

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

Service Appeal No. 7687/2021

Date of Institution ... 26.10.2021

Date of Decision ... 28.10.2022

Ahmad Nawaz, Constable No. 413, Kohat Region Kohat.

... (Appellant)

**VERSUS**

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

... (Respondents)

MS. UZMA SYED,  
Advocate

--- For appellant.

MR. NASEER-UD-DIN SHAH,  
Assistant Advocate General

--- For respondents.

SALAH-UD-DIN  
MIAN MUHAMMAD

--- MEMBER (JUDICIAL)  
--- MEMBER (EXECUTIVE)

**JUDGMENT:**

**SALAH-UD-DIN, MEMBER:-** Precise facts giving rise to the

present appeal are that departmental action was taken against the

appellant on the allegations of absence from duty as well as his

involvement in case FIR No.804 dated 27.08.2016 under Sections

302/202/109/148/149 PPC Police Station Muhammad Riaz Shaheed

District Kohat and case FIR No. 811 dated 28.08.2016 under

Sections 223/224 PPC Police Station Muhammad Riaz Shaheed

District Kohat. On conclusion of the inquiry, he was awarded major

penalty of compulsory retirement from service, however service

appeal of the appellant was partially allowed vide judgment dated

19.02.2020, and the matter was remitted to the

respondent-department for de-novo inquiry. During the de-novo inquiry, the appellant was exonerated and he was reinstated in service vide order bearing O.B No. 497 dated 14.07.2020, however intervening period was treated as un-authorized leave without pay. The aforementioned order to the extent of treating the intervening period as un-authorized leave without pay was challenged by the appellant through filing of departmental appeal, which remained un-responded, hence the instant service appeal.

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

3. Learned counsel for the appellant has contended that as the appellant was exonerated from the charges leveled against him and was reinstated in service, therefore, the competent Authority was legally not justified in treating the intervening period as leave without pay; that the appellant remained out of service on account of his wrongful compulsory retirement by the respondents and no fault existed on part of the appellant in non-performing of his duty during the intervening period; that appellant did not remain willfully employed during the period of compulsory retirement and he is legally entitled to all back benefits; that although there is some delay in filing of service appeal, however in view of Section-30 of the Khyber Pakhtunkhwa Epidemic Control and Emergency Relief Act, 2020, the delay in filing of the appeal is condonable; that even otherwise too, the matter is relating to financial benefits and no limitation would run against the same. Reliance was placed on, 2007



SCMR 855, PLD 2003 Supreme Court 724, 2015 PLC (C.S) 366 and 2015 SCMR 77.

4. On the other hand, learned Assistant Advocate General for the respondents has contended that though the appellant has been reinstated in service, however in view of the principle of no work no pay, the appellant is not entitled to any back benefits for the period during which he remained out of service; that the service appeal of the appellant is time barred and is liable to be dismissed on this score alone. Reliance was placed on the judgment dated 18.04.2018 rendered by this Tribunal in Appeal bearing No. 218/2016 titled "Shah Duran Versus The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and 2 others".



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

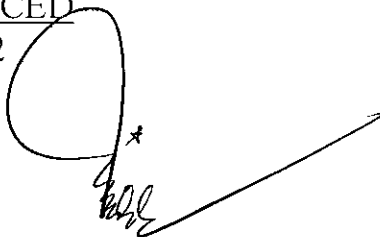
6. A perusal of the record would show that the appellant was awarded major penalty of compulsory retirement from service vide order dated 13.01.2017, which was set-aside by this Tribunal and matter was remitted to respondent-department for de-novo inquiry. During de-novo inquiry, the appellant has been exonerated of the charges leveled against him. In view of exoneration of the appellant in the de-novo inquiry, this fact has been established that in the previous inquiry, the appellant had been wrongly and illegally awarded major penalty of compulsory retirement from service. It was thus, due to wrongful penalty of compulsory retirement from service that the appellant was unable to perform his duty during the

intervening period, therefore, the competent Authority was not justified in treating the same as un-authorized leave without pay. Nothing is available on the record, which could show that the appellant had remained gainfully employed during the period of his compulsory retirement. On reinstatement of the appellant in service, he was entitled to all back benefits with effect from the date of his compulsory retirement till the date of his reinstatement in service.

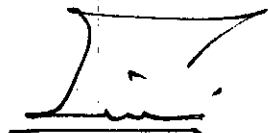
7. In the wake of outspread of COVID-19, the Government of Khyber Pakhtunkhwa declared Public Health Emergency for the first time in March, 2020 for three months, which was extended from time to time for further term. The case of the appellant falls within the period of emergency. In view of Section-30 of the Khyber Pakhtunkhwa Epidemic Control and Emergency Relief Act, 2020, the limitation period provided under any law shall remain frozen. The appeal in hand is thus not hit by limitation.

8. In view of the above discussion, the appeal in hand is allowed by modifying the impugned order dated 14.07.2020 and the appellant is held entitled to all back benefits with effect from the date of his compulsory retirement i.e 13.01.2017 till the date of his reinstatement in service i.e 14.07.2020. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
28.10.2022



(MIAN MUHAMMAD)  
MEMBER (EXECUTIVE)



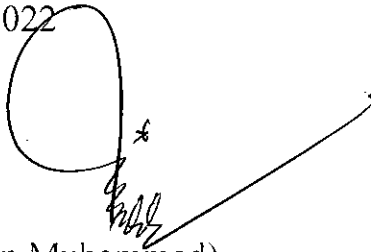
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

ORDER  
28.10.2022

Appellant alongwith his counsel present. Mr. Arif Saleem, Stenographer alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the appeal in hand is allowed by modifying the impugned order dated 14.07.2020 and the appellant is held entitled to all back benefits with effect from the date of his compulsory retirement i.e 13.01.2017 till the date of his reinstatement in service i.e 14.07.2020. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
28.10.2022



(Mian Muhammad)  
Member (Executive)



(Salah-Ud-Din)  
Member (Judicial)

24.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 12.05.2022 for the same as before.

  
Reader

12.05.2022

Appellant present through counsel.

Muhammad Adeel Butt, learned Additional Advocate General alongwith Arif Salim Stenographer for respondents present.

Representative of respondents submitted reply/comments. Copy of the same is handed over to the learned counsel for appellant. To come up for rejoinder, if any, and arguments on 19.07.2022 before D.B.

  
(Rozina Rehman)  
Member (J)

19-7-22

*Paper DB not available therefore the case is adjourned to 1-9-22*

*Reader*

01.09.2022

Bench is incomplete, therefore, case is adjourned to 28.10.2022 for the same as before.

  
Reader

16.12.2021

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant at the outset of his arguments stated that this is the second round of litigation. Subsequent to the judgement of Service Tribunal dated 19.02.2020, de-novo enquiry was conducted against the appellant and impugned order dated 14.07.2020 passed whereby he was though reinstated in service but absence during intervening period was treated as unauthorized leave without pay. Feeling aggrieved, the appellant submitted departmental appeal on 13.08.2020 which was not responded to within statutory period, hence, the instant service appeal instituted invoking jurisdiction of the Service Tribunal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal, Act, 1974. It was further contended that no charge could be proved against the appellant in the de-novo enquiry and as such he is entitled to all back benefits according to the judgement of Superior courts as well as Service Tribunal particularly that of dated 01.03.2018 delivered in Service Appeal No. 510/2016 titled Muhammad Noman Constable-vs-DPO Kohat and others, dated 26.12.2018 in service appeal No. 1003/2017 titled Akhtar Ali, Ex-Constable versus PPO and two others and dated 03.09.2021 delivered in Service appeal No. 453/2018 titled Jan Ayaz, Gate Keeper Central Prison Mardan versus IG Prison, Khyber Pakhtunkhwa.

The appeal is admitted to regular hearing subject to all just legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for submission of reply/comments. To come up for reply/comments on 24.02.2022 before S.B.

Deposited  
Security Process Fee  
16/12/21

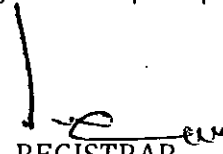

(Mian Muhammad)  
Member(E)

Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 7687 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/10/2021	<p>The appeal of Mr. Ahmad Nawaz resubmitted today by Uzma Syed 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</p>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>16/12/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>




The appeal of Mr. Ahmad Nawaz , Constable No: 413, Kohat Region, Kohat received today i.e. on 26.10.2021 is incomplete on the following score which is returned to the counsel for the appellat for completion and resubmission within 15 days.

1. Check list is not attached with the appeal.
2. Memorandum of appeal may be got signed by the appellat.
3. Affidavit attested by the Oath Commissioner is not attached with the appeal.
4. Certificate be given to the effect that appellat has not been filed any service appeal earlier on the subject matter before this Tribunal.

No. 2144 /S.T,

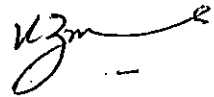
Dt. 26/10 /2021

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Uzma Syed Adv. Pesh.

8/15

all object removed & resubmitted.



28-10-2021

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Appeal No. 7687/2021

Ahmad Nawaz

V/S

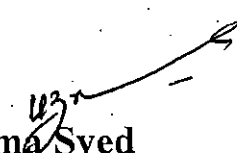
Police Deptt:

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5.	Copy of order	-C-	14-15
6.	Copy of Departmental Appeal	-D-	16-17
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8.	Vakalat Nama	-----	(28)

Appellant

Through:

  
Uzma Syed  
Advocate, High Court

①

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

APPEAL NO. \_\_\_\_\_/2021

Ahmad Nawaz no: 413, Constable  
Kohat Region Kohat.

(Appellant)

VERSUS

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

(Respondents)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 14.07.2020, WHEREBY THE APPELLANT WAS EXONERATED AND PERIOD WAS TREATED AS EXTRA ORDINARY LEAVE WITHOUT PAY AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITH IN STATUTORY PERIOD OF 90 DAYS.

D b

BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR

In S.A No. 750 /2018

Constable Ahmad Nawaz No. 413.



1008

29-5-2018

----- (Appellant)

VERSUS

1. Inspector General of Police Khyber Pakhtunkhwa  
CPO Peshawar.
2. *deputy* Inspector General Of Police Khyber  
Pakhtunkhwa. *Kohat Region Kohat.*
- ③ Additional Inspector General Peshawar.
4. District Police Officer Kohat.

----- (Respondents).

APPEAL U/S 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT  
1974 AGAINST THE IMPUGNED ORDER  
DATED 13/01/2017 WHEREBY THE  
APPELLANT HAS BEEN AWARDED MAJOR  
PENALTY OF COMPULSORY RETIREMENT  
AND THE REJECTION OF DEPARTMENTAL  
APPEAL AND ORDER DATED 04/12/2017  
AND FINAL ORDER DATED 08/05/2018  
WHEREBY THE MERCY REVISION  
PETITION HAS BEEN REJECTED.

Filed to day  
29/5/18

ATTESTED  
  
EXAMINER  
Khyber Pakhtunkhwa  
Services Tribunal  
Peshawar

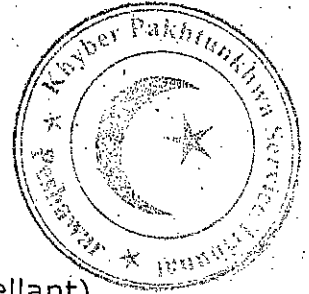
Naila Jan Advocate  
Peshawar High Court

(7)

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

**SERVICE APPEAL NO. 750/2018**

Date of institution ... 29.05.2018  
Date of judgment ... 19.02.2020



Constable Ahmad Nawaz No. 413 ... (Appellant)

**VERSUS**

1. The Inspector General of Police Khyber Pakhtunkhwa CPO Peshawar.
2. Deputy Inspector General of Police Khyber Pakhtunkhwa Kohat Region Kohat.
3. Additional Inspector General Peshawar.
4. District Police Officer Kohat. ... (Respondents)

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 13.01.2017 WHEREBY THE APPELLANT HAS BEEN AWARDED MAJOR PENALTY OF COMPULSORY RETIREMENT AND THE REJECTION OF DEPARTMENTAL APPEAL AND ORDER DATED 04.12.2017 AND FINAL ORDER DATED 08.05.2018 WHEREBY THE MERCY REVISION PETITION HAS BEEN REJECTED.

Miss. Uzma Syed, Advocate. ... For appellant.  
Mr. Riaz Ahmad Paindakheil, Assistant AG ... For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI ... MEMBER (JUDICIAL)  
MR. HUSSAIN SHAH ... MEMBER (EXECUTIVE)

**JUDGMENT**

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Appellant

alongwith his counsel and Mr. Riaz Ahmad Paindakheil, Assistant Advocate General alongwith Mr. Arif Saleem, ASI for the respondents present. Arguments heard and record perused.

2. Brief facts of the case as per present service appeal are that the appellant was serving in Police Department. He was imposed major penalty of compulsory retirement vide order dated

**ATTESTED**

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

13.01.2017 on the allegation of absence from duty and involved in case FIR No. 804 dated 27.08.2016 under sections 302/202/109/148/149 PPC Police Station MRS and FIR No. 811 dated 28.08.2016 under sections 223/224 PPC Police Station MRS. The impugned order dated 13.01.2017 was communicated to the appellant on 30.10.2017 as revealed from the copy of impugned order. The appellant filed departmental appeal on 28.11.2017 which was rejected vide order dated 06.12.2017, the appellant filed revision petition on ~~08.12.2017~~ <sup>11.12.2017</sup> which was rejected vide order dated 08.05.2018, hence, the present service appeal on 29.05.2018.

3. Respondents were summoned who contested the appeal by filing written reply/comments.

4. Learned counsel for the appellant contended that the appellant was serving in Police Department. It was further contended that the appellant was involved in case FIR No. 804 dated 27.08.2016 under sections 302/202/109/148/149 PPC Police Station MRS and FIR No. 811 dated 28.08.2016 under sections 223/224 PPC Police Station MRS. It was further contended that the appellant was acquitted by the competent court vide detailed judgment dated 13.11.2017. It was further contended that neither any charge sheet, statement of allegation was served upon the appellant nor proper inquiry was conducted nor the appellant was associated in any inquiry proceeding nor any absence notice was issued to the appellant nor any absence notice/show-cause notice was published in any newspaper, therefore, the appellant was condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside and prayed for acceptance of appeal.

ATTESTED

*[Signature]*  
 EXAMINER  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar

*[Handwritten signature]*  
 19.2.2022

5. On the other hand, learned Assistant Advocate General for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant was involved in the aforesaid criminal cases. It was further contended that the appellant remained absent from duty without the permission of lawful authority. It was further contended that the appellant was charge sheeted but he was absconder in the aforesaid criminal cases, therefore, he could not submit reply to the charge sheet. It was further contended that a show-cause notice was also issued to the appellant but the same was also not replied, therefore, it was vehemently contended that the appellant was rightly imposed major penalty of compulsory retirement by the competent authority after fulfilling all the codal formalities and prayed for dismissal of appeal.

6. Perusal of the record reveals that the appellant was serving in Police Department. He was involved in the aforesaid criminal cases and the respondent-department imposed major penalty of compulsory retirement on the allegation of his absence from duty and involvement in the aforesaid criminal cases. The record further reveals that the appellant was acquitted by the competent court vide detailed judgment dated 13.11.2017. The record further reveals that charge sheet was issued but the appellant was not properly served therefore, ex-parte inquiry was conducted against the appellant and on the basis of ex-parte inquiry dated 07.10.2016, he was imposed major penalty of compulsory retirement vide order dated 13.01.2017. The record further reveals that neither the appellant was associated in the said inquiry nor he was provided opportunity of cross examination nor any show-cause notice was issued to the

ATTESTED

MANAGER  
 KARNATAKA ARCHIVE  
 SERVICE BANGALORE  
 560001

appellant nor copy of inquiry report was handed over to the appellant before passing the impugned order meaning thereby, that the appellant was condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside. As such, we partially accept the appeal, set-aside the impugned order, reinstate the appellant into service and direct the respondent-department to conduct de-novo inquiry in the mode and manner prescribed under Police Rules, 1975 with further direction to fully associate the appellant in inquiry proceeding and also provide him opportunity of cross examination and defence within a period of 90 days from the date of receipt of copy of this judgment. The issue of back benefits will be subject to the outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
19.02.2020

(HUSSAIN SHAH)  
MEMBER

(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

Certified to be true copy  
  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 20/10/20  
Number of Words 2000  
Copying Fee 22/-  
Urgent 5/-  
Total 27/-  
Name of Copyist \_\_\_\_\_  
Date of Completion of Copy 20/10/20  
Date of Delivery of Copy 20/10/20



(11)

**FINDING**  
**DENOVO DEPARTMENTAL ENQUIRY AGAINST CONSTABLE**  
**AHMAD NAWAZ NO.1258**

This finding would dispose off the departmental enquiry against Constable Ahmad Nawaz No.413 who was charge sheeted for the allegations:-

- That he after re-instatement in service vide W / RPO Kohat letter No. 5686/EC dated 26.08.2016, he did not report his arrival at Police Lines Kohat hence, willful absented.
- That he was charged in a heinous case FIR No. 804 dated 27.08.2016 u/s 302 PPC PS MRS.
- That he was arrested in the above case and made good escape from the lawful custody of Police/Police Station. Hence he was charged in case FIR No.811 dated 29.08.2016 u/s 223/224 PPC PS MRS.

On these allegations he was issued charge sheet along with statement of allegations and the undersigned was appointed as enquiry officer to conduct a Denovo enquiry in to the matter.

On receipt of papers necessary departmental enquiry proceedings were initiated. Summoned the defaulter Constable Ahmad Nawaz No. 413, heard in person and recorded his statement.

During the course of inquiry he was given complete legitimate opportunity to defend himself according to the law, rules and regulation.

The defaulter constable stated that he was not officially conveyed regarding his re-instatement into service by the then W/RPO Kohat. Being ignorant of his re-instatement in service had not reported for duty in Police Lines Kohat. As such his absence for duty was not wilful.

He further stated that he was falsely charged by Noor Muhammad father of the deceased Mst: Farhanda Bibi alongwith co-accused through his statement U/S 164 CrPC recorded after un-natural and un-explained delay of about 04 days of the occurrence which was reported to the police by him on 27.08.2016. However, he faced the trial and earned acquittal vide judgement dated 18.01.2019 of the learned Addl: Session Judge-I, Kohat. That a false case was registered against him by then SHO vide Case FIR No. 811, dated 29.08.2016 u/s 223/224 PPC PS MRS Kohat. Till 28.08.2016, he was not an accuse as none of Farhanda Bibi deceased charged him for the murder of Mst: Farhanda Bibi. He was made an accused in Case FIR No. 404, dated 27.08.2016 u/s 302 PPC PS MRS Kohat when Noor Muhammad father of the deceased lady charged him also as accuse vide his statement recorded on 30.08.2016 u/s 164 CrPC. The question arises that how could he be arrested by the SHO for the murder of Mst: Farhanda Bibi deceased on 28.08.2016 as till 29.08.2016 he remained complainant of Mst: Farhanda Bibi. He became accuse in the said case when Noor

Muhammad father of the deceased lady charge him on 30.08.2016 vide his statement recorded u/s 164 CrPC.

In this regard statement of Inspector Gul Janan the then SHO PS MRS was also recorded who disclosed that on 27.08.2016 he was appointed as SHO PS MRS. On the complaint of one Ahmad Nawaz case FIR No.804/2016 u/s 302 PPC PS MRS was registered against unknown accuse. During investigation the heirs of the deceased lady charged Ahmed Nawaz for the murder. After that he was arrested and brought to Police Station MRS from where he escaped safely from the custody of Moharrar staff and case FIR vide 811/2016 u/s 223/224-PPC PS MRS was registered against him and Moharrar staff.

IHC Khaliq Nawaz the then Moharrar PS MRS stated that on 28.04.2016, SHO summoned Ahmad Nawaz to Police Station for investigation and later on let him free to go, as he was not an accuse. He became an accuse when her father in law charged him for the murder of his daughter in his statement recorded under section 164 Cr.PC on 30.08.2016.

Statements of IHC Abdul Hameed the then Moharrar Police Line, Constable Rehman Khan (DFC PS MRS) and constable Dil Nawaz were also placed on file for ready reference.

**GROUND CHECK**

- He was acquitted in case FIR No.804 u/s 302 PS MRS by additional session judge-1 Kohat u/s 265-H (1) CrPC, 1998.
- As per record he was charged in case FIR No. 811, dated 29.08.2016 u/s 223/224 PPC PS MRS Kohat while he was made accused in case FIR No. 804 dated 27.08.2016 u/s 302 PPC PS MRS on 30.08.2016.
- His arrest was not shown in Daily Diary of the concerned Police station.
- An ex-part proceeding was conducted against him, condemned unheard and not provided an opportunity of cross examination in the inquiry.
- He has already availed pension benefits/ commutation of Rs. 719339/-.
- He remained out of service from 13.01.2017 to 16.04.2020 (03years, 03months & 03days).

**CONCLUSION**

Keeping in view the above circumstances and available record and from the perusal of enquiry file, I came to the conclusion.

... from where he escaped safely from the custody of Moharrar staff  
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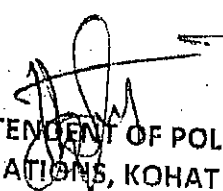
GROUND CHECK

- He was acquitted in case FIR No.804 u/s 302 PS MRS by additional session judge-1 Kohat u/s 265-H (1) CrPC 1998.
- As per record he was charged in case FIR No. 811, dated 29.08.2016 u/s 223/224 PPC PS MRS Kohat while he was made accused in case FIR No. 804 dated 27.08.2016 u/s 302 PPC PS MRS on 30.08.2016.
- His arrest was not shown in Daily Diary of the concerned Police station.
- An ex-part proceeding was conducted against him, condemned unheard and not provided an opportunity of cross examination in the inquiry.
- He has already availed pension benefits/ commutation of Rs. 719339/-.
- He remained out of service from 13.01.2017 to 16.04.2020 (03years, 03months & 03days).

CONCLUSION

Keeping in view the above circumstances and available record and from the perusal of enquiry file, I came to the conclusion that constable Ahmad Nawaz 1258 has already been re-instated vide DPO Kohat office order No. 233/PA, dated 16.04.2020. He is exonerated from the charges as he was acquitted by the Court of Law in cases vides FIR No.804, dated 27.08.2016 and FIR No.811, dated 29.08.2016 PS MRS. Hence exonerated, the period out of service may be treated as leave without pay and the pension gratuity etc may be remitted into Government treasury.

Submitted please.

  
SUPERINTENDENT OF POLICE,  
OPERATIONS, KOHAT



145 750/18

OFFICE OF THE  
DISTRICT POLICE OFFICER,  
KOHAT

Tel: 0922-9260116 Fax 9260125

No \_\_\_\_\_ /PA dated Kohat the \_\_\_\_\_ / \_\_\_\_\_ /2020

**ORDER**

This order will dispose of de-novo departmental proceedings initiated against compulsory retired constable Ahmad Nawaz No. 413 / 1258 of this District Police (**hereinafter called defaulter**) under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

i The essential facts arising of the case are that after his re-instatement in service vide W/RPO Kohat letter No. 5686/EC dated 26.08.2016, he did not report his arrival at Police Lines Kohat hence, willful absented.

ii That he was charged in a heinous case FIR No. 804 dated 27.08.2016 u/s 302 PPC PS MRS.

iii That he was arrested in the above case and made good escape from the lawful custody of police/Police station. Hence he was charge in case, FIR No. 811 dated 29.08.2016 u/s 223/224 PPS PS MRS.

In compliance with the judgment of Service Tribunal dated 19.02.2020 and approval of competent authority w/r No. 564-66/CPO/IAB dated 21.04.2020 de-novo departmental proceedings were initiated against the defaulter and Addl. SP, Kohat was appointed as enquiry officer. The enquiry officer filed his report.

The defaulter was called in Orderly Room, held on 14.07.2020 and heard in person.

Record gone through which indicates that the defaulter was acquitted from criminal charge in a murder case. The defaulter has received all pensionary benefits and still enjoying the said benefits. However, in the light of report of enquiry officer and in exercise of powers conferred upon undersigned, the defaulter constable Ahmad Nawaz is hereby re-instated in service and remission/deposit of all pensionary benefits to this office / Govt. treasury. Furthermore, the absence of intervening period is treated as un-authorized leave without pay.

**Announced**  
**14.07.2020**

DISTRICT POLICE OFFICER,  
KOHAT *15/7*

OB No. 497  
Date 16-07-2020

No. 2654-97 /PA dated Kohat the 16-7- 2020.

Copy of above is submitted for favour of information to the:-

1. Regional Police Officer, Kohat, please.
2. District Account Officer, Kohat

## بخدمت جناب ریجنل پولیس آفیسر کوہاٹ ریجن کوہاٹ

### درخواست بمراد

جناب عالی:-

گزارش ہے کی جاتی ہے کہ سائل 1991 کا بھرتی شدہ ہے اور اپنی ڈیوٹی پوری ایمانداری سے سرانجام دیتا رہا لیکن 2016 میں ایک جھوٹی FIR کی وجہ سے سائل کو جبراً ریٹائر کر دیا تھا جس کے خلاف سائل نے سروس ٹریبونل میں سروس ایبل دائر کی جس میں سائل کو بحال کر کے محکمہ کو Back Benefits کے لیے De-novo inquiry کرنے کا حکم دیا اسی فیصلہ کی بناء پر محکمہ نے سائل کو بحال کر کے انکوائری شروع کی، دوران انکوائری سائل پر کوئی الزام ثابت نہیں ہوا اور اسی وجہ سے انکوائری آفیسر نے سائل کو انکوائری میں تمام الزامات سے Exonerate کیا اور وہ عرصہ جو سائل نے جبراً ریٹائرمنٹ کی وجہ سے نوکری سے باہر گزارا اس عرصے کو Leave Without Pay قرار دیا جس کی بنا پر ڈی۔ پی۔ او۔ DPO کوہاٹ نے 16-07-2020 کو سائل کے خلاف آرڈر کیا جس میں سائل کو بحال کر کے Intervening Period کو Leave Without Pay قرار دیا جو کہ سائل کے ساتھ سراسر نا انصافی ہے کیونکہ سائل کو ایک ناکردہ جرم کی وجہ سے ملازمت سے باہر رہنا پڑا۔ سپریم کورٹ کی Judgment کے مطابق سائل کی غلطی نہیں بلکہ محکمہ کی غلطی ہے (2013 ScMR 752) اور سائل اس عرصہ کی تمام مراعات کا حقدار ہے۔ سائل چونکہ انکوائری میں بھی Exonerate ہوا ہے اس لیے سائل تمام مراعات کا حقدار ہے جس پر سپریم کورٹ کی اٹھارٹی ہے۔ 2015 PLC (C.J) 336 اور 2007 ScMR 885 سپریم کورٹ کی اٹھارٹی کے مطابق اگر سائل اس عرصہ میں کسی اور جگہ ملازمت نہ کرتا ہو تو وہ اس عرصہ کی تمام مراعات کا حقدار ہے۔ 2010 PLc (cj) 151 سپریم کورٹ کے علاوہ سروس ٹریبونل کی Judgment کے مطابق بھی سائل اس عرصہ کی تمام مراعات کا حقدار ہے (سروس ٹریبونل کی Judgments لف ہیں)۔

لہذا گزارش کی جاتی ہے کہ سائل درخواست منظور کر کے سائل کو تمام مراعات کے ساتھ بحال کیا جائے کیونکہ سائل اس عرصہ کی تمام مراعات کا حقدار ہے اور سائل کے خلاف جو الزامات تھے انکوائری میں وہ نہ تو ثابت ہوئیں بلکہ سائل کو تمام الزامات سے Exonerate کیا گیا۔ آپ صاحبان کی بڑی گزارش ہوگی۔

المرقوم:-

Date: 13/08/2020

Agd  
درخواست کنندہ احمد نواز

موبائل 3738388-3340

1 For 16 Appellant

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 510/2016

Date of Institution ... 13.05.2016  
Date of Decision ... 01.03.2018



Muhammad Noman Constable,  
Old belt No.1313 & new Belt No.31, Kohat. ... (Appellant)

VERSUS

1. District Police Officer, Kohat and another. ... (Respondents)

MR. KHURSHID AHMAD SHAHAN,  
Advocate ----- For appellant.

MR. KABIRULLAH KHATTAK,  
Additional Advocate General --- For respondents.

MR. NIAZ MUHAMMAD KHAN,  
MR. AHMAD HASSAN, ... CHAIRMAN  
MEMBER (Executive)

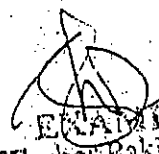
JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN:- Arguments of the learned  
counsel for the parties heard and record perused.

FACTS

2. The appellant was dismissed from service on certain charges of fake signatures on 05.01.2012. In the first round of litigation this Tribunal ordered for de-novo proceedings on 29.05.2015. The department after holding de-novo proceedings exonerated the appellant on 17.02.2016 but no order for back benefits was passed on 17.02.2016. Thereafter a separate order was passed by the competent authority on 15.04.2016 wherein the period out of service was ordered to be considered as leave without pay. The appellant then approached this Tribunal against the said order on 13.05.2016.

**ATTESTED**

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal.

### ARGUMENTS


3. Learned counsel for the appellant argued that this Tribunal in its order dated 29.05.2015 while directing the department to hold de-novo proceedings observed that the issue of back benefits shall be subject to the final outcome of the de-novo proceedings. That the department vide order dated 15.04.2016 instead of granting back benefits to the appellant considered the period out of service as Extra Ordinary Leave. That no fault could be <sup>bu</sup> attracted to the appellant not to serve the department and in view of judgment reported <sup>ya</sup> as 2013 SCMR 752 entitled "*Chairman, State life Insurance Corporation of Pakistan, Karachi-vs-Siddiq Akbar*", the appellant shall be considered to be on duty and shall be entitled for the back benefits.

4. On the other hand learned Addl. Advocate General argued that the present appeal was not maintainable for the reasons that the appellant did not file departmental appeal against the order dated 15.04.2016 and in view of Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 the service appeal was not maintainable. He further argued that the department had rightly denied the back benefits for the reason that the appellant did not perform any duty. That it was a rule that no work no pay. imp

### CONCLUSION.

5. This Tribunal is first to decide the maintainability of the present service appeal. This Tribunal in its earlier order had directed the department to decide the issue of back benefits subject to final outcome of the de-novo proceedings. In de-novo proceedings the appellant was exonerated. Thereafter separate order was passed on 15.04.2016 in which the back benefits were denied to the appellant. The appellant did not file the departmental appeal against the said order but the question

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EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

would be whether due to non-filing of departmental appeal the appellant would be non-suited. This Tribunal is of the view that this is the matter of financial benefits which cannot be denied to a civil servant and no limitation would be attracted in such cases. If no limitation is attracted then whether non-filing of departmental appeal would be a clog on entertaining the present service appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974. Since the present service appeal is the continuation of earlier service appeal, the appellant was not bound to challenge the order in departmental appeal and if this opinion is not correct then the appellant cannot be non-suited on this technical ground. And if the arguments of the learned Addl. AG is accepted then this Tribunal would direct the appellant to file departmental appeal afresh and departmental appeal would be in time even today as no limitation would run in order refusing financial benefits. In such a situation the departmental appeal would be competent and appellant would again come to this Tribunal after waiting for 90 days and the result would be the same. So this is the technicality on the basis of which the appellant cannot be non-suited.

6. Coming to the merits of the appeal the judgment relied upon by learned counsel for the appellant is very much clear and the facts of the reported judgment are very nearer to the present appeal. In the reported case the appellant was dismissed for embezzlement and then he was reinstated. The same arguments were advanced before the august Supreme Court of Pakistan that no work no pay. The august Supreme Court of Pakistan decided that it would be seen that it was the fault of the appellant not to work or it was due to the department that he was not allowed to work. The August Supreme Court of Pakistan finally held that it was not the fault of the appellant not to work but he did not work due to dismissal order. And the august Supreme Court of Pakistan finally decided that the appellant shall be

**ATTESTED**

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar



considered on duty for all purposes and was held to be entitled for not only back benefits but also for other rights like seniority, promotion etc. This Tribunal therefore, accepts the appeal of the appellant and hold the appellant entitled for the back benefits and it is also ordered that the appellant should not be deprived any right of promotion etc including his training/completion of course for promotion etc if there is no other hindrance except his dismissal. Parties are left to bear their own costs. File be consigned to the record room.

Announced  
01.03.2018

Self- Niaz Muhammad Khan  
Chairman

Certified to be true copy

Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Self- Ahmad Hassan  
Member

Date of Presentation of Appeal 16-4-18  
 Number of Words 1600  
 Copying Fee 10-  
 Urgent 2-  
 Total 12-  
 Name of Applicant [Signature]  
 Date of Completion of Appeal 16-4-18  
 Date of Delivery of Copy 16-4-18

*For Appeal*

*Back bench*

20

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Appeal No. 1003/2017

Date of Institution ... 11.09.2017

Date of Decision ... 26.12.2018



Akhtar Ali Ex-Constable No. 470 District Police Office, Swat ... (Appellant)

VERSUS

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

Present.

SYED NUMAN ALI BUKHARI,  
Advocate.

... For appellant

MR. MUHAMMAD JAN,  
Deputy District Attorney

... For respondents.

MR. HAMID FAROOQ DURRANI,  
MR. AHMAD HASSAN,

... CHAIRMAN  
... MEMBER(E)

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-

Instant judgment is proposed to decide also Appeals No. 1004/2017

(Mubarak Zeb Versus the Provincial Police Officer, Khyber Pakhtunkhwa Peshawar and others) and No. 1005/2017 (Abdullah Shah Versus the Provincial Police Officer, Khyber Pakhtunkhwa Peshawar and others) as identical facts and similar prayers are involved in all the appeals.

2. The facts as gatherable from memoranda of appeals are that during their service as constables in the Police Force the appellants were charge sheeted for

TESTED

CHIEF CLERK  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

involvement in a criminal offence recorded through FIR No. 324 dated 06.06.2012. Consequently, the appellants, were dismissed from service vide order dated 10.08.2012. The appellants ultimately filed Service Appeals No. 1145/2012, 1146/2012 and 1147/2012 before this Tribunal which were decided on 02.01.2017 in the following manners:-

*"In view of the above we are constrained to accept the present appeals, set aside the impugned original as well as final orders and reinstate the appellants in service with the directions to the respondents to conduct denovo enquiry against the appellants by affording them opportunity of participation in the enquiry including cross-examining witnesses so produced during the enquiry. The said enquiry shall be conducted and concluded within a period of 3 months from the date of receipt of this judgment. Parties are left to bear their own costs. File be consigned to the record room."*

3. In pursuance to the above decision the appellants were provisionally reinstated into service vide order dated 25.01.2017 and denovo enquiry against them was initiated. Upon completion of denovo proceedings the appellants were exonerated from the charges levelled against them through order dated 19.04.2017. However, the intervening period was ordered to be treated as leave of the kind due. Aggrieved from the part of order not allowing back benefits to the appellants, they submitted representation/appeal which was not responded to, hence the appeals in hand.

4. We have heard learned counsel for the appellants and learned DDA on behalf of the respondents and have also gone through the available record.

5. It was mainly contended by learned counsel for the appellants that upon their exoneration and reinstatement into service the appellants were entitled to back

TESTED

EXAMINER  
Service Tribunal,  
Peshawar

involvement in a criminal offence recorded through FIR No. 324 dated 06.06.2012. Consequently, the appellants, were dismissed from service vide order dated 10.08.2012. The appellants ultimately filed Service Appeals No. 1145/2012, 1146/2012 and 1147/2012 before this Tribunal which were decided on 02.01.2017 in the following manners:-

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3. In pursuance to the above decision the appellants were provisionally reinstated into service vide order dated 25.01.2017 and denovo enquiry against them was initiated. Upon completion of denovo proceedings the appellants were exonerated from the charges levelled against them through order dated 19.04.2017. However, the intervening period was ordered to be treated as leave of the kind due. Aggrieved from the part of order not allowing back benefits to the appellants, they submitted representation/appeal which was not responded to, hence the appeals in hand.

4. We have heard learned counsel for the appellants and learned DDA on behalf of the respondents and have also gone through the available record.

5. It was mainly contended by learned counsel for the appellants that upon their exoneration and reinstatement into service the appellants were entitled to back

TESTED

JANER  
of Peshawar  
Tribunal,  
Peshawar



benefits which were dis-allowed without assigning any reason. He relied on judgments reported as 2007-SCMR-855 and 2015-PLC(C.S)366.

On the other hand, it was contended that in the first round of appeals before this Tribunal the back benefits were not mentioned in the concluding part of judgment dated 02.01.2017, therefore, it could be presumed that the same were impliedly denied to the appellants. He relied on a judgment handed down by this Tribunal in Appeal No. 218/2016 and stated that as the appellants did not perform any duty for the period interregnum, therefore, they were not entitled to the relief. He also stated that it was the duty of appellants to have proved that they were not employed during the days they were out of police service.

6. It shall be useful to refer to the report of enquiry dated 22.3.2017, which was conducted after remand of the matter by this Tribunal to the respondents. It was categorically noted in the conclusion thereof that all the appellants were acquitted vide order dated 25.10.2012 on the basis of compromise, therefore, they were entitled for reinstatement in view of judgments reported as PLJ 2011-Supreme Court-280, 2015-SCMR-77, 2010-SCMR-1706, 2007-SCMR-855 and 1998-SCMR-1993. As regards the extension of back benefits to the accused/appellants, it was stated that there was nothing on record that they were gainfully employed during the period they remained out of service. Recommendations for back benefits were, therefore, also made in the report. On the other hand, it was recorded in the impugned order dated 19.04.2017 passed by respondent No. 3 that after thrashing all the relevant material the alleged charges levelled against the appellants could not be proved/established, however, the period they remained out of service was

*[Handwritten mark]*

ATTESTED

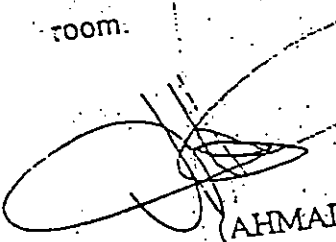
*[Signature]*  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar


treated as leave of the kind due. It is pertinent that no ground of difference of opinion was noted in the impugned order.

7. It has been laid down through judgments of Apex Courts that the grant of back benefits to an employee, who was reinstated by a Court/Tribunal or the department, was a rule and denial of such benefit was an exception. The appellants were held back from the performance of their duty with the respondent department owing to the departmental proceedings against them which was a circumstance beyond their control. The said proceedings were ultimately decided in favour of the appellants, therefore, should have entailed the extension of back benefits in their favour.


8. In view of the above we allow the appeals in hand as prayed for in the memoranda. The appellants shall, however, furnish affidavits regarding the fact that they did not remain gainfully employed during the period from 10.08.2012 to 19.4.2017. An undertaking shall also be recorded in the affidavit to the effect that if proved otherwise, they shall be liable for return of back benefits received in pursuance to the instant judgment.

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

  
(AHMAD HASSAN)  
MEMBER(E)

  
(HAMID FAROOQ DURRANI)  
CHAIRMAN.

**ANNOUNCED**  
26.12.2018

Certified to be true copy  
  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

(5)

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,  
PESHAWAR.

Service Appeal No. 453/2018

Date of Institution ... 04.04.2018

Date of Decision ... 03.09.2021

Jan Ayaz, Gate Keeper, Central Prison Mardan.

... (Appellant)

VERSUS

Inspector General of Prison, Khyber Pakhtunkhwa, Peshawar and  
two others.

... (Respondents)

-----  
SYED NOMAN ALI BUKHARI,  
Advocate

--- For appellant.

MR. RIAZ AHMED PAINDAKHEL,  
Assistant Advocate General

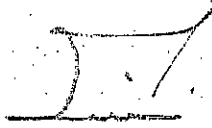
--- For respondents.

MR. SALAH-UD-DIN  
MR. ATIQ-UR-REHMAN WAZIR

--- MEMBER (JUDICIAL)  
--- MEMBER (EXECUTIVE)

JUDGMENT:

SALAH-UD-DIN, MEMBER:-


  
Precise facts forming the background of the instant service appeal are that the appellant was serving as Gate Keeper in Central Prison Peshawar, when he alongwith others were proceeded against departmentally under the Khyber Pakhtunkhwa Removal from Service (Special Powers) Ordinance, 2000 as in vogue at the relevant time on the charge of helping a life convict prisoner, in his escape from the prison. On conclusion of the inquiry, the appellant was dismissed from service vide order dated 21.04.2012 and his departmental appeal was also declined vide order dated


the appellant stood exonerated of the charges, on the basis of which, the appellant was departmentally proceeded against, however the period of his absence from duty was ordered to be treated as extra-ordinary leave without pay.

6. There are numerous rulings of august Supreme Court of Pakistan, wherein it has been held that the grant of back benefits to an employee, who was reinstated by a court/tribunal or the department was a rule and denial of such benefits was an exception. In the instant case, the appellant was held back from the performance of the duty on account of his wrongful dismissal from service. The appellant was exonerated during the de-novo inquiry, therefore, he was entitled to all back benefits and the competent Authority was not justified in holding the intervening period of absence of the appellant as extra-ordinary leave without pay, particularly when nothing is available on the record that the appellant had remained gainfully employed in any service during the period of his absence from duty.

7. In view of the above discussion, the appeal in hand is allowed by modifying the impugned order dated 24.11.2017 and the appellant is held entitled to all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
03.09.2021

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

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)



28

**VAKALATNAMA**

NO. \_\_\_\_\_/20

**IN THE COURT OF KP SERVICE TRIBUNAL PESHAWAR**

----- Ahmad Nawaz -----

Appellant  
Petitioner  
Plaintiff

**VERSUS**

----- Police Deptt -----

Respondent (s)  
Defendants (s)

✓ I/WE Ahmad Nawaz

do hereby appoint and constitute the **SYED NOMAN ALI BUKHARI Advocate High Court** for the aforesaid Appellant(s), Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party to commence and prosecute / to appear and defend this action / appeal / petition / reference on my / our behalf and al proceedings that may be taken in respect of any application connected with the same including proceeding in taxation and application for review, to draw and deposit money, to file and take documents, to accept the process of the court, to appoint and instruct council, to represent the aforesaid Appellant, Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party agree(s) ratify all the acts done by the aforesaid.

DATE 26/10 /2021

AJL  
(CLIENT)

ACCEPTED

Uzma Syed  
**UZMA SYED  
ADVOCATE HIGH COURT**

Syed Noman Ali Bukhari  
**SYED NOMAN ALI BUKHARI  
ADVOCATE HIGH COURT**

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 7687/ 2021

Ahmad Nawaz

Constable No. 1258, District Kohat

..... Appellant

VERSUS

Inspector General of Police,  
Khyber Pakhtunkhwa & others

.... Respondents

INDEX

S #	Description of documents	Annexure	pages
1.	Parawise comments.	-	01-03
2.	Affidavit	-	04
3.	Copy of compulsory retirement order dated 13.01.2017	A	05
4.	Copy of rejection order of the appeal dated 06.12.2017 by Respondent No. 2.	B	06
5.	Copy of rejection order of the revision petition dated 08.05.2018 by respondent No. 1.	C	07
6.	Copy of re-instatement order of the appellant dated 14.07.2020.	D	08
7.	Detail list of absent period & punishment awarded to the appellant (additional documents)	E	09-11

Deponent

P-1

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR

---

Service Appeal No. 7687/ 2021  
Ahmad Nawaz  
Constable No. 1258, District Kohat

..... Appellant

**VERSUS**

Inspector General of Police,  
Khyber Pakhtunkhwa & others

..... Respondents

**REPLY BY RESPONDENTS NO. 1 TO 3**

Respectfully Sheweth:

**Preliminary objections:-**

- i. That the appeal is not based on facts.
- ii. That the appeal is not maintainable in the present form.
- iii. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
- iv. That the appellant is stopped to file the instant appeal by his own conduct.
- v. That the appellant has not come to this Honorable Tribunal with clean hands.
- vi. That the appellant has got no cause of action and locus standi to file the instant service appeal.

**FACTS:-**

1. Pertains to service record of the appellant needs no comments.
2. The appellant was awarded with major punishment of Compulsory Retirement from service vide District Police Officer, Kohat office order dated 13.01.2017, on the grounds that after his reinstatement in service vide Regional Police Officer, Kohat Letter No. 5686/EC, dated 26.08.2016, he did not report his arrival at Police Lines, Kohat and was charged in case FIR No. 804 dated 27.08.2016 u/s 302 PPC PS Muhammad Riaz Shaheed. He was arrested in the above case and made his escape good from the lawful custody of Police/ Police Station. Hence, he was again charged in FIR No. 811 dated 29.08.2011 u/s 223/224 PPC PS Muhammad Riaz Shaheed. He was served with Charge Sheet and Statement of Allegations and DSP/ City Kohat was appointed as enquiry officer to scrutinize the conduct of the appellant. The Enquiry Officer

- submitted his finding report, wherein the appellant was held guilty being involved in the above mentioned cases. He was served with the Final Show Cause Notice upon which he replied. The reply of the Final Show Cause Notice was found unsatisfactory therefore, he was called in Orderly Room and heard him in person by the District Police Officer, Kohat. The appellant badly failed to prove his innocence therefore, he was awarded with the major punishment of Compulsory Retirement. **Copy of order annexed as "A"**. The departmental appeal against his dismissal order was rejected being devoid of merits by the Regional Police Officer, Kohat office order dated 06.12.2017. **Copy annexed as "B"**. The revision Petition of the appellant was rejected on the grounds of time barred vide CPO order dated 08.05.2018. **Copy annexed as "C"**.
3. The appellant approached the Khyber Pakhtunkhwa Service Tribunal, Peshawar through Service Appeal No. 750/ 2018 with the request to reinstate him into service. The Honorable Tribunal vide judgment dated 19.02.2020, disposed the Service Appeal with the directions to the respondents to conduct de-novo inquiry.
  4. In compliance with the judgment dated 19.02.2020, of Khyber Pakhtunkhwa Service Tribunal, Peshawar de-novo departmental enquiry proceedings were initiated against the defaulter and Addl: SP Kohat was appointed as enquiry officer. The enquiry officer submitted his report. The appellant was called in orderly room held on 14.07.2020 and heard him in person. In light of report of enquiry officer the appellant was re-instated into service with the directions to remit/ deposit of all pensionary benefits to Govt: treasury vide District Police Officer, Kohat office order dated 16.07.2020. However, the absence of intervening period treated as unauthorized leave without pay. **Copy of reinstatement order annexed as "D"**.
  5. The instant service appeal of the appellant is not maintainable on the following Grounds.

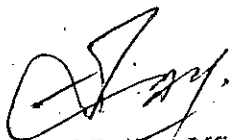
**GROUND:-**

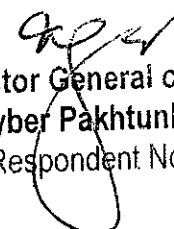
- A. Incorrect. The order dated 14.07.2020 is quite in accordance with law/ rules/ policy.
- B. Incorrect. The appellant is not entitled for back benefits.
- C. Incorrect. The period for which the appellant remained out of service was the fault of the appellant.
- D. Incorrect. The grievance of the appellant is already resolved by his reinstatement into service.

- E. Incorrect. As already explained above.
- F. Incorrect. The order is quite in accordance with law/ rules and no need to be modified.
- G. Incorrect. The appellant is not entitled to get the benefits of the period in which he remained out from service.
- H. Incorrect. As already explained above.
- I. The respondents may also be allowed to raise additional Grounds at the time of hearing of the instant service appeal.

PRAYER:-

Keeping in view the above stated facts and rules it is therefore humbly prayed that the appeal is not maintainable being devoid of merits hence, may kindly be dismissed with costs, please.

  
Regional Police Officer,  
Kohat  
(Respondent No. 2)  
~~Regional Police Officer~~  
~~Kohat Region Kohat~~

  
Inspector General of Police,  
Khyber Pakhtunkhwa,  
(Respondent No. 1)

  
District Police Officer,  
Kohat  
(Respondent No. 3)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 7687/ 2021  
Ahmad Nawaz  
Constable No. 1258, District Kohat

..... Appellant

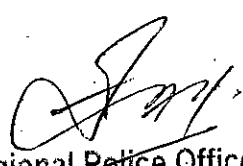
VERSUS

Inspector General of Police,  
Khyber Pakhtunkhwa & others

..... Respondents

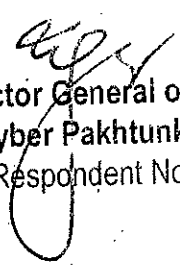
COUNTER AFFIDAVIT

We, the below mentioned respondents, do hereby solemnly affirm and declare on oath that contents of parawise comments are correct and true to the best of our knowledge and belief. Nothing has been concealed from this Hon: Tribunal.

  
Regional Police Officer,  
Kohat  
(Respondent No. 2)

~~Regional Police Officer  
Kohat Region Kohat~~

District Police Officer,  
Kohat  
(Respondent No. 3)

  
Inspector General of Police,  
Khyber Pakhtunkhwa,  
(Respondent No. 1)

Amex = 'A' 1/2 - 1/2  
P-5

(57)

POLICE DEPTT:

DISTRICT KOHAT

ORDER

This order is passed on the departmental enquiry against Constable Ahmad Nawaz No. 413 under the Khyber Pakhtunkhwa, Police Rules, 1975 (Amendment: 2014).

Brief facts are that after his re-instatement in service vide W/RPO Kohat letter No. 5686/EC dated 26.08.2016. He did not report his arrival at Police Lines Kohat hence, willful absented and he was charged in case FIR No. 804 dated 27.08.2016 u/s 302 PPC PS MRS. He was arrested in the above case and made good escape from the lawful custody of police/Police station. Hence charged in case FIR No. 811 dated 29.08.2011 u/s 223/224 PPS PS MRS.

He was served with Charge Sheet & Statement of Allegations DSP City Kohat was appointed as enquiry officer to proceed against him departmentally. Enquiry officer submitted his finding and stated that and the available record the above named accused official was found involved in the above mentioned cases and he is declared as PO. Moreover he was re-instated in service on 26.08.2016, but he did not join his duty at Police Lines Kohat & recommended for a major punishment.

He was issued Final Show Cause Notice, reply of Final Show Cause Notice received and found un-satisfactory. He was called in OR and heard in person but he did not satisfy the undersigned about his innocence. The allegation leveled against him have been proved.

In view of above I, Javed Iqbal District Police Officer, Kohat being a competent authority under KPK Police Rules 1975 Amendment 2014, hereby award a major punishment of "**Compulsory retirement**" with immediate effect.

Announced.

11.01.2017

OB No. 60

Date 13-1-2017

**DISTRICT POLICE OFFICER,  
KOHAT**

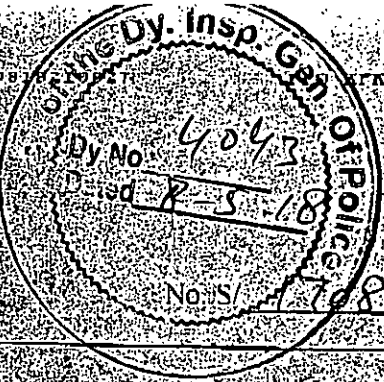
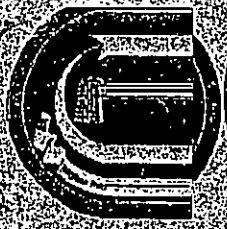
OFFICE OF THE DISTRICT POLICE OFFICER, KOHAT

No 328-30 / PA, dated Kohat the 16-1- /2017.

1. Copy of above is forwarded to the Reader/PO/EC/OHC for necessary action.

12 1/17  
صیت  
کوئٹہ  
لاہور  
وہی  
پاکستان

Annex "C"  
Page 1  
P-7



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR

SS

18 dated Peshawar the 08/05/2018

**ORDER**

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule 1975 submitted by Ex-FC Ahmad Nawaz No. 413. The petitioner was compulsorily retired from Police by DPO Kohat vide OB No. 60 dated 13/01/2017 on the charge that the petitioner absented himself from duty in service vide RPO Kohat letter No. 5686/EC dated 26/08/2016. He did not report for duty at Lines Kohat and absented himself from duty. He was charged in case FIR No. 804 dated 27.08.2016 at 302 PPC Police Station MRS. He was arrested in the above case and made good escape from the lawful custody of police/police station and was also charged in case FIR No. 811 dated 29.08.2016 at 223/224 PPC Police Station MRS.

The appeal was rejected by Regional Police Officer, Kohat vide order Endst: No. 11329/E dated 06/05/18.

The meeting of Appellate Board was held on 26.04.2018 wherein petitioner was heard in person. During the hearing petitioner contended that he has been acquitted by the court.

A perusal of record revealed that petitioner was dismissed from service on the charges of involvement in case FIR No. 804 dated 27.08.2016 u/s 302 PPC Police Station MRS and FIR No. 811 dated 29.08.2016 at 223/224 PPC Police Station MRS. He has been acquitted by the Court on the basis of compromise. Furthermore, the appellant already availed pension benefits. His appeal is also time barred. Therefore, the Board decided that his petition is hereby rejected.

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

*Handwritten notes:*  
8/5/18  
8/5/18

*Handwritten notes:*  
No 5707  
dt 10/05/2018

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

No. S/ 15/18,

Copy of the above is forwarded to the:

1. Regional Police Officer, Kohat.
2. District Police Officer, Kohat.
3. Director of IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Deputy Supdt: E-IV CPO Peshawar.

*Handwritten:* DPO Kohat

*Handwritten:* For information and also inform the appellant concerned please.

*Handwritten:* 4348  
10/5/18

DIG POLICE  
KOHAT

*Handwritten:* 08/05/2018



Amer "D"

P-8



OFFICE OF THE  
DISTRICT POLICE OFFICER,  
KOHAT

Tel: 0922-9260116 Fax: 9260125

No. \_\_\_\_\_ /PA dated Kohat the \_\_\_\_\_ / \_\_\_\_\_ /2020

**ORDER**

This order will dispose of de-novo departmental proceedings initiated against compulsory retired constable Ahmad Nawaz No. 413/1258 of this District Police (hereinafter called defaulter) under the Khyber Pakhtunkhwa Police Rules 1975 (amendment 2014).

The essential facts arising of the case are that after his re-instatement in service vide W/RPO Kohat letter No. 5686/EC dated 26.08.2016, he did not report his arrival at Police Lines Kohat hence, willful absented.

ii That he was charged in a heinous case FIR No. 804 dated 27.08.2016 u/s 302 PPC PS MRS.

iii That he was arrested in the above case and made good escape from the lawful custody of police/Police station. Hence he was charge in case FIR No. 811 dated 29.08.2016 u/s 223/224 PPS PS MRS.

In compliance with the judgment of Service Tribunal dated 19.02.2020 and approval of competent authority w/r No. 564-66/CPO/IAB dated 21.04.2020 de-novo departmental proceedings were initiated against the defaulter and Addl: SP, Kohat was appointed as enquiry officer. The enquiry officer filed his report.

The defaulter was called in Orderly Room, held on 14.07.2020 and heard in person.

Record gone through which indicates that the defaulter was acquitted from criminal charge in a murder case. The defaulter has received all pensionary benefits and still enjoying the said benefits. However, in the light of report of enquiry officer and in exercise of powers conferred upon undersigned, the defaulter constable Ahmad Nawaz is hereby re-instated in service and remission/deposit of all pensionary benefits to this office / Govt. treasury. Furthermore, the absence of intervening period is treated as un-authorized leave without pay.

**Announced**  
**14.07.2020**

  
DISTRICT POLICE OFFICER,  
KOHAT 15/7

OB No. 497  
Date 16-07-2020  
No. 2894-97 IPA dated Kohat the 16-7- 2020.

Copy of above is submitted for favour of information to the:-

1. Regional Police Officer, Kohat, please.
2. District Account Officer, Kohat
3. Reader/SRC/OHC/Pay officer for necessary action.

  
DISTRICT POLICE OFFICER,  
KOHAT

کنسٹیبل احمد نواز 1258

سکونت	ولدیت	نام	نمبر شمار
MRS تپی کوہاٹ تھانہ	اعتبار خان	کنسٹیبل احمد نواز	
سزا	آڈر بک OB	غیر حاضری از غیر حاضری	
	558/10.4.1992	پرنسپل PTC ہنگو 24+9 غیر حاضری	1
ٹوٹل غیر حاضری 9 یوم 9 دن بلا تخواہ اور 1 یوم کوارٹر گارڈ	40/20.1.1992	15.1.92, 10.01.92, 03.12.91, 06.12.91, 02.12.91, 01.12.91, 28.11.91	2
PTC ہنگو 24 یوم غیر حاضری پریڈشن آئندہ مہم کے لئے	118/19.03.1992	24 یوم 2 گھنٹے 15 منٹ PTC ہنگو سے غیر حاضری	3
10 گھنٹے 10 منٹ پر بلا تخواہ مبلغ 40 روپے جرمانہ	259/13.2.1993	مد 6 روز نامچ 4.02.93 گھنٹے 30 منٹ	4
1 یوم کوارٹر گارڈ	985/25.05.1993	مد 27 روز نامچ 09.05.1993 تھانہ صدر	5
12 گھنٹے 45 منٹ 2 یوم ایکسٹرا ڈرل	1639/18.9.1993	مد 43 روز نامچ 4.09.1993 کو 45 منٹ 12 گھنٹے	6
11 گھنٹے 35 منٹ 1 یوم ایکسٹرا ڈرل	1812/21.10.1993	مد 13 روز نامچ 06.10.1993 کو 35 منٹ 11 گھنٹے	7
2 دن بلا تخواہ شد	1369/03.08.1993	مد 31 روز نامچ 26.05.1993 تا 18 روز نامچ 28.05.1993	8
2 دن بلا تخواہ شد	1515/22.08.1993	مد 34 روز نامچ 01.08.1993 تا 43 روز نامچ 05.08.1993	9
2 دن بلا تخواہ شد	1540/25.08.1993	مد 42 روز نامچ 07.08.1993 تا 43 روز نامچ 09.08.1993	10
2 دن بلا تخواہ شد	1639-2/18.09.1993	مد 31 روز نامچ 02.09.1993 تا 26 روز نامچ 03.09.1993	11
2 دن بلا تخواہ شد	1590-1/24.09.1993	مد 35 روز نامچ 21.08.1993 تا 46 روز نامچ 23.08.1993	12
1 یوم ایکسٹرا ڈرل	1762-VI/13.10.1993	مد 37 روز نامچ 29.09.1993 تا 03 روز نامچ 30.09.1993	13
1 یوم ایکسٹرا ڈرل	109-VI/15.01.1994	مد 39 روز نامچ 22.12.1993 تا 29 روز نامچ 23.12.1993	14
2 دن بلا تخواہ شد	110-II/15.01.1994	مد 20 روز نامچ 27.12.1993 تا 31 روز نامچ 29.12.1993	15
1 یوم ایکسٹرا ڈرل	120-1/18.01.1994	مد 34 روز نامچ 18.12.1993 تا 28 روز نامچ 19.12.1993	16
1 دن بلا تخواہ شد	2-VII/1.1.1994	مد 39 روز نامچ 10.12.1993 تا 38 روز نامچ 11.12.1993	17
40 منٹ 1 یوم ایکسٹرا ڈرل	2154XII/22.12.1993	مد 5 روز نامچ 30.11.1993 40 منٹ	18
09 گھنٹے 02 یوم ایکسٹرا ڈرل	1932/11-11-1993	مد 48 روز نامچ 24.10.1993 گھنٹے 09	19
12 سے 01 یوم ایکسٹرا ڈرل	127-V/17.02.1994	مد 34 روز نامچ 17.12.1993 گھنٹے 12	20
02 یوم ایکسٹرا ڈرل	282-V/28.02.1994	مد 27 روز نامچ 23.01.1994 تا 36 روز نامچ 25.01.1994	21
02 یوم ایکسٹرا ڈرل	319-V/28.02.1994	مد 07 روز نامچ 04.02.1994 تا 29 روز نامچ 05.02.1994	22
3 دن بلا تخواہ شد	320-VII/28.02.1994	مد 34 روز نامچ 31.01.1994 تا 46 روز نامچ 02.02.1994	23
2 دن بلا تخواہ شد	448-III/24.03.1994	مد 46 روز نامچ 22.02.1994 تا 24 روز نامچ 24.02.1994	24
1 یوم ایکسٹرا ڈرل	345/25.03.1994	مد 38 روز نامچ 10.02.1994 تا 26 روز نامچ 11.02.1994	25
01 دن بلا تخواہ شد	399/28.03.1994	مد 34 روز نامچ 09.02.1994 تا 37 روز نامچ 20.02.1994	26
1 یوم ایکسٹرا ڈرل	345-XV/25.03.1994	مد 20 روز نامچ 21.02.1994 گھنٹے 02	27
2 یوم ایکسٹرا ڈرل	396-III/28.03.1994	مد 29 روز نامچ 07.02.1994 تا 05 روز نامچ 08.02.1994	28
01 دن بلا تخواہ شد مبلغ 10 روپے جرمانہ	529-III/23/4/94	مد 44 روز نامچ 13.02.1994 تا 25 روز نامچ 14.02.1994	29
2 دن بلا تخواہ شد	658-6/23.04.1994	مد 04 روز نامچ 25.03.1994 تا 32 روز نامچ 27.03.1994	30
1 یوم ایکسٹرا ڈرل	681-29/25.04.1994	مد 44 روز نامچ 11.09.1994 گھنٹے 03	31
1 یوم ایکسٹرا ڈرل	681-60/25.04.1994	مد 59 روز نامچ 12.04.1994 گھنٹے 04	32
2 دن بلا تخواہ شد	791-3/17.05.1994	مد 17 روز نامچ 14.04.1994 تا 26 روز نامچ 16.4.1994	33

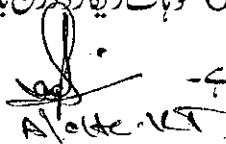
نمبر شمار	غیر خاضری از غیر خاضری	آڈیٹنگ OB	سزا
34	مد 33 روز نامچ 25.04.1994 تا 10 گھنٹے	873-37/29.05.1994	1 یوم ایکسٹرا ڈرل
35	مد 34 روز نامچ 28.04.1994 تا 22 روز نامچ 29.04.1994	823-42/29.5.1994	1 یوم ایکسٹرا ڈرل
36	مد 04 روز نامچ 21.04.1994 تا 34 روز نامچ 23.4.1994	962-13/05.06.1994	02 دن بلا تخواہ شد مبلغ 20 روپے جرمانہ
37	مد 07 روز نامچ 22.04.1994 تا 06 روز نامچ 26.05.1994	962-17/15.06.1994	04 دن بلا تخواہ شد مبلغ 20 روپے جرمانہ
38	مد 14 روز نامچ 13.05.1994 تا 10 گھنٹے	963.21/15.06.1994	مبلغ 20 روپے جرمانہ
39	30.05.94-29.5.94, 27.06.94-25.06.94, 18.05.94-16.05.94	1308/11.08.1994	رضعت میں شام کی گئی
40	مد 28 روز نامچ 03.05.1994 تا 21 روز نامچ 04.05.1994	1032-24/29.06.1994	مبلغ 25 روپے جرمانہ
41	مد 27 روز نامچ 13.05.1994 تا 13 ایمر جسٹی ڈیوٹی سے غیر حاضر	1032-37/29.06.1994	مبلغ 10 روپے جرمانہ
42	مد 33 روز نامچ 27.04.1994 تا 27 ایمر جسٹی ڈیوٹی سے غیر حاضر	918-3/07.06.1994	
43	مد 29 روز نامچ 18.04.1994 تا 42 روز نامچ 20.04.1994	910.33/07.06.1994	2 دن بلا تخواہ شد
44	انکوائری	1344/22.8.1994	معطل شد
45	20 یوم 14 گھنٹے 45 منٹ انکوائری	1937-1/29.11.1994	بلا تخواہ اور معطلی سے بحالی
46	انکوائری	11-1/02.01.1995	معطل شد
47	21.12.1994 تا 14.05.1994 رپورٹ SHO سٹی	90/22.01.1995	معطلی سے بحالی اور 2 سال سروس کالی گئی
48	مد 53 روز نامچ 31.07.1996 تا 14 گھنٹے 55 منٹ	974/13.08.1996	مبلغ 20 روپے جرمانہ
49	مد 28 روز نامچ 30.07.1996 تا 12 گھنٹے 55 منٹ	974./13.08.1996	مبلغ 25 روپے جرمانہ
50	مد 18 روز نامچ 13.07.1996 تا 16 روز نامچ 14.07.1996	923/31.07.1996	مبلغ 25 روپے جرمانہ
51	انکوائری غیر حاضری 204 یوم	1380/13.11.1996	2 سال سروس کالی گئی بلا تخواہ شد
52	انکوائری OB 1308/13.11.1996 بحوالہ OB 1468/30.11.1996		انکوائری مکمل ہونے پر معاف کیا گیا۔
53	مد 21 روز نامچ 08.11.1997 تا 28 روز نامچ 13.11.1997	1589/06-12-1997	5 دن بلا تخواہ شد
54	انکوائری غیر حاضری 332 یوم	109/24.01.1998	332 یوم غیر حاضری ڈس فرام سروس اور بلا تخواہ شد
55	بحوالہ آڈیٹنگ نمبر 4329/EC مورخہ 28.07.1998		سروس پر دوبارہ بحال شد
56	مد 17 روز نامچ 01.01.1999 تا 08 گھنٹے	47-1/08.01.1999	مبلغ 50 روپے جرمانہ
57	مد 62 روز نامچ 12.03.1999 تا 05 روز نامچ 11.03.1999	550-11/16.03.1999	مبلغ 50 روپے جرمانہ
58	مد 20 روز نامچ 09.12.1998 تا 40 روز نامچ 11.12.1998	233/17.1.1998	مبلغ 100 روپے جرمانہ
59	مد 24 روز نامچ 08.03.1999 تا 04 گھنٹے 20 منٹ	550-8/16.03.1999	مبلغ 50 روپے جرمانہ
60	مد 29 روز نامچ 18.01.1999 تا 40 منٹ	135-19/27.01.1999	دارنگ
61	مد 58 روز نامچ 13.02.1999 تا 22 روز نامچ 14.02.1999	326-11/16.02.1999	مبلغ 50 روپے جرمانہ
62	مد 09 روز نامچ 12.01.1999 تا 05 گھنٹے 55 منٹ	227/23.06.1998	مبلغ 50 روپے جرمانہ
63	مد 46 روز نامچ 17.06.1999 تا 08 روز نامچ 19.06.1999	1227/23.6.1999	2 دن بلا تخواہ شد
64	مد 25 روز نامچ 20.06.1999 تا 09 روز نامچ 23.06.1999	1255-8/28.06.1999	2 دن بلا تخواہ شد
65	مد 29 روز نامچ 11.05.1999 تا 40 روز نامچ 12.05.1999	969-25/23.05.1999	مبلغ 50 روپے جرمانہ
66	مد 35 روز نامچ 13.05.1999 تا 23 روز نامچ 16.05.1999	968-10/23.05.1999	2 دن بلا تخواہ شد
67	مد 20 روز نامچ 09.05.1999 تا 43 روز نامچ 10.05.1999	968-7/23.05.1999	1 دن بلا تخواہ شد
68	مد 38 روز نامچ 06.05.1999 تا 54 روز نامچ 07.05.1999	909-9/13.05.1999	مبلغ 50 روپے جرمانہ
69	مد 05 روز نامچ 20.11.1999 تا 07 گھنٹے 35 منٹ	2106/29.11.1999	مبلغ 50 روپے جرمانہ
70	مد 12 روز نامچ 13.12.1999 تا 15 روز نامچ 16.12.1999	1252-3/13.07.2000	02 دن بلا تخواہ شد مبلغ 200 روپے جرمانہ
71	مد 08 روز نامچ 29.04.2000 تا 14 روز نامچ 01.05.2000	1252-2/13.07.2000	02 دن بلا تخواہ شد مبلغ 200 روپے جرمانہ
72	مد 12 روز نامچ 18.04.2000 تا 05 روز نامچ 23.04.2000	1252-1/13.07.2000	04 دن بلا تخواہ شد مبلغ 500 روپے جرمانہ

نمبر شمار	غیر حاضری از غیر حاضری	آڈر بک OB	سزا
73	مد 03 زناچہ 06.09.1999 تا مد 12 روزناچہ 09.09.1999	1244-6/13.07.2000	مبلغ 500 روپے جرمانہ
74	مد 10 زناچہ 24.10.1999 تا مد 1 روزناچہ 25.10.1999	1251-3/13.07.2000	مبلغ 200 روپے جرمانہ
75	مد 13 زناچہ 04.12.1999 تا مد 16 روزناچہ 16.12.1999	1252-4/13.07.2000	02 دن بلا تخواہ شد مبلغ 200 روپے جرمانہ
76	مد 42 زناچہ 03.12.1999 تا مد 14 روزناچہ 03.12.1999	2292-5/30.12.1999	6 دن بلا تخواہ شد
77	مد 28 زناچہ 20.03.2001 تا مد 19 روزناچہ 23.03.2001	641.4/28.05.2001	02 دن بلا تخواہ شد مبلغ 50 روپے جرمانہ
78	مد 07 زناچہ 30.05.2001 تا مد 11 روزناچہ 02.06.2001	923-2/17.07.2001	03 دن بلا تخواہ شد مبلغ 50 روپے جرمانہ
79	مد 31 زناچہ 12.01.2001 تا مد 24 روزناچہ 13.01.2001	166-1/25.01.2001	01 دن بلا تخواہ شد مبلغ 20 روپے جرمانہ
80	مد 13 زناچہ 28.12.2000 تا مد 18 روزناچہ 29.12.2000	138-7/20.01.2001	01 دن بلا تخواہ شد مبلغ 30 روپے جرمانہ
81	مد 15 زناچہ 17.12.2000 تا مد 07 گھنٹے 15 منٹ	136-1/20.01.2001	مبلغ 30 روپے جرمانہ
82	مد 25 زناچہ 20.11.1999 تا مد 10 گھنٹے 40 منٹ	136-8/20.01.2001	مبلغ 40 روپے جرمانہ
83	مد 12 زناچہ 18.04.2000 تا مد 05 روزناچہ 23.04.2000	1143-6/28.06.2000	
84	مد 08 زناچہ 29.04.2000 تا مد 14 روزناچہ 01.05.2000	1141-6/28.06.2000	مبلغ 200 روپے جرمانہ
85	مد 07 زناچہ 05.03.2000 تا مد 07 روزناچہ 01.05.2000	1251-1/13.07.2000	مبلغ 200 روپے جرمانہ
86	مد 07 زناچہ 14.05.2000 تا مد 10 روزناچہ 15.05.2000	1251-1/13.07.2000	مبلغ 200 روپے جرمانہ
87	مد 11 زناچہ 19.12.1999 تا مد 05 روزناچہ 23.04.2000	2289-9/30.12.1999	01 دن بلا تخواہ شد مبلغ 50 روپے جرمانہ
88	مد 12 زناچہ 18.04.2000 تا مد 11 روزناچہ 09.02.2000	374-4/23.02.2000	05 دن بلا تخواہ شد مبلغ 50 روپے جرمانہ
89	مد 14 زناچہ 20.10.1999 تا مد 19 روزناچہ 21.10.1999	1252-85/13.07.2000	مبلغ 200 روپے جرمانہ
90	مد 11 زناچہ 21.12.1999 تا مد 15 روزناچہ 23.12.1999	2289-8/30.12.1999	بلا تخواہ شد مبلغ 50 روپے جرمانہ
91	مد 06 زناچہ 17.11.2000 تا مد 29 روزناچہ 18.10.2000	1928-1/02.11.2000	01 دن بلا تخواہ شد مبلغ 30 روپے جرمانہ
92	انکوائری	1195/31.12.2013	
93	مد 17 زناچہ 18.08.2001 تا مد 11 روزناچہ 19.08.2001	1153-7/30.08.2001	مبلغ 50 روپے جرمانہ
94	مد 18 زناچہ 22.06.2001 تا مد 14 روزناچہ 22.08.2001	1242/12.09.2001	12 گھنٹے پر مبلغ 30 روپے جرمانہ
95	مد 15 زناچہ 18.09.2001 تا مد 25 روزناچہ 20.09.2001	1390-1/10.10.2001	01 دن بلا تخواہ شد مبلغ 20 روپے جرمانہ
96	انکوائری علت 60 مورثہ 23.06.2004 جرم 9CCNSA/489-B تھانہ شکروردہ	841/14.07.2005	سنسٹور اور انکوائری فائل
97	مد 40 زناچہ 27.09.2005 تا مد 36 روزناچہ 28.09.2005	1374-3/26.11.2005	
98	انکوائری	106-10.02.2009	معطل شدہ
99	انکوائری غیر حاضری 06.05.2011 تا 18.05.2011	475/15.09.2011	12 دن بلا تخواہ
100	انکوائری	1297/21.10.2014	
101	انکوائری 31 یوم غیر حاضری	831/16.8.2016	ڈس شد
102	مد 22 زناچہ 01.08.2015 تا مد 11 روزناچہ 02.08.2015	36-1/07.01.2016	
103	بحوال آرڈر نمبر 9586/EC مورثہ 26.08.2016 صاحب DIG		سروس پر دوبارہ بحال کر دیا
104	انکوائری علت 804 مورثہ 26.08.2016 جرم 302 تھانہ ایم آرائیس	60/13.01.2017	جبری ریٹائرڈ ہو چکا ہے۔
105	سروس پر دوبارہ بحال ڈیو انکوائری	233/16.04.2020	ڈیو انکوائری
106	ڈیو انکوائری فیصلہ	497/16.07.2020	بحال شد اور بلا تخواہ شد
107	انکوائری 30 یوم غیر حاضری	882/15.11.2021	30 یوم غیر حاضری رخصت میں شامل ہوئی

جناب عالی

بمطابق OHC کو ہاٹ ریکارڈ درج بالا تفصیلات درست ہے۔

رپورٹ عرض ہے۔



BEFORE THE HONORABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR

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Service Appeal No. 7687/ 2021

Ahmad Nawaz

Constable No. 1258, District Kohat

..... Appellant

VIRSI

Inspector General of Police,  
Khyber Pakhtunkhwa & others

..... Respondents

AUTHORITY LETTER

Mr. Arif Saleem steno / Focal person of this district is hereby authorized to file the comments on behalf of respondent in the honorable file and other documents as required.

District Police Officer,  
Kohat  
(Respondent No. 3)