

23.11.2022

Junior to counsel for the appellant present. Naseer Uddin Shah learned Assistant Advocate General alongwith Ahmad Jan SI for respondents present.

SCANNED
KPST
Peshawar

Written reply on behalf of respondents No. 1 to 3 submitted which is placed on file. A copy of the same is handed over to junior counsel for the appellant. To come up for rejoinder/arguments on 18.01.2023 before D.B.


(Rozina Rehman)
Member (J)

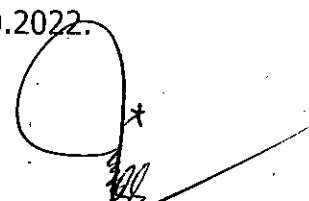
30.08.2022

Mr. Imran Khan, Advocate learned counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. 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. To come up for reply/comments before the S.B on 07.10.2022.

Rs-100/-
Appellant Deposited
Security & Process Fee
H. M. J. I. Ch.
05/9/22

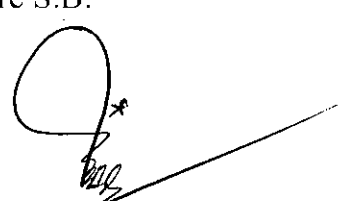
SCANNED
KPST
Peshawar


(Mian Muhammad)
Member (E)

07.10.2022

Clerk of counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Muhammad Raziq, H.C for the respondents present.

Written reply/comments have not been submitted. Learned AAG requested for further time. Request is accepted. To come up for written reply/comments on 22.11.2022 before S.B.


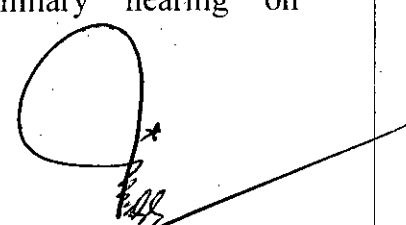

(Mian Muhammad)
Member (E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1127/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	19/07/2022	<p>The appeal of Mr. Falak Zaib resubmitted today by Mr. Zartaj Anwar Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 20.07.2022. Parcha peshi is given to the appellant/counsel.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>
20.07.2022		<p>Clerk to counsel for the appellant present and seeks adjournment as the appeal was not noted in their diary. Request acceded to. To come up for preliminary hearing on 30.08.2022 before S.B.</p> <p style="text-align: right;"> (Mian Muhammad) Member (E)</p>

SCANNED
KPST
Peshawar

The appeal of Mr. Falak Zaib Ex-Constable No. 2187 at Police Station Mattani Peshawar received today i.e. on 29.06.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- 2- ✓ Check list is not attached with the appeal.
- 3- ✓ Appeal has not been flagged/marked with annexures marks.
- 4- ✓ Annexures of the appeal may be attested.
- 5- Copy of departmental appeal and revision petition mentioned in the memo of appeal are not attached with the appeal which may be placed on it.
- 6- Copies of charge sheet, statement of allegations, Show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- 7- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2129 /S.T,

Dt. 30/6 /2022


REGISTRAR


SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Zartaj Anwar Adv.
High Court Peshawar.

Sir

Re Submitted Office Copy
Please Put in the Court.

Revision Petition is not
attached.


Date
19/7/22

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No. 1127/2022

Falak Zaib Ex. Constable No. 2187, at Police Station Mattani
Peshawar.

(Appellant)

VERSUS

The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar
and others.

(Respondents)

I N D E X

S.No	DESCRIPTION OF DOCUMENTS	ANNEX	PAGES
1.	Memo of Appeal <i>with Affidavit</i>		1-4
2.	Copy of the impugned office order dated 31.03.2021	A	5
3.	Copy of the departmental appeal and rejection order	B & C	6-7
4.	Copy of the revision petition rejection order dated 02.06.2022	D	8
5.	Other Documents		9-17
6.	Wakalatnama		18

Through

Falak Zaib
Appellant

Zartaj Anwar
ZARTAJ ANWAR

Advocate Supreme Court
Of Pakistan

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Khyber Pakhtunkhwa
Service Tribunal

Appeal No. _____/2022

Case No. 558

Dated: 29-6-2022

Falek Zaib Ex. Constable No. 2187, at Police Station
Mattani Peshawar.

(Appellant)

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Additional Inspector General of Police HQrs: Khyber Pakhtunkhwa, Peshawar.
3. Capital City Police Officer Peshawar

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the Office Order dated 31.03.2021, whereby the appellant has been awarded the major penalty of Dismissal from Service, against which the appellant filed Departmental appeal dated 18.05.2021, which was rejected on 09.09.2021, against which the appellant filed revision petition which was also rejected vide office order dated 02.06.2022.

Filed to-day

Registrar

29/6/2022

Prayer in Appeal:

On acceptance of this appeal the impugned orders dated 31.03.2021 and 02.06.2022 may please be set-aside and the appellant may kindly be reinstated into service with all back benefits. Or any other remedy which is not specifically asked for may also be awarded in favour of the appellant.

Respectfully Submitted:

1. That the appellant was initially enlisted as Constable in the Police Department on 04.04.2011 and has at his credit a bright and spot less service career.
2. It is pertinent to mention here that ever since his enlistment the appellant has performed his duties as assigned to him with zeal and devotion and to the entire satisfaction of his superiors and there was no complaint whatsoever regarding his performance.
3. That the appellant while performing his duties in the Police Station Mattani, the wife of the appellant was become seriously sick and was admitted in the hospital as there was no one for the take care of her at hospital and later on at home except appellant, the condition of the wife of the appellant was become worse and a dead child was born.
4. That astonishingly the appellant was informed that he was dismissed from his service on the ground of absentee vide impugned office order dated 31.03.2021. *(Copy of the impugned office order dated 31.03.2021 is attached as annexure A).*
5. That being aggrieved from the impugned order dated 31.03.2021, the appellant has submitted his departmental appeal before the competent authority which was rejected vide office order dated 09.09.2021. *(Copy of the departmental appeal and rejection order are attached as annexure B & C).*
6. That thereafter the appellant submitted revision petitioner before the competent authority under Rule 11-A of the Khyber Pakhtunkhwa Police Rules 1973 (amended 2014), which was also rejected vide office order dated 02.06.2022. *(Copy of the revision petition rejection order dated 02.06.2022 are attached as annexure D).*
7. That the impugned orders are illegal, unlawful, without lawful authority, against the law and facts, hence liable to be set aside on the following grounds;

GROUND OF SERVICE APPEAL:

- A. That the appellant has not been treated in accordance with law, and his right secured and guaranteed under the law have been violated.
- B. That no proper procedure has been followed before awarding the major punishment to the appellant, the appellant has not been served with any charge sheet or statement of allegation, no proper inquiry has been conducted, nor the appellant was ever associated properly with the inquiry proceedings, statement of witnesses, if any, were never taken in presence of the appellant, thus the whole proceedings are defective in the eye of law and orders based on such defective proceedings are liable to be set aside.
- C. That the wife of the appellant was become seriously sick and was admitted in the hospital as there was no one for the take care of her at hospital and at home except appellant, the condition of the wife of the appellant was become worse and a dead child was born.
- D. That according to the section 9 of the E & D Rules the competent authority shall published a notice in at least two leading newspapers directing to resume duty within fifteen days of the publication of the that notice, but in the case of the appellant there was no publication in the newspapers it is also pertinent to mentioned here that in case of absentee there will be removal from service.
- E. That the absence of the appellant from his duties is due to the above mentioned reason not otherwise, therefore the award of major penalty Dismissal From Service is too harsh.
- F. That the appellant has not been allowed opportunity of personal hearing before awarding him the major punishment of Dismissal from service, thus he has been condemned unheard.
- G. That the appellant never committed any act or omission which could be termed as misconduct, he has been illegally awarded the major penalty of dismissal from service.
- H. That the appellant has at his credit bright and spotless service career of more than 11 years, the penalty imposed upon him is too harsh and liable to be set aside.
- I. That the appellant is jobless since his illegal dismissal from service.

- J. That the appellant seeks the permission of this Honourable Tribunal to rely on additional grounds at the hearing of this appeal.

It is therefore prayed that on acceptance of this appeal the impugned orders dated 31.03.2021 and 02.06.2022 may please be set-aside and the appellant may kindly be reinstated into service with all back benefits. Or any other remedy which is not specifically asked for may also be awarded in favour of the appellant.

Falak Zaib
Appellant

Through

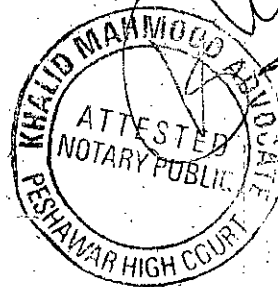
Zartaj Anwar
ZARTAJ ANWAR
Advocate, Peshawar

&

Imran Khan
IMRAN KHAN
Advocate Peshawar

AFFIDAVIT

I, *Falak Zaib* Ex. Constable No. 2187, at Police Station Mattani Peshawar, do hereby solemnly affirm and declare that the contents of the above Appeal are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.



Deponent

(5) *Annexure "A"*

12

OFFICE OF THE
SUPERINTENDENT OF POLICE,
SADDAR, CCP, PESHAWAR

NO. 85/E/PA

DATE: 31-03/2021

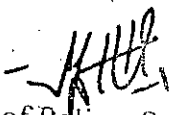
ORDER

This order will dispose off the Departmental Inquiry against FC Falak Zeb No. 2187 of PS Mattani vide this office No. 85/E/PA dated 29.09.2020. The inquiry in hand emanated from that while he posted to PS Mattani, he absented himself from lawful duty from 29.09.2020 till date without permission or information of his seniors. For the said negligence proper departmental inquiry was conducted through SDPO Badkber Circle. He submitted his findings vide memo No. 45/E/ST dated 19.02.2021.

Final show cause notice was issued to him vide this office memo No. 85/E/PA dated 22.02.2021. He neither appeared before EO, nor did reply to any notice i.e Final Show cause notice. He was also called for OR vide this office parwana No. 453/Reader dated 22.02.2021 and parwana No. 644 dated 22.03.2021, but to no avail.

Keeping in view the circumstances and recommendations of inquiry officer, in exercise of the power vested in me under E&D Rules 1975 amended with 2014, he is hereby awarded Major punishment of "Dismissal from Service" from the date of absence i.e 29.09.2020.

Order announced.


Superintendent of Police, Saddar Division
CCP, Peshawar.

OB. No. 1031 dated 31/3/2021.

Copy of above is forwarded for information and necessary action to:

1. The Capital City Police Officer, Peshawar
2. The Senior Superintendent of Police Operations CCP Peshawar.
3. Pay officer CCP Peshawar.
3. FMC along with Inquiry file for record.
4. All concerned

(6)

Annexure "B"

بخدمت جناب سی سی پی او، صاحب پشاور

9.3

21/03/2021

Dist. No. 554 P.A. CO. NO.
No. 18-05-2021
Date

اپیل بمسراو بحالی

عنوان:

جناب عالی!

گزارش ہے کہ سائل کو جناب ایس پی صاحب صدر ڈویژن پشاور نے بوجہ غیر حاضری بحوالہ آرڈر تک نمبر 1031 مورخہ 31.03.21 کو نوکری سے دسمس کیا ہے۔ چونکہ سائل کی غیر حاضری قصداً نہیں تھی بلکہ بوجہ گھریلو مسائل تھی علاوہ ازیں اس دوران سائل کی بیوی زچہ بچہ کی بیمار تھی اور اچانک نامناسب حالات کی وجہ سے سائل کی بیوی کی حالت خراب ہو گئی جسکی وجہ سے سائل نے اپنی بیوی کو ہسپتال میں بغرض علاج معالجہ داخل کیا لیکن مریض کی حالت مزید خراب ہو گئی اور بچہ مردہ حالت میں پیدا ہوا۔ اس سنگین حالات کی وجہ سے سائل کی بیوی کی دیکھ بھال کے لئے گھریلو کوئی دوسرا فرد موجود نہیں تھا۔ اس لئے بوجہ مجبوری سائل نے بغرض دیکھ بھال کے لئے غیر حاضری کی تھی۔

عاجزانه استدعا ہے کہ سائل کی تنخواہ کی وجہ سے سائل کے گھر کا چولہ جلتا تھا اور نوکری سے فارغ ہونے کی وجہ سے سائل کی معاشی حالات انتہائی خراب ہو گئی ہے۔ اسلئے بذریعہ اپیل آپ صاحبان سے التماس کی جاتی ہے کہ سائل کو دوبارہ نوکری پر بحال کرنے کے احکامات صادر فرما کر مشکور فرمائیں۔ سائل تاحیات دعا گو رہے گا۔

عین نوازش ہوگی۔

التراض
ذی نیت تنظیم

سی سی پی او، پشاور

آپکا تابع فرمان سابقہ کنسٹیبل فلک زیب نمبر 2187

موبائل فون نمبر 0331-5903818

FMC

Provide record to

Shakil

18/5/2021

18/5/2021

By

(7)

Annexure "C"



OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR

ORDER.

This order will dispose of the departmental appeal preferred by Ex-FC Falak Zaib No. 2187 who was awarded the major punishment of "dismissal from service" under PR-1975 by SP/Saddar vide OB No. 1031, dated 31.03.2021.

2- Short facts leading to the instant appeal are that the accused constable while posted at S Mattani was proceeded against departmentally on the charges of his wilful absence w/o from 20.09.2020 till his dismissal i.e 31.03.2021 (Total 06 months & 02 Days).

3- He was issued proper Charge Sheet and Summary of Allegations by SP/Saddar Peshawar and SDPO Badaber Peshawar was appointed as enquiry officer to scrutinize the conduct of the accused official. The enquiry officer after conducting proper enquiry submitted his findings and recommended the official for Ex-Parte action. The competent authority in light of the findings of the enquiry officer issued him Final Show Cause Notice, but he failed to submit his reply to the Final Show Cause Notice, hence awarded the above major punishment.

4- He was heard in person in O.R and the relevant record along with his explanation perused. During personal hearing the appellant failed to submit any plausible explanation in his defence. A report regarding his drug addiction has also been obtained from SP-IIQRs: Peshawar and his medical test was reported positive for tetrahydro cannabinol (THC). Therefore, his appeal for setting aside the punishment awarded to him by SP-Saddar, Peshawar vide OB No. 1031 dated 31.03.2021 is hereby rejected/filed, being also time barred.

(ABBAS AHSA NI) PSP

No. 2794 / PA
Copies for information

1. SP/Saddar: Peshawar.
2. OASI, CRC with the direction to made necessary entry in his S.Roil.
3. FMC along with Fuji Missal.
4. Official Concern.

(8)

Annexure "D"

INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rules-1975 (amended 2014) submitted by Ex-FC Falak Zai'b No. 2187. The petitioner was dismissed from service by Superintendent of Police, Saddar, Peshawar vide OB No. 1031, dated 31.03.2021 on the allegations that he while posted at Police Station Mattani absented from duty w.e.f 29.09.2020 till date of dismissal from service i.e. 31.03.2021 (06-months & 02-days). He preferred appeal to Capital City Police Officer, Peshawar wherein a report regarding his drug addiction was also obtained from SP/HQrs: Peshawar and his medical test was reported positive for tetrahydro cannabinal (THC). His appeal was rejected being time barred by Capital City Police Officer, Peshawar vide order Endst: No. 2794-97/PA, dated 09.09.2021.

Meeting of Appellate Board was held on 19.05.2022 wherein petitioner was heard in person. Petitioner contended that he was ill.

Perusal of the record revealed that petitioner remained absent for long period of 06 months & 02 days. Petitioner failed to submit any cogent reason in his self defense. Moreover, he is also addicted to drugs and his medical test was reported positive for tetrahydro cannabinal (THC). The Board see no ground and reasons for acceptance of his petition, therefore, the Board decided that his petition is hereby rejected.

Sd/-

SABIR AHMED, PSP

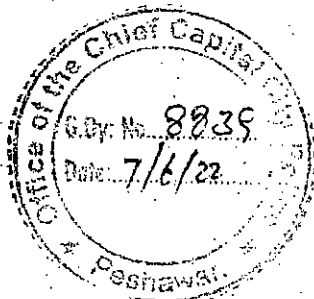
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/1248-54/22, dated Peshawar, the 2/6/2022.

Copy of the above is forwarded to the:

1. Capital City Police Officer, Peshawar. One Service Roll, one Fauji Missal and one enquiry file of the above named Ex-FC received vide your office Memo: No. 2577/CRC, dated 27.10.2021 is returned herewith for your office record.
2. Superintendent of Police, Saddar, Peshawar.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

CCPO _____
 SSP/Coord: _____
 SSP/O _____
 SSP/Invr: _____
 SP/Cantt _____
 SP/City _____
 SP/Rural _____
 SP/Sec _____
 SP/HQ _____
 SSP/Tr _____
 DSP/JOS _____
 DSP/CC ✓
 DSP/FC-II _____
 S/C/Cell _____
 Arms/Sr. 6-22



(DR. LAHID ULLAH) PSP
 AIG/Establishment,
 For Inspector General of Police,
 Khyber Pakhtunkhwa, Peshawar.



9
OFFICE OF THE
SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

Phone No. 091-9210737

No. 7325/PA, Dt: 31/9/2021

TO: The Capital City Police Officer,
Peshawar

Subject: MEDICAL TEST

Memo:

As directed, Ex-constable Falak Zaib No.2187 was referred to KMC, Peshawar for dope/toxicology screening test vide this office letter No.3285/PA dated 02.09.2021.

According to the report received from KMC, Peshawar vide No.794/FM/KMC/2021 dated 03.09.2021, the dope screening test of above named official is positive for tetrahydro Cannabinol (THC). Therefore, original medical test is appended herewith.

SUPERINTENDENT OF POLICE
HQRS: PESHAWAR

وَلَا تَلْبِسُوا الْحَقَّ بِالْبَاطِلِ وَتَكْتُمُوا الْحَقَّ وَأَنْتُمْ تَعْلَمُونَ ۝
 اور جگہ جگہ کے ساتھ کہہ دو اور جان لو کہ جگہ جگہ بات کہہ کر نہ بیجاؤ (القرآن)

CO

DEPARTMENT OF FORENSIC MEDICINE & TOXICOLOGY
KHYBER MEDICAL COLLEGE, PESHAWAR

(Admissible as evidence under section 510 of the Code of Criminal Procedure)

of FARUK ZAIB

by certify that I received by hand a packet from S.P. HERS
S.P. HERS Peshawar alleged to have been dispatched by him/her

at the 2nd of Sep. 2021 referred to in his office No 3285

Dated 2-9-2021 and received by me on the 3-9-2021

1. The packet consisted of 1 Parcel was sealed with a seal bearing the impression of the invoice here on to attached. And reached me with NO seals intact.

The contents of the packet were as follows:-

- | | |
|------------------|-----------|
| (a) <u>Urine</u> | (b) _____ |
| (c) _____ | (d) _____ |
| (e) _____ | (f) _____ |

2. The above seals were opened in my presence and the contents of the packet were duly examined by me remaining under my immediate custody until the examination was completed.

3. The material / samples I was led to examine for were Chemical analysis

4. The result was as follows:-

Simpell
 ASSISTANT CHEMICAL EXAMINER
 (BIOCHEMIST)

Urine specimen of the above
mentioned person is positive
for Tetrahydrocannabinol (THC)
only.

5. Note:-

- (i) This report is being issued without any cutting/eraser or over writings.
- (ii) For the tests performed to reach the above mentioned results kindly see overleaf.
- (iii) Any report without embossing mark is not genuine.

No. 774 /FM/KMC/200²/1

KMC. Peshawar.

Chemical examiner office:

The 3-9-2021 200

Enclosures:-

1. GENERAL ALKALOIDS:-

- Heroin _____
- Morphine _____
- Cannabinol _____
- Atropine _____
- Hyoscine _____
- Strychnine _____
- Brucine _____

2. VOLATILE POISONS:-

- Ethyl Alcohol _____
- Methyl alcohol _____
- Hydrocyanic acid _____
- Formaldehyde _____
- Phenols _____
- Organophosphates _____
- Chlorinated hydrocarbons _____

ALCOHOL ANALYSIS REPORT:-

- Potassiumdichromate Test _____
- Sulphomolybdate Test _____
- Ethylbenzoate Test _____

SEMAN ANALYSIS:-

- Berberio's Test _____
- Florence's Test _____
- Of Spermatozoa. _____

3. METALLIC POISONS:-

- Arsenic _____
- Mercury _____
- Lead _____
- Copper _____
- Silver _____
- Tranquillizer _____
- Barbiturates _____
- Hypnotics _____

Simpell

File No: 38613
Date: 8-11-19

جناب عالی!

بحوالہ مشمولہ انگوائری نمبری 270 مورخہ: 29.11.2017 موصول از دفتر PA جناب SP صاحب ہیڈ کوارٹر جسٹس کنستبل فلک زیب 2187 جو کہ مورخہ 03.11.2017 پولیس لائن سے غیر حاضر ہو کر بدستور غیر حاضری پر شوکار نمبری 253 مورخہ 28.09.2017 بجاریہ از دفتر جناب SP صاحب ہیڈ کوارٹر جسٹس کنستبل فلک نے جواب داخل نہ کر کے بالا غیر حاضری پر اسکے خلاف افسران بالا صاحبان نے انگوائری مقرر فرما کر سن RI ہیڈ کوارٹر کو انگوائری افسر نامزد کیا ہے۔ اس سلسلے میں ذیل انگوائری ترتیب دی گئی ہے۔

1. کنستبل متذکرہ بالا کا بیان قلمبندی کیلئے بحوالہ پروانہ جات نمبری 561, 1076, 1428, 1563 مل ترتیب مورخہ 12.07.2018, 27.03.2018, 17.05.2018, 28.06.2018, 12.07.2018 تحریر کیا جا کر شامل انگوائری ہے۔

2. محرر پولیس لائن سے جواب موصول ہو کر مذکورہ کو بصورت تبادلہ بحوالہ نمبر 61 روز نامہ 10.05.2018 روانہ تھا۔ انقلاب کیا گیا ہے۔ جس پر محرر تھا۔ انقلاب کو پروانہ نمبری 2304 مورخہ 03.10.2018 کو کنستبل بالا کی بیان قلمبندی کیلئے تحریر کیا جا کر شامل انگوائری ہے

3. محرر تھا۔ انقلاب کو دوبارہ بحوالہ پروانہ نمبری 2568 مورخہ 16.10.2019 مذکورہ کی بیان قلمبندی کیلئے تحریر کیا جا کر شامل انگوائری کی گئی۔

4. مذکورہ کنستبل کا پوسٹنگ ریکارڈ حاصل کر کے شامل انگوائری کی گئی ہے۔

5. مذکورہ کنستبل کو بارہا بذریعہ ٹیلی فون نمبر 0311-5877878 مطلع کیا گیا۔

6. مذکورہ کی تفہیمات غیر حاضری اور حاضری پولیس لائن حاصل کر کے شامل انگوائری ہے۔

کنستبل مذکورہ بحوالہ مد 68 روز نامہ 03.11.2017 حسب اطلاع کنستبل نوادون آپریٹر جناب SP صاحب رینج FRP کہ متذکرہ بالا

کنستبل جج جناب کلیم ارشد صاحب کے ساتھ بطور گنہگار تھا اور مورخہ 20.10.2017 سے غیر حاضر ہے۔ اطلاع پر سر دست مذکورہ کنستبل کو بحوالہ مد 68 روز نامہ 06.12.2017 کو اپنی حاضری کی رپورٹ درج روز نامہ کی ہے۔ جو کہ ٹوٹل غیر حاضری 33 یوم بنتی ہے۔ مذکورہ کو اسی طرح بحوالہ مد 61 روز نامہ 10.05.2018 بصورت تبادلہ پولیس لائن سے تھا۔ انقلاب روانہ کیا گیا ہے۔ محرر انقلاب کو بذریعہ تحریری پروانہ مذکورہ کنستبل کی بیان قلمبندی کیلئے تحریر کیا گیا جو کہ برطبق مد محرر تھا۔ انقلاب رپورٹ کہ اس نام کا سابقہ یا موجودہ ریکارڈ تھا۔ ہذا پر کوئی بھی انکار موجود نہیں ہے۔ اسی بناء پر کنستبل فلک زیب 2187 کو اسکے موبائل نمبر پر بارہا مزید طلب کیا گیا لیکن باوجود بالا حالات و واقعات، حملہ طلبی پروانہ جات اور ٹیلی فون اطلاعات مذکورہ تا حال انگوائری افسر کے رو برو پیش نہیں ہوتا۔

(FINDING REPORT)

درج بالا حالات و واقعات اور جملہ حقائق و انگوائری رپورٹ سے عیاں ہو سکتا ہے کہ مذکورہ کنستبل فلک زیب 2187 جو کہ پولیس لائن سے کل 33 یوم غیر حاضر رہا ہے۔ اور عرصہ غیر حاضری کے متعلق مذکورہ کے پاس کوئی ٹھوس ثبوت یا خاص وجہ نہیں ہے کہ وہ اپنی غیر حاضری کے متعلق انگوائری افسر سے مطمئن کر سکے۔ بدین وجہ رو برو زبردستی پیش ہونے سے کتراتا ہے اور عرصہ دراز سے باوجود بارہا تحریری پروانہ جات طلبی اور بذریعہ ٹیلی فون اطلاعات حاضری آ کر زیر دستگی اس نتیجے پر پہنچا ہے کہ مذکورہ نے دیدہ دانستہ بغیر کسی خاص وجہ یا عذر طویل عرصہ پولیس لائن سے غیر حاضری کی ہے۔ کل 33 یوم غیر حاضری کیلئے بلاتمخواہ کیے جانے اور دوسری چھوٹی ٹھکانہ سزا کی تجویز پیش کی جاتی ہے۔ اس قدر انگوائری رپورٹ مرتب ہو کر ارسال خدمت ہے۔

ریزرو انسپکٹر

ملک سعد شہید پولیس لائن پشاور

Approved as recommended by E.O.
E/O-27
Superintendent of Police
HQs: C.O.P.

12

OFFICE OF THE
DEPUTY SUPERINTENDENT OF POLICE,
BADHABER CIRCLE PESHAWAR

NO. 85/E/PA, DATED PESHAWAR: 16/10/2021

Subject: DISCIPLINARY PROCEEDINGS AGAINST FALAK ZEB
NO.2187 OF PS/MATTANI.

Memo:

Please refer to your Memo: No.85/E/PA (SP/Saddar) dated 16/10/20 on the subject cited.

STATEMENT OF ALLEGATIONS

Constable Falak Zeb No.2187, of PS Mattani Peshawar
committed the following irregularities:-

- i). "While he posted to Police Station Mattani, he absented yourself from lawful duty from 29.9.20 till to date without permission or information of your senior officers. It was also reported that he is habitual absentee and not taking interest in his legitimate duties.
- ii). That all the above acts amount to gross misconduct, negligence, inefficiency and malafide on his part for which he is liable for punishment as defined in Police Department Rules 1975.

On the basis of above allegations he was charge sheeted and summary of allegations by the Worthy SP/Saddar Division Peshawar and the undersigned was appointed as enquiry officer.

On the basis of the above allegations, charge sheet and summary of allegations against him was prepared by the Worthy Superintendent of Police Saddar Division Peshawar and the undersigned was appointed as enquiry officer.

PROCEEDINGS:-

With reference to the allegations leveled against him, he was called through summons/parwanas (copies attached) and through his cell phone No.03115877878 and time and again to attend the office of the undersigned, but he did not appear before the undersigned. This shows lack of interest in the duty and slackness. Being a person of the discipline force, his act of non-appearance before the undersigned is high objectionable, condemnable and amounts to gross misconduct on his part & required to be dealt with Ex-Parte action as he intentionally avoided his appearance before the undersigned in spite of repeated summons/parwanas and through his cell phone.

SUB-DIVISIONAL POLICE OFFICER,
BADHABER CIRCLE PESHAWAR.

Hameed Gul Memorial Ultrasound Institute

Medical Education Director

Senior Consultant Sonographer

Dr. Nasir Hameed

M.B.B.S (Pak) PhD Medical Ultrasound (UOL PAK)
PhD Radiology (Swiss)
PG Diploma in Medical Education (UK)
Associate Fellow, Higher Education Academy (UK)
Associate Professor in Medical Imaging
University of Central Lancashire, United Kingdom



PMDC Reg No: 3968N
HCC Reg No: 00237

Dr. Saeeda Gul Momand

M.B.B.S (Pak), PG Diploma Ultrasound (Pesh),
M.Phil Ultrasound (UOL Pak), ICEAF (USA)

Ultrasound Specialist

Dr. Kulsom Shoab

M.B.B.S (Pak), PG Diploma Ultrasound (Pesh)

13

Name: Mrs. Shaheen / Falak zeb

Dated: 07.10.2020

C-No: TVS-004

Transvaginal Ultrasonography of The Pelvis

Scan shows enlarged retroverted uterus containing a gestational sac with foetal echoes in it.

Foetal Cardiac Activity is NOT appreciated.

A note is made of collapsed yolk sac.

CRL 1.0 Cm

Gestation / Age is 07 weeks \pm 5 Days

No adnexal mass is seen.

No free fluid is noted in the cul-de-sac.

Normal urinary bladder.

IMPRESSION

- Transvaginal ultrasound findings are suggestive of MISSED ABORTION.

Dr. Nasir Hameed

Branch 1: Room # A-9/10/14/15 First Floor, Rahim Medical Centre, C-11 Road, Peshawar
Branch 2: 1st Floor, D.H. Medical Tower, Opp. Gynaec. OPD, Gate LRH, Peshawar
Phone: 091-261-72 Email: drnasirhameed@hotmail.com Facebook.com/HEMUIC

Dr. Ejaz Khattak

هو الشانی

ڈاکٹر مسٹر اعجاز خٹک

B.H.M.S, R.H.M.P., (Islamabad)

A.C.C.P, M/S Microscopist Health Department

Rahim Abad No.2,

Shaheen Muslim Town Peshawar

Mobile:0345-9419381

ایم۔ ڈی (ای۔ ای۔ ای) آر۔ ای۔ ای۔ ایم۔ پی

ایس۔ سی۔ پی، ایس۔ ایس۔ پی (LHV)

ایس۔ ایس۔ پی

رحیم آباد ٹاؤن شاہین مسلم ٹاؤن پشاور

Name: W/O محمد زید Date: 7/12/2020

Ref/ by: _____

FINDINGS

OBSTETRIC U/S

Size & Number of Sac (s) Single

Number of Fetus (s) _____

Presentation: _____

Lie: _____

F. Sex: _____ F. Spine: _____

F. Heart beat Absent F. Movements Absent

CRL: _____

BPD: _____ FL: _____

HC: _____ AC: _____

F. Gestation Age (w + 1w) EDD 7-6-2021

F. Weight: _____

Amount of Liquor: _____

Placenta: _____

Fetal Anatomy missed abortion

Dr. Ejaz Khattak

D.H.O. 5, R.H.M.P., (Islamabad)
B.A.C.C.P, M/S Microscopist Health Department
Rahim Abad No.2,
Shaheen Muslim Town Peshawar
Mobile:0345-9419381

موراشانی

ڈاکٹر عجاز خٹک

ایم۔ ڈی۔ (سی۔ ایچ۔ اے۔ ایف۔ ایف۔ سی) (ایم۔ بی۔ بی۔ ایس۔ ایف۔ ایف۔ سی)
ایڈیوکیٹڈ میڈیسن (ایم۔ بی۔ بی۔ ایس۔ ایف۔ ایف۔ سی)
ایڈیوکیٹڈ پبلسک
ایم۔ بی۔ بی۔ ایس۔ ایف۔ ایف۔ سی

Name: w/o [unclear] Date: 8-10-20

Ref/ by: _____

FINDINGS

OBSTETRIC U/S

Size & Number of Sac (s).....

Number of Fetus (s).....

Presentation:.....

Lie:.....

F. Sex:..... F. Spine:.....

F. Heart beat..... F. Movements.....

CRL.....

BPD..... FL.....

HC..... AC.....

F. Gestation Age..... EDD.....

F. Weight.....

Amount of Liquor.....

Placenta.....

Fetal Anatomy.....

+1
3 3

Acute
Blood
amp

Hb 12

790

99mm

for 32w

==

BIO DATE OF FALAK ZAIB s/o JEHAN ZEB FOR APPEARING IN THE ORDERLY ROOM

Dy. No. 937
 Dt. 14.7.2021
 (Handwritten signature)

17

3488
 14/7/21

Sl. No	Home Address	Date of Enlistment	Charges					E.O. Name/Recom:	Punishment	Plea of the Applicant	Remarks/Opinion of DSP/Legal	Order of the CCPO					
187	Wazir Bagh Peshawar	04.04.2011	Short facts leading to the instant appeal are that the accused constable while posted at PS Mattani was proceeded against departmentally on the charges of his wilful absence period w.e. from 29.09.2020 till his dismissal i.e 31.03.2021 (Total 06 Months 02 Days).					DSP Badhber EX- Parte	Dismissed From Service. (P.R.1975) By SP Sadder Division: Peshawar vide O.D. No.1031 Dt. 31.03.2021. (Time barred for 17 Days)	Request to set-aside the punishment	Perusal of the relevant record reveals that punishment order passed by the competent authority is in accordance with law						
		Total Clfy: Service															
		09-years, & 26-days															
		D.O.B.															
		21.06.1986															
		Education											Entries:-				
		Metric											Bad	Minor	Major	Good	
		Courses											15	08	02	Nil	

(Handwritten signature)

POWER OF ATTORNEY

In the Court of

*Muhsin Pakhtun Pleader Service Tribunal
Falak Zeb*

} For
} Plaintiff
} Appellant
} Petitioner
} Complainant

VERSUS

The P.O. KMC and others.

} Defendant
} Respondent
} Accused

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____
Fixed for _____

I/We the undersigned, do hereby nominate and appoint

ZARFAJ ANWAR & IMRAN KHAN ADVOCATES, my true and lawful attorney, for me in my same and on my behalf to appear at *Keshus* to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits, Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so. any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee; and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at _____
the _____ day to _____ the year _____

Executant/Executants _____
Accepted subject to the terms regarding fee _____

Imran Khan
IMRAN KHAN
Advocate High Court
Mob 0245-9901618

Zarfaj Anwar
ZARFAJ ANWAR
Advocate High Courts
ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT
FR-5, Fourth Floor, Bilawal Plaza, Saddar Road, Peshawar Cantt
Mobile-99-3369183
BC-10-91
CNIC: 15301-0181

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR. S.B

No.

APPEAL No. 1127 of 20 22

Falak Zaib

Appellant/Petitioner

Versus

The provincial police Officer UPN

RESPONDENT(S)

Respondant No. 1

Notice to Appellant/Petitioner

The provincial police Officer
UPN Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 7/10/2022 at 9 am.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

copy of appeal
is attached

for Reply

21-9-2022

Registrar

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR. S.B

No.

APPEAL No.....1127..... of 20 22

Falan Zaib

Apellant/Petitioner

Versus

The P-P-O KPK Peshawar

RESPONDENT(S)

Respondent No. 2

Notice to Apellant/Petitioner

Additional Inspector
General of Police HQrs.
KPK Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 7/10/22 at 9:am.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

copy of E.P
is attached for Reply

[Signature]
[Signature]

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

[Signature]
21-9-2022

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, S.B
PESHAWAR.

No.

APPEAL No..... 1127 of 20 22

Falak Zaib

Appellant/Petitioner.

Versus

the P.P.O KPK Peshawar

RESPONDENT(S)

Respondent No. 3

Notice to Appellant/Petitioner

capital city police
Offices Peshawar.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 7/10/2022 at 9: am

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

copy of Appeal
is Attached

R. Shah
29/9/22

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

For Reply

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.1127 /2022.

Ex-Constable Falak Zaib No.2187 of CCP Peshawar..... **Appellant.**

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. . **Respondents.**

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.1127 /2022.

Ex-Constable Falak Zaib No.2187 of CCP Peshawar..... **Appellant.**

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. . **Respondents.**

REPLY BY RESPONDENTS NO. 1 to 3.

Respectfully Sheweth:-

PRELIMINARY OBJECTIONS:-

1. That the appeal is badly barred by law & limitation.
2. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
3. That the appellant has not come to Hon'ble Tribunal with clean hands.
4. That the appellant has no cause of action and locus standi to file instant appeal.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant has concealed the material facts from this Hon'ble Tribunal.
7. That the appeal is not maintainable being devoid of any merit.

REPLY ON FACTS:-

1. Pertains to record, however the performance of appellant during service was not upto the mark.
2. Incorrect. The appellant has not a clean service record and earned 15 bad entries in his credit i.e 08 Minor and 02 Major punishments on different occasions during his service. (Copy of list as annexure A)
3. Incorrect. In fact the appellant while posted at Police Station Mattani, Peshawar willfully absented himself from his lawful duty w.e.from 29.09.2020 to 31.03.2021 (total 06 months and 02 days) without taking any Leave/Permission. In this regard, he was issued Charge Sheet and Statement of Allegations. SDPO Badhaber conducted the enquiry into the charges. After completion of the enquiry proceedings, the appellant was issued final show cause notice, but he failed to receive in spite of repeated summons. The appellant was summoned and also contacted on his cell phone No.03115877878 with the direction to appear before the enquiry officer, but the appellant did not bothered to attend the enquiry proceedings. The enquiry officers has finalized the enquiry and submitted his findings, wherein the allegations of wilful absence were proved against him. After the receipt of the findings, Final Show Cause Notice was issued to him, but he deliberately avoided to appear and defend himself. After observing all codal formalities, he was awarded major punishment of dismissal from service. (Copy of charge sheet, statement of allegations, enquiry report, Final Show Cause Notice are annexure as B,C,D,E)

4. Incorrect. The competent authority before imposing the Major penalty had completed all codal formalities by issuance summons/parwana time and again also contacted on his cell phone No.03115877878, but appellant being dis interested in his official duty remained constantly absented for long period without any leave/permission, hence he was awarded Major punishment of dismissal from service.
5. Incorrect. The appellant has preferred time barred departmental appeal, which was properly processed and also heard him in person by the appellate authority, however he failed to defend himself with plausible/justifiable grounds, meanwhile department has send his blood sample for screening test to KMC, Peshawar as well, wherein it was revealed that appellant has positive for tetrahydro cannabino (THC) hence appeal of the appellant was rejected/ filed having no legal footage and time barred.(copy of report is annexure as "F")
6. Incorrect. The appellant has preferred revision petition before the appellate authority, which after due consideration was also filed/rejected on the same grounds.
7. Incorrect. Orders passed by the competent authority are legal and lawful hence is liable to be maintained. Moreover, appeal of the appellant being devoid of merits and limitation may be dismissed on the following grounds.

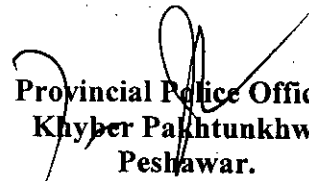
REPLY ON GROUNDS:-

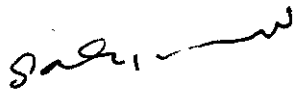
- A. Incorrect. The appellant was treated as per law/rules and no violation of his right has been done by the respondent department.
- B. Incorrect. Charge sheet with statement of allegations was issued to the appellant. Regular inquiry was conducted and thereafter he was issued a final show cause notice, by given him proper opportunity of personal hearing, but he was failed to defend himself, hence after fulfilling all the codal formalities he was awarded the Major punishment of dismissal from service under Police Rules 1975 (amended 2014).
- C. Incorrect. The appellant has deliberately absented himself from his lawful duty for such long period, and took the plea that his wife was ill but failed to produce any relevant documents of her illness. The appellant is drug addict and deliberately absented from his lawful duty without leave /permission.
- D. Incorrect. The appellant being member of a disciplined force was proceeded against departmentally under rules ibid. After fulfillment of all codal formalities he was awarded Major punishment on the charges of his long absence period which is not tolerable in the disciplined force.
- E. Incorrect. The appellant was willfully absented from his lawful duty without taking any leave/ permission from his Superior Officers.
- F. Incorrect. The competent authority before imposing the Major punishment had completed all codal formalities and an ample opportunity of self defense was provided to the appellant, but he failed to defend himself.

- G. Incorrect. Being a member of a disciplined force, the appellant was well aware about the proceedings and its consequences. However he was deliberately absented from his lawful duty without leave /permission. Therefore, the punishment orders were passed by competent authority and Appellate authority on the charges of his long absence period which is not tolerable in the disciplined force.
- H. Incorrect. The appellant is a habitual absentee. He earned 15 bad entries, 08 minor punishments and 02 Major punishments on the ground of his willful absence. In fact the appellant is not interested in his official duty, hence was rightly be awarded the Major punishment of dismissal from service under rules ibid.
- I. Incorrect. The appellant himself is responsible for the situation by remained constantly absented from duty for long period without any leave/permission, hence the punishment orders were passed.
- J. Respondents also seek permission of this Hon'ble Tribunal to raise additional grounds at the time of arguments.

PRAYERS:-

It is therefore most humbly prayed that in light of above facts and submissions, the appeal of the appellant being devoid of merits , limitation and legal footing, may kindly be dismissed with cost please.


Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.


Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.


Capital City Police Officer,
Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.1127/2022.

Ex- Constable Falak Zaib No.2187 of CCP, Peshawar.....Appellant.

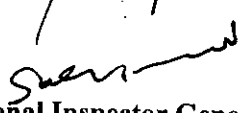
VERSUS.

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. Respondents.

AFFIDAVIT.

We respondents 1, 2, and 3 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and nothing has concealed/kept secret from this Honorable Tribunal.


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.


Additional Inspector General of Police,
HQs: Khyber Pakhtunkhwa, Peshawar.


Capital City Police Officer,
Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.1127/2022.

Ex- Constable Falak Zaib No:2187 of CCP, Peshawar.....Appellant.

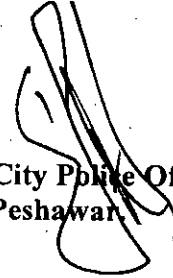
VERSUS.

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. Respondents.

AUTHORITY.

I, Capital City Police Officer, Peshawar, hereby authorize Mr.Ahmad Jan SI legal of Capital City Police, Peshawar to attend the Hon'ble Court and submit written reply, statement and affidavit required for the defense of above service appeal on behalf of respondent department.

Capital City Police Officer,
Peshawar.



Name/No	Home Address	Date of Enlistment	Charges				E.O Name/Recom:	Punishment	Plea of the Applicant	Remarks/ Opinion of DSP/Legal	Order of the CCPO				
EX-FC Falak Zaib No.2187	Wazir Bagh Peshawar	04.04.2011	Short facts leading to the instant appeal are that the accused constable while posted at PS Mattani was proceeded against departmentally on the charges of his wilful absence period w.e. from 29.09.2020 till his dismissal i.e 31.03.2021 (Total 06 Months 02 Days).				DSP Badhber EX- Parte	Dismissed From service. (P.R 1975) By SP Saddar Division: Peshawar vide OB No.1031 Dt: 31.03.2021 (Time barred for 17 Days)	Request to set-aside the punishment	Perusal of the relevant record reveals that punishment order passed by the competent authority is in accordance with law.					
		Total Qlfy: Service													
		09-years, & 26-days													
		D.O.B													
		21.06.1986													
		Education										Entries:-			
		Matric													
		Courses										Bad	Minor	Major	Good
	15	08	02	Nil											

OFFICE OF THE
SUPERINTENDENT OF POLICE,
SADDAR, CCP, PESHAWAR

NO. 28/E/PA


DATE: 16-10/2020

Annexure B

CHARGE SHEET.

Salam Khalid, Superintendent of Police, Saddar Division, Peshawar, as competent authority, hereby charge you Constable Falak Zeb No. 2187 of PS Mattani as follow:-

- i) While you posted to PS Mattani, you absented himself from lawful duty vide DD No. 45 dated 29.09.2020 till to date without the permission of his seniors. It was also reported that you not taking interest in his official duty.
- ii) This amounts to gross misconduct, negligence and malafide on your part for which you are liable for punishment as defined in Police Disciplinary Rules, 1975.
1. By the reasons of the above, you appeared to be guilty of misconduct under Police Disciplinary Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in the said Rules.
2. You are therefore, required to submit your written defense within seven days of the receipt of this charge sheet to the Inquiry Officer/Committee.
3. Intimate whether you desire to be heard in person?
4. A Statement of allegation is enclosed.


Superintendent of Police Saddar Division
CCP, Peshawar.

Annexure C

OFFICE OF THE
SUPERINTENDENT OF POLICE,
SADDAR, CCP, PESHAWAR

NO. 85/E /PA

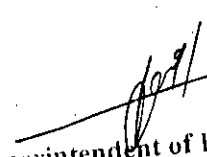
DATE: 16-10 /2020

DISCIPLINARY ACTION AGAINST FC FALAK ZEB NO. 2187 OF PS MATTANI.

Abdus Salam Khalid Superintendent of Police, Saddar Division, Peshawar, as competent authority, am of the opinion that FC Falak Zeb No. 2187 has rendered himself liable to be proceeded against as he has committed the following acts/omissions within the meaning of Police Disciplinary Rules, 1975.

STATEMENT OF ALLEGATIONS.

- i) While he posted to PS Mattani, he absented himself from lawful duty vide DD No. 45 dated 29.09.2020 till to date without the permission of his seniors. It was also reported that you not taking interest in his official duty.
- ii) That all the above acts amount to gross misconduct, negligence, inefficiency and malafide on his part for which he is liable for punishment as defined in Police Disciplinary Rules, 1975.
- iii) For the purpose of scrutinizing the conduct of said accused with reference to the above allegations: Sgt. Badshah is deputed as the Inquiry Officer.
- iv) The Inquiry shall be conducted in accordance with the provision of the Rules to provide reasonable opportunity of hearing to the accused officer, record its finding within 15 days of the receipt of this order & make recommendations as to punishment or other appropriate action against the accused.
- v) The accused shall join the proceeding on the date and time and place fixed by the Inquiry Officer.


Superintendent of Police Saddar Division
CCP, Peshawar.

Copy of above is submitted to the I.O for initiating proceeding against the defaulter under the provision of Police Disciplinary Rules, 1975.

2- FC Falak Zeb of PS Mattani is directed to submit the reply to the charge sheet and summary of allegations.

Call the subject

Annexure D

OFFICE OF THE
DEPUTY SUPERINTENDENT OF POLICE,
BADHABER CIRCLE PESHAWAR

Subject: NO. 85/E/PA, DATED PESHAWAR 12/2021
DISCIPLINARY PROCEEDINGS AGAINST FALAK ZEB
NO. 2187 OF PS/MATTANI.

Memo: Please refer to your Memo: No.85/E/PA (SP/Saddar) dated 16/10/20 on the subject cited.

STATEMENT OF ALLEGATIONS

Constable Falak Zeb No.2187, of PS Mattani Peshawar

committed the following irregularities:-

- i). "While he posted to Police Station Mattani, he absented yourself from lawful duty from 29.9.20 till to date without permission or information of your senior officers. It was also reported that he is habitual absentee and not taking interest in his legitimate duties.
- ii). That all the above acts amount to gross misconduct, negligence, inefficiency and malafide on his part for which he is liable for punishment as defined in Police Department Rules 1975.

On the basis of above allegations he was charge sheeted and summary of allegations by the Worthy SP/Saddar Division Peshawar and the undersigned was appointed as enquiry officer.

On the basis of the above allegations, charge sheet and summary of allegations against him was prepared by the Worthy Superintendent of Police Saddar Division Peshawar and the undersigned was appointed as enquiry officer.

PROCEEDINGS:-

With reference to the allegations leveled against him, he was called through summons/parwanas (copies attached) and through his cell phone No.03115877878 and time and again to attend the office of the undersigned, but he did not appear before the undersigned. This shows lack of interest in the duty and slackness. Being a person of the discipline force, his act of non-appearance before the undersigned is high objectionable, condemnable and amounts to gross misconduct on his part & required to be dealt with Ex-Parte action as he intentionally avoided his appearance before the undersigned in spite of repeated summons/parwanas and through his

11.9.2021

1/4
Sue P.S.N
SP/Saddar

Annexure E

OFFICE OF THE
SUPERINTENDENT OF POLICE
SADDAR, CCP, PESHAWAR

DATE: 22/02/2021

NO. 8S/E/PA,

FINAL SHOW CAUSE NOTICE.

I, Waqar Ahmed, Superintendent of Police, Saddar, CCP Peshawar, as competent authority under the Police Disciplinary Rules, 1975 do hereby serve you FC Falak Zeb No. 2187 of PS ^{Matter} ~~Sarband~~, follow:-

- a) That consequent upon the completion of enquiry against you by Enquiry Officer SDPO Badhber Peshawar for which you are given opportunity of hearing and producing evidence.
- b) On going through the finding of Enquiry Officers submitted vide memo: No. 45/E/ST dated 19.02.2021. The material on record and other connected papers including your defense before the said Enquiry Officers.

I am satisfied that you have committed the following acts/omissions specified in the said rules.

That during the departmental enquiry you were found guilty by Enquiry Officers on the basis you intentionally avoiding yourself from appearance before the inquiry officer.

- 2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you major/minor punishment under the said rules.
- 3. You are therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate as to whether you desire to be heard in person.
- 4. If no reply to this notice is received within 15 days of its delivery, it shall be presumed that you have no defense to put-in and in that case ex-parte action shall be taken against you.
- 5. Copy of the findings of Enquiry Officer is enclosed.

No. /E/PA

Dated.

*awarded minor punishment
of dismissal from service*
[Signature]

[Signature]
Superintendent of Police, Saddar Division
CCP, Peshawar

Annexure 'F'

وَلَا تَلْبِسُوا الْحَقَّ بِالْبَاطِلِ وَالتَّكْفُرُوا بِالْحَقِّ وَأَنْتُمْ تَعْلَمُونَ
اور صحیح کو نہ سمجھو گے ساتھ گمراہی کرو۔ اور جان بوجھ کر حق بات کو مست چھپاؤ (القرآن)

DEPARTMENT OF FORENSIC MEDICINE & TOXICOLOGY
KHYBER MEDICAL COLLEGE, PESHAWAR

(Admissible as evidence under section 510 of the Code of Criminal Procedure)

In the case of Falak Zaib

1. I hereby certify that I received by hand a packet from S.P. HQRS of S.P. HQRS Peshawar alleged to have been dispatched by him/her on the 2nd of Sep. 2021 referred to in his office No 3285 Dated 2-9-2021 and received by me on the 3-9-2021

2. The packet consisted of 1 Parcel was sealed with a seal bearing the impression of the invoice here on to attached. And reached me with NO seals intact.

The contents of the packet were as follows:-

- (a) Urine
- (b) _____
- (c) /
- (d) /
- (e) _____
- (f) _____

2. The above seals were opened in my presence and the contents of the packet were duly examined by me remaining under my immediate custody until the examination was completed.

3. The material / samples I was led to examine for were. Chemical analysis

Sunil
ASSISTANT CHEMICAL EXAMINER
(BIOCHEMIST)

4. The result was as follows:-

Urine specimen of the above mentioned person is positive for Tetrahydrocannabinol, (THC) only.

5. Note:-

- (i) This report is being issued without any cutting/eraser or over writings.
- (ii) For the tests performed to reach the above mentioned results kindly see overleaf.
- (iii) Any report without embossing mark is not genuine.

No. 794 /FM/KMC/2021
KMC, Peshawar.
Chemical examiner office:

The 3-9-2021 200
Enclosures:-

1. GENERAL ALKALOIDS:-

- Heroin _____
- Morphine _____
- Cannabinol _____
- Atropine _____
- Hyoscyne _____
- Strychnine _____
- Brucine _____

ALCOHOL ANALYSIS REPORT:

- Potassiumdichromate Test _____
- Sulphomolybdate Test _____
- Ethylbenzoate Test _____

2. VOLATILE POISONS:-

- Ethyl Alcohol _____
- Methyl alcohol _____
- Hydrocyanic acid _____
- Formaldehyde _____
- Phenols _____
- Organophosphates _____
- Chlorinated hydrocarbons _____

SEMAN ANALYSIS:-

- Berberio's Test _____
- Florence's Test _____
- Of Spermatozoa _____

3. METALLIC POISONS:-

- Arsenic _____
- Mercury _____
- Lead _____
- Copper _____
- Silver _____
- Tranquillizer _____
- Barbiturates _____
- Hypnotics _____
- Sedatives _____
- Chloral Hydrates _____

Sunil
CHEMICAL EXAMINER
(BIO-CHEMIST)
DEPARTMENT OF FORENSIC MEDICINE
KHYBER MEDICAL COLLEGE, PESHAWAR