

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT, ABBOTTABAD

Service Appeal No. 1502/2018

Date of Institution ... 12.12.2018
Date of Decision ... 15.11.2021

Syed Muzamil Shah son of Syed Aurangzeb Shah, resident of
Panian, Haripur.

... (Appellant)

VERSUS

I.G.P Khyber Pakhtunkhwa and three others.

... (Respondents)

Muhammad Aslam Tanoli,
Advocate

... For appellant.

Muhammad Rasheed,
Deputy District Attorney

... For respondents.

Ahmad Sultan Tareen
Rozina Rehman

... Chairman
... Member (J)

JUDGMENT

Rozina Rehman, Member(J): Brief facts of the case are that appellant was appointed as Constable. He was proceeded against departmentally on the allegations of absence and was awarded major penalty of dismissal from service. Being aggrieved, he filed departmental appeal which was rejected, hence, the present service appeal.

2. We have heard Muhammad Aslam Tanoli Advocate learned counsel for appellant and Muhammad Rasheed, learned Deputy District Attorney for the respondents and have gone through the record and the proceedings of the case in minute particulars.

3. Muhammad Aslam Tanoli Advocate, learned counsel for appellant submitted that the impugned orders are illegal, discriminatory and without lawful justification as the appellant was not treated according to law. Learned counsel stated that the appellant has been ousted without holding any regular inquiry and that the impugned orders are violative of law.


4. Conversely, learned A.A.G stated that the appellant while posted at Police Lines, Haripur absented himself from duty w.e.f 17.06.2017 to date of dismissal without any leave or permission, therefore, he was proceeded against departmentally and was awarded major punishment after observance of all codal formalities.


5. From the record it is evident that appellant absented himself from duty without any permission/information vide D.D No.26 dated 17.06.2017. The fact that the appellant remained absent from duty from 17.06.2017 till the date of dismissal i.e. 22.02.2018 is not disputed rather an admitted fact. Since there was no dispute about the fact of appellant remaining absent from duty, no question arises for holding of regular inquiry but even then, proper show cause notice was served upon him but to no avail. He was issued charge sheet on 30.10.2017 and inquiry was entrusted to D.S.P Headquarter. He was called time and again by the Inquiry Officer, but to no avail. Final show cause notice was also issued, where-after, he was awarded major punishment of dismissal from service vide order of D.P.O Torghar dated 22.02.2018. He filed departmental appeal which is undated and the same was dismissed on 05.09.2018. His departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 was also

rejected on 15.11.2018 as he was having Seven bad entries during his short service.

6. Having considered the matter from all angles in the light of material available on file, we do not find any merit in the instant service appeal which is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.
15.11.2021


(Ahmad Sultan Tareen)
Chairman
Camp Court, A/Abad


(Rozina Rehman)
Member (J)
Camp Court, A/Abad

Order

15.11.2021

Appellant present through counsel.

Muhammad Rasheed learned Deputy District Attorney for respondents present.

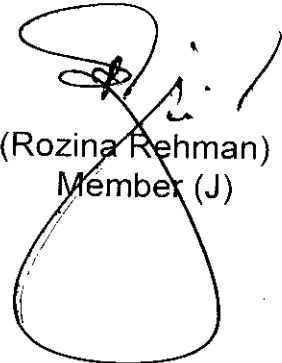
Vide our judgment of today of this Tribunal placed on file, we do not find any merit in the instant service appeal which is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

Announced.

15.11.2021



(Ahmad Sultan Tareen)
Chairman

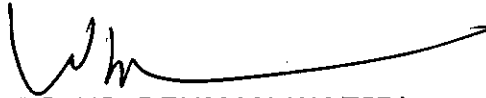


(Rozina Rehman)
Member (J)

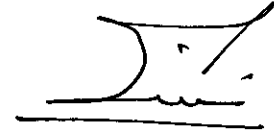
20.09.2021

Appellant in person present. Mr. Usman Ghani, District Attorney for the respondents present.

Appellant requested for adjournment on the ground that his counsel is unable to appear before the Tribunal today due to strike of lawyers. Adjourned. To come up for arguments before the D.B on 15.11.2021 at Camp Court Abbottabad.



(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)
CAMP COURT ABBOTTABAD

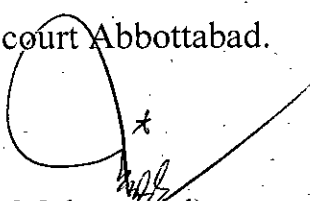


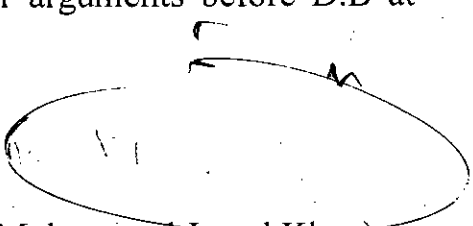
(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT ABBOTTABAD

16.11.2020

Counsel for the appellant is present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for respondents present.

The Lawyers community is not appearing in the Tribunal for the reason that they are observing sough of the Hon'able Chief Justice, Peshawar High Court, Peshawar, therefore, the case is adjourned to 15.02.2021 for arguments before D.B at camp court Abbottabad.


(Mian Muhammad)
Member(E)



(Muhammad Jamal Khan)
Member(J)
Camp Court Abbottabad


15.02.2021

Learned counsel for the appellant.


Mr. Noor Zaman Khattak, learned District Attorney alongwith Mian Rashid Ali, SI for respondents present.

Former request for adjournment; Granted. To come up for arguments on 19.04.2021 ~~before D.B at Camp Court Abbottabad.~~ before D.B at Camp Court Abbottabad.


(Atiq ur Rehman Wazir)
Member (E)
Camp Court, Abbottabad


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

19.4.2021. Due to Covid-19, The case is adjourned to 20/8/2021 as before.

Reader. 

Due to covid ,19 case to come up for the same on / /
at camp court abbottabad.

Reader

Due to summer vacation case to come up for the same on
17 / 9 / 20 at camp court abbottabad.



Reader

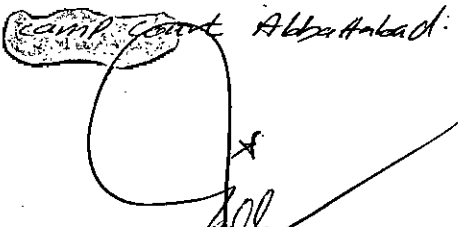
17.09.2020

Appellant has not forth come. Mr. Usman Ghani, District Attorney alongwith Mr. Shakeel Ahmad, ASI (Legal) for respondents present.

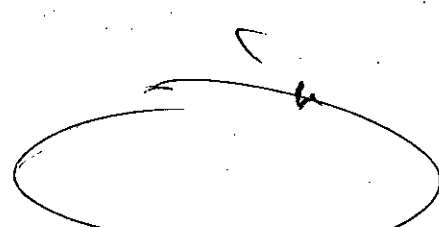
It was reported that relative of the learned counsel for the appellant has died today, therefore, he is busy in his funeral ceremony and unable to attend the Tribunal. He is seeking time for arguments vide application dated 17.09.2020 submitted by him and placed on file.

Adjourned to 16.11.2020 for arguments before D.B at

Camp Court Abbottabad.



(Mian Muhammad)
Member(E)



(Muhammad Jamal)
Member
Camp Court A/Abad

24.10.2019

Counsel for the appellant present. Mr. Usman Ghani, District Attorney present. Mian Rashid Ali, S.I (Legal) for the respondents present and seeks further time to furnish reply. Granted by way of another last opportunity. To come up written reply/comments on 20.11.2019 before S.B. at camp court, Abbottabad.



Member

Camp court, A/Abad

20.11.2019


Learned counsel for the appellant present. Mr. Usman Ghani learned District Attorney alongwith Mian Rashid Ali S.I (Legal) present. Representative of the respondent department submitted written reply/comments. To come up for rejoinder if any and arguments on 23.01.2020 before D.B at Camp Court, Abbottabad.

23.01.2020

Clerk to counsel for the appellant present Mr. Ziaullah, DDA alongwith Mr. Beyaz ud Din, Assistant for the respondents present. Due to general strike of the Bar on the call of Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for further proceedings on 19.02.2020 before D.B at camp court Abbottabad. Appellant be put on notice for the date fixed.



Member



Member
Camp Court A/Abad

22.05.2019

Appellant in person and Mr. Muhammad Bilal, Deputy District Attorney for the respondents present. Neither written reply on behalf of respondents submitted nor their representative present therefore, notice be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned to 10.07.2019 for written reply/comments before S.B at Camp Court Abbottabad.



(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

10.07.2019

Counsel for the appellant and Mian Rashid Ali, S.I (Legal) alongwith Mr. Muhammad Bilal Khan, Deputy District Attorney for the respondents present. Written reply on behalf of respondents not submitted. Representative of the department requested for further adjournment. Adjourned to 17.09.2019 for written reply/comments before S.B at Camp Court Abbottabad.



(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

17.09.2019

Appellant alongwith his counsel and Mr. Muhammad Bilal Khan, Deputy District Attorney alongwith Mian Rashid Ali, S.I for the respondents present. Written reply on behalf of respondents not submitted. Representative of the department requested for further adjournment. Last chance is given to the respondents for filing of written reply. Adjourned to 24.10.2019 for written reply/comments before S.B at Camp Court Abbottabad.





(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

18.03.2019

Counsel for the appellant Muzammal Shah present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was in Police Department. He was imposed major penalty of dismissal from service vide order dated 22.02.2018 on the allegation of eight months absence. The appellant filed departmental appeal (undated) which was rejected on 05.09.2018. The appellant filed revision petition on 05.09.2018 which was also dismissed vide order dated 15.11.2018 hence, the present service appeal 12.12.2018. Learned counsel for the appellant further contended that the mother of the appellant was seriously ill therefore, he could not attend the duty due to illness of her mother. It was further contended that the appellant has eight years service in his credit but the respondent-department has not considered the same while imposing the major penalty of dismissal from service. It was further contended that neither proper inquiry was conducted nor any absence notice was issued to the appellant at his home address therefore, the appellant was condemned unheard.

The contention raised by learned counsel for the appellant needs consideration. The appeal is admitted for regular subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days thereafter, notice be issued to the respondents for written reply/comments for 22.05.2019 before S.B at Camp Court Abbottabad.




Appellant Deposited
Security & Process Fee


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. _____ 1502/2018 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	19/12/2018	<p>The appeal of Syed Muzammal Shah received today by post through Mr. Raja Ali Sajjad Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	26-12-18	<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>18-3-19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Syed Muzammal Shah son of Syed Aurangzeb Shah resident of Panian Haripur received today i.e. on 12.12.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Annexures of the appeal may be attested.
- 3- Annexures of the appeal may be flagged.
- 4- Copy of departmental appeal and revision petition are not attached with the appeal which may be placed on it.
- 5- Six copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2383 /S.T,

Dt. 12-12 /2018.

Soneh
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Raja Ali Sajjad Adv.
High Court A.Abad.

Sir,
The service appeal is
re-submitted duly
rectified as required.

Ali

RAJA ALI SAJJAD
Advocate

High court (Abbottabad)

Office # 32, New Lawyers Plaza

II. Near District bar room

Abbottabad.

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

Service Appeal No. 1502 /2018

Syed Muzammal Shah son of Syed Aurangzeb Shah, resident of Panian, Haripur.

...APPELLANT

VERSUS

IGP Khyber Pakhtunkhwa & others.

...RESPONDENTS

SERVICE APPEAL


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4.	Copy of rejection of departmental appeal	18 to 21	"C"
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6.	Final Show cause notice	24	
7.	Wakalatnam	25	


...APPELLANT

Dated: 12/12 /2018

Through


(RAJA ALI SAJJAD)
Advocate High Court, Abbottabad

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

Service Appeal No. 1502 /2018

Syed Muzammal Shah son of Syed Aurangzeb Shah, resident of Panian,
Haripur.

...APPELLANT

Khyber Pakhtunkhwa
Service Tribunal

VERSUS

Diary No. 1746

Dated 12-12-2018

1. IGP Khyber Pakhtunkhwa.
2. Regional Police Officer, Hazara Region **A.T.D**
3. District Police Officer, Torghar.
4. District Police Officer, Haripur.

....RESPONDENTS

Filed to-day

Registrar

12/12/18

**Re-submitted to-day
and filed.**

Registrar

19/12/18

**SERVICE APPEAL UNDER SECTION 4 OF
SERVICE TRIBUNAL ACT, 1974, FOR
DECLARATION TO THE EFFECT THAT THE
APPELLANT HAS BEEN DISMISSED FROM
SERVICE ON DATED 22/02/2018, VIDE
OFFICE OB NO. 97, BY RESPONDENT NO. 3**

DUE TO THE CHARGE OF LONG ABSENCE
I.E. 17/06/2017 TO 22/02/2018, THEREFORE,
THE APPELLANT FILED DEPARTMENTAL
APPEAL BEFORE THE RESPONDENT NO. 1 &
2 ON 05/09/2018 VIDE ENDST NO. 4485/ PA,
WHICH WAS DISMISSED ON 05/09/2018 AND
15/11/2018, WHICH IS AGAINST THE FACTS,
WITHOUT LAWFUL JURISDICTION, SO THE
ORDER OF DISMISSAL DATED 22/12/2018
AND REJECTION OF DEPARTMENTAL
APPEAL DATED 05/09/2018 AND 15/11/2018
IS LIABLE TO BE SET-ASIDE AND
APPELLANT MAY BE REINSTATED IN
SERVICE.

=====

PRAYER: ON ACCEPTANCE OF THE
INSTANT APPEAL, ORDER OF THE
DISMISSAL OF THE APPELLANT DATED
22/02/2018 AND ORDER OF REJECTION OF
DEPARTMENTAL APPEAL DATED 05/09/2018
AND 15/11/2018 MAY GRACIOUSLY BE SET-
ASIDE AND APPELLANT MAY BE
REINSTATED IN SERVICE, ANY OTHER
RELIEF WHICH THIS HONOURABLE

TRIBUNAL DEEM, APPROPRIATE UNDER
THE CIRCUMSTANCES MAY ALSO BE
ALLOWED.

=====

Respectfully Sheweth:-

1. That the appellant joined police department as constable in the year 2010 and served police departmental with complete devotion, dedication and to the entire satisfaction of his superiors.
2. That, during service when appellant posted as an loan basis at Haripur District, Mother of appellant become seriously ill, due to this reason appellant could not perform duty. (Medical records are annexed as Annexure "A").
3. That, appellant has been dismissed from service on 22/02/2018, by respondent No. 3 on the charge of long absence from service. (Dismissal order dated 22/02/2018 is annexed as Annexure "B").
4. That, the appellant after receipt of dismissal order filed departmental appeal before respondents No. 1

& 2, but both the appeal have been rejected. (Rejection of departmental appeal are annexed as Annexure "C").

5. That, appellant appeared before the inquiry officer and produced entire record of ailment of his mother due to which he remained absent but the competent authorities awarded major penalty of dismissal from service without considering the genuine reasons. Which is against the norms of justice, hence the instant service appeal is filed, inter-alia on the following grounds.

GROUND:-

- a) That dismissal from service order of the appellant is illegal, without lawful justification, discriminatory, which is liable to be set-aside.
- b) That, at the time of rejection of departmental appeal, the appellant astonished to know that there were 7 bad entires in his service book, which is also against the law, hence the

previous bad entries if any has no concern with the dismissal.

- c) That, when law prescribed some thing which is to be done in a particular manner that must be done in that manner and not otherwise. The competent authority did not follow the law.
- d) That respondent's department while deciding the case of appellant also consider bad entry in service record of appellant, which is not maintainable at law.
- e) That, there is no other prompt and efficacious remedy available to the appellant except the invocation of jurisdiction of this Honourable Tribunal.
- f) That the matter in issues relates to the terms & conditions of service, therefore, service tribunal has justification to entertain the instant service appeal.

It is, therefore humbly prayed that by acceptance of the instant appeal, order of the dismissal of the appellant dated 22/02/2018 and order of rejection of departmental appeal dated 05/09/2018 and 15/11/2018 may graciously be set-aside and appellant may be reinstated in service, any other relief which this Honourable Tribunal deem, appropriate under the circumstances may also be allowed.



...APPELLANT

Dated: 12/12 /2018

Through



(RAJA ALI SAJJAD)

Advocate High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of foregoing appeal are true and correct to the best of our knowledge and belief and nothing has been concealed therein from this Honourable Court.



...APPELLANT

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

Service Appeal No. _____/2018

Syed Muzammal Shah son of Syed Aurangzeb Shah, resident of Panian,
Haripur.

...APPELLANT

VERSUS

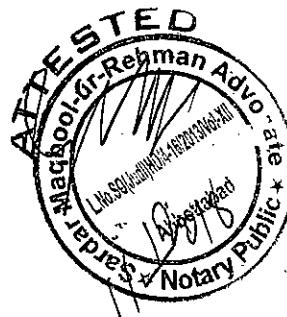
IGP Khyber Pakhtunkhwa & others.

...RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, Syed Muzammal Shah son of Syed Aurangzeb Shah, resident of Panian,
Haripur, do hereby solemnly affirm and declare that the contents of
foregoing service appeal are true and correct to the best of my knowledge
and belief and nothing has been concealed therein from this Honourable
Court.




DEPONENT

(8)

Annexure (A)

Yahya Welfare Complex Hospital



Habib Plaza, GT Road, Haripur. Postal Code 22620.

Tel: +92-995-627516, +92-995-627517, +92-995-627518, www.yahyahospital.Com.

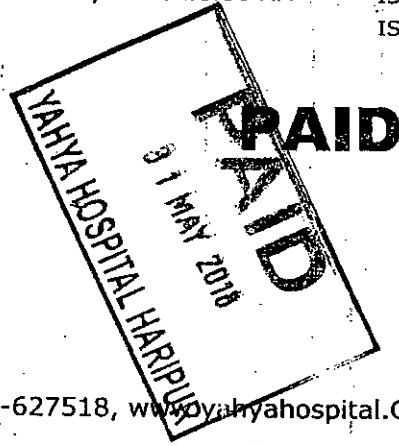
Order # : 05583018
Order ID : 38360

Patient ID : 38229
Patient Name : M/O SHAH FAISAL
Gender : Female
Age : 56 Y
Charge Policy : General
Contact # :

Date / Time : 31 May 2018 10:18:00 AM

Refer By : Dr Kamran Aziz (Medical Specialist)

Profiles / Tests	Amount	Tentative Report Time	S/Crgn
Blood Complete Picture	250.00	31-May-2018 10:40 AM	ISL
BLOOD UREA, CREATININE	480.00	31-May-2018 10:50 AM	ISL
URINE ROUTINE EXAMINATION (R.E)	50.00	31-May-2018 10:50 AM	ISL
X-Ray Digital	350.00		ISL
<i>Net Amount</i>	1,130.00		
<i>Net Paid</i>	1,130.00		



Tel : +92-995-627516, +92-995-627517, +92-995-627518, www.yahyahospital.Com.

Taha

31-05-2018 10:20 AM

1/1

software by : MDSoft (Pakistan, Islamabad), 0323-5214814, www.mdssoftwares.com, mdssoftwares@hotmail.com

Attested

Kajiyati Sajjad
Advocate
F-10/1, East Abbotabad

A.S.



(9)

YAHYA WELFARE COMPLEX HOSPITAL HARIPUR

یحییٰ ویلفیئر کمپلکس ہسپتال ہری پور

DISCHARGE SUMMARY

Patient Name: Razia bibi m/o Faisal/Muzamil S/D/W/O Age 58y Sex F

Date of Admission: 7/02/18 Date of Discharge: 14/02/18

Diagnosis: Hyperosmolar Non-Ketotic Coma (HONK), known DM (Type II)

Discharge Summary: Pt presented @ LOC for 1 hour, O/E. Bp = 110/70 mmHg
Temp = 98.6 F, R/R = 30/min, SpO₂ = 91%, CUSIS, +S₂, CUS @ Resp. Capts B/L
GIT -> Abdomen distended, mild. RBS -> Hi on Glucometer. Pt was admitted & advised.

(1) => Inj Insulin (R) 50 units In Soln N/Saline @ 6 drops/min.

(2) => Inj N/Saline 1L in first half hour, 1L in next 1 hr, 1L in next 2 hr, 1L in next 4 hr, 1L in next 6 hr.

(3) Inj Bestin 1gm I/c x B/D (ATD) (5) Inj Garamate I/c x TDS

(4) Inj Risek Yomy I/c x OD (In looms) (6) Inj KCl in 200ml N/S

Diagnostic Investigation Reports:

after 06 hrs.

=> Monitor Vitals (Bp, RBS, Electrolytes) 1 hourly.

07/02/18.

RBS = 700 mg/dl.

S. Na⁺ = 130 mEq/L

S. K⁺ = 3.5 mEq/L

=> Urine for ketones = Positive

14/02/18 -> RBS = 160 mg/dl.

S. Na⁺ = 146 mEq/L

S. K⁺ = 4.0 mEq/L

Medication At Discharge:

=> Inj Insulin 70/30 ^{30 M} ^{45 E}

=> Tab Sita Met 50/500 (1 x B.D)

=> Tab Lipiset 10mg 1 x Hs.

=> Tab Loprin 75mg 1 x O.D

=> Cap Risek Yomy 1 x O.D

=> Tab Calan-SR 1 x O.D.

Bed Rest: _____

Special Instructions: _____

Follow up visit appointment _____

Consultant/ Dept. _____

Yahya Welfare Complex Hospital Haripur

M.O. Consultant Signature

Atiq Ali Sayad
M.O. Consultant
Signature



یہا ویلفیئر کمپلکس ہسپتال

YAHYA WELFARE COMPLEX

Hospital

S. No: 8514

T: +92-995-627516-18

Fax +92-995-627519

G.T Road Haripur,

Postal Code: 22620

GP/ID No:

Date:

17/07/17

Patient's Name:

Razia D. M.

Sex:

F

Age:

55y

RX

Handwritten symbol

1st Trial 24

150

ADN.
ECG
BSR
CBC

145 Loprin 787

1000

145 ASCARD 74

1000

30 Multig

" "

Yahya Welfare Hospital Haripur

Physician's Name	Physician's Signature
------------------	-----------------------

Attested
Advocate
High Court Faisalabad

GP/ID

Date: 17/07/17

Patient's Name: Razia Bism

Sex: (F) Age: 55y

Rx

D
F

1st Detail 24

no 10

Adm.
ECG
BSR
CBC

25 Loprin 24

no. 10

25 ASCARD 24

no. 10

20 Multigr
" " "

[Handwritten signature]

Physician's Name

Physician's Signature

Yahya Welfare
Complex Hc
Haripur



یحییٰ ویلفیئر کمپلکس ہسپتال (12)
 YAHYA WELFARE COMPLEX
Hospital

S. No: 8513
 T: +92-995-627516-18
 Fax +92-995-627519
 G.T Road Haripur,
 Postal Code: 22620

GP/ID No: _____

Date: 17/6/2017

Patient's Name: Razza (6)

Sex: Male Age: 55 years

R
 wux
 SOB e
 palpitation
 pain in left
 side chest
 or indigestion
 stat
 TA M/S/SK
 STW
 O/E CG
 RBS
 A/C

15/6/17
 Knows one of S/D / DM / H
 TA NOCLOT EA
 1-50
 Ta NMISS 1 day
 1-1
 Hospital

Physician's Name: _____

Physician's Signature: _____

Attested
 Raja Ali Bahar
 Advocate
 High Court, Abbottabad
 AD



یحییٰ ویلفیئر کمپلکس ہسپتال
YAHYA WELFARE COMPLEX
Hospital
T: +92-995-627516-18
Fax: +92-995-627519
Habib Plaza, G.T Road
Haripur, Postal Code: 22620

(13)
Dr. Kamran Aziz
M.B.B.S, F.C.P.S

PMDC No. 7513-N
Medical Specialist

ڈاکٹر کامران عزیز

ایم۔ بی۔ ایس۔ ایف۔ سی۔ ایس۔ پی۔ ایس
میڈیکل سپیشلسٹ



Department of
Internal Medicine

Patient's Name

M/o Mr. Shah Faisal

Age 86*

Sex F

Date 31/5/18

Rx

Pain @ renal area

renal colic

hr:

Inj. Torbac / Gravitate (3000)

Inj. Nexium (3000)

Inf. N/Saline 1/2 500ml x 500 + Inj. NSAID (initially)

120/70

92.9°F

RBS 170

of
Urinalysis
Urea
Cr
X/R KUB

① Inj. Xorbact 1/2 1gm

U7 x 1 + 1

② Tab. Paracetamol

2 + 2 + 2

③ Crem Max Sachet

U7 x 1 + 1

(کلاس پانی میں - میں)

Not Valid for Court

For Information: 0314-4044944

04:00 - 08:30

Noted
Patana Sejjah
Advocate
High Court Abbottabad



(14)

LAB ID 38360



Pat. Name M/O SHAH FAISAL

Refer By Dr Kamran Aziz (Medical Specialist)

Patient ID 38229

Sample Date 31 May 2018 10:18:00 AM

Age / Sex 56 Y / Female

HAEMATOTOLOGY

Blood Complete Picture

Tests	Result	Unit	Normal Range
WBC Count	9.1	1000 / mm ³	4.0 - 11.0
RBC Count	4.59	mil / mm ³	3.8 - 5.2
Haemoglobin	13.8	g/dL	11.7 - 16.0 g/dl
Hematocrit	38.9	%	35 - 47
MCV	84.7	fl	79 - 98
MCH	30.1	pg	26 - 34
MCHC	35.5	g/dL	32 - 36
Platelet Count	276	1000 / mm ³	140 - 440

Differential Leucocyte Count

Polymorphs	65.6	%	43.6-73.4
Lymphocytes	28.7	%	18 - 44
Monocytes	3.5	%	02 - 11
Eosinophils	1.9	%	0 - 6
Basophils	0.3	%	0 - 2

This test has been performed on Abbott C.D E22 (5 Parts) Hamatology Analyzer.

Platelet Count

Our Collection Centers

1. Opposite DHQ Hospital, Haripur
2. HMC Road, Taxila
3. Gandhara Lab, Awan Plaza Mandian, Abbottabad

Other Services

- Multislice CT Scan
- Digital X-ray
- Echocardiography
- Ultrasound
- 24 hrs Emergency

Features

- Excellent Online Reporting
- Reliable Results
- Highly Qualified Staff



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Postal Code 22620



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+92-995-627517



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- Real Time PCR Testing on world's best equipments Abbott's m2000rt and m 245P

- Special Chemistry on Abbott's Architect i1000SR

- Clinical Chemistry on Roche Cobas C-111
- CBC 5 Part Differential on Abbott's E22

- 30 Popular allergies in one test with highly reliable result on ACONS's (USA) equipment

NOT VALID FOR ANY COURT OF LAW

Attested
Rajal Ali Sajjad
Advocate
High Court Abbottabad

(15)



یحییٰ ویلفیئر کمپلکس ہاسپتال
YAHYA WELFARE COMPLEX
Hospital
DIAGNOSTIC CENTRE

LAB ID: 38360



Pat. Name: M/O SHAH FAISAL

Refer By: Dr Kamran Aziz (Medical Specialist)

Patient ID: 38229

Sample Date: 31 May 2018 10:18:00 AM

Age / Sex: 56 Y / Female

CHEMISTRY

BLOOD UREA, CREATININE

Test	Result	Unit	Normal Range
Urea	33	mg/dl	10.6 - 48.5 mg/dl
Creatinine	0.9	mg/dl	0.50-0.90 mg/dl

LAB #

LAB #



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NOT VALID FOR ANY COURT OF LAW

Handwritten signature
 Attested by
 Notary Public
 High Court Abbottabad
Handwritten initials



(16)



LAB ID 38360

Pat. Name M/O SHAH FAISAL

Refer By Dr Kamran Aziz (Medical Specilist)

Sample Date 31 May 2018 10:18:00 AM

Patient ID 38229

Age / Sex 56 Y / Female

CLINICAL PATHOLOGY

URINE ROUTINE EXAMINATION (R.E)

Tests	Result	Normal Range
Physical Examination		
Color	Yellow	Light Yellow
Specific Gravity	1.030	1.005 - 1.025
pH	6.0	4.5 - 7.5
Chemical Analysis		
Protein	Trace	Nil
Glucose	Negative	Nil
Ketone Bodies	Negative	Nil
Bilirubin	Nil	Nil
Urobilinogen	Normal	Normal
Microscopic Examination		
Pus Cells	6-8	01 - 03 / HPF
RBC	1-2	00 - 03 / HPF
Epithelial Cells	+	00 - 06 / HPF
Crystals	A.URATES +	NIL

Our Collection Centers

1. Opposite DHQ Hospital, Haripur
2. HMC Road, Taxila
3. Gandhara Lab, Awan Plaza Mandisa, Abbottabad

Other Services

- Multislice CT Scan
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result on ACON'S (USA) equipment

NOT VALID FOR ANY COURT OF LAW

Handwritten Signature
Kajal Sajid
Advocate
High Court Abbottabad

(17)

ANNEXTURE (B)

OFFICE OF THE DISTRICT POLICE OFFICER TOR GHAR

NO. 88-91 /PA

Dated 22/2 /2018

DISMISSAL ORDER

Constable Muzamil No.40⁴⁴⁹ while presently posted at Haripur district on loan basis, was proceeded departmentally charges leveled in the charge sheet under KPK Removal from Service (Special Powers) Re-approval Act 2011 Police disciplinary Rules 1975.

A letter vide DPO Haripur office Memo: No.4071/OASI dated 19-07-2017 that Constable Muzamil No.40 was posted at Police Line Haripur has absented himself from duty without any permission/information vide DD No.26 dated, 17-06-2017 to till now. A Showcase Notice was served upon him vide this office Memo: No.294-95/PA dated, 01-08-2017 but he not submitted reply nor inform this office about his presence.

On 30-10-2017 a charge sheet was issued to him vide this office Memo: 484/PA dated, 30-10-2017 and the enquiry entrusted to DSP/Hqrs. On 31-01-2018 the enquiry office in infinding report stated that above constable was called many time but he not appear both the enquiry officer and not contact any kind and suggested him for major punishment 'Dismissed from service' due to his long absence period. On 02-02-2018 a Final showcase notice vide this office Memo: 64/PA issued to him but till now on 21-02-2018 he not reply of final show cause notice nor inform this office about his presence which shows he not want to serve in Police Department.

Keeping in view in the light of recommendation of Enquiry Officer and Perusal of record & his absence period I Sardar Khan, District Police Officer, Torghar, competent authority has awarded him major punishment as 'Dismissed from the Service' from the date of absence i.e. 17-06-2017 with immediate effect.

Order Annex:

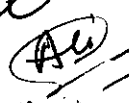
OB. No. 97/22-2 /2018.


District Police Officer,
Torghar

Copy submitted information to the:-

1. District Police Officer, Haripur w/r to his office letter No.4071/OASI dated, 19-07-2017
2. Pay Office Torghar
3. SRC Torghar
4. OHC, Torghar


District Police Officer,
Torghar

Ok
Attested


Raja Ali Sajjad
Advocate
High Court Abbottabad



(18)

ANNEXTURE C

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA

No. S/ 4679

PESHAWAR.

/18, dated Peshawar the 15/11/2018.

3274

19/11/

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 Syed Muzamal Shah No. 449. The petition was dismissed from service w.e.f 17.06.2017 by DPO, Torghar vide OB No. 97, dated 22.02.2018 on a charge of absence from duty for 08 months and 05 days.

His appeal was filed by Regional Police Officer, Hazara at Abbottabad vide order Endst: No. 4485/PA, dated 05.09.2018.

Meeting of Appellate Board was held on 08.11.2018 wherein petitioner was heard in person. During hearing petitioner contended that his absence was not deliberate but his mother was ill and there was no other male member for her look after.

Perusal of record reveals that the petitioner has earned 07 bad entries during his short service. Therefore, the Board decided that his petition is hereby rejected.

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

(SADIQ BALOCH) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

No. S/ 4680-86/18

Copy of the above is forwarded to the:

1. Regional Police Officer, Hazara at Abbottabad. Service Roll and Fauji Missal containing enquiry file of the above named Ex-Constable received vide your office Memo: No. 5136/PA, dated 29.10.2018 is returned herewith for your office record.
2. District Police Officer, Torghar.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGPA IQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQ Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

No. 5600/18
dated 23/11/18
DPO Torghar
for information

Advocate
Abbottabad

(19)

ORDER

This order is hereby passed to dispose off departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules 1975 submitted by *Ex-Constable Syed Muzamal Shah* No: 449 Torghar District against the order of punishment i.e. *Dismissal from service* awarded to him by the DPO Torghar, vide his office OB No: 97, dated 22.02.2018.


Facts leading to punishment awarded to him are that he while posted in Haripur district on loan basis has absented himself from duty without any leave or permission from 17.06.2017 to 22.02.2018.

After receiving his appeal, comments of DPO were obtained, which were perused. The undersigned called appellant in O.R on 29.08.2018 where he failed to explain any plausible reason in his defence. Therefore the punishment awarded to him by DPO Torghar i.e. *Dismissal from service* seems to be genuine, which is upheld and his appeal is *filed*.


REGIONAL POLICE OFFICER
Hazara Region Abbottabad

No. 4485 /PA Dated Abbottabad the 05/9 /2018.

Copy of above is forwarded to the District Police Officer, Torghar vide his office Memo: No: 2553 dated 06.07.2018 for information and necessary action.
Service Roll & Fauji Missal are returned herewith for your office record.


REGIONAL POLICE OFFICER
Hazara Region Abbottabad


Raja Ali Sajjad
Advocate
High Court Abbottabad


کے لئے فدا و جتن و کوششیں آئندہ کا ہزارہ زخمی دست مبارک

ضیاء علی!

گزارش حکیم سائبر حکیم بولیں میں 2010م کو پورے عرصے میں سائبر
 انہی ڈیوٹی خوش لکھوں سے سراجا کے ساتھ ساتھ والدہ جو م
 بارگاہ اور شکر کی ہر چیز میں۔ بوجہ ولادت علیہ السلام
 خیر خواہ ہوا اور جو (97) 22-2-18 2008 کو حکیم بولیں سے ڈیوٹی
 کیا گیا۔ سائبر نے جان بوجہ کہ خیر خواہی میں کی۔ والد
 کی وجہ سے علیہ السلام حکیم بولیں کوئی ذمہ دار نہیں تھا۔ ایسی وہ
 سے خیر خواہ رہا۔ سائبر نے والدہ کے علیہ السلام کے
 کا عزت و احترام درج ذیل ہے۔

نیز اس درج ذیل سند سے حکیم بولیں علیہ السلام کا حکم
 صادر فرمائی جاو۔

سائبر خاندان کا والد سراجا۔ سائبر نے
 اپنے والد کے ساتھ ساتھ والدہ کے ساتھ
 علیہ السلام کی عزت و احترام
 لکھنے کی ہر چیز میں 449

(21)

Phone No.0992-9310021
Fax No.0992-9310023

To The Provisional Police Officer,
Khyber Pakhtunkhwa Peshawar.

Subject: REVISION PETITION

Respected Sir,

01 It is to bring in to your kind notice that I was dismissed from
service by the DPO Torghar vied his office order No: 88-91/PA dated
22.02.2018 on the charges that I absented myself from lawful duty from
17.06.0217 to 22.02.2018.

02 I was appointed as Constable with effort from 13.02.2010 in
district Haripur.

03 During my absences I was posted to Torghar district, where I had
not reported arrival.

04 Facts are that during my posting in Saraysalla PS district Haripur.
My mother became seriously ill and there was no male member in my house, to
look after her (Prescription copy attached), and I applied for grant of leave
which was turned down therefore I absented myself due to above mentioned
problem.

05 I did not absented myself deliberately but due to illness of my
respected mother I remained busy with her in getting treatment.


06 I solemnly affirm and declare that I remained absent due tot my
above mentioned problem of illness of my mother as mentioned in the medical
prescription copy attached.

07 I therefore preferred an appeal against the order of dismissal
issued by the DPO Torghar before the worthy RPO Hazara but the same was
not considered sympathetically and my appeal filed.

08 Therefore I requests into your kind honor that I may be reinstated
in service being only sours of income generating person in my family to enable
me to look after my huge family compromising of 06 persons

With best wishes and regard.

Your Obediently,


Syed Muzamal Shah
Ex- Constable No: 449
Torghar District

10-9-018

(22)

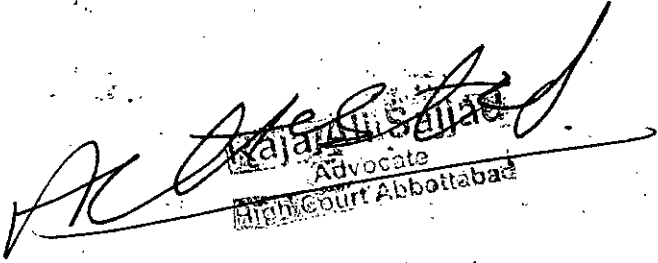
OFFICE OF THE DISTRICT POLICE OFFICER, TORGHAR

No. 484 /PA, dated, 30/10/2017

CHARGE SHEET

1. I, Sardar Khan, District Police Officer, Torghar as competent authority hereby charge you Constable Muzamil Shah No.40 as explained in the attached statement of allegations.
2. 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 said police disciplinary rules.
3. You are therefore directed to submit your written defense within (07) Seven days on the receipt of the charge sheet in the Enquiry officer.
4. Your written defense, if any, should reach the enquiry office within the specified period, failing which it shall be presumed that you have no defense to put in hand and in the case ex parte action shall follow against you.
5. Intimate whether you desire to be heard in person or other wise.
6. Statement of allegation is also enclosed.


(Sardar Khan)
District Police Officer,
Torghar


Advocate
High Court Abbottabad

(23)

DISCIPLINARY ACTION

I, Sardar Khan, District Police Officer, Torghar as competent authority am of the opinion that Constable Muzamil Shah No.40 has rendered himself liable to be proceeded against as you committed the following act/omission with in the meaning under the KPK Removal from service (Special Powers) Re-appealed Act 2011 Police Disciplinary Rules 1975:

STATEMENT OF ALLEGATION

A letter vide DPO Haripur office Memo: No.4071/OASI dated, 19-07-2017 that you was found absent himself from duty vide DD No.26 dated, 17-06-2017 at Police Station Saraye Saleh District Haripur without any information/permission by your senior till now.

For the purpose of scrutinizing the conduct with reference to the above allegation, an Enquiry committee of the following is constituted.

Mohammad Yousaf Khan DSP/Hqrs:

The enquiry officer/Committee shall in accordance with the provision of this ordinance, provided reasonable opportunity of hearing to the accused, record finding and make within 07 days of the receipt of this order recommendation as to punishment of the appropriate action the accused.

The accused and a well converant representation of the departmental shall in the proceedings on the date, time and place fixed by the enquiry officer/Committee.

(Sardar Khan)
District Police Officer,
Torghar

Attested
Raja Ali Sajjad
Advocate
High Court Abbottabad

() (24)

OFFICE OF THE DISTRICT POLICE OFFICER, TORGHAR

No. 64 /PA dated, Torghar the 02/02/2018.

FINAL SHOW CAUSE NOTICE.

(Unit Rule (3) KPK Police Rules,1975)

1. That You Constable Muzammil No.40 while Posted as on loan basis at Haripur district, have rendered yourself liable to be proceed under Rule 5 (30) of the Khyber Pakhtunkhwa Police Rules 1975 for the following misconduct:

i. As letter vide DPO Haripur office, Memo: No.4071/OASI dated 19.07.2017 that you was found absent himself from the duty vide DD No.26 dated 17.06.2017 at Police Station Seraye saleh District Haripur . A charge sheet was served upon you vide this office Endst: No.484/PA dated, 30.10.2017 and the enquiry entrusted to DSP/Hqrs: .The enquiry officer in his finding suggested for Major punishment. Now a final showcase notice is served upon you if you have any cogent reason about absentee produce before undersigned otherwise ex.parte action will be taken against you.

2. That by reason of above, as sufficient material is placed before the undersigned therefore it is decided to proceed against you in general Police proceeding without aid of enquiry officer.

3. That the misconduct on your part is prejudicial to good order of discipline in the Police Force.

4. That your retention in the police force will amount to encourage in efficient and unbecoming of good Police Officer.

5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the rules.

6. You are therefore, called upon to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rule, 1975 for the misconduct referred to above.

7. You should submit reply to this show cause notice within 07 days of the receipt of the notice failing which as ex parte action shall be taken against you.

8. You are further directed to inform the undersigned that you wish to be heard in person or not.

9. Ground of action are also enclosed with the notice.

Received by [Signature]
Dated, 13/1/2018

[Signature]
Advocate
High Court Abbottabad

[Signature]
District Police Officer,
Torghar

(25) وکالت نامہ

بعدالت جناب چیمین سروسز ٹریبونل پشاور / ایبٹ آباد

منجانب ایپلنٹ

بنام IGP KPK & others

سید عزمیل شاہ

باعث تحریر آنکہ عہدے

سروسز ایپل

دعویٰ یا جرم

مندرجہ بالا عنوان میں اپنی طرف سے بیروی و جوابدہی مقام ایبٹ آباد راجہ علی سجاد ایڈووکیٹ ہائی کورٹ ایبٹ آباد بدیں شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت ضرورت پکارے جانے وکیل صاحب موصوف کو اطلاع دیکر حاضر کرونگا۔ اگر کسی پیشی پر مظہر حاضر نہ ہوا اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی اور جگہ یا کچہری کے مقررہ اوقات سے پہلے یا بروز تعطیل بیروی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ مقام کچہری کے کسی اور جگہ سماعت ہونے پر یا بروز کچہری کے اوقات کے آگے پیچھے ہونے پر مظہر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے واسطے کسی معاوضہ ادا کرنے، مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کل ساختہ پر داخبتہ صاحب مثل کردہ ذات خود منظور و قبول ہوگا اور صاحب موصوف کو موکل کے مشورے سے عرضی دعویٰ، جواب دعویٰ، جواب الجواب، درخواست، جواب درخواست، درخواست برائے اجراءے ڈگری و نظر ثانی، اپیل، نگرانی دائر کرنے نیز ہر قسم کی درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کار و پیہ وصول کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور موکل کے مشورے سے سپرد ثالثی و راضی نامہ و فیصلہ برخلاف کرنے و اقبال دعویٰ کا اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم استنای یا ڈگری و قبل از فیصلہ اجراء ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ بیروی مختار نامہ کرنے کا مجاز ہوگا۔ اور بصورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا بیرونی کو بجائے اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا کرونگا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ بیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا اختیار نامہ لکھ دیا ہے کہ سند ہے۔ مضمون مختیار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

201

المرقوم

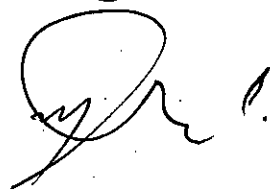
السید عزمیل شاہ

Accepted



راجہ علی سجاد ایڈووکیٹ
ہائی کورٹ ایبٹ آباد

(سید عزمیل شاہ)



BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR.

SERVICE APPEL NO 1502/2018.

Syed Muzammal Shah son of Syed Aurangzeb Shah, resident of Panian, Haripur.

.....Appellant

VERSUS

- 1) Inspector General of Police Khyber Pakhtunkhwa Peshawar.
- 2) Deputy Inspector General of Police Hazara Region Abbottabad.
- 3) District Police Officer Torghar.
- 4) District Police Officer, Haripur.

..... Respondents

Reply/Comments On Behalf Of Respondents

RESPECTFULLY SHEWETH:-

PRELIMINARY OBJECTION:-

- a) The appeal is not based on facts and appellant has got no cause of action or locus standi to file a instant appeal.
- b) That appeal is not maintainable in the present form.
- c) The appeal is bad for non-joinder of necessary and mis-joinder of unnecessary parties.
- d) The appellant is estopped by his own conduct to file the appeal.
- e) The appeal is barred by the law and limitation.
- f) The appellant has not come to the Honorable Tribunal with clean hands.

FACTS:-

1. First Para pertains to record however; the remaining Para is subject to proof.
2. The appellant while posted at Police Lines Haripur has absented himself from duty with effect from 17-06-2017 to date of dismissal, without any leave or permission.
3. The appellant was properly proceeded against departmentally and the appellant was found guilty and awarded major punishment.
4. Correct, the appellant has preferred an appeal before the worthy Deputy Inspector General of Police Hazara Region

Abbottabad but his appeal was rejected by the appellate authority on sound grounds.

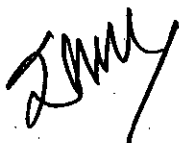
5. After proper departmental enquiry a final show Cause Notice was also issued to the appellant but he did not reply to the show cause notice nor appear before the enquiry officer. The enquiry officer recommended him for major punishment. The appellant was dismissed from service vide order dated 22-02-2018. The appeal is not maintainable on the following grounds:-

GROUND:-

- a. The appellant was found guilty due to which orders of the respondents are in accordance with law and are maintainable.
- b. Incorrect. The appellant service record is of worth perusal.
- c. The impugned order is legal, correct and in accordance with law and rules.
- d. Incorrect. That the appellant remained absent for long time without prior permission of his senior.
- e. That the appellant wrongly invoked the jurisdiction of this honorable tribunal, he has been treated fair play by respondents
- f. No comments as legal one.

PRAYER:

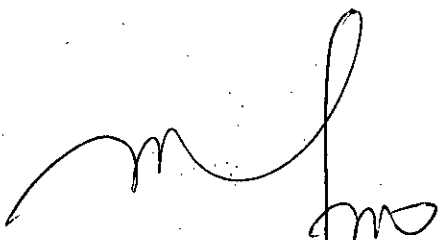
In view of the above mentioned facts, the appeal in hand may kindly be dismissed being devoid of any legal force and badly time barred case.



District Police Officer
Torghar
(Respondent No. 3)



District Police Officer
Haripur
(Respondent No. 4)



Regional Police Officer
Hazara Region Abbottabad
(Respondent No. 2)



Inspector General of Police
KPK Peshawar
(Respondent No. 1)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR.

SERVICE APPEL NO 1502/2018.

Syed Muzammal Shah son of Syed Aurangzeb Shah, resident of Panian, Haripur.

.....Appellant

VERSUS

1. Inspector General of Police Khyber Pakhtunkhwa Peshawar.
2. Deputy Inspector General of Police Hazara Region Abbottabad.
3. District Police Officer Torghar.
4. District Police Officer, Haripur.

..... Respondents

AFFIDAVIT

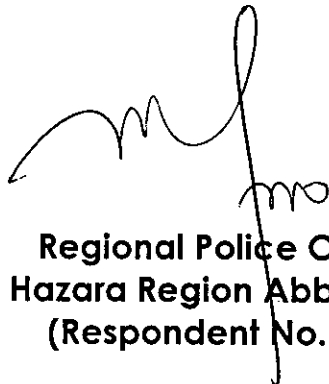
We respondents, do hereby solemnly affirm and declare that the contents of comments are true and correct to the best of our knowledge and belief and nothing has been concealed or suppressed from this Honorable Tribunal.



**District Police Officer
Torghar
(Respondent No. 3)**



**District Police Officer
Haripur
(Respondent No. 4)**



**Regional Police Officer
Hazara Region Abbottabad
(Respondent No. 2)**



**Inspector General of Police
KPK Peshawar
(Respondent No. 1)**