

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 761/2013

Date of Institution ... 26.04.2013
Date of Decision ... 17.05.2022

Ghulam Wajid S/O Muhammad Ghulam Ex Constable No.191
R/O Khali Kaley Tehsil Totalai P.O Gharghoshto District Buner.
... (Appellant)

VERSUS

District Police Officer, Buner and two others.
... (Respondents)

Uzma Syed,
Advocate ... For appellant.

Kabir Ullah Khattak,
Additional Advocate General ... For respondents.

Salah-Ud-Din ... Member (J)
Rozina Rehman ... Member (J)

JUDGMENT

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

“On acceptance of this appeal the impugned orders dated 14.12.2011 and 01.04.2013 may please be set aside and the appellant may please be reinstated with all back benefits.”


2. Brief facts of the case are that appellant was appointed as Constable on the strength of District Police, Buner in BS-05 in the year 2007. He was dismissed from service on the allegations of absentia but was reinstated after awarding minor punishment,

however, he was not informed regarding his reinstatement and consequently, he was re-dismissed on 14.12.2011 without giving any opportunity and without communication of the dismissal order to the appellant. He was unaware of his re-dismissal who came to know on 2nd March, 2013, where-after, he filed departmental appeal which was rejected, hence, the present service appeal.

3. We have heard Uzma Syed Advocate learned counsel for appellant and Kabir Ullah Khattak, learned Additional Advocate General for respondents and have gone through the record and the proceedings of the case in minute particulars.

4. Uzma Syed Advocate learned counsel appearing on behalf of appellant, inter-alia, submitted that the both the impugned orders are illegal against law, rules and natural justice, therefore not tenable. It was argued that no proper departmental inquiry was conducted and that the mandatory provision of law was violated. She contended that the absence of the appellant was not willful but due to lack of knowledge about the dismissal order and that neither the reinstatement order nor the re-dismissal order was ever communicated to the appellant. Further contended that he was condemned unheard, therefore, requested for acceptance of the instant service appeal.

5. Conversely, learned AAG contended that the appellant was repeatedly informed to join his service but he did not take interest and defaulted in joining service, therefore, no departmental inquiry was needed to dismiss him. He contended that the appellant was well

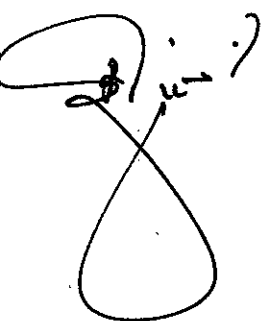


aware of his reinstatement and dismissal order as well and that after fulfillment of all codal formalities, he was rightly dismissed.

6. After hearing the learned counsel for the parties and going through the record of the case with their assistance and after perusing the precedent cases cited before us, we are of the opinion that appellant absented from lawful duty w.e.f 07.04.2011 vide OB No.39 dated 09.04.2011 and DD report No.35 dated 27.05.2011. Consequently, he was proceeded against departmentally and proper inquiry was conducted by the committee consisting of Muhammad Jan Khan DSP and Inspector Bakhti Raj Khan Circle officer investigation Daggar. The committee submitted its report with the conclusion that father of the appellant had proceeded to PTC Hangu for upper College Course and that there was no male member to look after his family, therefore, recommended the defaulter constable Ghulam Wajid for reinstatement in service and the period out of service to be counted as leave without pay. The competent authority i.e. DPO Buner did not agree with the recommendations and he awarded major punishment of dismissal from service vide order dated 20.07.2011. However, his appeal was accepted by DIG Malakand Region Said Sharif Swat and the order of his punishment of dismissal from service was set aside. He was awarded minor punishment of stoppage of two increments with cumulative effect vide order dated 05.11.2011. It was on 14.12.2011, when the appellant was once again dismissed from service on account of his absence w.e.f the date of his reinstatement in service i.e. 05.11.2011. Now, the main argument of the learned counsel for the appellant was that this order of reinstatement by DIG

A handwritten signature or set of initials, possibly 'S. Wajid', written in black ink. The signature is stylized and somewhat circular in shape.

dated 05.11.2011 was never communicated to the appellant as nothing was produced which could show that this order was communicated in time and secondly, it was argued at length that no proper departmental inquiry was conducted into the matter and major punishment of dismissal from service was awarded. No doubt, that the appellant had been dismissed by the DPO but he was reinstated by RPO on 05.11.2011. The comments and entire record in respect of communication of this order dated 05.11.2011 to the appellant is silent and today record was produced in order to show that this order had been communicated to the appellant. A notice in the name of the present appellant is available on file which was not sent through registered post and no witness was associated in order to show proper service of notice upon appellant. The same notice alongwith the report of the DFC was submitted before DPO and a note was put up by the competent authority in shape of "dismissal from service with immediate effect" bearing the signature and date as 13.12.2011. The proper order of dismissal of the present appellant is available on file bearing OB No.228 dated 14.12.2011. As per this order, the appellant was stated to be absent from 05.11.2011 up to 12.12.2011, therefore, he was dismissed from service being habitual absentee w.e.f the date of his reinstatement in service i.e. 05.11.2011. This is the third round of departmental proceedings and as per law, proper departmental inquiry is a must before imposition of major penalty. In the instant case, neither charge sheet alongwith statement of allegations nor any show cause notice was issued in order to inform the appellant in respect of any sort of departmental proceedings. He




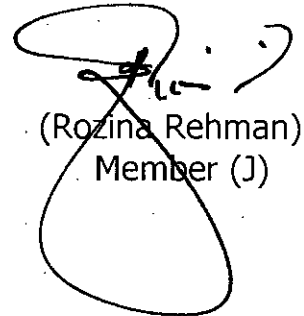
was reinstated in service by DIG on 05.11.2011 and he was re-dismissed on 14.12.2011 but with effect from 05.11.2011.

7. The preceding discussion vividly transpires that the appellant was not treated in accordance with law. As such, the instant service appeal is partially accepted. Appellant is reinstated into service. Case is remitted to the Department with direction to conduct de-novo inquiry within 90 days of the receipt of this judgment. Needless to mention that the appellant shall be provided proper opportunity of defense during the inquiry proceedings. The issue of back benefits shall be subject to the outcome of the de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.

17.05.2022


(Salah-ud-Din)
Member (J)


(Rozina Rehman)
Member (J)


ORDER
17.05.2022

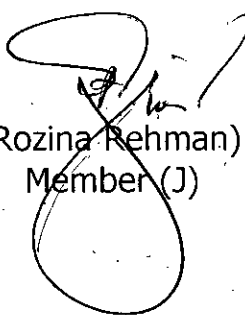
Appellant present through counsel.

Kabir Ullah Khattak, learned Additional Advocate General for respondents present. Arguments heard and record perused.

Vide our judgment of today of this Tribunal placed on file, the instant service appeal is partially accepted. Appellant is reinstated into service. Case is remitted to the Department with direction to conduct de-novo inquiry within 90 days of the receipt of this judgment. Needless to mention that the appellant shall be provided proper opportunity of defense during the inquiry proceedings. The issue of back benefits shall be subject to the outcome of the de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.


ANNOUNCED.
17.05.2022

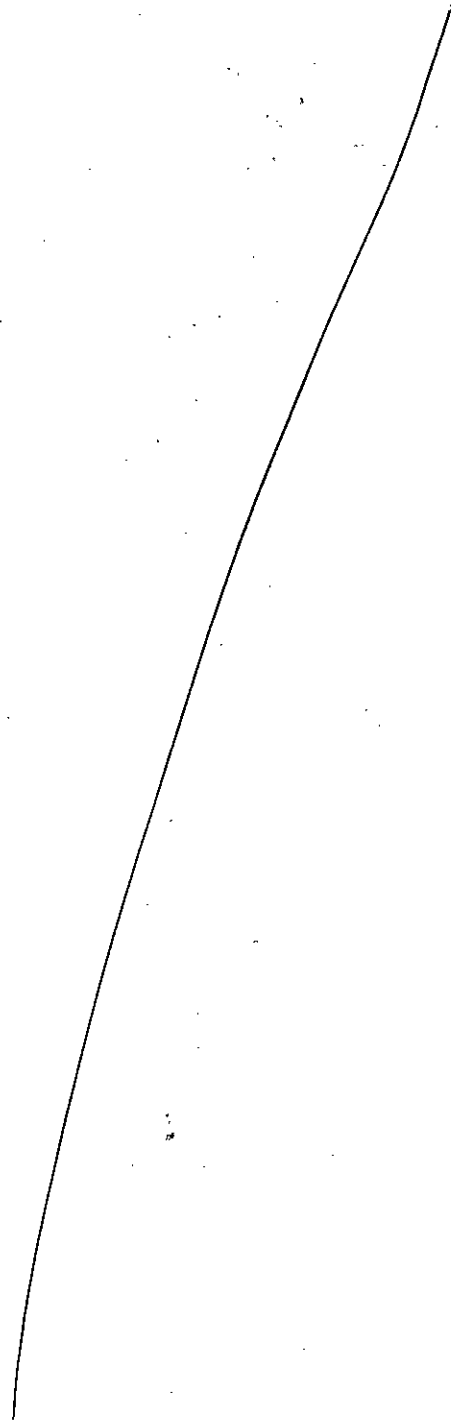

(Salah-Ud-Din)
Member (J)


(Rozina Rehman)
Member (J)

25.02.2022

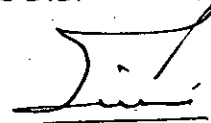
Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 17.05.2022 for the same as before.


Reedley



21.10.2021

Counsel for the appellant and Mr. Noor Zaman Khattak, District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Case to come up for arguments on 25.11.2021 before the D.B.



(Salah-ud-Din)
Member(J)



Chairman

25.11.2021

Appellant in person present.

Mr. Kabirullah Khattak, Additional Advocate General for respondents present.

Learned Member Executive (Mr. Atiq-ur-Rehman Wazir), is on leave, therefore, case is adjourned. To come up for arguments on 25.02.2022 before D.B.



(Rozina Rehman)
Member (J)

12.03.2021

Appellant present through counsel.

Kabir Ullah Khattak learned Additional Advocate General alongwith Inam Ul Haq Sub Inspector for respondents present.

Cost of Rs.3000/- deposited and in this regard proper entry was made in the relevant register. Case was fixed for arguments but issue involved in the instant case is pending before Larger Bench of this Tribunal, therefore, case is adjourned to 18/06/2021 for arguments before D.B.



(Mian Muhammad)
Member (E)

(Rozina Rehman)
Member (J)

Rs. 3000/- (Three thousand only) deposited as cost by appellant on 12-3-2021 under head C03844. Entry made in the process fee register at ss. No. 47.

18.06.2021

Nemo for appellant.

Muhammad Adeel Butt learned A.A.G alongwith Syed Daud Shah S.I (Legal) for respondents present.

Appellant/counsel be put on notice for 21.10.2021 for hearing before D.B.

(Rozina Rehman)
Member(J)

Chairman

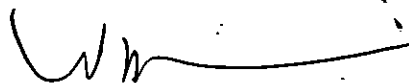
05.07.2018. When the appellant was not represented on the adjourned date. Pertinently, there was no order for issuance of notice to the appellant for 05.07.2018. On 06.08.2018 the appeal was once again adjourned to 05.09.2018 due to summer vacation, again through reader note and was dismissed for non-prosecution on the said date.

7. Upon adjournment on 09.05.2018, it was required that the petitioner was issued notice of appearance for subsequent date, which was not done. Similarly, the service of notice upon the petitioner after 06.08.2018 was also mandatory. The record is however, silent about any order for such notice. In the circumstances, it was not appropriate to dismiss the appeal in default of appearance.

8. We are in agreement with the argument of learned DDA to the effect that the petitioner remained indolent throughout in contacting his counsel and inquiring about the date(s) of hearing in appeal.

9. As stated above, we deem it proper to accept the application in hand and restore the appeal for regular hearing. Appeal No. 761/2013 is, therefore, restored to its original number but against payment of cost of Rs. 3000/- (Three thousand) by the applicant/appellant.

It shall come up for hearing on 12.03.2021 before the D.B.


(Atiq-ur-Rehman Wazir)
Member(E)


Chairman

12.01.2021

Petitioner alongwith counsel and Mr. Asif Masood, DDA alongwith Nosherawan Inspector (Legal) for the respondents present.

1. The representative of respondents has submitted reply to the application which is placed on record.
2. The application in hand is with the prayer for restoration of Appeal No. 761/2013, dismissed for non-prosecution on 05.09.2018.
3. Arguments heard.
4. Learned counsel for the petitioner contended that at the relevant time the petitioner was represented by another counsel who did not inform him regarding dismissal of the appeal in default. The delay in submission of application for restoration was not willful on the part of petitioner but was due to inadvertence and non-communication by the then learned counsel.
5. Learned DDA referred to order dated 07.03.2018, 5.07.2018, 06.08.2018 and argued that the petitioner did not care to appear on the said dates. He is habitual absentee; therefore, the application is not to be regarded. Referring to Rule 19(3) of Khyber Pakhtunkhwa Service Tribunal Rules, 1974, it was stated that for submission of restoration application a period of 15 days was allowable to the petitioner. He failed to observe the rules and went on to submit the application in hand on 10.06.2020, with enormous delay. It was added that the law favoured the vigilant and not the indolent.
6. We have considered the record including the orders of this Tribunal as referred to by learned DDA.



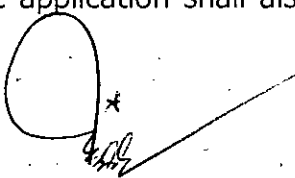

It is true that on the referred dates the petitioner remained absent, however, on 07.03.2018 he was represented by a counsel who sought adjourned to file rejoinder. The case was then posted to 10.05.2018. Astonishingly, instead of 10.05.2018 the case came up on 09.05.2018 and was adjourned on the strength of Reader Note on the said date. It was posted for hearing on



Form-A
FORM OF ORDER SHEET

Court of _____

Appeal's Restoration Application No. 94 /2020

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	23.04 2020	<p>The application for restoration of appeal No. 761/2013 submitted by Uzma Syed Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	02.12.2020	<p>This restoration application is entrusted to D. Bench to be put up there on <u>2-12-2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Petitioner alongwith counsel present. Notices be issued to respondents for 12.01.2021. Reply to the application shall also be submitted on the date fixed.</p> <p style="text-align: center;"> (Mian Muhammad) Member(E)</p> <p style="text-align: right;"> Chairman</p>

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

94/20

APPEAL NO. 761/2013



Ghulam Wajid

V/S

Police Deptt:

**APPLICATION FOR RESTORATION OF APPEAL NO.
761/2013
WHICH WAS DISMISSED ON DEFAULT VIDE ORDER
DATED 05.09.2018.**

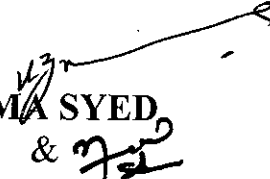
RESPECTFULLY SHEWETH:

1. That the instant appeal No. 761/2013 was filed before this Honorable Tribunal.
2. That the instant appeal was in Argument stage at Camp Court Swat Bench, on date 09.05.2018 the tribunal is non-functional and the next date was fixed for 05.07.2018 but the appellant and his counsel is not aware about the next date so not present and case was adjourned 09.08.2018. on 09.08.2018 the appeal was adjourned due to summer vacation and fixed on 05.09.2018 but no notice was served upon the appellant or his counsel so without notice the appeal of the appellant was dismissed in default vide order dated 05.09.2018. **copy of order is attached as annexure-A.**
3. That the appellant after getting knowledge of dismissed in default order, took the order sheet immediately and file the application. The after getting knowledge application is well in time.
4. That it is in the interest of justice and considering the above submissions that the appeal should be dealt on merit rather to dismiss on default.

It is therefore, most humbly prayed, that the instant appeal No. 761/2013 may be restore on the acceptance of this application.

غلام داود
APPELLANT

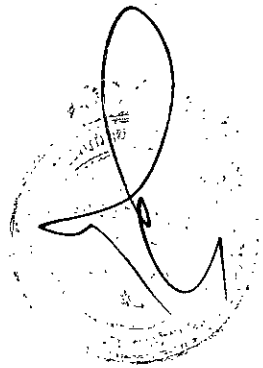
Through:

UZMA SYED
& 
Syed Noman Ali Bukhari
ADVOCATE, High Court

AFFIDAVIT

It is affirmed and declared that the contents of application are true and correct to the best of my knowledge and belief.

غلام داود
DEPONENT



Appeal No # 761 /2013

Ghulam Wajid s/o Muhammad Ghulam
Ex Constable no 191
R/o Khali kaley Tehsil Totalai p.o Gharghoshto District Buner.....Appellant

VERSUS

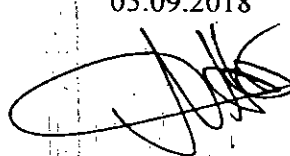
1. District Police Officer Buner.
2. Regional Police Officer Malakand at Swat.
3. Inspector General of Police KPK.....Respondents

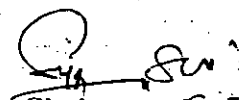
Appeal under section (4) of the Khyber Pakhtunkhwa Service Tribunal Act 1974, against the Order dated 14/12/2011 whereby the Appellant has been dismissed from service and against the Order dated 01/04/2013 whereby the Departmental Appeal of the Appellant was rejected for reinstatement of the Appellant.

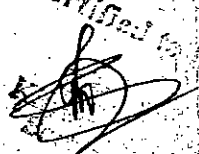
Attestation District Officer
 Security & Investigation

05.09.2018 Neither appellant nor his counsel present. Mr. Usman Ghani, District Attorney for respondents present. Case called for several times but no one appeared on behalf of appellant. On previous date too, no one appeared on behalf of appellant. As such the present service appeal is hereby dismissed in default. File be consigned to the record room.

Announced:
05.09.2018


Member


Chairman S.A. 59.248
Camp Court Swat


Certified true copy
District Officer

Date of Presentation of Copy 04/06/2020
 Number of Copies 400
 Copying Fee 6-00
 Urgent 4-00
 Total 10-00
 Name of Copyist [Signature]
 Date of Completion of Copy 04/06/2020
 Date of Delivery of Copy 04/06/2020

06.08.2018

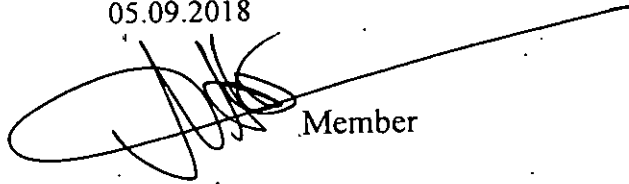
No one present on behalf of appellant. Due to summer vacations, the case is adjourned. To come up for the same on 05.09.2018 at camp court Swat .

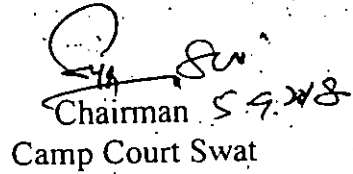

Reader

05.09.2018

Neither appellant nor his counsel present. Mr. Usman Ghani, District Attorney for respondents present. Case called for several times but no one appeared on behalf of appellant. On previous date too, no one appeared on behalf of appellant. As such the present service appeal is hereby dismissed in default. File be consigned to the record room.

Announced:
05.09.2018


Member


Chairman 5928
Camp Court Swat

29.01.2018

Appellant in person present and Addl: AG alongwith Mr. Ismail Shah, SI (Legal) for the respondents present. Appellant seeks adjournment as his counsel is not attendance today. Granted. To come up for arguments on 07.03.2018 before D.B at Camp Court, Swat.

Member

~~Chairman~~
Camp Court, Swat

07.03.2018

None present for the appellant and Addl. AG for the respondents present. Counsel for the appellant seeks adjournment to file rejoinder. Granted. To come up for rejoinder and arguments on 10.05.2018 before the D.B at camp court, Swat.

Member

~~Chairman~~
Camp court, Swat

09.05.2018

The Tribunal is non-functional due to retirement of the Worthy Chairman. To come up for the same on 05.07.2018 before the D.B at camp court, Swat.

Registrar

05.07.2018

Appellant absent. Learned counsel for the appellant absent. Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Adjourned. To come up for arguments on 09.08.2018 before the D.B at camp court, Swat.

06.08.2018

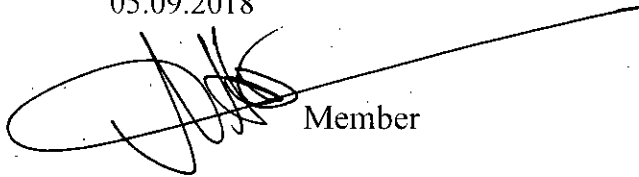
No one present on behalf of appellant. Due to summer vacations, the case is adjourned. To come up for the same on 05.09.2018 at camp court Swat .



Reader

05.09.2018

Neither appellant nor his counsel present. Mr. Usman Ghani, District Attorney for respondents present. Case called for several times but no one appeared on behalf of appellant. On previous date too, no one appeared on behalf of appellant. As such the present service appeal is hereby dismissed in default. File be consigned to the record room.

Announced:
05.09.2018


Member


Chairman 5.9.2018
Camp Court Swat

29.01.2018

Appellant in person present and Addl. AG alongwith Mr. Ismail Shah, SI (Legal) for the respondents present. Appellant seeks adjournment as his counsel is not attendance today. Granted. To come up for arguments on 07.03.2018 before D.B at Camp Court, Swat.

Member

Chairman
Camp Court, Swat

07.03.2018

None present for the appellant and Addl. AG for the respondents present. Counsel for the appellant seeks adjournment to file rejoinder. Granted. To come up for rejoinder and arguments on 10.05.2018 before the D.B at camp court, Swat.

Member

Chairman
Camp court, Swat

09.05.2018

The Tribunal is non-functional due to retirement of the Worthy Chairman. To come up for the same on 05.07.2018 before the D.B at camp court, Swat.

Reader

05.07.2018

Appellant absent. Learned counsel for the appellant absent. Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Adjourned. To come up for arguments on 09.08.2018 before the D.B at camp court, Swat.


Member

Chairman
Camp court, Swat.

09.08.2017

Mr. Muhammad Zahir Khan, Advocate filed fresh wakalatnama on behalf of the appellant. Mr. Muhammad Zubair, District Attorney for the respondents present. The learned counsel seeks adjournment. Adjourned. To come up for arguments on 6.9.2017 before the D.B at camp court, Swat.


Member


Chairman
Camp court, Swat

06.09.2017

Appellant in person and Mr. Muhammad Zubair, District Attorney alongwith Mr. Ismail Shah, ASI for the respondents present. Counsel for the appellant is not in attendance. Appellant seeks adjournment. Adjourned.. To come up for final hearing on 07.11.2017 before the D.B at camp court, Swat.


Member


Chairman
Camp court, Swat.

07.11.2017

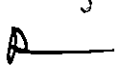
Counsel for the appellant and Mr. Kabir Ullah Khattak, Additional AG alongwith Nowsherawan SI (legal) for the respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 29.01.2018 at Camp Court Swat.


Member


Chairman
Camp Court, Swat

07.09.2016

Appellant in person and Mr. Muhammad Zubair, Sr.GP alongwith Javed Afsar, Inspector (Legal) for the respondents present. Rejoinder submitted. Appellant seeks adjournment as his counsel is not turned up from Peshawar. Adjourned for final hearing before the D.B on 03.01.2017 at camp court, Swat.

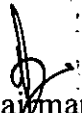

Member


Chairman
Camp Court, Swat

03.1.2017

Appellant in person and Mr. Muhammad Zubair, Sr.GP for the respondents present. Requested for adjournment as counsel for the appellant is not in attendance. To come up for final hearing on 02.5.2017 before D.B at camp court, Swat.


Member


Chairman
Camp court, Swat


02.05.2017

Appellant in person present. Mr. Ismail Shah, ASI alongwith Mr. Muhammad Zubair, District Attorney, for the respondents also present. Due to non-availability of learned counsel for the appellant as well as incomplete bench arguments could not be heard. To come for arguments on 09.08.2017 before D.B at Camp Court Swat.



(MUHAMMAD AMIN KHAN KUNDI)
MEMBER
Camp Court Swat.

2.11.2015 Appellant in person and Mr. Pervaiz Khan, Inspector (legal) alongwith Mr. Muhammad Zubair, Sr.GP for respondents present. Requested for adjournment. To come up for written reply/ comments on 13.01.2016 before S.B at Camp Court Swat.



Chairman
Camp Court Swat

13.01.2016 Appellant in person and Mr. Hashim Ali, ASI alongwith Mian Amir Qadir, G.P for respondents present. Written reply submitted. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 6.6.2016 at Camp Court Swat.


Chairman
Camp Court Swat

06.06.2016 Appellant in person and Mr, Muhammad Zubair, Sr.GP for the respondents present. Due to strike of the bar counsel for the appellant is not in attendance. To come up for ^{rejoinder &} final hearing on 07.09.2016 before D.B at camp court, Swat.


Member


Chairman
Camp court, Swat.

30.07.2015

Counsel for the appellant present and Assistant A.G. for respondents present. Learned counsel for the appellant argued that the case was initially fixed for preliminary hearing and the appellant or his counsel was not served with any notice of fixation of date of hearing and as such the appeal was not properly prosecuted in Court by the appellant and was dismissed in default on 17.12.2013.

The learned Assistant A.G argued that the application is not within time and therefore liable to dismiss.

Record perused according to which the appeal was fixed for preliminary hearing and dismissed in default on 17.12.2013. Since the appellant or his counsel were not in the notice of the appeal as such the application is accepted and appeal restored to its original number. To come up for preliminary hearing on 12.8.2015 before S.B.


Chairman

12.08.2015

Counsel for the appellant and Assistant A.G for respondents present. Learned counsel for the appellant argued that the appellant was serving as Constable when subjected to inquiry on the allegations of habitual absence and dismissed from service vide order dated 20.7.2011 against which the appellant preferred departmental appeal which was rejected on 5.11.2011 and the major penalty converted into minor penalty in the shape of stoppage of two increments. That after reinstatement the appellant was not informed and subjected to another inquiry on the allegations of wilful absence and dismissed from service on 14.12.2011 and after gaining the knowledge of the impugned order he preferred departmental appeal on 7.3.2013 which was rejected on 1.4.2013 and hence the instant service appeal on 26.4.2013.

That the appellant was neither informed of the reinstatement order nor his absence was intentional nor any opportunity of hearing afforded to him.

Points urged need consideration. Admit, subject to limitation. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 2.11.2015 at Camp Court Swat as the matter pertains to the territorial limits of Malakand Division.

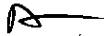

Chairman

Appellant Deposited
Process Fee
Sec



19.05.2015

Mr. Ibrar Hussain, Advocate on behalf of counsel for the applicant present. Learned counsel for the applicant is stated busy before the High Court, Peshawar. Adjourned to 03.06.2015 for arguments on application before S.B.


Member

03.06.2015


Appellant/petitioner with counsel present. Preliminary arguments partly heard. In compliance the proviso to sub rule-3 of rule-19 of the Khyber Pakhtunkhwa Service Tribunal Rules-1974 notice be issued to the respondents for 30.07.2015 for preliminary hearing before S.B.


Member



5
21.10.2014

Clerk of counsel for the appellant present and moved an application for adjournment. Application allowed. To come up for preliminary hearing on 30.12.2014.


Member

6.
Reader Note:

30.12.2014

No one is present on behalf of the appellant. Since the Tribunal is incomplete, therefore, case is adjourned 05.03.2015 for the same.


Reader

7.
05.03.2015

Junior to counsel for the appellant present and requested for adjournment. To come up for preliminary hearing on 06.04.2015.


Member

06.04.2015


None for the petitioner present. Notices be issued to petitioner/counsel for the petitioner. To come up for preliminary hearing on 19.05.2015 before S.B.


Member

Noted
S. B. /
07/04/15

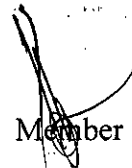
04.03.2014

Counsel for the appellant present and submitted an application for restoration of appeal. To come up for argument on application for restoration of appeal on 14.04.2014.

 Member

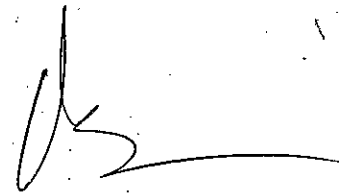
14.04.2014

No one is present on behalf of the appellant. Notices be issued to the appellant/counsel for the appellant. To come up for arguments on application for restoration of appeal on 30.05.2014.

 Member


30.05.2014


Junior to counsel for the appellant present and filed an application for adjournment. Application accepted. To come up for preliminary hearing on 09.07.2014.

 Member

09.07.2014

No one is present on behalf of the appellant. Notices be issued to the appellant/counsel for the appellant. To come up for preliminary hearing on ~~21.10~~ 2014.

 Member

Notef 308⁴
21/10/14
ASSISTANT 

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Misc Application No. _____ /2014

In

Service Appeal No. 761 /2013

Ghulam Wajid

Versus

DPO Buner & others

INDEX

S.No	Description	Annexure	Pages
1.	Restoration application		1-2
2.	Affidavit		3

Dated: 27/02/2014

Petitioner

Through


AURANGZEB KHAN

&


MAZHAR ALI

Advocates, High Court Peshawar

Cell No. 03139118116

Office Add: 26-C, Orakzai Plaza,

University town, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Misc Application No. _____ /2014

In

Service Appeal No. 761 /2013

Ghulam Wajid

Versus

DPO Buner & others

APPLICATION FOR THE RESTORATION OF
ABOVE SERVICE APPEAL NO. _____ /2013

RESPECTFULLY SHEWETH,

1. That the above service appeal no. 761 was fixed on 17/12/2013 before this Honourable tribunal and was dismissed due to non prosecution.
2. That the petitioner request this Honourable tribunal for the restoration of the above captioned service appeal on the following grounds inter alia: -

GROUND: -

- A. That the non appearance of counsel for the petitioner was no deliberate but due to non service.
- B. That the counsel for the petitioner was unaware of the fixation of the case.

- C. That the perusal of summon reveals that infact the process was not served upon the counsel nor contacted through any cell phone etc.
- D. That on 20/02/2014 when counsel for the petitioner inquired about the case from the concerned branch of this Honourable Tribunal it was came into his knowledge that the case titled above was dismissed for non prosecution on 17/12/2013, hence the present petition.
- E. That the petitioner's have valuable interests with the case in hand.
- F. That the petitioner time and again asked from the concerned branch about the fixation of his case, but he was always been told that the branch will summon him.
- G. That the counsel for the petitioner also asked so many times from the concerned branch but was informed that they will summon the counsel.
- H. That there is no restriction of law on restoration of the case in hand.

It is, therefore, requested that on acceptance of this application the service appeal No. 761 may please be restored and may please be decided on its merits.

Dated: 27/02/2014

Petitioner

Through


AURANGZEB KHAN

& 
MAZHAR ALI

Advocates, High Court Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Misc Application No. _____/2014

In

Service Appeal No. 761 /2013

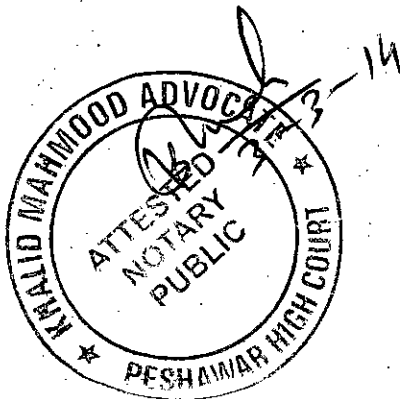
Ghulam Wajid

Versus

DPO Buner & others

AFFIDAVIT

I, Aurangzeb Khan Advocate, High Court Peshawar, Counsel for the petitioner do hereby solemnly affirm and declare on oath that as per instructions of my client the contents of the accompanying restoration application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.



Deponent


AURANGZEB KHAN

Advocate,

High Court Peshawar


Appeal No. 761/2013.
Mr. Ghulam Waheed

17.12.2013

Neither the appellant nor his counsel present. Called for many times but no one is present for the appellant. The appeal is, therefore, dismissed in default in limine. File be consigned to the record.

ANNOUNCED

17.12.2013.

 Member

3. 26.6.2013

Counsel for the appellant present. In pursuance of the Khyber Pakhtunkhwa Service Tribunals (Amendment) Ordinance 2013, (Khyber Pakhtunkhwa ord. II of 2013), the case is adjourned on note Reader for proceedings as before on 05.08.2013.


Reader

4. 05.08.2013

No one is present on behalf of the appellant. Case is adjourned. To come up for preliminary hearing on 30.09.2013.


Member


5. 30.09.2013

No one is present on behalf of the appellant. Case is adjourned. To come up for preliminary hearing on 08.11.2013.


Member

6. 8-11-2013.


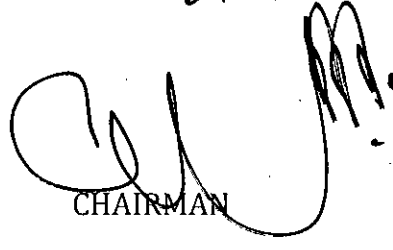
NO one is present on behalf of the appellant - To come for PH on 17-12-13.


(Member)

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 761/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	26/04/2013	<p>The appeal of Mr. Ghulam Wajid presented today by Mr. Aurangzeb Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	13-5-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>26-6-2013</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No # 761 /2013

Ghulam Wajid

VS

DPO District Buner and Others


I N D E X

<u>S.NO</u>	<u>Description of documents</u>	<u>Annexs</u>	<u>Page</u>
1.	Memo of Appeal		1-3
2.	Copy of dismissal order dated 14/12/2011	"A"	4-5
3.	Copy of rejection order dated 01/04/2013	"B"	6
4.	Copy of Departmental appeal.		7-8
5.	Wakalatnama		9

Date: 26 / 04 /2013

Appellant

Through


(Aurangzeb Khan)
Advocate Peshawar
Office: 26-C Orakzai Plaza
University Town Peshawar.
Cell # 03139118116

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No # 761 /2013

G.W.J. Peshawar
Case No. 829
Dated 26/4/13

Ghulam Wajid s/o Muhammad Ghulam
Ex Constable no 191
R/o Khali kaley Tehsil Totalai p.o Gharghoshto District Buner.....Appellant

VERSUS

1. District Police Officer Buner.
2. Regional Police Officer Malakand at Swat.
3. Inspector General of Police KPK.....Respondents

Appeal under section (4) of the Khyber Pakhtunkhwa Service Tribunal Act 1974, against the Order dated 14/12/2011 whereby the Appellant was dismissed from his service and against the Order dated 01/04/2013 whereby the Departmental Appeal of the Appellant was rejected for reinstatement of the Appellant.

Prayer:

That on acceptance of this appeal the impugned orders dated 14/12/2011 and 01/04/2013 may please be set aside and the Appellant may please be reinstated with all back benefits. Any other remedy, with this august Tribunal deems fit and proper that may also be awarded in favor of the appellant

Respectfully Sheweth:-

1. That the appellant was appointed as Constable in BPS- 05 in July 2007 on the strength of district police Buner.
2. That the father of the appellant Mr. Muhammad Ghulam is serving as sub-inspector investigation at P.S Nawagai Buner.

3. That the appellant was dismissed from service on account unavoidable absence on 20/07/2011 vide OB No. 134 and was then reinstated after awarding minor punishment of stoppage of two increment with cumulative effect by the then worthy Regional Police Officer, Malakand at Swat vide rang office Endst no. 6498 / E, dated 05/11/2011. however the appellant was not informed regarding the reinstatement (copy of which has also not been given to the appellant).
4. That the appellant was not communicated / informed regarding his reinstatement in service and consequently the appellant was malafiedly re-dismissed from service on 14/12/2011 without giving any opportunity and the said dismissal order was too not communicated to the appellant. **(Copy of Dismissal order is Annexure "A")**.
5. That the appellant was illegally and malafiedly deprived from his service without holding departmental inquiry and probe into the matter.
6. That the appellant was unaware and did not know about his re-dismissal when after coming into knowledge about the re-dismissal On 2nd March 2013 the appellant after receiving copy of the order filed departmental appeal before the respondent no 2 but the same was rejected on 01/04/2013. **(Copy of rejection order is attached as Annexure "B")**.
7. That the appellant feels aggrieved from the order of District Police Officer Buner dated 14/12/2011 and order dated 01/04/2013 hence the present appeal on the following grounds among others.

Grounds :

- A. That both the impugned orders of the respondents are illegal, against the law, Rules and norms of natural justice, therefore, not tenable, liable to be set aside.
- B. That no departmental inquiry was conducted in the matter, which was mandatory provision of law and Rules have been violated, therefore, the whole proceedings were one sided which is not tenable under the principles of law and justice.
- C. That even the appellant never received any dismissal order and has come to know about that in reply to the departmental appeal and was never associated with any inquiry proceedings.
- D. That the absence was not willful and intentional but due to lack of knowledge about the dismissal order as he was not communicated regarding his reinstatement and re-dismissal from service.
- E. Th at according to law and rules and light of the judgments of the superior courts holding departmental inquiry before dismissal or awarding any kind of departmental punishment is necessary and binding on the competent authority , failing which the penalty and act awarded assumes the status of void abinitio and illegal.
- F. That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is therefore humbly prayed that on acceptance of this Appeal , both the impugned orders may kindly be sit aside and the appellant may kindly be reinstated with all back benefits.

OR

Any other relief deemed appropriate and not specifically asked for may also be granted.

Dated: 26/04/2013

Appellant

G. waJid

Through.

(Handwritten signature of Aurangzeb Khan)

(Aurangzeb Khan)

And

(Handwritten signature of Mazhar Ali)

Mazhar Ali
Advocates Peshawar.

Better copy of Annexure 'A'

Better Copy



ORDER

Constable Ghulam Wajid No 191 was dismissed from service vide the office OB No. 134 dated 20.07.2011, later on he submitted mercy petition against the above order and reinstated in service with award of minor punishment of stoppage of two increment with cumulative effect and also given last chance to the defaulter constable to be careful in future, vide deputy inspector general of police, Malakand Region swat on his Endst: No 6498/E, dated 05/11/2011. in compliance of the order he was informed to join his service vide DD report NO 29 dated 01/12/2011 police lines Daggar through local police, police station totalai on his home address as well as his father SI Muhammad Ghulam. Last notice dated 02/12/2011 was issued for joining the duties and was also called in on 11.12.2011 but failed and remained absent upto 12.12.2011. He is habitual absentee and malinger type official, did not take interest for re-joining his duty. He was also previously dismissed from service vide this office OB No.90 dated 28.08.2008 on account of his absence. His service is not required to police department. Therefore, due to his habitual absentee is hereby re-dismissed from service on account of his absence with effect from the date of re-instatement in service i.e 05/11/2011.

CB No 228
Dated 14/12/2011

Danishwar Khan
District police officer
Buner

No 6085 /E dated 15.12.2011

Copy of the above is submitted to deputy inspector general of police malakand region swat for favour of information please.

District Police Officer
Buner

Attested to be
True copy
Anwar Khan
Advocate

6

Annexure
"A"

ORDER

Constable Ghulam Vajid No. 11 was dismissed from service vide this office OB No. 134 dated 20-07-2011, after on he submitted mercy-petition against the above order and re-instated in service with award of minor punishment of stoppage of two increments with cumulative effect and also given best chance to the defaulter constable to be careful in future, vide Deputy Inspector General of Police, Malakand Region Swat, Office No. 6498/E, dated 05-12-2011. In compliance of the order he was informed to remain in his service vide DD report No. 29 dated 01-12-2011. Police Lines Daggar through Inspector of Police, Police Station Totakai on his home address as well as his father SI Mohammad Ghulam. Last notice dated 02-12-2011 was issued for joining the duties and he was also called in on 12-12-2011 but failed, and remained absent upto 12-12-2011. His habitual absence of malingering type official, did not take interest for re-joining his duty. He was also previously dismissed from service vide this office OB No. 90 dated 28-08-2008 on account of his absence from his services in not required to Police Department. Therefore, due to his habitual absence he is hereby re-dismissed from service on account of his absence with effect from the date of re-instatement in service i.e 05-11-2011.

CB No. 228
Dated 14/12/2011

No. 6085 /E, Dated 15-12-11

Copy of the above is submitted to Deputy Inspector General of Police Malakand Region Swat, for favour of information please.

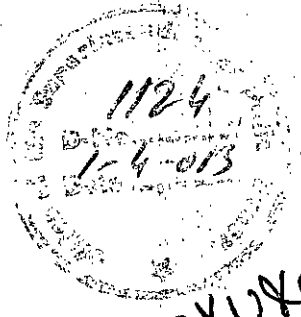
(DANISHWAN KHAN)
DISTRICT POLICE OFFICER
BUN

DISTRICT POLICE OFFICER
BUN

ATTESTED
To be true copy
Aurangaeb Khan
Aurangaeb Khan
Advocate High Court
& Federal Shariat Court of Pakistan.
25-A, Orakzai Bazaar, University Town, Peshawar.

e

6



Annexure "B"

From

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

To

The District Police Officer, Buner.

No.

1746

/E, dated Saidu Sharif, the 1-4-2013.

Subject:

APPLICATION FOR REINSTATEMENT IN SERVICE

Memorandum:

Reference your office Memo: No. 1250/EC, dated 14/03/2013.

Application of Ex-Constable Ghulam Wajid No. 191 of your District for reinstatement in service has been examined and filed by the worthy Regional Police Chief, being time barred.

The applicant may be informed accordingly.

EC

[Signature]
Office Supdt:

For: Regional Police Officer,
Malakand, at Saidu Sharif Swat
Nazim

From
DDO/Buner
1/4/2013

ATTESTED
To be true copy

[Signature]

Aurangzeb Khan
Advocate High Court
& Federal Shariat Court of Pakistan.
28-C, Ordeal Plaza, University Town, Peshawar.

(APPELLATE JURISDICTION)

7

To,

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

Subject: -

**DEPARTMENTAL APPEAL AGAINST THE ORDER OF
DISTRICT POLICE OFFICER, BUNER OB NO. 228
DATED 14.12.2011 WHEREBY THE APPELLANT WAS
ILLEGALLY DISMISSED FROM SERVICE.**

Respectfully Sheweth,

1. That appellant was appointed as constable in BPS - 05 in July 2007 on the strength of district police Buner.
2. That appellant was dismissed from service on account of unavoidable absence on 20.07.2011 vide OB No. 134 and was then reinstated after awarding two increment with cumulative effect by the then worthy Regional Police Officer, Malakand Region at Saidu Sharif Swat vide rang office Endst: No. 6498/E, dated 05.11.2011.
3. That the appellant was not informed regarding his reinstatement in service and consequently the appellant was malafiedly re-dismissed from service on 14.12.2011 vide OB No. 228, and dismissal order was too not communicated to the appellant.
4. That appellant was illegally and malafiedly deprived from his service without holding departmental enquiry and probe into the matter.
5. That the appellant feels aggrieved from the order of District Police Officer, Buner OB No. 228 dated 14.12.2011, therefore the instant appeal inter alia on the following grounds:-

Grounds:-

- (a). That the impugned order is illegal and in violation of law / rules.
- (b). That the order of dismissal is void abinitio, therefore the appellant deserves to be re-instated in service.
- (c). That no departmental enquiry was conducted against the appellant and mandatory provisions of law / Rules have been violated.
- (d). That the Appellant was not associated with the enquiry proceedings and the principle of Natural Justice "Audi Alterm Partem" has been violated

ATTESTED

To be true copy

Aurangzeb Khan
Aurangzeb Khan

Advocate High Court
& Federal Shariat Court of Pakistan.
26-C, Orakzai Plaza, University Town, Peshawar.

(c). That as per judgments of the superior courts holding of departmental enquiry before awarding any kind of departmental punishment is necessary and binding on the competent authority failing which the penalty awarded assumes the status of void abinitio and illegal.

Prayer:-

Keeping in view the above facts and grounds, your good self is requested to kindly set aside the impugned order of District Police Officer, Buner OB No. 228 dated 14.12.2011, whereby the Appellant was dismissed from service and re-instate the appellant with all back / consequential benefits, please.

APPELLANT

G. Wajid

(EX-CONSTABLE GHULAM WAJID NO. 191)

S/O MUHAMMAD GHULAM

SUB INSPECTOR (INVEST:) PS NAWAGAI.

Dated 07 March 2013.

ATTESTED

To be true copy

Aurangzeb Khan

Advocate High Court
& Federal Shariat Court of Pakistan.
25-C, Orakzai Plaza, University Town, Peshawar.

Wakalatnama

BEFORE THE Khyber Pakhtunkhwa Service Tribunal Peshawar

FIR Dated U/S P.S

Ghulam waJid

Petitioner(s)
Plaintiff(s)
Appellant(s) ✓ Appeal
Complainant
Degree Holder

Versus

DPO BUNER & OTHERS

Respondent(s)
Defendant(s)
Accused
Judgment Debtor

I/We Ghulam waJid do here by appoint **Aurangzeb Khan Advocate High Court Peshawar** in the above-mentioned case in the following acts, deeds, and things.

1. To appear act and plead for me/us in the above mentioned case in this court /tribunal in which the same may be tried or heard and any other proceeding arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petition, appeals, affidavit and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents as may be deemed necessary or advisable by them for the conduct prosecution of defense of the said case at all its stages.
3. To receive payment of and issue receipts for all money that may be or become due and payable to us during the course of proceeding and hereby agree:
 - That the Advocate shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this wakalatnama hereunder the contents of which have been read/explained to me/us and fully understand by us this 26 APRIL 2013

Attested & Accepted by:

Aurangzeb Khan
Aurangzeb Khan
Advocate High Court
Peshawar

Mazhar Ali
Advocate

G. waJid
Signature
Thumb Impression

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 761/2015.

Ghulam Wajid s/o Muhammad Ghulam Ex-Constable No. 191 District Buner .

..... Appellant.

VERSUS

- 1 District Police Officer, Buner.
- 2 Regional Police Officer, Malakand Region -III at Saidu Sharif Swat.
- 3 Provincial Police Officer, Khyber Pukhtunkhwa Peshawar

..... Respondents.

Para Wise Comments On Behalf Of Respondents

Respectfully Sheweth

Preliminary Objections:

1. That the service appeal is badly time barred
2. That even the department appeal was also badly time barred
3. That the present appeal is not maintainable
4. That the appellant is stopped due to his own conduct.

ON FACTS:-

1. correct.
2. Now the father of the appellant has been transferred to Investigation HQrs CPO Khyber Pukhtunkhwa Peshawar.
3. Incorrect. the appellant was being informed to join his duty through local Police of Police Station Totalai but he did not join duty instead of repeated notices.
4. Incorrect. The Appellant was informed through local Police to join his duty but he didn't show any interest in joining service therefore he was rightly dismissed.
5. Incorrect. The order of dismissal of the appellant is legal, justified and banafide.
6. Incorrect. The appellant was well aware of his re-instatement and re- dismissal from service. His departmental appeal was being filed because time barred.
7. No comments


On Grounds

- A. Incorrect, the orders of competent and appellant authorities are legal, justified and according to rules of natural justice.
- B. Incorrect, the appellant was repeatedly informed to join his service but he did not take interest and defaulted in joining service, therefore no departmental enquiry was needed to dismiss him (copies of information is attached as Annex-A)
- C. Incorrect. The appellant was well aware of his re-instatement and dismissal but he did not take interest in joining duty.
- D. Incorrect. The appellant was habitual absentee and he was properly informed.
- E. Incorrect. The appellant didn't join his duty after re-instatement; therefore, he was rightly dismissed from service (after conducting proper enquiry enquiry file containing 35 pages)

F. That the respondents also seek the permission of this honorable tribunal to adduce more points at the time of agreements.

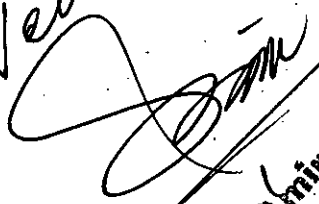
Prayer:

In view of the above it is requested that appeal of the appellant may be dismissed with costs.


REGIONAL POLICE OFFICER,
MALAKAND REGION SWAT
Regional Police Officer,
Malakand, at Saidu Sharif Swat.


PROVINCIAL POLICE OFFICER,
KHYBER PUKHTUNKHWA PESHAWAR


DISTRICT POLICE OFFICER,
BUNER

Verued

Mian Amir Cador
Government Pleader
Swat.

ORDER

Constable Ghulam Wajid No. 191 was absented from his lawful duty without leave/prior permission vide OB No. 39, dated 09.04.2011, and DD Report No. 35, dated 27.5.2011 (Total absence 83 days).

In this connection a proper departmental enquiry conducted by the committee consisting of Mr. Muhammad Jan Khan D.P. HQs and Inspector Bakhti Raj Khan Circle Officer Investigation Daggar/Pir Baba vide this office No. 349-50/E, dated 28.6.2011.

The committee submitted finding with the conclusion that father of constable Muhammad Ghulam proceeded to PTC Hangu for Upper College Course and there is no male member for look after his family and recommended the defaulter constable Ghulam Wajid No. 191 for re-instate in service and the period of out of service 83 days be counted as leave without pay.

Therefore, I Hanishwar Khan DPO Buner competent authority does not agree with the recommendation of the committee because the defaulter concerned is habitual of absentee, unwilling worker and did not take interest in his official duty and he is a burden on police department. Therefore, Constable Ghulam Wajid No. 191 is hereby awarded major punishment from dismissing from service from the date of his absence i.e. 09.04.2011.

Order announced.

OB No:

134

Dated:

20/7/2011


DISTRICT POLICE OFFICER,
BUNER

~~کتابخانه~~
 DSP/HQ 14.7.2011
 191
 28-6-11 بخلاف غلام وید 6

مختصر خلاصہ کارروائی

تاریخ

<p> امرتسر مورخہ 5-6 کو بذریعہ ڈاک انکوائری نمبر 349-50/28-6-11 وصول ہو کر درجہ ریٹائرمنٹ کی کاپی منسلک غلام وید نمبر 191 کو بذریعہ تقریری پروانہ لفظی طور پر منسلک بیان مورخہ 6-7-11 کو طلب کی گیا۔ DSP/HQ 5-7-11 </p>	<p>3.07.11 ✓</p>
<p> کینسل غلام وید نمبر 191 حسب طلبی حاضر آنا۔ بیان منسلک ہو کر لف انکوائری ہوئی۔ DSP/HQ 6-7-11 </p>	<p>6.6.11 ✓</p>
<p> امرتسر مورخہ 15-7-11 کو فائنل رپورٹ پیش ہو کر کاپی DSP/HQ 15.7.11 </p>	<p>15.7.11</p>

جناح کی

اس ٹیکٹ (غلام واجد علی) کے سفر انکوائری ہارنگ ہونے پر دفعہ 38
پر دفعہ 38 دن لیسٹیک (83) دن غیر حاضر ہو چکا ہے۔ جبکہ اس کے سفر ٹیکٹ
میں ٹیکٹ 90 دن کا پیش کیا ہے۔ جو لفظ ہے۔

میں نے ٹیکٹ کو طلب کر کے سرپرست کو وہ گویا ہے کہ وہ ریٹائرڈ سیاستمدار
ہو گیا۔ اور شوق سے خوشگرمی کر گیا۔ عام تاثر یہ ہے کہ یہ ایک غیر حاضر
ٹیکٹ ہے۔ اور سبب انٹیکٹ غلام جو ریٹائر ہو گیا ہے۔ اس کی وجہ سے
کامیاب ہے۔ اس کے لئے جس وقت دہرائی کی ہے۔ کہ اس کا ریٹائرڈ سیاستمدار
میں سفارتی کرپا ہوں۔ کہ اس ٹیکٹ کی ریٹائر غیر حاضر ملا سزا ہونے
اور ایک موقع دینے کی سفارشات کی جاتی ہے۔

258.HQ. 15.7.2011

بیان کنیٹل غلام واحد بم ۱۹۱۱ مئی لولین لائن ڈگر -

بدریافت بیان کیا کہ میں لولین لائن ڈگر میں لقیٹا ہوں۔ روز

۶۔ ۷ کو روٹین کے پینا پر گور خور صلا کیا۔ چونکہ میں پہلے

بیمار تھا۔ اور بائیں پاؤں میں درد کی شکایت تھی۔ اس روز میرے

پاؤں میں شدید درد شروع ہوئی۔ روز ۶۔ ۷ کو میں لقیٹا

علاج حاصل کر ڈاکٹر دلراج احمد خان اور ٹھو سڈگ سر جن کے

کلینک آیا۔ ڈاکٹر صاحبان نے بعد معائنہ دو اینٹیاں جو بزرگی اور سیاہ

پی تین ماہ سڈیکل ہوم دسٹ کی عیادت کی۔

چونکہ میرا والد صاحب ہر غلام زد آپر کورس کیلئے P.A. ہنگو

طریقہ کا تھا۔ میں لقیٹا میں آسلا تھا اور صلی ٹوین کا قابل ہند

تھا۔ میں بہ آفس چیوری فیر حاضر ہو گیا ہوں۔ آئندہ تعماط

رہونگا۔ العجا کرتا ہوں کہ سڈیکل لیور فست ملان میں شمار

کیجاو۔ میں میرا بیان ہے۔ چونکہ درستی ہے

~~دستخط~~

۱۹۱۱ مئی لولین لائن ڈگر

6. 7. 11

Attested

~~دستخط~~
DSP/HQ
6. 7. 11

DISCIPLINARY ACTION

DANISHWAR KHAN District Police Officer, Buner as Competent Authority, am of the opinion that F.C. Ghulam Wajid No. 191 has rendered him self- liable to be proceeded against as he such committed the following acts/ omission with the meaning of section -3 of the North West Frontier Province Removal from Service (Special Powers) Ordinance 2000:-

STATEMENT OF ALLEGATION

You const. Ghulam Wajid No. 191 while posted Police Lines Daggor, absented him self from his lawful duties and D.D. Report No. 39 dt. 08.05.2011 and D.D. Report No. 54 dt. 24.05.2011 (Total absente 70 days) without leave or prior permission and remained absent upto all date. Prior to this you have already been issued show cause notice under this office No. 273/EC, dt. 9.5.2011 and final show cause notice No. 336/EC

x 42 dt. 2-7-2011

dt. 14.6.011
2

For the purpose of scrutinizing the conduct of the said accused officer with reference to the above allegations, an Enquiry Officer / Enquiry Committee consisting of the following as constituted under section-5 of the Ordinance:-

- 1 MR. Muhammad Jai D.S.P/Hqs: Buner
- 2 Insp: Boruta Rog Khan C.O. Daggor/Pirba

3 The Enquiry Officer / Enquiry Committee shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused, record its finding and made with twenty five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

The accused officer and a well conversant representative of the Department shall join the proceedings on the date, time and place fixed by the Enquiry Office / Enquiry Committee.

DISTRICT POLICE OFFICER,
BUNER.

NO. 347-50 / E,
Dated 28/06 /2010.

Copy of above is forwarded to :-

- 1 D.S.P. Hqs:
- 2 C.O. Daggor (Pir Bada)

DISTRICT POLICE OFFICER,
BUNER.

FAINAL SHOW CAUSE NOTICE.

WHEREAS, in the light of the facts I am satisfied as contemplated by Removal from Service (Special Powers) Ord: 2000, is necessary and therefore, I am in the opinion that the allegations /misconduct call for any one or more punishment as defined in the aforesaid rules.

1. DANISHWAR KHAN District Police Officer Buner, under Removal from Service (Special Powers) Ordinance 2000, on the following grounds of action, being authority, call upon you Constable Ghulam Wajid to show cause within 07 days of the receipt of this notice as to why the proposed punishment should not be awarded to and also to state at the same time, whereas you desire to be heard in person.

GROUND OF ACTION.

You constable Ghulam wajid No. 191 was absented 44 days 12 Hours vide DD report No. 54 dated 24-05-2011 with ^{leave} or prior peremption and remained absent up till now. You have already issued show cause notice vide this office No. 273/ EC, dated 09-05-2011, in this connection you submitted reply on 24.05.2011. After receiving reply you have not reported to police lines Daggar for duty and remained absent.

All these are negligence and in disciplinary act on your part which is grass, miss conduct.

And in case your reply is not received within the stipulated period, it shall be presumed that you have nothing to say in your defence and ex-parte decision shall be taken.

[Signature]
DISTRICT POLICE OFFICER,
BUNER.

No. 336 /EC,
Dated 14-06-2011.

~~Copy of above is submitted to Deputy Inspector General of Police, Malakand Region Swat for favour of information please.~~

[Signature]
DISTRICT POLICE OFFICER,
BUNER.

Handwritten notes:
2011/13/30
13/30

ضلع دہلی

پولیس سٹیشن

پتہ

336/2011 - 2011

میں واقعہ پیش کرنے پر پولیس سٹیشن پر اطلاع دی گئی اور پولیس نے موقع پر پہنچ کر واقعہ کا جائزہ لیا اور ملزمان کو گرفتار کیا۔

میں واقعہ پیش کرنے پر پولیس سٹیشن پر اطلاع دی گئی اور پولیس نے موقع پر پہنچ کر واقعہ کا جائزہ لیا اور ملزمان کو گرفتار کیا۔

تعداد میں غلطی واقعہ 191 درجین کے طور پر درج ہے۔
04/7/2011

SD

Forwarded to

Shri (C D) Dages
04/7/2011

Attested

DSP/HQ
15.7.11

پولیس لائن ڈسٹر

حاضر

عد 54 دوزیاچہ 24/5

24/5

عد 54 حاضری میاقتہ 24/5

علامہ واحد 19/7

آیا۔ بیانہ ایکنہ میرا والہ صاحب صوم علامہ خان ایچ امیر کورنگ
عام پنکو چلا گیا ہے۔ گورنمنٹ ڈسٹرکٹ میں مینڈا پور
عبر حاضر ہوا۔ حاضر آرا پوری حاضرہ کجاوہ لاروٹھارو
سی ہڈوڑہ کے حاضرہ عدہ دوزیاچہ پورک نقل نڈام فز
مالہ عدہ صرل پورگی

صا۔ عالی

نقل از اصل

8

6.7.11

حاضر

45

Attested

DSP/HQ
15.7.11

(عمر حاضر)

پولیسے لائن ڈگر

نقلیہ در 39 روزنا پتہ 9/11

در 39 گنی ملازمنے / رپورٹے عمر حاضر میا وقت 48.00
صوف 9/11 سے تمے گنی ملازمنے گنیے جیس
کشیے علام واد 191 عدم موجود یا وجہ خلاف
رپورٹے عمر حاضر در 39 روزنا پتہ گنیے

میا بے عالی

نقلیہ ازاملیہ

①
Nik 1/1 Dessan

7.11

تقدیر 42 روزہ 7/11 02

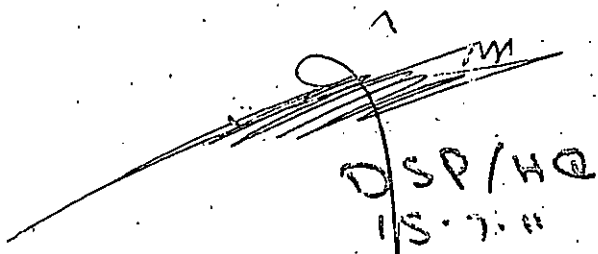
مہر 42 صافری صلا وقت 07:30 کے قریب 7/11 02 اس وقت کنسٹبل
علاحدہ واقعہ 191 سیرس صفر شدہ بوجا ص 35 روزہ 5/11 27 سے
حاضر آیا بیانی ہے کہ گھسری کام اور بھاری کیوں نہ جسے آرام
سیرس صفری بھی ہے اب صافری آیا ہوں صافری کیلئے اللہ تعالیٰ سے
سی ضرورہ کام صفری درجہ ملنا ہے سو کر کنسٹبل اس لئے ان کے وقت
میں حاصل ہوئی تیرہ ہر سیکل سیرس صفری دس کے کف کیے
صافری علی

کنسٹبل
E. S. S. S. S.
mm/PL/Daggar
4/7/01

آرام سیرس
Su
38 - 0 - 0

Formunde
Su
Su/Bunon

Attested.


DSP/HQ
15.7.11

دکٹر سید
—

نمبر 35 روزنامہ 27/5/11

نمبر 35 گنتی گلرز میں 18:50 بجے مورخ 27/5 اس وقت

گنتی گلرز میں گنتی میں غلام واحد 191 عدم وجود
پایا گیا جسے طرف رپورٹ غیر صافی درج روزنامہ گنتی
ضابطی

لنڈن سٹی ایئر لائنز

London
MM/PL / Dager Bumer
4/7/2011

Sir

Romandeep
Bumer

ORTHOPAEDIC SURGERY CLI

SENIOR ORTHOPAEDIC SURGEON

Dr. Dilraj Ahmad Khan



راج احمد خان

CLINIC: M.B.B.S.M.S (Orthopaedic Surgery)

Orthopaedic Surgery Clinic
Khyber Medical Center Daggar Buner
Ph Clinic: 0939-512466

ماہر امراض ہڈی، جوڑ، ہاتھ

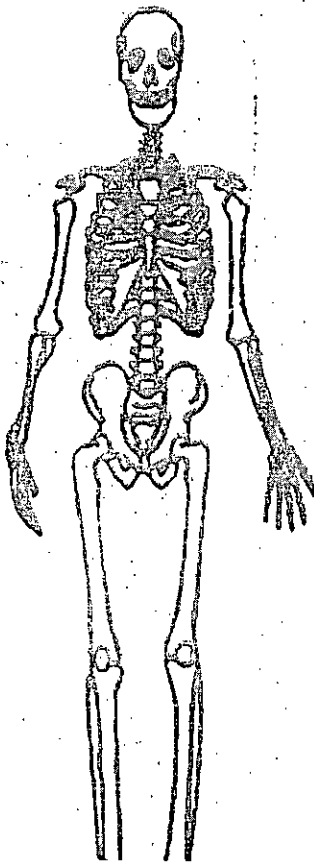
ایم۔ ایس آر تھوپیدیک سرجری

0939-512466

Name Ghulam Waqar Age 25y Sex M Date 10/10/2010

Clinical Record

Rx To whom it may concern
Certificate that Mr
Waqar S/o Muzafar
Daggar Buner has been
admitted to the ward
number 10 over hospital
for the treatment of
fracture of femur
3 weeks



Attested

[Signature]
D.O/HQ

ORTHOPAEDIC SURG
Dr. Dilraj Ahmad
B.Sc; M.D.M.S. (UK)
F.C.M.S. KHY (UK)

04/10

ORTHOPAEDIC SURGERY CLINIC

SENIOR ORTHOPAEDIC SURGEON

Dr. Dilraj Ahmad Khan



سینئر آرٹھوپیدک سرجن

CLINIC: M.B.B.S.M.S (Orthopaedic Surgery)

Orthopaedic Surgery Clinic
Khyber Medical Center Daggar Buner
Ph Clinic: 0939-512466

ماہر امراض ہڈی، جوڑ، ہاتھ

ڈاکٹر دلراج احمد خان

ایم۔ بی۔ بی۔ ایس۔ ایم۔ ایس آرٹھوپیدک سرجری

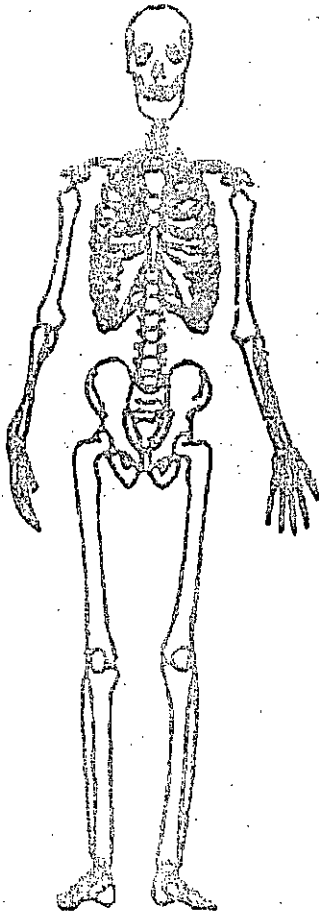
فون کلینک: 0939-512466

Name Ghulam waqar Age 25y Sex M Date 04/07/11

Clinical Record

Rx To whom it may concern
Certificate that Mr Ghulam
waqar 510 M.D.A. Ghulam

waqar - from 15/04/11 to 04/07/11
He was under treatment in our hospital
in the name of Ad. Home
rest for 3 months



ORTHOPAEDIC SURGEON
Dr. Dilraj Ahmad Khan
B.S.O, M.D.M.S. (UKRAINE)
F.S.M.I. KIEV (UKRAINE)

04/07/11

دوبارہ معائنہ کے لئے تاریخ

اگر ناخن پیلے بڑ جائے یا سوجن ہو تو فوراً تشریف لائیں

KHYBER MEDICAL CENTER DAGGAR BUNER

صالح

12/7

درخواست برائے ریٹائرمنٹ

حاجہ عالیہ بیگم

پتہ: 191، ٹیچر ہاؤس، جی ایم سٹیٹ، لاہور۔

3) ریٹائرمنٹ کی درخواست

ریٹائرمنٹ کی درخواست

ریٹائرمنٹ

ریٹائرمنٹ کی درخواست

04/7/2011

Forwarded

~~Signature~~
5.7.2011

Forwarded
~~Signature~~
04/7

Attested

~~Signature~~
D/SP/HQ
15.7.11

پولیس آفیس

منسلح دست

دوسرا دست بردار کر کے بحراہ ماسی 1 جون 2011

247 لکھنؤ پولیس ڈپارٹمنٹ

دوسرا دست بردار کر کے بحراہ ماسی 1 جون 2011

2011 میں برصغیر ہندوستان کے تمام حصوں پر

پولیس آفیس کے تحت بحراہ ماسی 1 جون 2011

247 لکھنؤ پولیس ڈپارٹمنٹ

Forwarded At

~~Signature~~
DSP. HQ:
5.7.2011

Sw

Forwarded
~~Signature~~
20/Buner
02/7/2011

Attested

~~Signature~~
DSP/HQ
15-7-11

الحمد لله

بسم الله الرحمن الرحيم

تقدیر سے پہلے دعا ہے کہ
2/07/2011

مذکورہ بالا رقم 5730 روپے 2/7/2011

دستخط کیس سے روپیہ 191 روپے سے روپیہ 200 روپے تک

2011

200 روپے سے روپیہ 200 روپے تک

200 روپے سے روپیہ 200 روپے تک

200 روپے

200 روپے

200 روپے

200 روپے

2/7/2011

R DSP/HQ
S 7 11

دستور العمل

کتابخانه کا قلمرو میں کتب عامہ کی ۱۹۱ کو
وہ لوگوں کے لیے، انکو پڑھنے کی سہولت
رہے گا۔ اس کو پندرہ سو روپے
سے زیادہ رقم طلب کی جا رہی ہے

[Signature]
R DSP/HQ
S 7 11

پولیس لائن نمبر

حد 3 دھڑا 27 5/11

حد 3 گنتی ملازمتی / دیورٹ غیر حاضری میا وقتہ 18.00 27 5/11

اس وقت گنتی ملازمتی گنتی میں گنتی میں کنٹرول علا 3 واہ 19

عدم موجود پایا گیا نہا جہا 2 حلال دیورٹ غیر حاضری حد 27 5/11

فبا علا

نقل راعل

ms/pt/azgar

Date 9

Issue & show cause
[Signature]

CHARGE SHEET

I DANISHWAR KHAN District Police Officer, Buner, hereby charge you PC-Ghulam wajid competent at Police Lines as follows:- posted

2. That you while posted at _____ committed the following omission / commission amounting to grave misconduct:-

you const. Ghulam wajid No. 191, while posted at Police Lines Dargah, absent without leave for 9 days. Lawful duties with D.O. Report No. 39 dt. 9.04.11 and D.O. Report No. 54 dt. 24.05.2011. Total absence with leave or prior permission are 2 days. I have issued show cause notice under office No. 2 dt. 7-5-11 and final show cause notice No. 33 dt. 12-5-11.

3. By reasons of the above you appear to be guilty of mis-conduct under section - 3 of the N.W.F.P, PESHAWAR (Removal from Service) Special Powers Ordinance 2000 and have rendered yourself liable to all or any of the penalties specified in section - 3 of the Ordinance ibid.

4. You are, therefore, required to submit your written defense within seven days of the receipt of this charge sheet to the enquiry officer / committee, as the case may be.

5. Your written defense should reach to the Enquiry Officer / Committee within the specified period, failing which it shall be presumed that you have no defense to put in and in the case exparte action shall follow against you.

6. Intimate whether you desire to be heard in person or otherwise.

7. A statement of allegations is enclosed.

[Signature]
DISTRICT POLICE OFFICER,
BUNER.

No. 348 /E,
Dated 28/06 /2010.

*Const. Ghulam wajid No. 191
S/o Mulla Mulla Ghulam
R/o Khali Kaley P.S. Totak
Bunawala P.S. Totak.*

[Arabic Signature]

DISCIPLINARY ACTION

DANISHWAR KHAN District Police Officer, Buner as Competent Authority, am of the opinion that F.R. Ghulam Ahmad has rendered him self liable to be proceeded against as he committed the following acts/ omission with the meaning of section 3 of the North-West Frontier Province Removal from Service (Special Powers) Ordinance, 2000:-

STATEMENT OF ALLEGATIONS

You const. Ghulam Ahmad No. 19 while posted Police Lines Buner, about him self from his last full duty as D.O. Report No. 39 dt. 09.01.2001 and No. 54 dt. 24.05.2005. *(Handwritten notes: D.O. Report No. 39 dt. 09.01.2001 and No. 54 dt. 24.05.2005. D.O. Report No. 39 dt. 09.01.2001 and No. 54 dt. 24.05.2005. D.O. Report No. 39 dt. 09.01.2001 and No. 54 dt. 24.05.2005.)* *(Handwritten notes: D.O. Report No. 39 dt. 09.01.2001 and No. 54 dt. 24.05.2005. D.O. Report No. 39 dt. 09.01.2001 and No. 54 dt. 24.05.2005.)* For the purpose of scrutinizing the conduct of the said accused officer with reference to the above allegations, an Enquiry Officer / Enquiry Committee consisting of the following is constituted under section 5 of the Ordinance:-

- 1. Mr. Muhammad Ali D.S.P. Buner
- 2. Mr. Basim Khan D.S.P. Buner

The Enquiry Officer / Enquiry Committee shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused, record its finding and made within twenty five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

The accused officer and a well conversant representative of the Department shall join the proceedings on the date, time and place fixed by the Enquiry Office / Enquiry Committee.

DISTRICT POLICE OFFICER,
BUNER.

NO. 309-50/E
Dated 28-06 /2010

- Copy of above is forwarded to :-
- 1 D.S.P. Buner
- 2 C.O. Buner

(Large handwritten signature)

DISTRICT POLICE OFFICER,
BUNER.

(Handwritten notes: X report no 42 dt. 27-11. dt. 14.8.11)

CHARGE SHEET

I **DANISHWAR KHAN** District Police Officer, Buner as competent authority do, hereby charge you **PC Ghulam Waqif** while posted at **Police Station, Peshawar** as follows:-

2. That you while posted at _____ committed the following acts of omission / commission amounting to grave misconduct
you as const. Ghulam Waqif Police Station, Peshawar, abt. 2008. Lawful duties while D.O. Report No. 3904, dt. 24.05.08. D.O. Report No. 54 dt. 24.05.08. D.O. Report No. 54 dt. 24.05.08. D.O. Report No. 54 dt. 24.05.08.

3. By reasons of the above you appear to be guilty of mis-conduct under section 3 of the N.W.F.P. PESHAWAR (Removal from Service) Special Powers Ordinance 2000 and have rendered yourself liable to all or any of the penalties specified in section 3 of the Ordinance.
4. You are, therefore, required to submit your written defense within seven days of the receipt of this charge sheet to the competent officer / committee, as the case may be.
5. Your written defense should reach to the Enquiring Officer / Committee within the specified period, failing which it shall be presumed that you have no defense to put in and in the case ex parte action shall follow against you.
6. Intimate whether you desire to be heard in person or otherwise.
7. A statement of allegations is enclosed.

[Signature]
 DISTRICT POLICE OFFICER,
 BUNER

No. **348** /E,
 Dated **28-07** /2010

*Const. Ghulam Waqif to P.S. 191
 S/o police in charge Ghulam
 A/c Kwali, P.S. Peshawar
 Arrangement, S.O. P.S. Peshawar*

ORDER

Constable Ghulam Wajid No.191 while posted at Police Lines Daggar, according to the report received to this office have absented him self from lawful duty vide D.D NO 39 dated 09.04.2011 Police Lines Daggar and remain absent till 24.05.2011. On 24.05.2011, reported his arrival to police lines Daggar vide DD report No. 54 dated 24.05.2011. On 27.05.2011, ^{he after receive} again re-absented vide I report No. 35 dated up till date (total 70 days) ~~absence~~.

He was issued a show cause notes vide No. 273/I:C, dated 19.05.2011, ^{& who feel might work} but his reply (is fund unsatisfactory). On 14.06.2011 he ^{was} issued first show cause notes vide No.336 /EC, dated 14.06.2011 and copy thereof served up him through MHC Police Lines Daggar, ^{and copy of receipts has been obtained} but he did not submitted his reply, nor joined his duty.

His this act is irresponsible and in discipline and miss conduct in his part which is liable u/s 5 sub section (4) of removal form service special power ordinance 2000 (amendment 2001)

I, am competent authority, therefore, satisfied to proceed under Section 5 of Sub Section (4) of the removal from service (Special Power) Ordinance 2000 (amendment 2001) and dispense with the enquiry proceeding, as laid down in the said ordinance and further satisfied that there is no need of holding departmental enquiry. Since the accused Police official Ghulam Wajid No.91 has been found guilty of gross misconduct as defined in the said ordinance, I DANSI HAWA KHAN DPO Buner as competent authority, therefore imposed major penalty dismissing from service ^{the date of his absence} from the date of his absence.
Order announced

District Police Officer,
Buner.

OB.No. _____
Dated _____ / _____ /2011.

To Proceed
Departmentally
[Signature]

13
[Handwritten Urdu notes]

FAINAL SHOW CAUSE NOTICE.

WHEREAS, in the light of the facts I am satisfied as contemplated by Removal from Service (Special Powers) Ord. 2000, is necessary and therefore, I am in the opinion that the allegations /misconduct call for any one or more punishment as defined in the aforesaid rules.

I, DANISHWAR KHAN District Police Officer Buner, under Removal from Service (Special Powers) Ordinance 2000, on the following grounds of action, being authority, call upon you Constable Ghulam Wajid to show cause within 07 days of the receipt of this notice as to why the proposed punishment should not be awarded to and also to state at the same time, whereas you desire to be heard in person.

GROUND OF ACTION.

You constable Ghulam wajid No. 191 was absented 44 days 12 Hours vide DD report No. 54 dated 24-05-2011 with ^{leave} or prior permeation and remained absent up till now. You have already issued show cause notice vide this office No. 273/ EC, dated 09-05-2011, in this connection you submitted reply on 24.05.2011. After receiving reply you have not reported to police lines Daggar for duty and remained absent.

All these are negligence and in disciplinary act on your part which is grass, miss conduct.

And in case your reply is not received within the stipulated period, it shall be presumed that you have nothing to say in your defence and ex-parte decision shall be taken.

DISTRICT POLICE OFFICER,
BUNER.

No. 336 EC.

Dated 14-06-2011.

Copy of above is submitted to Deputy Inspector General of Police, Malakand Region for the purpose of information please.

DISTRICT POLICE OFFICER,
BUNER.

(Handwritten signature)

(Handwritten signature)

(Large handwritten notes in Urdu script, including dates like 27/5 and 14/6)

FAINAL SHOW CAUSE NOTICE.

WHEREAS, in the light of the facts I am satisfied as contempt Removal from Service (Special Powers) Ord: 2000, is necessary and therefore, I am of opinion that the allegations /misconduct call for any one or more punishment as defined in the aforesaid rules.


I, DANISHWAR KHAN District Police Officer Buner, under authority from Service (Special Powers) Ordinance 2000, on the following grounds of action, call upon you Constable Ghulam Wajid to show cause within 07 days of the issue of this notice as to why the proposed punishment should not be awarded to and also to appear at the same time, whereas you desire to be heard in person.

GROUND OF ACTION.

You constable Ghulam wajid No. 191 was absented 44 days 12 Hours vide D.O. No. 54 dated 24-05-2011 with ~~no~~^{no} or prior permission and remained absent up to 19-06-2011. You have already issued show cause notice vide this office No. 273/EC, dated 09-05-2011 in this connection you submitted reply on 24.05.2011. After receiving reply you reported to police lines Daggar for duty and remained absent.


All these are negligence and in disciplinary act on your part which is gross, miss conduct.

And in case your reply is not received within the stipulated period, it shall be presumed that you have nothing to say in your defence and ex-parte decision shall be taken.


DISTRICT POLICE OFFICER
BUNER.

No. 336 /EC,
Dated 14-06 /2011.

Copy of above is submitted to Deputy Inspector General of Police
Malakand Region Swat for favour of information please.


DISTRICT POLICE OFFICER
BUNER.

SHOW CAUSE NOTICE.

WHEREAS, in the light of the facts I am satisfied as contemplated by removal from Service (Special Powers) Ord: 2000, is necessary and therefore, I am in the opinion that the allegations /misconduct call for any one or more punishment as defined in the aforesaid rules.

I, Danishwar Khan District Police Officer Buner, under Removal from Service (Special Powers) Ordinance 2000, on the following grounds of action, being authority, call upon you E. E. Ghulam to show cause within 07 days of the receipt of this notice as to why the proposed punishment should not be awarded to and also to state at the same time, whereas you desire to be heard in person.

GROUND OF ACTION.

You const. Ghulam wajid a. while posted Police Lines Dargah, absente himself from duty with out leave or prior permission with D.S. Report No. 38, dt. 9.04.2011

All these are negligence and in disciplinary act on your part which is gross, miss conduct

And in case your reply is not received within the stipulated period, it shall be presumed that you have nothing to say in your defence and ex-parte decision shall be taken.


DISTRICT POLICE OFFICER,
BUNER.

No. 273 /EC,
Dated 4-5-2011.

Handwritten notes:
Sd/- 9/5/11
9/5/11

Handwritten notes:
21/5/2011
13/6/11
9/10/11

۲۳۴

۱۱ (۱۱) بی بی شادی کوٹلی لکھنؤ ۲۳۳/۱۱
۱۱. ۲۰۱۱. ۵. ۹

۵۱۵ - پورے غرض فریڈل سے تعلق حاصل کرنے کے لئے

کئی کام کیے گئے۔ گورنمنٹ کے لئے کام کیے گئے۔

اور پورے ذمہ داری سنبھالنے کے لئے کام کیے گئے۔

۵۱۵ - پورے غرض فریڈل

- گورنمنٹ کے لئے کام کیے گئے۔

۱۱. ۲۰۱۱. ۵. ۹

۲۴/۵/۱۱

SHOW CAUSE NOTICE.

WHEREAS, in the light of the facts I am satisfied as contemplated by Removal from Service (Special Powers) Ord: 2000, is necessary and therefore, I am in the opinion that the allegations /misconduct call for any one or more punishment as defined in the aforesaid rules.

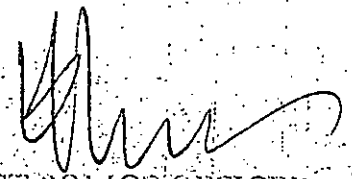
I, Danishwar Khan District Police Officer, Buner, under Removal from Service (Special Powers) Ordinance 2000, on the following grounds of action, being authority, call upon you P. C. Ghulam Wajid No. 19 to show cause within 07 days of the receipt of this notice as to why the proposed punishment should not be awarded to and also to state at the same time, whereas you desire to be heard in person.

GROUND OF ACTION.

You const. Ghulam Wajid No. 19 while posted at Police Lines Duggar, absented himself from duty without leave or prior permission with D.O. Report No. 39, dt. 9-04-2011.

All these are negligence and disciplinary act on your part which is gross, miss conduct.

And in case your reply is not received within the stipulated period, it shall be presumed that you have nothing to say in your defence and ex-parte decision shall be taken.


DISTRICT POLICE OFFICER,
BUNER.

No. 273 /EC,
Dated 9-5-2011.

ضلع کوئٹہ

نمبر 39 روزنامہ 09/04/01

کوئٹہ لائن ڈسٹرکٹ

مرد 39 گنتی ملازمین 18:00 بجے صبح 09/04/01 اس وقت

تا؟ محمد خاں CDI نے گنتی ملازمین کی حسین کٹیبل ملازمین 191

مردم موجود یا کر یا کر صفا کے خلاف رپورٹ عیسیٰ صافی درج
روزنامہ کٹیبل -

جات عالی!

نقل از اعلیٰ دستاویز

M. R. Daggat

Date: 6-5-11

Day Stopped
Suspended

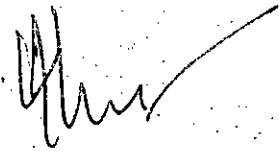
Issue Show Cause

Sir
Forwarded
20/5/11
6/5/11

55-204-5382
6/5/11

ORDER

As per DD Report No. 39, dated 09.04.2011 Police Lines Dagga Ghulam Wajid No. 191 police lines Daggar hereby suspended with immediate his pay is also stopped. till further order.



Pr
DISTRICT POLICE OFFICER,
BUNER

OB NO. 82

DATED 6.5 / 2011.

لیٹی لائی

مد 5 ذی قعدہ 24

مد 5 حاضری میں وقت 4:06 بجے 24
 علامہ اچہ 18 غیر حاضر تھے، والد مد 3 ذی قعدہ 24 سے حاضر
 آیا۔ بیانی پیکر میں والد صاحب نے علامہ اچہ کی طرف سے کلمے
 P.T.C. میں چلائے۔ گھر کا ذمہ داری پیکر کو چھوڑنے سے ذمہ داری
 میں مبتلا ہو کر غیر حاضر ہوا۔ اب حاضر آیا ہے حاضری پیکر کو
 میں مذکورہ بالا کتب کی حاضری میں ذی قعدہ 24 پیکر نقل و حرکت حاضری
 علی حاضری میں مذکورہ بالا ذمہ داری میں سہل ہوگی۔

ضابطہ

نقل و حرکت
 24 ذی قعدہ 24
 31-5-11

ذی قعدہ

30 - 12 - 44

بانی

ذی قعدہ 24 حاضری میں

4 نومبر حاضری میں ذمہ داری

ذی قعدہ 24 حاضری میں

ذی قعدہ 24 حاضری میں

24 ذی قعدہ 24

31/5/2011

Handwritten signature

Date 7 Feb 2011

Dismissed 28

Re-inspected 11.7

Previous absence 10

۳۹
 انتی لازیسیا / کوئی خاص نام / یہاں سے ۱۸:۱۰ لاہور ۲۰۰۹ء
 انتی لازیسیا کوئی خاص نام / جیسا فارغ از حدیث / لازیسیا کوئی خاص نام
 انتی لازیسیا کوئی خاص نام / یہاں سے ۱۹:۳۹ لاہور ۲۰۰۹ء
 انتی لازیسیا کوئی خاص نام / یہاں سے ۲۰:۱۵ لاہور ۲۰۰۹ء
 انتی لازیسیا کوئی خاص نام / یہاں سے ۲۱:۰۵ لاہور ۲۰۰۹ء
 انتی لازیسیا کوئی خاص نام / یہاں سے ۲۲:۱۵ لاہور ۲۰۰۹ء
 انتی لازیسیا کوئی خاص نام / یہاں سے ۲۳:۰۵ لاہور ۲۰۰۹ء
 انتی لازیسیا کوئی خاص نام / یہاں سے ۲۴:۱۵ لاہور ۲۰۰۹ء
 انتی لازیسیا کوئی خاص نام / یہاں سے ۲۵:۰۵ لاہور ۲۰۰۹ء
 انتی لازیسیا کوئی خاص نام / یہاں سے ۲۶:۱۵ لاہور ۲۰۰۹ء
 انتی لازیسیا کوئی خاص نام / یہاں سے ۲۷:۰۵ لاہور ۲۰۰۹ء
 انتی لازیسیا کوئی خاص نام / یہاں سے ۲۸:۱۵ لاہور ۲۰۰۹ء
 انتی لازیسیا کوئی خاص نام / یہاں سے ۲۹:۰۵ لاہور ۲۰۰۹ء

۳۹
 انتی لازیسیا / کوئی خاص نام / یہاں سے ۱۸:۱۰ لاہور ۲۰۰۹ء

در صورتی که در تاریخ ۲۰۰۷/۰۷/۲۶
 در وقت پذیرش در ارتش ایران در تاریخ ۲۰۰۷/۰۷/۲۶
 در وقت پذیرش در ارتش ایران در تاریخ ۲۰۰۷/۰۷/۲۶
 در وقت پذیرش در ارتش ایران در تاریخ ۲۰۰۷/۰۷/۲۶

در وقت پذیرش در ارتش ایران در تاریخ ۲۰۰۷/۰۷/۲۶
 در وقت پذیرش در ارتش ایران در تاریخ ۲۰۰۷/۰۷/۲۶
 در وقت پذیرش در ارتش ایران در تاریخ ۲۰۰۷/۰۷/۲۶

در وقت پذیرش در ارتش ایران در تاریخ ۲۰۰۷/۰۷/۲۶
 در وقت پذیرش در ارتش ایران در تاریخ ۲۰۰۷/۰۷/۲۶
 در وقت پذیرش در ارتش ایران در تاریخ ۲۰۰۷/۰۷/۲۶

EC
 Per Sept
 8/8/01

Sir,
 The applicant was enlisted
 on 26-7-2007 and has
 letter on dismissal
 from service under
 this office O.B. No 134 dt
 20-7-2011 on account of
 his absence
 Submitted please

Be.
 8-8-011

Allwell
 8/8/011

اصل

بدلت ہی ایک شخص کی پولیس مالک شدت میں ہم سے ملو گے

معدن، درویش، ایمل، جو کی مالی مدد میں ہے

معدن کے ساتھ ایک شخص کے ساتھ ہے

معدن کے ساتھ ایک شخص کے ساتھ ہے

معدن کے ساتھ ایک شخص کے ساتھ ہے

معدن کے ساتھ ایک شخص کے ساتھ ہے

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معدن کے ساتھ ایک شخص کے ساتھ ہے

معدن کے ساتھ ایک شخص کے ساتھ ہے

معدن کے ساتھ ایک شخص کے ساتھ ہے



BEFORE THE KPK SERVICES TRIBUNAL PESHAWAR

In Ref:

Service Appeal No.761/15

Ghulam Wajid.....Appellant

Versus

DPO Buner and others.....Respondents

Rejoinder on behalf of Appellant.

Respected Sir,

Appellant humbly submits as under;

Reply of Preliminary objections:

All the preliminary objections raised by the respondents are against the Facts, record, without any proof and prescribed rules and regulations.

Reply on Facts:

1. Para No.1 and 2 of the reply/comments admit to be correct by the respondents.
2. Para No.3 of the reply is incorrect, because the appellant was not informed by the local police nor through any other source neither there is any proof of DD on file.
3. Para No.4 is incorrect, because the appellant was not inform by the respondents through any source of service.
4. Para No.5 is incorrect.

5. Para No.6 is incorrect, the appellant was not aware of his reinstatement and there after his re-dismissal from service, moreover when he knew about his re-dismissal he filed departmental appeal after knowledge of re-dismissal within time.
6. In reply of Para No. 6 of the comments/reply, the Para No.6 of the appeal may be consider.

Reply on Grounds:

- A. Ground "A" of the reply is incorrect. The impugned orders are perverse, illegal, malicious and malafide, therefore, is liable to be set aside.
- B. Ground "B" of the reply is incorrect and without any proof, because no DD is available on file, furthermore the respondents admitted that no departmental enquiry was needed which support the versions of the appellant.
- C. Ground "C" of the reply is incorrect, because no show cause notice was issued to the appellant nor he was aware about his re-instatement and re-dismissal.
- D. Ground "D" of the reply is incorrect, because the appellant was never informed about his re-instatement and thereafter about his dismissal.
- E. Ground "E" of the reply is incorrect. The appellant was not informed by the respondents for joining the service and there was no enquiry conducted, this fact regarding the enquiry is admitted by the respondents in ground "B" of their reply.
- F. No need to comments.

It is, therefore, most humbly prayed that appeal of the appellant may please be accepted and re instated in service with full back benefits,

Or

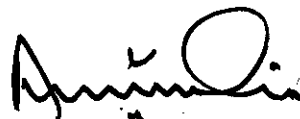
Any other relief which this Hon,ble Tribunal deems appropriate in the circumstances of the case and not specifically asked for may kindly also be granted.



Appellant

Date: 05/9/16

Through



Aurangzeb Khan
Advocate High Court
Peshawar

BEFORE THE KPK SERVICES TRIBUNAL PESHAWAR

In Ref:

Service Appeal No.761/15

Ghulam Wajid

Versus

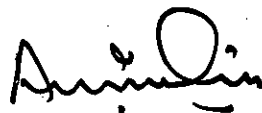
DPO Buner and others

AFFIDAVIT

I, **Aurangzeb Khan Advocate** (Counsel for Appellant) do hereby solemnly affirm and declare as per instruction of my client, that the contents of this accompanying re-joinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

Dated: 05/9/16

Deponent


Aurangzeb Khan
Advocate High Court
Peshawar



24542 بریل نمبر:

بار کونسل نمبر: 09-2020-13

بار ایسوسی ایشن نمبر: 614

رابطہ نمبر: 03018529200

ڈسٹرکٹ بار ایسوسی ایشن سوات

بعدالت جناب: صبر مختار خواجہ سعید سعید بنوئل شاہ اور مدعیان سورا۔

مخاطب:

دعویٰ اور خواست: APPOOP No 78/20

علت نمبر:

مورخہ:

جرم:

تھانہ:

بامث تحریک

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ ہر طرف

آن مقام محمد عزیز خان بڑوہلو کو وکیل مقرر

کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر حالت و فیصلہ بر حلف دینے دعویٰ، جواب دعویٰ، اقبال دعویٰ، واپسی مقدمہ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری ٹیکسٹ یا ایپل کی برآمدگی اور منسوخی، نیز دائر کرنے ایپل گرانٹی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور ان کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا وہ وکیل موصوف وصول کرنے کا اختیار ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، مقدمہ کسی بھی عدالت میں بوجہ عدم پیروی داخل دفتر ہونے کی صورت میں وکیل موصوف ذمہ دار نہیں ہوگا، لہذا اذکالت نامہ لکھ دیا تاکہ سندر ہے

المرقوم: 017-8-911

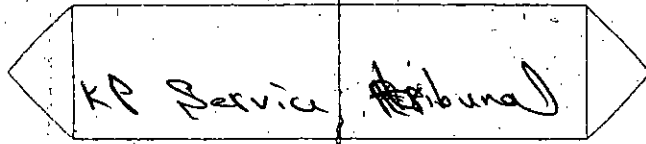
گواہ شد

مقام

کے لئے منظور ہے۔

ایڈووکیٹ دستخط: محمد عزیز خان بڑوہلو

بعدالت



2090ء منجانب

غلام احمد بنام

Police

مقدمہ
دعویٰ
جزم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی اوکل کارروائی متعلقہ

آن مقام Peshawar کیلئے عظیمی سید عبدالکلیب

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز

ویل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرایں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی

اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت

مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے

تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے

اور اس کا ساختہ پرداخت منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ

سب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں

گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

2090

6

ماہ

10

المرقوم

مقام

Peshawar کے لئے منظور ہے۔

2090