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S.No:	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.	
		3	
1	2.	3	
		KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,	
		<u>PESHAWAR.</u>	
		Service Appeal No. 2315/2020	
		Mr. Bilal Hussain Ex-Constable No. 669, Police Lines, Hangu. (Appellant)	
		<u>Versus</u>	
		Inspector General of Prison KPK, Peshawar and two others.  (Respondents)	
	23.07.2021	Appellant alongwith his counsel (Mr. Taimur Ali Khan,	
	23.07.2021	Advocate) present. Wakalatnama duly executed has been	
		submitted and placed on file. Preliminary arguments heard and	
		record perused.	
		2. This appeal has been preferred against the order	
		passed on 02.04.2014, whereby a major penalty of dismissal	
		from service was imposed upon the appellant. Although the	
		copy of departmental appeal against the order dated	
		02.04.2014 has not been annexed with the appeal but the	
	1 Sh	presence of appellate order is sufficient to draw an inference	
	W .	that such appeal was filed and rejected. There is a copy of	
~	And	application addressed to the D.I.G Kohat Region received in his	
		office vide Diary No.672 dated 25.04.2016, whereby the	
		reinstatement into service was sought by the appellant on	
		humanitarian ground. However, there is no corresponding	
		order on file in respect of the said application. Order dated	
		14.06.2016 was passed from the office of Inspector General of	

Police, which relates to dismissal of the Revision petition submitted by the appellant in the year 2015. After rejection of the Revision Petition vide order dated 14.06.2016 mainly on the ground of bar of limitation besides merits, the appellant took a deep slumber and remained inactive for a long period of about five years and then filed present service appeal on 22.01.2021, which is hopelessly time barred.

4. In view of the above, the present appeal is dismissed in limine. File be consigned to the record room.

(AHMAD SULTAN TAREEN)
Chairman

ANNOUNCED 23.07.2021

# Form- A

# FORM OF ORDER SHEET

Court of	· · · · · · · · · · · · · · · · · · ·	·	
	12/	,	
ase No	$\mathcal{A}(\mathcal{I}_{l})$	/2021	

S.No.	Date of order	Order or other proceedings with signature of judge		
3.140.	proceedings	Order or other proceedings with signature of judge		
1	2	3		
1-	03/02/2021	The appeal of Mr. Bilal Hussain resubmitted today by Mr. Shahzaullah Yousafzai Advocate may be entered in the Institution Register		
		and put up to the Worthy Chairman for proper order please.  REGISTRAR		
2-	•	This case is entrusted to S. Bench for preliminary hearing to be put up there on 12/04/24		
		CHAIRMAN		
	12.04.2021	Due to demise of the Worthy Chairman, the Tribunal is		
		non-functional, therefore, case is adjourned to		
		20.07.2021 for the same as before.		
		Reader		
		+b		
20.	-	20 <sup>th</sup> July, 2021 has been declared public holiday on		
		.2021 for the same as before.  Reader		

23:07.2021

Junior to counsel for the innellant present and seek adjournment, due to non-availability of learned senior counsel for the appellant. Request accorded (ase) (a) come up (for xpreliminary hearing on

05-10:2021 before S.B.

(Charman)

د !

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The appeal of Mr. Bilal Hussain Ex-Constable No. 669 Police Line Hangu received today i.e. on 22/01/2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1- Copy of first departmental appeal is not attached with the appeal which may be placed on it.

No. 293 . /S.T,

REGISTRAR

SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Shahzullah Yousafzai Adv. Pesh.

At present opy of departmental appeal is not available The same will placed ) I breamer malable. However order of sejection in on the file-

Resubmitted According
Sulfah your at 2 in
Advocate

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

APPEAL NO	/2021
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#### **BILAL HUSSAIN**

POLICE DEPARTMENT

## **INDEX**

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2	Copy of Mad Report	: <b>A</b>	5
3	Copy of charge sheet & reply	B&C	6-7
4	Impugned order	D	8
5	Copy of departmental appeal	E	9
6.	Appellate impugned order	F	16
7.	Impugned revision order	G	11

**APPELLANT** 

THROUGH: 5%

SHAHZULLAH YOUSAFZAI,

**ADVOCATE** 

# BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 2315 /2020

Khyber Pakhtukhw Service Tribunal

92/01/299

Mr. Bilal Hussain Ex: Constable No.669, Police Line Hangu, District Hangu.

. APPELLANT

#### **VERSUS**

- 1- The Inspector General Of Police Khyber Pakhtunkhwa, Peshawar.
- 2- The Regional Police Officer Kohat Region, At Kohat District Kohat.
- 3- The District Police Officer District Hangu.

.....RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 02/04/2014 WHEREBY APPELLANT WAS DISMISSED FROM SERVICE AND AGAINST THE APPELLATE ORDER DATED 02/05/2014 AND REVISIONAL ORDER DATED 14/06/2016 WHEREBY THE APPEAL AND REVISION OF APPELLANT WERE REGRETTED ON NO GOOD GROUNDS.

#### PRAYER:

That on acceptance of this appeal the impugned orders dated 02/04/2014, 02/05/2014 and 14/06/2016 may kindly be set aside and the appellant may please be re instated into service with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

Brief facts giving rise to the present appeal are as under:

That appellant was serving the respondents department as constable quite efficiently and up to the entire satisfaction of his superiors.

Registrar 2-

That it is pertinent to mention here that on 28/01/2014 at night the appellant suddenly become ill as he was already suffering from kidney days, he was taken to DHQ hospital hangu by his relatives, whereby he was refer to to hayat abad medical complex Peshawar for further treatment.

- That after returning from Peshawar the appellant submitted medical documents to moharir anar gul police line hangu and went to home as he was not able of performing duty. That after recovery the appellant approached to police line hangu for performing his duty on 18/03/2014 and again submitted his medical documents to the concerned officer. Copy of Mad report no 28 is attached as annexure.

  A.
- 5- That thereafter the respondents straight away issued the impugned order dated 02/04/2014 whereby the appellant was dismissed from service from the date of his absence. Copy of impugned order is attached as annexure annexure.
- 6- That feeling aggrieved from the above mentioned dismissal order the appellant file departmental appeal but the same has also been dismissed vide appellate order dated 02/05/2014 on no good grounds. Copies of departmental appeal and appellate impugned order are attached as annexure. **E&F.**
- 7- That feeling further aggrieved the appellant filed revision petition under rule 11-A of police rules 1975 but the same was also regretted vide order dated 14/06/2016 whereby the penalty of dismissal from service was upheld on no good grounds. Copy of impugned order dated 14/06/2016 is attached as annexure.
- 8- That feeling aggrieved and having no other remedy the appellant filed the instant appeal on following grounds.

#### **GROUNDS:**

- A- That the impugned order dated 02/04/2014, 2/05/2014 and 14/06/2016, whereby major penalty of dismissal from service was imposed on appellant and was up held by appellate authority, are against the law, facts and norms of natural justice hence not tenable in the eye of law and liable to be set aside.
- B- That the appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article 4

and 25 of the Constitution of Islamic Republic of Pakistan 1973.

- C- That the appellant was not willful absent rather due to illness he was not able to perform his duty and this fact was brought by appellant in the knowledge of concerned officer on the next day of returning from hospital and all medical documents were provided to him.
- D- That no charge sheet, statement of allegations and show cause notice has been issued by the respondents which are mandatory under police rules 1975 before imposing major penalty of dismissal from service.
- E- That no regular inquiry has been conducted in the matter which is mandatory under police rules before imposing major penalty.
- F- That no opportunity of personal hearing has been extended to appellant which is against the principle of natural justice.
- G- That it is pertinent to mention here that appellant is a young and highly educated and if the punishment of dismissal is maintained he will not be able to secure any other government job, hence keeping in view the age, education and gravity of charge the punishment of dismissal is too harsh.
  - H- That the impugned dismissal order is void ab initio hence no limitation run against void order as held by this honorable court in a full bench judgment.

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

Dated: 21.12.2020

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B-6

#### CHARGE SHEET.

#### I MR. IFTIKHAR AHMAD, DISTRICT POLICE OFFICER, HANGU

You Constable Bilal Hussain No. 669 while posted at Police Lines
Hangu committed the following irregularities:-

- a). You had absented yourself from lawful duty with effect from 29 01 2012 till now without any leave or prior permission vide DD No. 15 dated 19 02 2014 of Police Lines Hangu.
- b) Your above act shows that you are indisciplined, disinterest government servant which amounts to gross misconduct on your part.
- 2. By reasons of the above, you appear 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 above rules.
- 3. You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the Enquiry Officer/Committees, as the case may be.
- 4. Your written defence, if any, should reach to the Enquiry Officer/Committees within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.
- 5. Intimate whether you desire to be heard in person.

6. A statement of allegation is enclosed.

(IFTIKHAR AHMAD) SOURCE DISTRICT POLICE OFFICER,

Le HANGU

No. 948 /PA,
Dated 12/ 2/2014

a

خاسانی

3/03/14 13/03/14 13/03/14 19/09/0 - 000 - 100 1/03/14 13/03/14 فرن يول الم سأكي وعدم 14 كورت الما يد طبعت قرار بران وم ساكي بلي سي بي اردے وق کا درلین ہے اور سائی کو سی اردی کا در دی کا فارق کوی ا در ساتھ ہی آلیکاں سروع ہو کی ویئم میں گھر میں وا فد سیا را ہوں اور المانی ضعیت العرب در نافواره می در والدین کا امکر نا سیا ہو ل اس لیک سری طست اللي المان الله المراق المراقي الم می منو اور استر داری نه منها ک کوار دهای مسیال والون س مع سِتَاورلونركُو اور سِتَاورس صوت أما رَمْدُورُ مُعَالِم مَا لَا مَا كُورُ مُعَالِم مُعَالِم مَا لَا مَا و نعال عد جی معالحمہ سٹرومی میں اوران میں اسٹاء اللہ عمق ا۔ موا ہوں اور رى دولال سراغام دساول سرساسر معالم كالم مرفع ما مادات یعی صرے سا تھ موجود یں حقی فولوسٹی کا بی می لنے عدا کی ما تھ لهذا استدعا حسیر شامل مر رحم کری و خام طافر سائل کا میر طافتری کو سركس ليون شمار ك ما وس ساكل ما عمر و ماكو ، مشكور رسيما الريالي فل طرح سيد والم المعرود الم طارح -

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#### ORDER

This order of mine will dispose of the departmental enquiry initiated against Constable Muhammad Bilal No. 669 on the basis of allegation that he while posted at Police Lines Hangu absented himself from official duty with effect from 29.01.2014 to 13.03.2014 without any leave or prior permission.

Charge Sheet together-with statement of allegations under Police Disciplinary Rules 1975 was initiated against him vide No. 948/PA dated 13.03.2014, to which he submitted his reply. Inspector Rahim Khan IBH Staff PS City was appointed as Enquiry Officer to conduct departmental enquiry against him. After completion of enquiry, the enquiry officer submitted his findings and recommended him for appropriate punishment provided by the rules.

Thereafter, Final Show Cause Notice was issued to him vide this office No. 1054/PA dated 24.03.2014, upon which he submitted his reply but found unsatisfied.

Keeping in view of above and having gone through available record and perusal of his previous record, the undersigned has come to the conclusion record the defaulter Constable was ill and referred by the Doctor to HMC Peshawar on 29.01.2014 after that he neither produced medical rest nor he informed senior about his illness and absented himself for long period, which indicates that he is not interested in his official job. Moreover, in these circumstances, his retention in Police Department is burden on public exchequer, therefore, I, Iftikhar Ahmad, District Police Officer, Hangu in exercise of the powers conferred upon me, award him major punishment of "Dismissal from Service" from the date of his

Order Announced.

OB No. 204 C. Dated 2 14/2014.

DISTRICT POLICE OFFICER. **PHANGU** 

## OFFICE OF THE DISTRICT POLICE OFFICER, HANGU.

/PA, dated Hangu, the 📆 Copy of above is submitted to the Regional Police Officer, Kohat for favour of information please.

Pay Officer, Reader, SRC & OHC for necessary action. Ex-Constable Muhammad Bilal No. 669. 3.

DISTRICT POLICE OFFICER,

HANGU

9-*=* بخضور جنابD.I.G صاحب کوہاٹ 95/4/16

عنوان درخواست برائے انسانی ہدردی کی بنیاد بر

جناب عالى إ

گزارش ہے کہ فددی پولیس ڈیپارٹمنٹ میں ڈھائی سال نوکری کرچکا ہوں لیکن برتمتی سے سائل 201-01-29 کو بیاری کی وجہ ہے ہنگو جبہتال سے بیٹا ورر ایفر کیا گیا سائل نے وہاں جا کر ڈاکٹر سے علاح معالج شروع کیا 2014-01-29 سے سائل کوغیر عاضر تارکیا گیا ہے لیکن سائل نے ہنگو جبہتال سے ریفر رپورٹ پولیس لائن روز نامچے میں دوخواست کے ساتھ درج کیا تھا اور سائل کے پیچھے روائلی ہوگئ تھی 2014-02-19-19 سے بذر لیم ہنگو پولیس لائن روز نامچہ میں بحالہ مدنم ر15 روز نامچہ سے غیر حاضر کیا گیا اور سائل کے پیچھے دوائلی ہوگئ تھی 2014-02-19-19 سے بذر لیم ہنگو پولیس لائن روز نامچہ میں بحالہ مدنم کا روز نامچہ سے نیر حاضر کیا گیا اور سائل کے پیچھے ڈیڑھ ماہ غیر حاضری تقارکیا گیا ہوگئ تھی ایماندان کی ٹوٹل غیر حاضری 2012 ہے ۔ اور سائل کے اس سائل کے پیچھے ڈیڑھ ماہ غیر حاضری تقارکیا گیا ہے ۔ اور سائل ایک غیر سائل ایک غیر سائل ایک خریب گھر انے سے تعلق رکھتا ہے ۔ اور سائل کے ماں باب بھی بوڑے ہیں گر سائل ایپ تھی ہوڑے ہیں گر سائل ایپ بھی بوڑے ہیں گر سائل ایپ گیرانے کا واور نوٹر کی بھر ان کے ہوئی اور ایک کا واور نوٹر کی بھر ان کے ہوئی اور ان کے ہوئی اور شیل ماسٹر کام کر رہا تھا لیکن دہشت گر ووز نے ان کو انواء کی در سے معاش نہیں کر کے شہید کردیا اور تان کا فات کو بھر ان کیا اور ان کے ہوئی اور شیخ کی سائل کے ذے ہیں اور سائل کا ورکوئی ذر لیہ معاش نہیں کر کے شہید کردیا اور تان کا فات کوئی ورک تھیں دیا ) اور ان کے ہوئی اور سائل کے ذے ہیں اور سائل کا ورکوئی ذر لیہ معاش نہیں کر کے شہید کردیا اور تان کا فات کوئی کوئی در سے معاش نہیں

آپ صاحبان سے گزارش کی جاتی ہے سائل کوایک دفعہ پھراپنی ڈیوٹی پر بحال کرکے ملک وقوم کے خدمت کا موقع دیکرمشکور

فرمائیں

ميڈيكلر بورٹ لف درخواست ہے

عین نوازش ہوگی

العارش آپ كا تابعدار پوليس كنسٹيل محمد بلال بلٹ نمبر 669 ضلع ہنگو موبائل: 1965268-0334



#### ORDER.

This order will dispose of an appeal preferred by Ex-Cons. Muhammad Bilal No. 669 of Hangu District Police against the page order of dismissa service vide DPO Hangu O.B No. 204, dated 02.04.2014.

Facts are that the appellant while posted at Police Lines absented himself from lawful duty w.c.f 29.01.2014 to 13.03.2014 without any prior permiss leave, which speaks of his negligence, irresponsibility and willful disobedience of lawful order

Charge Sheet & Statement of allegations was issued to him Police Disciplinary Rule 1975 and Inspector Rahim Khan IBH Staff PS City Hangu was appenduiry officer, who in his findings report recommended him for one of the major punishment the recommendation of E.O, he was dismissed from service by the DPO Hangu vide O.B No dated 02.04.2014.

Aggrieved from the order passed by the DPO Hangu, the apprender the instant departmental appeal, wherein he requested for setting aside the punish order.

He was heard in person in orderly room held in this compared and forwarded just tame exquee.

Keepin in view of the position explained above and avarecord, the undersigned has come to the conclusion that the order passed by the DPO Hai accordance with law and rules and no need for interference. Hence, appeal is hereby rejecte

ORDER ANNOUNCED 30.04.2014

(DR. ISHTIAQ AHMAD MARWAT)

Dy: Inspector General of Police, Kohat Region, Kohat.

No. 43/8-19/EC, dated Kohat the 2/05 /2014.

Officer, Hangu w/r to his office Mi inio: No. 1514/L.B, dated 18.04.2014. His service recenclosed herewith.

Ex-Constable Muhammad Bilal No. 669 Hangu district.

(DR. ISHTIACIALMAD MARWAT)

Dy: Inspectol General of Police.

Kohat Region, Kohat.



G-11

#### OFFICE OF THE INSPECTOR GENERAL OF POLICE KHYBER PAKHTUNKHWA

Central Police Office, Peshawar

No. S/ 4541 /16, Dated Peshawar the 14/06/2016.

#### **ORDER**

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by **Ex-Constable Muhammad Bilal No. 669.** The appellant was dismissed from service w.e.f 29.01.2014 by DPO/Hangu vide OB No. 204, dated 02.04.2014, on the charge of absence from duty for a period of 01 month and 15 days.

His appeal was filed / rejected by Regional Police Office, Kohat vide order Endst: No. 4318-19/EC, dated 02.05.2014.

Meeting of Appellate Board was held on 12.05.2016 wherein appellant was heard in person. Petitioner contended that he was suffering from kidney problem and was under treatment in DHQ Teaching Hospital Hangu and HMC Peshawar.

The impugned order of his dismissal from service was passed in the year 2014 and he submitted review petition in the year 2015. His appeal is time barred. His service length is less than 03 years. Thus his appeal is **rejected** on grounds of limitation and merit as well.

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

(NAJEEB-UR-REHMAN BUGVI)

NAMOO

AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

No. S/ 4542-48/16,

Copy of the above is forwarded to the:

- 1. Regional Police Office, Kohat Region, Kohat.
- 2. Distict Police Officer, Hangu.
- 3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
- 4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
- 5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
- 6. Office Supdt: E-IV CPO Peshawar.
- 7. Central Registary, CPO.

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# بعدالت

Kp service

Bilal Hussain مقدم دعوي police Deptt 7.

باعث تحريرا نكه

معالم المالي المسلم المراكم ا مقدمه مندرجه عنوان بالامين ابي ظرف بصاوا آن مقام کے ور مقرر کرے اقر ارکیاجا تاہے۔ کہ صاحب موصوف کومقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز و کیل صاحب کوراضی نامه کرنے وتقر رثالث و فیصله پرحلف دیئے جواب دہی اورا قبال دعوی اور بصورت وگری کرنے اجراء اور وصولی چیک وروپیدار عرضی دعوی اور درخواست ہرتم کی تصدیق زرایں پردستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یاڈ گری کیکطرفہ یا اپیل کی برامدگ اورمنسوخی نیز دائر کرنے اپیل نگرانی ونظر ثانی و پیروی کرنے کا مخار ہوگا۔ از بصورت ضرورت مقدمه مذکور کے کل یا جزوی کاروائی کے واسطے اوروکیل یا مخار قانونی کوایئے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔اورصاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اوراس كاساخته يرداخته منظور وقبول موكادوران مقدمه ميس جوخرجه مرجانه التوائح مقدمه ك سبب سے وہوگا۔کوئی تاریخ پیشی مقام دورہ پر ہو یا حدسے باہر ہوتو دکیل صاحب پابند ہول

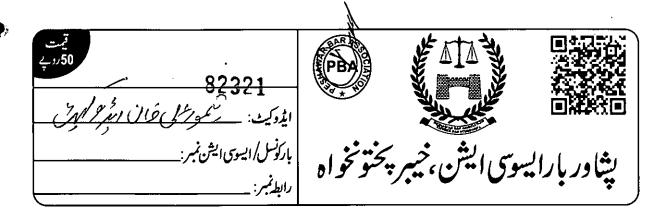
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الرقوم

کے لئے منظور ہے۔

Accepted Shahqullah yong tan

گے۔ کہ بیروی نذکورکریں ۔ لہذا و کالت نام کھھ میا کہ سندر ہے۔



مناب: بال المالي عن المالي ال

مقدمه مندرد عنوان بالا عمرا فی طرف داسط پیروی و جواب دی کاروائی متعلقه

آن مقام کری افزار کیا گیا تا ہے کہ ساخت موصوف کو مقده کی کا کاروائی گاکا لی افتیا و توجی این و کی افراد کی تقد یق راضی نامہ کرے قرار کیا گیا تا ہے کہ ساخت موصوف کو مقده کی کا کاروائی گاکا لی افتیا و توجی اور در خواست از برائی تقد یق در یہ برد خوا گیا کی افزا و توجی این کی برا مرکی اور در خواست از برائی تقد یت و این کی برا مرکی اور در خواست از برائی تقد می اور در خواست از برائی تا مرکی اور در خواست از برائی تا می اور در خواست از در کی برائی این کی برائی کی برائی این کی برائی کی برائی

نوك:اس دكالت نامه كى فوثوكا في نا قابل تبول موكى ـ

