper in the instant circumstances of the may also be granted.

Respectfully Sheweth,

- 1) That the appellant is permanent resident of Gandigar, District Dir Upper, and was appointed as Bahashti (Class-IV) in Police Department.
- 2) That the appellant was performing his duties honestly, devotedly up to the entire satisfaction of the higher throughout his career.

- 3) That the appellant on 09-10-2015 went on the leave, due to financial constraints and for treatment of kids.
- 4) That during the leave appellant went abroad, but was unable to come back.
- 5) That the appellant applied for further grant of leave due to severe financial constraints needed for medical treatment of his children. (Copies of relevant record are attached as annexure "A")
- 6) That the respondent No. 1 without following due process initiated departmental proceedings, and without holding regular inquiry, dismissed the appellant from service. (copies of show cause notice & impugned order are attached as annexure "B")
- 7) That the appellant filed Department appeal before respondent No. 2, which was returned to the appellant without any adjudication, therefore, the appellant filed appeal before the respondent No 3, which was dismissed. (Copies of appeal & order are attached as annexure "C" & "D" respectively)

- 8) That the appellant is approaching this Honorable Tribunal for the redressal of his grievances against the action and inaction of the respondents on the following ground inter alia.

GROUNDS:-

- a. That the impugned order is illegal, against the law, void ab-initio, without lawful authority.
- b. That the respondent No. 3 failed to take notice of the illegality committed by the respondent No. 1.
- c. That the impugned order imposed retrospective punishment upon the appellant, which render the impugned order "void", hence, no limitation runs for the same, and having no legal effect.
- d. That the inaction of respondent No. 3 of the departmental appeal within statutory period is against the law, rules.

- e. That the inquiry so conducted against the appellant is illegal and against the law, and no rules have been followed.
- f. That the appellant has not been given opportunity of hearing as per law and rules.
- g. That the appellant has not been afforded opportunity to appear inquiry and to cross examine the witnesses.
- h. That no show cause notice has been given to the appellant.
- i. That the appellant has not been given opportunity a personal hearing before passing the impugned office order.
- j. That the mala-fide of the respondents can be ascertained from the fact that the appellant has not been given salary during the period of suspension for which he has legally been entitled.
- k. That the action and inaction of the respondents is mocary with law and justice.

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- l. That the impugned office order is arbitrary, unilateral, and whimsical.
- m. That some grounds may be argued at the time of arguments with the prior permission of this Honorable Tribunal.

Therefore in view of the above submissions, it is most humbly prayed that on acceptance of this appeal the order passed by Respondent No. 2 be declared as illegal, against law, void ab-initio by setting aside the same and the appellant may be reinstated on service with all back benefits.. Any other relief which are proper in the instant circumstances of the may also be granted.


Appellant

Through Counsel


ARSHAD KHAN
Advocate, High Court

CERTIFICATE:

(As per directions of my client) No such like Appeal earlier has been filed by the appellants on the subject matter before this Honorable Court.


ADVOCATE

(7)

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

Service Appeal No _____ -M of 2019

Said Zaman (Appellant)

VERSUS

District Police Officer and others..... (Respondents)

ADDRESSES OF THE PARTIES

APPELLANT

Said Zaman son of Rahamdad Khan (Ex-Bahashti
Department of Police Dir Upper), resident of Qila,
Ghandigar, District Dir Upper.

Respondents

1. District Police Officer, Dir Upper at Dir.
2. Regional Police Officer / Deputy Inspector General
Malakand Division at Saidu Sharif, Swat.
3. Inspector General of Police Govt. of Khyber Pakhtunkhwa at
Peshawar.

Appellant
Through Counsel


ARSHAD KHAN
Advocate, High Court

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BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

Service Appeal No _____ -M of 2019

Said Zaman (Appellant)

VERSUS

District Police Officer and others..... (Respondents)

AFFIDAVIT

I, Arshad Khan Advocate Swat (as per instruction of my client), do hereby solemnly affirm and declare on oath that the contents of the above titled Appeal is true and correct to the best of my knowledge and belief.

HI

DEPONENT

ATTESTED
ABDUL ALI SHAH ADVOCATE
District Court Swat
By: Sb. Date: 27-3-2019
OATH COMMISSIONER

09/15/16

Amrta A

نمبر 23 روزنامہ 09/15

(9)

PS گندگیاں

مرد 33 رپورٹ ایجنٹ صہری ماسی 3/15 وقت 18:20 بجے درجہ بندی
سید انان بوالہجر 23 روزنامہ 09/15 سے 25 یوم ارضیت کلاں پر گھر خود
چھوڑا گیا تھا۔ اور فریئر کو روکا گیا اور ایسی مطلوب تھی۔ کافی انتظار کے باوجود
والیس کا ہند نہ آیا۔ سید صہری فریئر کی طرف سے رپورٹ ایجنٹ صہری
مرد 33 کے پاس گھر پر لکھی گئی اور اس کی آفس میں بالآخر ضرورت

صا۔ عالی

نظر از اصل
mmps. g. got
25-12-16

میں ارسال کیا گیا۔

صا عالی

نظر از اصل

Police Station
mmps. g. got
25-12-16

ج. آ. سی
A. S.

4A

Code No: 11-0170

(10)

HAYATABAD MEDICAL COMPLEX
PLASTIC SURGERY UNIT

Name: Bilal Shah

Record No: 11-0170

Phase IV,
Hayatabad, Peshawar

Phone: 091-9217140-6
Fax: 091-9217189

NEZKIL 600ml, Tab/Inf SULBAXON 1gm, 2gm MEROCON 500mg, 1gm

C-Tic
And

آئندہ معائنہ

مقام	وقت	دن	تاریخ	نمبر شمار
دارالین	8 بجے	پنجوار	21/3	(1)
دارالین	8 بجے	پنجوار	"	(2)
دارالین	8 بجے	جمعرات	09-02-12	03
دارالین	8 بجے	جمعرات	24/3	(05)
دارالین	8 بجے	جمعرات	7-1-13	(06)
دارالین	8 بجے	جمعرات	5-11-18	(07)
دارالین	8 بجے	جمعرات	6/19	(08)

11



DISCHARGE REPORT

Patient's Name: Bilal Shah Age 7yr

Address: Dir

Date of Admission: 4-5-10 Room No. 2


Date of Discharge: 5-5-10

Consultant Incharge: Dr. Tahir PLS

Disease: Hypogonadism

Operation: Stage I Repair Jap

Doctor's Signature: SU

 : (091) 2217629-2561960

*C-Tu
Adi.*

OPERATION NOTES:

Hypersplasia Stage I repair done

Next plan = Stage II repair after 6 months

TREATMENT & PROGRESS IN HOSPITAL:

ly: Sulbactam 1g IV BD

ly: Vancomycin 1g IV BD

DISCHARGE MEDICATIONS:

1 Syf Calamox DS (10) 2+2+2

2

3 Syf Ruberion (5) 2+2+2

4

5 Syf (10) 2+2+2

6

7 Syf (10) 2+2+2

8

The following facilities are available in the Hospital Complex.

- 1) 24-Hour Emergency Admission
- 2) ICU/CCU with Full ECG Monitoring
- 3) Fully equipped operation theatres.
- 4) X-Ray
- 5) Ultrasound Scanning
- 6) CT-Scan
- 7) ECG (Electrocardiography)
- 8) ETT (Exercise Tolerance Test).
- 9) Fibreoptic Endoscopy
- 10) Fibreoptic Bronchoscopy
- 11) Hemodialysis
- 12) EEG (Electroencephalogram)
- 13) Clinical Laboratory with full range of investigations

Poly Zen Plus
20 x 1-1-1-1

White petrollin jelly
10 x 1-1-1-1

- 1 اپنی تمام دوائیں جاری رکھیں۔
- 2 دوائیں صرف اپنے ڈاکٹر کے مشورے سے بند کریں۔
- 3 اپنے تمام کاغذ - ایکٹریس اور رپورٹس سنبھال کر رکھیں۔ اور دوبارہ معائنے کے لیے اپنے ساتھ ضرور لائیں۔
- 4 کسی بھی تکلیف یا شکایت کی صورت میں اپنے ڈاکٹر یا ایڈمنسٹریٹر سے رابطہ قائم کریں۔

(12)

DISCHARGE SUMMARY

PLASTIC SURGERY UNIT

Hayatabad Medical Complex, Peshawar Ph: 091-9217140-6 Ex: 2043

Record No. 11-0170
 Name: Bilal Shah DOB: 19-4-03
 Diagnosis: Circumcision case
 Operation: Circumcision (post hypospadias)
 Date of Admission: 7-01-13 Date of Discharge: 9-01-13
 Date of Operation: 8-01-13

INSTRUCTIONS FOR HOME

مریض کے لئے ہدایات

- 1- بدن کی صفائی نہایت ضروری ہے۔ اور یہ صرف باقاعدہ نہانے سے ہی ممکن ہے۔ زخم کو پانی سے بچانے کی کوئی ضرورت نہیں۔ اسے صابن اپیل سے ضرور صاف کرنا چاہئے۔
- 2- کسی قسم کے کھانے پینے کی اشیاء، بمسودہ دہی، دودھ، دہی، ٹھنڈا، گرم، مرچ مصالحے سے کوئی پرہیز نہیں۔ زخم کی بہتری کیلئے انڈہ، دودھ، دہی اور گوشت بہتر ہے۔
- 3- مندرجہ ذیل دوا مقررہ وقت تک استعمال کریں۔

دورانیہ	ترتیب	خوراک	نمبر شمارہ
7 دن	① + ①		Syp Augmentin 1
15 دن	① + ①		Syp Vidayllin 2
			3
			4

4- تاریخ کو بروز 8 صبح پلاسٹک سرجری وارڈ تشریف لائیں

دستخط ڈاکٹر

C-Tic
Ad.

MEDI URGE
(Pvt.) Ltd
Medical Equipment Comp.

DISCHARGE SUMMARY

- PLASTIC SURGERY UNIT

Hayatabad Medical Complex, Peshawar Ph: 091-9217140-6 Ex: 2043

Record No. 11-0170

Name: BILAL SHAH DOB: 19/04/03

Diagnosis: Urethrocutaneous fistula

Operation: Repair

Date of Admission: 09/02/18 Date of Discharge: 11/02/18

Date of Operation: 10/02/18

INSTRUCTIONS FOR HOME

مریض کے لئے ہدایات

- 1- بدن کی صفائی نہایت ضروری ہے۔ اور یہ صرف باقاعدہ نہانے سے ہی ممکن ہے۔ زخم کو پانی سے بچانے کی کوئی ضرورت نہیں۔ اسے صابن / پانی سے ضرور صاف کرنا چاہئے۔
- 2- کسی قسم کے کھانے پینے کی اشیاء بمعدہ وہی، دودھ، دہی، ٹھنڈا، گرم، مرچ مصالحہ سے کوئی پرہیز نہیں۔ زخم کی بہتری کیلئے انڈہ، دودھ، دہی اور گوشت بہتر ہے۔
- 3- مندرجہ ذیل دوا مقررہ وقت تک استعمال کریں۔

دورانیہ

نمبر شمار	خوراک	ترتیب	دورانیہ
1	Syp Amoxoclav D.S		
2	— 1+1+1 —	(5) دن	
3	Syp Bufen	1+1+1	(5) دن
4	Polyfax ointment		جب بھی کسر جاؤ۔
4	تاریخ کو برور	بجے صبح پلاسٹک سرجری وارڈ تشریف لائیں۔	22/02/18

(Signature)

REGISTRAR
Plastic Surgery Unit
Hayatabad Medical Complex
Peshawar

30/3/2018

MEDI URGE
(Pvt.)Ltd
Medical Equipment Cor.

(14)

Code: - 4A

DISCHARGE SUMMARY

PLASTIC SURGERY UNIT

Hayatabad Medical Complex, Peshawar Ph: 091-9217140-6 Ex: 2043

Record No. 11-0170Name: Bilal Shah DOB: 19/04/03Diagnosis: HypospadiasOperation: Stage II AB RepairDate of Admission: 14/02/14 Date of Discharge: 16/02/14Date of Operation: 15/02/14

INSTRUCTIONS FOR HOME

مریض کے لئے ہدایات

- 1- بدن کی صفائی نہایت ضروری ہے۔ اور یہ صرف باقاعدہ نہانے سے ہی ممکن ہے۔ زخم کو پانی سے بچانے کی کوئی ضرورت نہیں۔ اسے صابن / پانی سے ضرور صاف کرنا چاہئے۔
- 2- کسی قسم کے کھانے پینے کی اشیاء بمعدہ ہی، دودھ، دہی، ٹھنڈا، گرم، مرچ مصالحہ سے کوئی پرہیز نہیں۔ زخم کی بہتری کیلئے انڈہ، دودھ، دہی اور گوشت بہتر ہے۔
- 3- مندرجہ ذیل دوا مقررہ وقت تک استعمال کریں۔

نمبر شمار	خوراک	ترتیب	دورانیہ
1	Syp. Calamox	1+1+1	3 دن
2	Syp. Bonfen	1+1+1	3 دن
3			
4			

4- تاریخ کو بروز دسمبر 23-02/14 بجے صبح پلاسٹک سرجری وارڈ تشریف لائیں۔

دستخط ڈاکٹر

e-T-Ax

Dr. Zaffar Durrani

(15)

M.B.B.S., F.R.C.S (Ed.)
Professor Of Orthopaedic and Trauma (Retd)
Khyber Medical College
Khyber Teaching Hospital

Mandibular synov

all motion of both cannot
with intelligence

Synovial

OK! Tight TAD + Adductor
medial releases

سائنس ڈیپارٹمنٹ
آئی سی
11

[Signature]

Admit for surgery
at 2:30 AM 26/7/17

C. J. Aref

OPERATION NOTES 16

Date 26/7/17

Room NO _____

Patient Name Mansour Age 5yrs Sex M Admission #: _____

Surgeon Dr Zaffar Durrani Anaesthetist Dr Jybal

Assistant Dr Salman Anaesth: Technician Gulbad/Zubair

Operation Bilateral TAL + Adductor Tenotomy

Type of Anesthesia: GA/ LA/ Spinal GA

Finding


Equinus feet + Limited Abduction at Hips

Procedure

Posterior-medial Incision

= Bilateral TA Lengthening done + Adductor Tenotomy. TA repaired in lengthen position with ankles in maximal dorsiflexion - ASD POP cylinder ^{cast} done with Ankle maximal dorsiflexion & Hips in 45° abduction Approx

	Yes	No	Time	Name
Antibiotic During Surgery	<input checked="" type="checkbox"/>			Dr. Velosef Saamy
Analgesic Given In Theater		<input checked="" type="checkbox"/>		
Blood Transfusion In Theater				

Surgeon Signature 

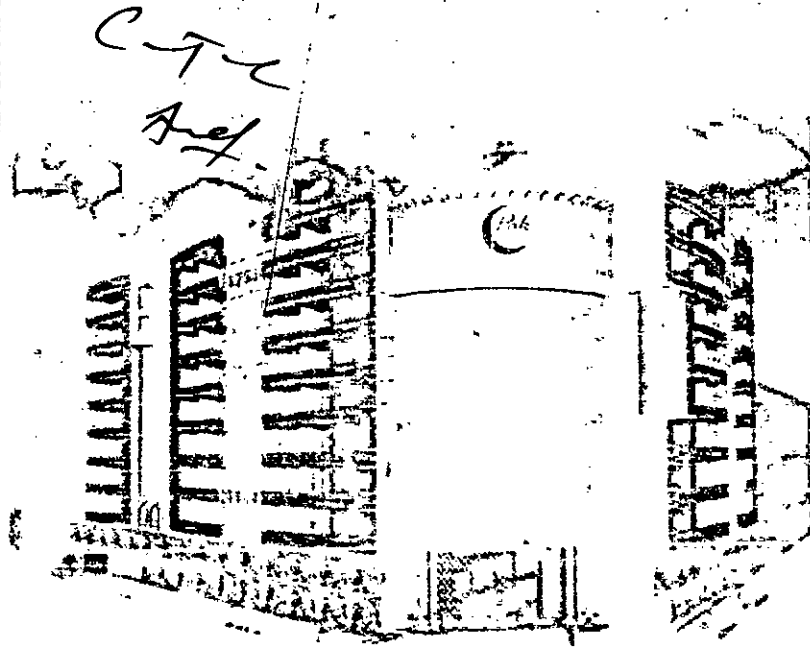
Anaesthetist Signature

REMARKS

C-TAL
Rx



آپ کی صحت، ہمارا مقصد
پاک میڈیکل سنٹر اینڈ ہاسپٹل

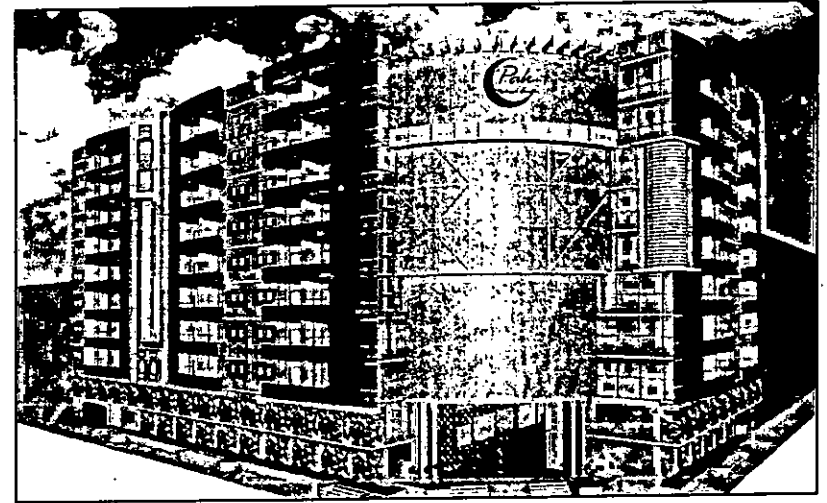


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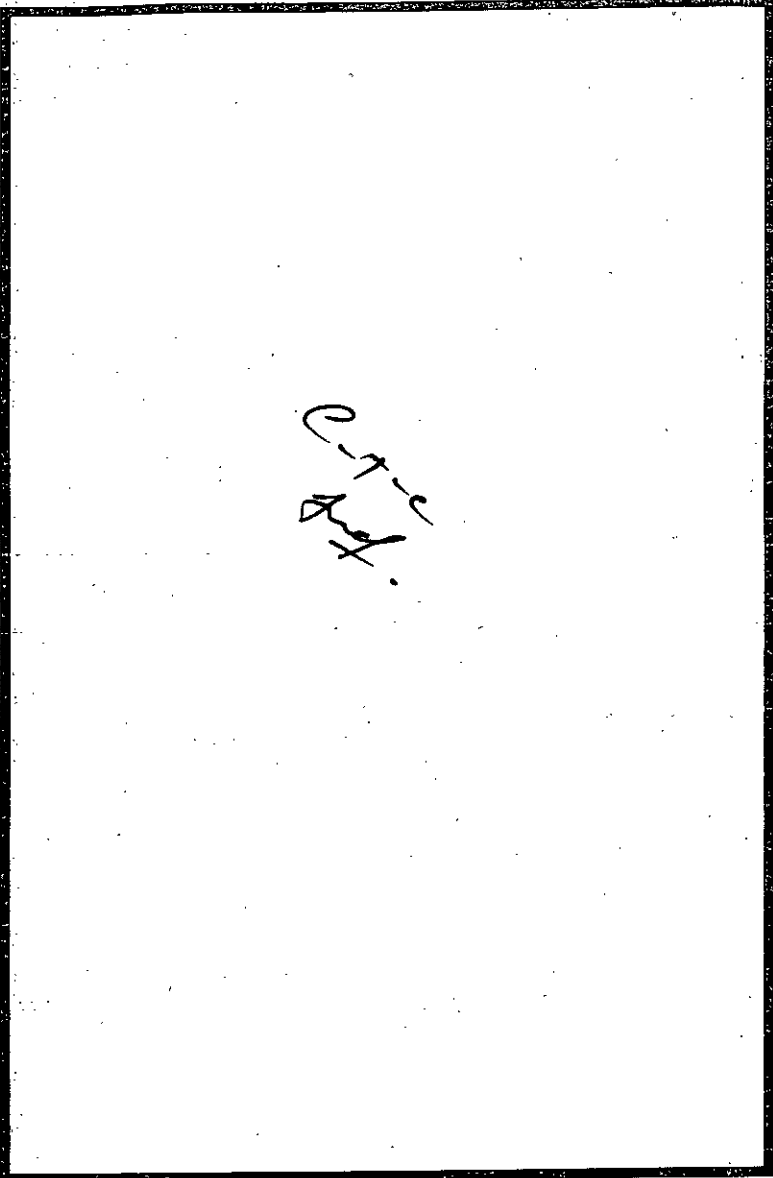
DISCHARGE CARD

Patient Name	Mansoor	Age	5yr
Consultant	Dr Zafar Durani		
Admission No	17-13531	Room No / Ward Bed No	715
Diagnosis / Procedure	Bilateral TAL + Adductor Tenotomy		
Date of Admission	26-7-17	Date of Discharge	27-7-17



Pak Medical Centre & Hospital Khyber Bazar, Peshawar. Ph: 091-2560005-7

17



Handwritten scribble or signature in the left box.

Operation Notes

Surgeon Dr Z. Dwani

ANESTHETIST _____ GA / L-A / SPINAL [✓]

Date: 26-7-17 Time: _____

NOTES

Bilateral TAL + Adductor
Tenotomy

Equinus feet + Limited adduction
at hips

Posteromedial incision.

Bil TA lengthening done + Adductor
tenotomy. TA repaired in lengthen
position with ankles in maximal
dorsiflexion. ASD. M.O. _____

POP cylinder cast done with ankle in
maximal dorsiflexion & hips in ASD.
Sign. _____

2

3 abduction approximately
1 hr

180

TREATMENT AT CENTRE

Trj Velosef 500mg IV TDS

Trj Paradol 150mg IV SOS

ضلع
کراچی

4

TREATMENT AT HOME

گھر کے لیے علاج

Syp Velosef 250mg/5ml

1-1-1 (7 دن)

Syp Brufen

1-1-1 (7 دن)

Syp Vidaylin L

(شب صبح) ① (صبح اور رات)

Syp Phenergan

(آرام دہک) ① (صبح رات کو)

19

5

TREATMENT AT HOME

گھر کے لیے علاج

12 دن بعد ٹانگے کھوائیں (اوپر وکے) ہر صبح

میتھی
A

6

FOLLOW UP

دوبارہ معائنے کے لیے

ایک ماہ بعد اپنے
ڈاکٹر کے پاس تشریف لائیں۔
ہدایات برائے گھر

For removal of POP +
sutures

7

96

(21)



Pak Medical Centre & Hospital

Khyber Bazar Peshawar. Ph: 091-2560005-7

Treatment Chart

Weight _____

715
Fw-4

Patient Name Muhammad Age 5y Sex M Room No / Ward Bed No _____

Starting Date	Medicine	Dose	Stop Date	Remarks
26/7/17	POST-OP ORDERS			
	NBM till full recovery.			
	Inj. Velosef 500mg	I/V x TDS (ATD)		✓
	Inj. Toradol 1/2 Amp	I/V x SOS		
	Syp. Brufen 1TSF	x TDS		✓
	Syp. Vdaylin - L	1TSF x OD		✓
	Syp Phenergan			
	gain Ros	- 12 days		
	Fup	- Inc - ROPOP		HTA sutures
	C-TX			

(22)

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Pak Medical Centre & Hospital

Khyber Bazar, Peshawar - Pakistan. Ph: 091-2560005-7

CONSENT FOR OPERATION OR SPECIAL PROCEDURE

Name of the Patient Mansoor Date 26-7
 Age / Sex 54 M M.R. #. 17-13831 Room No/ Ward Bed No FW-4
 Date of Admission 26-7-17

1. I hereby authorise the doctors of Pak Medical Centre & Hospital to perform the following procedures / operations.

میں مندرجہ ذیل آپریشن کروانے کے لیے رضامند ہوں۔

Need Majeeras 25

The procedures, their nature and consequences, as well as possible risks and complications have been explained to me and I understood them.

میں آپریشن کی نوعیت اور اس کے خطرات سے آگاہ ہوں۔

I recognise that during the course of the operations/procedure unforeseen conditions may necessitate additional or different procedures. I authorise the doctors to perform these procedures.

آپریشن کے دوران ناگزیر حالات میں مندرجہ بالا آپریشن کے علاوہ دوسرے آپریشن کی بھی اجازت ہے۔

I Consent to the administration of anaesthesia. The mode anaesthesia (and the use of anaesthetic) is left to the discretion of the anaesthetist as he deems advisable.

میں ہر قسم کی بے ہوشی کے لیے رضامند ہوں۔

I am aware that the practice of medicine and surgery is not an exact science and I acknowledge that no guarantees have been made to me as to the results of the operation or procedure.

آپریشن کے متعلق کسی قسم کی گارنٹی نہیں دی جاسکتی۔

I further authorise Pak Medical Centre & Hospital and the doctors incharge to carry out such diagnostic procedures administer blood transfusion, intravenous medications deemed necessary and to make proper disposition of all tissues or anatomical parts.

میں خون لگوانے، دوائیاں دینے اور ٹیسٹ کرنے کی بھی اجازت دیتا ہوں۔

مختلف اجزاء کے معائنہ کی اور تلف کرنے کی بھی اجازت دیتا ہوں۔

I agree with the conditions

میں اوپر دی گئی شرائط پر متفق ہوں۔

C-TR
Adx

Signature of Patient

مسنور جان

Date 26-7

Time 11:33 AM

(In case of a minor, signatures of guardian) (I am the only legal guardian at the moment)

Witness:

1. Name Umar Relation باپ Sig. [Signature]

2. Name _____ Relation _____ Sig. _____



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Pak Medical Laboratory

Pak Medical Centre & Hospital, Khyber Bazar Peshawar. Ph: 091-2560005-7

Consultant
Dr. M. Ismail
MBBS.DCP (Pathologist)
Assit Professor (Suit)
Dr. Nasir Ali
SPECIALIST BMS(UK) MIBMS(UK) RPH (PK)
Khalid Khan
BS, MS (Microbiologist)

Name: MANSOOR	PRN: 17-13487	Lab ID: 47,403
Gender: MALE	Sampling Date: 25-07-2017 06.12PM	
Age: 4	Result Date: 25-07-2017 07:04PM	
Ref. by: Dr. Zafar Durani	Specimen: BLOOD	
Investigation: FBC, HBS, HCV		

TEST	RESULT	NORMAL RANGE
FBC		
Hemoglobin	13.3 grn/dL	M: 14.0 - 18.0 F: 12.0 - 16.0
TLC(WBC)	12,800 /cmm	4000 - 11000
Platelets count.	285,000 /cmm	150000 - 450000
DLC		
Neutrophils	36 %	40 - 70
Lymphocytes	55 %	20 - 40
Eosinophils	06 %	02 - 06
Monocytes	03 %	06 - 10

Assit Professor (Suit)
DR. NASIR ALI
SPECIALIST BMS(UK)
RPH(Pak) MIBMS(UK)

MICROBIOLOGIST
KHALID KHAN
B.S.M.S

All Queries / Discrepancies, if any, may be referred to our lab. within 24 Hrs. Reporting for re-evaluation/ confirmation.

Note: See Reverse for term & Conditions.

C.T.C
A.H.



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Pak Medical Laboratory

Pak Medical Centre & Hospital, Khyber Bazar Peshawar. Ph: 091-2560005-7

Consultant
Dr. M. Ismail
MBBS, DCP (Pathologist)
Assit Professor (Suit)
Dr. Nasir Ali
SPECIALIST BMS(UK) MIBMS(UK) RPH (PK)
Khalid Khan
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Name:	MANSOOR	PRN:	17-13487	Lab ID:	47,403
Gender:	MALE	Sampling Date:	25-07-2017 06:12PM		
Age:	4	Result Date:	25-07-2017 07:05PM		
Ref. by:	Dr. Zafar Durani	Specimen:	BLOOD		
Investigation:	BC, HBS, HCV				

TEST	RESULT	NORMAL RANGE
HBS, HCV		
HBS	Negative	
HCV	Negative	

Assit Professor (Suit)
DR. NASIR ALI
SPECIALIST BMS(UK)
RPH(Pak) MIBMS(UK)

MICROBIOLOGIST
KHALID KHAN
B.S.M.S

All Queries / Discrepancies, if any, may be referred to our lab. within 24 Hrs. Reporting for re-evaluation/ confirmation.

Note: See Reverse for term & Conditions.

C-Tu
Ad

25

**GOVERNMENT OF KHYBER PAKHTUN KHWA
SOCIAL WELFARE DEPARTMENT
DIR UPPER**

Provincial Council For the Rehabilitation of Disable Persons.

Date 24-07-2017

Reg: No DO/SW/DU. 2208

DISABILITY CERTIFICATE

ASSESSMENT BOARD FOR THE DISABLED PERSONS

- 1. Name: Mansoor Shah 2. Father Name Saeed Zaman
- 3. Married/Unmarried _____ 4. Spouse: _____
- 5. Date of Birth 14-07-2013 6. N.I.C No: _____
- 7. Qualification: _____ 8. Nature of Disability para pesh
low level
- 9. Present Address: Dala Gandigar Tehsil and District upper
Dir.
- 10. Permanent Address AS Above

11. Recommendations of the board (i) Fit to work

Saeed Zaman
District Officer
Social Welfare Department

(ii) Not fit to work

[Signature]
Medical Superintendent
D.H.Q Hospital
Dir Upper

DISTRICT OFFICER
SOCIAL WELFARE DEPARTMENT
GOVERNMENT DEPARTMENT
DIR UPPER.

C-T-C
And.

(26)

GOVERNMENT OF KHYBER PAKHTUNKHWA

Dated 24-07-2017

Registration No DO/SW/DU/

(Prvincial Council for the rehabilitation of disabled) Application for Disability Certificate

1. Name Mansoor Shah
2. Father Name Saeed Zaman
3. Married/Unmarried Married
4. Name of Spouse _____
5. NIC No 15707-1214580-7
6. Date of Birth 14-7-2013
7. Qualification _____
8. Type of disability (Physical/Mental/Visual/Hearing Impaired) _____
9. Nature of disability By birth
10. Cause of disability Birth Asphyxia
11. Type of job can do Nil
12. Cause of disability Birth Asphyxia
13. Applied of _____
14. Phone No 03119457056 lead to paraplegia lower limb
15. Present Address Qala Gandigar Tehsil Dir, District Upper Dir
16. Permanent Address _____

Signature of the applicant

RECOMMENDATION OF THE ASSESSMENT BOARD

Application is declared:

- Disabled/Not disabled _____ Disability/Impairment Para plegia
- Fit to work/Not fit to work _____ Type of job advised (Optional) Lower limb sensor type
- Referred to _____ Recommendation of the Board:-

Mansoor Shah
 DISTRICT OFFICER
 SOCIAL WELFARE SPECIAL
 EDUCATION & WOMEN
 EMPOWERMENT DEPARTMENT
 DIR UPPER.

1. _____
2. _____

Dr. S. Majeed
 medical superintendent
 D.H.C.H. Dir Upper

Chairman
 Medical Assessment Board

Member

Member
 Dr. S. Majeed
 Medical Officer
 D.H.C.H. Dir Upper

Member

CHARGE SHEET

I, **SYED ISRAR UD-DIN DISTRICT POLICE OFFICER, DIR UPPER.** As competent authority, hereby charged you Washer men "Beshti" Saeed Zaman while posted at Police Station Gandigar as follows:-

You deliberately absented yourself from your Lawful duty (from 09.10.2015 to so far without any leave or prior permission from your superior, so this amounts a gross negligence on your part.

- 2. By reason of the above, you appear to be guilty of criminal act and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Disciplinary Rules 1975
- 3. You are therefore required to submit your written reply within 07 days of the receipt of this charge sheet to the enquiry Officer.
- 4. Your written reply, if any should reach to the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defence to put in and in that case the ex-parte action shall follow against you.

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

6. Statement of allegation is enclosed.

[Signature]
**District Police Officer,
Dir Upper.**

No. 182-83 /SB, Dated Dir Upper the 20/1/2016.

Copy to Seed Zaman Washar man "Beshti" submit while posted at Police Lines your reply to the Charge Sheet with stipulated period.

[Signature]
S/O Gandigar
for MCA

[Signature]
MCA Nawab Khan
for MCA

[Signature]
S/O P.S. Gandigar
27/01/2016

[Signature]
MSP SHO P.S. Gandigar
30-1-16
MCA

C-TC
Prof.

[Signature]
**DISTRICT POLICE OFFICER
DIR UPPER.**

[Handwritten notes in Urdu]
30/02/16

Annex B

OFFICE OF THE
DISTRICT POLICE OFFICER,
DIR UPPER.

(28)
Dated

No. SA-17
10-12-15

No. 3681-02 / C-Cell,
2/12/2015.
Subject: -

SHOW CAUSE NOTICE.

You Washer men "Beshti" Saeed Zaman while posted at Police Station Gandigar, deliberately absented from lawful duty from 09.10.2015 to so far, without any leave or prior permission from your superior, so this amounts a gross negligence on your part.

All this amount to gross misconduct on your part and liable Major/Minor punishment as defined in Police Rules 1975. Having considered the facts and circumstances, I am satisfied there is ample proof and record initiate general police proceeding (without Enquiry Officer). Under rules 6-3(1)(a) & (b) of the said Rules against you.

By reason the above you are guilty of gross misconduct inefficiency within the meaning of rule-3 of Police Rules 1975, containing one of the minor/major penalties as in envisaged in the Rule-4 (a) & (b) of the said Rules.

Now, therefore, **I SYED ISRAR-UD-DIN, DISTRICT POLICE OFFICER UPPER DIR**, you, are hereby, called upon to show cause within (07) days of the receipt of this notice as there is sufficient reason to proceed according with rules 6-3(i)(a) & (b) of Police Rules 1975. General police proceeding (without Enquiry Officer) as to why Major penalties including dismissal from service may not be imposed against you. If no reply as received within the stipulated period, it shall be presumed you have no defense to offer and the proposed penalty will be awarded to you on ex-party basis. At the same time you state whether you desire to be heard in person.

Washer men "Beshti" Saeed Zaman while posted at Police Station Gandigar.

[Signature]
District Police Officer,
Upper Dir

C.T.C
P.C.C

- ① SDPO Wari delivery the show cause notice upon him and report.
- ② SHO PS Gandigar delivery the show cause notice upon him and report.

[Handwritten notes]
Mug. sine - 5.96
10-12-015

[Signature]

[Signature]
DISTRICT POLICE OFFICER
DIR UPPER.

Amroeb "C"

29

OFFICE OF THE
DISTRICT POLICE OFFICER,
UPPER DIR


ORDER

This order is passed against Washer man "Beshti" Saeed Zaman, while posted at PS Gandigar, remained absented without any leave or prior permission from his superior; Charge Sheet was served upon him vide this office Memo: No. 182-83/SB, dated 20.01.2016.

According to the report of SHO PS Gandigar; He has gone to Saudi Arabia since the date of absence and (02) witness of his real brothers namely, Muhammad Riaz and Wahid Zaman sons of Rahim Dad Khan residents of Gandigar have also verified and given written statements that Saeed Zaman has gone to Saudi Arabia since 2/3 months.

On the receipt of the report, the papers were perused and his guilty has been proved beyond any shadow of doubt; therefore, the defaulter washer man Saeed Zaman is hereby dismissed from Police service from date of absence.

Order announced.


District Police Officer
Dir Upper.

OB No. 84
Dated:- 8/2/ /2016.

C-T-C
Aref.

M. A. Z.


DISTRICT POLICE OFFICER
DIR UPPER.

بخدمت جناب IGP صاحب KPK بمقام پشاور
درخواست بمراد بحالی ملازمت سائل بحیثیت کلاس فورٹھ (C-iv) بہشتی

جناب عالی!

مودبانہ گزارش ہے کہ سائل بحوالہ OB نمبر 225 مورخہ 11.07.2007 کو ضلع دیر بالا پولیس میں بحیثیت کلاس فورٹھ (C-IV) بہشتی بھرتی ہو کر دوران ملازمت نہایت دیانتداری کے ساتھ سرانجام دی ہے۔ عرضہ قریباً 03 سال قبل بچوں کی بیماری کی وجہ سے سائل معاشی مشکلات کا شکار ہو کر کافی مقروض ہوا۔ ابھی بھی تین بچے زیر علاج ہے۔ جس کے بناء من سائل بغرض محنت مزدوری سعودی عرب چلا گیا۔ اور عیر حاضری کے بناء حوالہ OB نمبر 84 08/02/2016 حسب الحکم جناب DPO صاحب اپر دیر ملازمت سے برخاست کیا گیا ہے۔

اب چونکہ سائل سعودی عرب کا ویزہ خراب ہو کر واپس اپنے ملک اچکا ہوں۔ اور معاشی مسائل سے دوچار ہوں۔ اب میں دوبارہ سابقہ ملازمت پر بحال ہونا چاہتا ہوں۔ مورخہ 04/01/2019 کو آر، پی، او صاحب ملاکنڈ ڈویژن کو درخواست پیش کی تھی۔ جو بغیر کسی کارروائی کے واپس کیا گیا ہے۔

لہذا آپ صاحبان سے ہمدردانہ التجاء ہے۔ کہ سائل کو ضلع دیر بالا پولیس میں بحیثیت کلاس فورٹھ (C-IV) بہشتی بحال کرنے کا حکم صادر فرمائیں۔

سائل تاحیات دعا گو رہیگا۔

Handwritten signature/initials

الغرض
سید زمان ولد رحم داد ساکن گندیگار ضلع دیر بالا۔
شناختی کارڈ نمبر 15701-1214580-7
0300-9309220



Annex "D"

(31)

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

No. SP 564 /19, dated Peshawar the 15/12/2019

To The District Police Officer,
Dir Upper

Subject: APPEAL

Memo:

The Competent Authority has examined and filed the appeal submitted by Ex-Class IV (Dehstii) Saeed Zaman of Dir Upper District Police against the punishment of dismissal from service awarded by DPO/Dir Upper vide OB No. 82, dated 08/02/2016 being badly time barred

The applicant may please be informed accordingly.

(SYED ANIS-UL-HASSAN)
Registrar.

For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

O/c
S

15/12/19

C-T-c
A.H.

بعدالت جناب سردار سر بیگم خیر بخشو / ایشادور

مورخہ
مقدمہ
دعوی
جرم
سیر زمان
بنام حکومت
منجانب 20

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنے طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ آن مقام پٹنہ میں راجہ شری رام چندر سنگھ کی طرف سے کیا گئی ہے۔ نیز وکیل صاحب کو راضی نامہ مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ بر حلف دینے جواب دہیا اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زر اور اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف اپیل کی برآمدگی اور منسوخ مذکور کے مکمل یا جزوی کارروائی کے واسطے اور وکیل یا مفاد قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اسکا ساختہ برواختہ منظور قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سند رہے

20

ماہ

الرقوم

العبد

گواہ شد

العبد

(سید زمان)

العبد

گواہ شد

العبد

کیلئے منظور ہے۔

Noted and
acknowledged
by
ASSHAWI
Adv

بنام ایشادور

بعدالت جناب چیئرمین سروس ٹریبونل پشاور کیمپ کورٹ سوات

سید زمان بنام حکومت

درخواست بمراد تبدیلی تاریخ پیشی

جناب عالی! درخواست حسب ذیل عرض ہے۔

- ۱۔ یہ کہ مقدمہ عنوان بالا عدالت حضور میں زیر سماعت ہے۔ جس میں آج ہی تاریخ پیشی مقرر ہے۔
- ۲۔ یہ کہ سائل کا وکیل بوجہ مصروف ہونے پشاور ہائی کورٹ پشاور امروز عدالت حضور میں پیش ہونے سے قاصر ہے۔
- ۳۔ یہ کہ مقدمہ عنوان بالا تاریخ تبدیل کرنے کا حکم صادر فرمایا جائے اسلئے درخواست ہذا کی ضرورت لاحق ہوئی۔

لہذا استدعا ہے کہ منظور کی درخواست ہذا حکم متدعیہ

احکامات صادر فرمائے جائے۔



عریض

سائل ----- سید زمان

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.

Service Appeal No. 405 of 2019.

Said zaman s/o Raham Dad Khan R/o Qilla, Gandigar District Dir
Upper.

..... (Appellant)

Versus

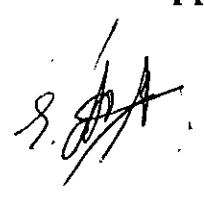
10. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
11. The Regional Police Officer, Malakand at Saidu Sharif Swat.
12. The District Police Officer, Upper Dir

.....(Respondents).

Index.

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2	Power of Attorney	-	4
3	Affidavit	-	5
4	Statements	A	6-8
5	Show cause notice	B	9


SI Legal,
Dir Upper.



①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

Service Appeal No. 405 of 2019.

Said zaman s/o Raham Dad Khan R/o Qilla, Gandigar District Dir
Upper.

..... (Appellant)

Versus

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Malakand at Saidu Sharif Swat.
3. The District Police Officer, Upper Dir

.....(Respondents).

PARA WISE REPLY BY RESPONDENTS.

Respectfully Sheweth :

Preliminary objections:

1. That the instant service Appeal is not maintainable in the present form and liable to be dismissed.
2. That the Appellant has got no cause of action and locus standi to file the instant Appeal.
3. That the Appellant is estopped due to his own conduct.
4. That the Appellant has concealed the material facts from the Honorable Service Tribunal. That jurisdiction of this Honorable service Tribunal has wrongly been invoked.
5. That the Appeal is bad due to mis-joinder and non-joinder of necessary parties.
6. That the Appeal is barred by law & limitation.

ON FACTS.

- 1) Pertain to the record need no comments.
- 2) Pertain to his personal information.
- 3) Incorrect the Appellant was willfully remained absented from his lawful duty from 09/10/2015 till to the dismissal

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.**

Service Appeal No. 405 of 2019.

Said zaman s/o Raham Dad Khan R/o Qilla, Gandigar District Dir
Upper.

..... (Appellant)

Versus

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Malakand at Saidu Sharif Swat.
3. The District Police Officer, Upper Dir

.....(Respondents).

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5. That the Appeal is bad due to mis-joinder and non-joinder of necessary parties.
6. That the Appeal is barred by law & limitation.

ON FACTS.

- 1) Pertain to the record need no comments.
- 2) Pertain to his personal information.
- 3) Incorrect the Appellant was willfully remained absented from his lawful duty from 09/10/2015 till to the dismissal

order without any prior permission while posted in police station Gandigar.

- 4) Incorrect the appellant went abroad irresponsibly without prior permission and remained absent till his dismissal.
- 5) Incorrect the appellant the appellant in greed of more money abandoned police job and went abroad without prior permission absenting himself till his dismissal.
- 6) Incorrect showcause notice was served upon the appellant and a proper departmental enquiry was conducted but the appellant failed to defend himself so he was dismissed from service accordingly.
- 7) Correct to the extent that the appellant filed departmental appeal which was turned down being devoid of merits.
- 8) The Appellant has wrongly challenged the legal and valid orders of respondents through unsound grounds of merits.

GROUND.

- A. Incorrect, the orders of the respondents department are legal and in accordance with rules because the appellant has committed gross misconduct.
- B. Incorrect, the Appellant has been treated in accordance with law and rules by the respondents department and no rights of the appellant have been violated.
- C. Incorrect, the appellant was properly enquired served upon a showcase notice but he never replied and after recording the statements of his real brothers wherein they certified that the appellant has proceeded to abroad and not interested in service anymore. (Statements are annexed as A)
- D. Incorrect as mentioned earlier that a proper opportunity of defence was provided to the appellant but he failed to defend himself.
- E. Incorrect, the enquiry against the appellant was legal lawful and is in accordance with law.
- F. Incorrect, a proper opportunity was provided to appellant to defend himself but he failed to defend.
- G. Incorrect a proper departmental inquiry has been conducted by the respondents department and after


recording the statements of two responsible persons of his real brothers recorded in this regard.

- H. Incorrect, showcase notice was served upon the appellant Vide this office memo No 3681-82 SB dated 02/12/2015.(Showcase notice is annexed as B)
- I. Incorrect a proper opportunity of defence was provided to the appellant.
- J. Incorrect the salary during the suspension period was paid to appellant.
- K. Incorrect the respondents treated the appellant in accordance with law.
- L. Incorrect the order is legal, lawful and is in accordance with law/rules.
- M. That respondent may also be allowed to raise other grounds during arguments of petition.


Prayer.

Keeping in view the above facts and reasons, it is humbly prayed that the appeal being not maintainable may kindly be dismissed with costs, please.

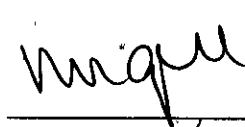
1. Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.



2. Regional Police Officer,
Malakand at Saidu Sharif, Swat.


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

3. District Police Officer,
Upper Dir.



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 405 of 2019.

Said zaman s/o Raham Dad Khan R/o Qilla, Gandigar District Dir Upper.

..... (Appellant)

Versus

- 4. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
- 5. The Regional Police Officer, Malakand at Saidu Sharif Swat.
- 6. The District Police Officer, Upper Dir

.....(Respondents).

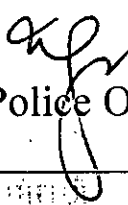
Power of Attorney

We, the undersigned do hereby authorized Muhammad Bashar DSP Headquarter to appear on our behalf before the honorable service tribunal in the cited above case on each and every date.

He is also authorized to file para wise comments/ reply, prefer appeal and to submit the relevant documents before the court.

Respondents:


- 1. Provincial Police Officer, KPK.



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

- 2. Regional Police Officer, Malakand.

- 3. District Police Officer, Upper Dir.



(5)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 405 of 2019.

Said zaman s/o Raham Dad Khan R/o Qilla, Gandigar District Dir Upper.

..... (Appellant)

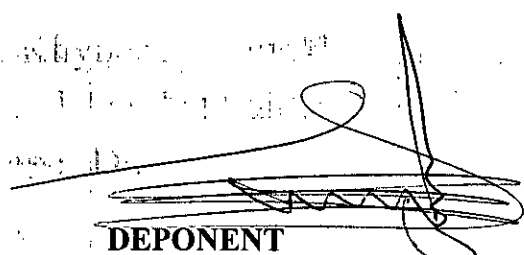
Versus

- 7. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
- 8. The Regional Police Officer, Malakand at Saidu Sharif Swat.
- 9. The District Police Officer, Upper Dir

.....(Respondents).

Affidavit

I, Muhammad Bashir, DSP/HQR do hereby solemnly affirm and declared that the contents of parawise reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable court.



DEPONENT
Muhammad Bashir, Upper Dir.

ضلع دیر بالا

تصدیقی سرٹیفکیٹ

تھانہ ننگر پار

ہم سمیان ذیل خریداری کی رو سے اوزار کے ٹکڑے ہیں کہ سٹی سید زمان
 بھارا سے بھائی کے ورکروہ تھانہ ننگر پار میں محنت برستی اپنا ڈیوٹی سرعام
 دے رہا تھا۔ سب سے ورکروہ انتہائی عزیز تھا۔ اور محنت مزدوری کے خاطر تو سب سے
 ماہ قبل سعودی عرب چلا گیا ہے۔ اور وہاں پر آپ سعودی کے ساتھ
 دکان پارٹو ٹیر میں مبلغ 2300 ریال تنخواہ پر کام کر رہا ہے۔ اور برادران
 کے ساتھ وہاں ٹیبل فون نمبر 00966569352073 ہے۔ اور مستقبل قریب میں
 ورکروہ کے آمد کا کوئی امکان نہ رہ سکی عدم موجودگی کے ہم تصدیق
 کرتے ہیں۔ اور یہ سٹی احمد داد خان نے تھانہ ننگر پار نوٹس کا پی ڈیوٹی کی

الو سید زمان

الو

دائر زمان ولد رحیم داد خان سکنہ ننگر پار

محمد ریاض ولد رحیم داد خان سکنہ ننگر پار

CNIC# 15701-1024503-3

MOB# 0314-8415488

CNIC# 15701-1214582-5

MOB# 0313-6645994

محمد داد خان ولد رفیع خان سکنہ ننگر پار

15701-1214593-3

0315-9122348

ضلع دیر بالا
 تھانہ ننگر پار نوٹس کے تعین کے خاطر علیحدگی

گزشتہ طور پر سٹی سید زمان کے برادران اور
 والد امین ہالانے خریداری اوزار کی کہ سٹی
 سید زمان محنت مزدوری کے خاطر سعودی
 عرب چلا گیا ہے۔ حکم کی تعمیل ہو کر نوٹس
 نوٹس پیش کر دیتے ہیں۔

مورخہ عرض ہے

صاحبزادہ

قضاء سندھ

ہم صیباں ذیل تحریر ہوا کی باتوں سے اقرار کرتے دکھتے ہیں کہ
 میرا اور میرا بھائی صاحبزادہ سعید زمان بستی 3/4 ماہ قبل سعودی عرب میں
 خدمت مزدوری کے خاطر سعودی عرب چلا گیا ہے اور مذکورہ سے قضا سندھ
 میں رہنا پستی کو کری جھوٹا دیا گیا ہے اور سعودی عرب میں آئیں سعودی عرب
 کے ساتھ پارٹو شپروں میں 2300 سعودی ریال پر ماہانہ کام کر رہا ہے
 اور مستقبل قریب میں مذکورہ کے آکر کا کوئی امکان نہ ہے اور میں
 منشی رحمداد والد سعید زمان نے اپنی والدہ صاحبہ سے میرا منشی سعید زمان
 کے بارے میں سچا سچا کیا کوئی حیرت و حیرت کی

الو

الو

رحمداد خان ولد رفیع خان سید سندھ
 NIC# 15701-1214593-3
 mob# 0315-9122340

سعید زمان ولد رحمداد خان سید سندھ
 NIC# 15701-1214582-5
 mob# 03136645994

صاحبزادہ

چارہ شیٹ کے تھیل سے خاطر صاف دیکھتے
 میں بستی سعید زمان کے ذکر مذکورہ کے
 گھر فرد میں عدم وجود یا کہ سعودی عرب
 میں خدمت مزدوری کے خاطر جانا بیان ہوا
 اور مذکورہ کے والد سعید زمان داؤد خان
 کو منشی سعید زمان کے چارہ شیٹ کی
 ایک کاپی دے کر وہوں کے لیجان رینڈ
 چارہ شیٹ کے لیجان ضامن کی طرف سے وجود
 کے تعلق برادر والدہ منشی نالائے لہذا
 یہ حکم کے جمع کا غلطی والے لہذا لہذا
 مناسب حکم اہتمام ارسال فرما رہے

اور صاحبزادہ
 Meeshan
 03 02 016

بیان زبرد مع اطفال

بیان آذان لوات خان 114c سفید تھان گند گھار نے ۲ دریا صحت بیان کیا کہ
 صلی سعید زمان بیٹی اور سفید میں تھان گند گھار سے نام شوکار نوٹس
 فری 58-83-3681 فرہ 12/4-2 قاریہ جاہ - DPo مہادیہ بالا فرہ 2/5
 کھو جاہ - SHo شہرت علی تھان گند گھار نے لہر ص کار رانی / اور ص من 114c
 نام مارکٹ کیا۔ من 114c شوکار نوٹس کے سلسلے علاج دیہ گند گھار خان سعید زمان
 کیسٹی طار مذکورہ سعودی عرب لہر ص تحت فدوری طانا بیان ہو کر کے سفید
 برادرین سعید زمان بیٹی کے برا شہر ریاض 4 وافر زمان اور والدہ شہری
 رخم داد خان سے لہر ص نام عدم وجودی لیا جاہ ساتھ ہی شوکار نوٹس
 کی ایک کاپی سہا رخم داد خان ولد فاح خان سکنہ گند گھار کو دیا جاہ مذکورہ
 سے وصولی کی نشان انگشت شوکار نوٹس سے لہر ص لیا گیا اور شوکار نوٹس
 فصل اور ص سے ساتھ واپس نہر ص ڈاکٹ بھیجوا یا گیا

اسی طرح صلی سعید زمان بیٹی تھان گند گھار سے نام اہل
 طارہ شہری فری 83-82 فرہ 16/11/20 قاریہ جاہ - DPo مہادیہ بالا جاہ
 SHo مہادیہ تھان گند گھار نے من 114c نام fcr - لہ / ا فصل فصل
 تھان بیٹی دیہ گند گھار طار مذکورہ گھر میں عدم وجود اور سعودی عرب میں لہر ص
 تحت فدوری فصل طانا بیان ہوا اور سعودی عرب میں ایک سعودی کے ساتھ دکان پارڈ
 وٹیر میں مبلغ 23600 روپے پر مایان کام کرنا اور مستقل قریب میں واپس کا
 امکان نہ ہونا لہر ص ہوا مذکورہ کے ساتھ نہر ص فرہ 9/9/20 فرہ 352073 6696600
 واپس ہو کر بیانی جیک میں نے فوری تھوڑی گئی ہے اور مستقل قریب میں فصل
 واپس نہیں آسکتا ہوں۔ طارہ شہری کی ایک کاپی سہا رخم داد خان کو دیا جاہ
 مذکورہ سے وصول انگشت اور عدم وجودی کی لہر ص لیا گیا۔ واقعی سہا سعید زمان
 تحت فدوری کے طار سعودی عرب فصل گیا ہے۔ کہے ب کو نہر ص بالا فرہ نام رالم
 ی ہوا اور برادرین و والدہ شہری سے لہر ص نام ص لھی لیا گیا ہے۔ فصل کاغذ
 واپس نہر ص ڈاکٹ بھجوات جاتے ہیں۔ سہا مہادیہ بیان ہے

OFFICE OF THE
DISTRICT POLICE OFFICER,
DIR UPPER.

Annexure "B"

Ms. SA-124
10-12-2015

Dated

No. 3681-82 / C-Cell,
2/12/2015
Subject: -

SHOW CAUSE NOTICE.

You Washer men "Beshti" Saeed Zaman while posted at Police Station Gandigar, deliberately absented from lawful duty from 09.10.2015 to so far, without any leave or prior permission from your superior, so this amounts a gross negligence on your part.

All this amount to gross misconduct on your part and liable Major/Minor punishment as defined in Police Rules 1975. Having considered the facts and circumstances, I am satisfied there is ample proof and record initiate general police proceeding (without Enquiry Officer). Under rules 6-3(1)(a) & (b) of the said Rules against you.

By reason the above you are guilty of gross misconduct inefficiency within the meaning of rule-3 of Police Rules 1975, containing one of the minor/major penalties as in envisaged in the Rule-4 (a) & (b) of the said Rules.

Now, therefore, **I SYED ISRAR-UD-DIN, DISTRICT POLICE OFFICER UPPER DIR**, you, are hereby, called upon to show cause within (07) days of the receipt of this notice as there is sufficient reason to proceed according with rules 6-3(i)(a) & (b) of Police Rules 1975. General police proceeding (without Enquiry Officer) as to why Major penalties including dismissal from service may not be imposed against you. If no reply as received within the stipulated period, it shall be presumed you have no defense to offer and the proposed penalty will be awarded to you on ex-parte basis. At the same time you state whether you desire to be heard in person.

Washer men "Beshti" Saeed Zaman while posted at Police Station Gandigar.

[Signature]
District Police Officer,
Upper Dir

C.c

① SDPO Wari delivery the show cause notice upon him and report.

② SHO PS Gandigar delivery the show cause notice upon him and report.

[Handwritten notes]
ms. SA-124
10-12-2015



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

No: _____/ST Dated: ____/____/2022

To,

District Police Officer,

Dir Upper.

Subject: JUDGMENT IN APPEAL NO. 405/2019 OF SAID ZAMAN VS DPO, DIR UPPER.

I am directed to forward herewith a certified copy of Judgement dated 11.05.2022 passed by this Tribunal on the above subject for information.

Encl: As Above.


(WASEEMAKHTAR)

REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR