

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 6875/2020

Date of Institution ... 07/07/2020

Date of Decision ... 12/01/2022

Shahab Alam, Ex-Constable No. 3899 Police Station Phandu, Peshawar.
... (Appellant)VERSUSThe Provincial Police Officer, Khyber Pakhtunkhwa and others.
...(Respondents)Present.

Mr. Taimur Ali Khan, Advocate ... For appellant.

Mr. Javaidullah,
Asstt: Advocate General, ... For respondents.MR AHMAD SULTAN TAREEN ... CHAIRMAN
MR. ATIQ-UR-REHMAN WAZIR, ... MEMBER(E)JUDGMENT

AHMAD SULTAN TAREEN, CHAIRMAN:-The appellant named above invoked the jurisdiction of this Tribunal through service appeal described above in the heading with the prayer as copied below:-

“On acceptance of instant service appeal, the impugned the order dated 07.01.2020, 25.04.2019 and 06.11.2018 may kindly be set aside and the appellant may be reinstated into service with all back and consequential benefits. Any other remedy which this august Tribunal deems fit and appropriate that may also be awarded in favour of appellant”

2. Briefly stated, facts of appeal are that the appellant joined the police force in the year 2007 and has completed all his due trainings and performed

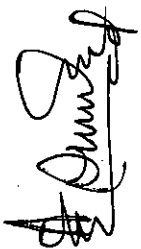


his duty with great devotion and honesty, whatsoever assigned to him and also have good service record throughout; that mother of the appellant became ill and the appellant was engaged in her treatment in different hospitals; that the appellant was unable to perform his duty and remained absent from his duty; that one sided inquiry was conducted against the appellant and on the basis of that inquiry, he was dismissed from service from the date of absence vide order dated 06.11.2018 without serving charge and show cause notice to the appellant; that against the dismissal order dated 06.11.2018, appellant filed departmental appeal on 04.12.2018, but the same was rejected on 25.04.2019. The appellant filed revision on 23.05.2019 which was also rejected on 07.01.2020 and the same was received by the appellant on 25.06.2020, hence the present appeal.

3. The appeal was admitted for regular hearing on 19.08.2020. The respondents have submitted written reply/comments, refuting the claim of the appellant with several factual and legal objections and asserted for dismissal of appeal with cost.

4. We have heard the arguments and perused the record.

5. Learned counsel for the appellant argued that the impugned orders are against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside; that one sided inquiry was conducted against the appellant in which no chance of defence was provided to him; that no charge sheet alongwith statement of allegations was issued to the appellant nor show cause notice was served upon him before passing the impugned order which is violation of law and rule; that the appellant was dismissed from service with effect from the date of his absence which is retrospective order and as per verdict of superior courts such like order is void order; that the appellant has been condemned unheard and has not been treated accordance

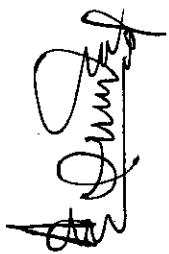


with law and rules; that the penalty of dismissal from service is very harsh and not commensurate with guilt of appellant and that absence of the appellant was not willful but due to treatment of his ailing mother. He requested that the appeal may be accepted as prayed for.

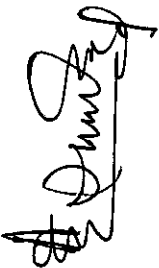
6. Learned AAG while rebutting the arguments of learned counsel for the appellant stated that the appellant was appointed as constable in the year 2007 in the respondent department, while he has not a clean service record and contains 11 bad entries 01 minor punishment and one major punishment on the charges of absence on different occasions in his service; that the appellant is a habitual absentee and not interested in his lawful duty; that the appellant while posted at PS Phandu Peshawar absented from official and lawful duty for more than 07 months and 26 days in different intervals; that he was issued charge sheet with statement of allegations and DSP City-II Peshawar was appointed as enquiry officer who summoned the appellant time and again, but he did not bother to attend the enquiry proceedings; that the enquiry officer finalized the enquiry and submitted findings report wherein allegations were proved against the appellant; that after receipt of the finding, Final Show Cause Notice was served upon him, but failed to submit his written reply. After observing all codal formalities, he was awarded major punishment of dismissal from service after fulfilling all the codal formalities. He requested that the appeal may be dismissed with cost.

7. The appellant is aggrieved from the order of his dismissal from service issued by respondent No. 3 citing the reason as his absence from duty without any leave or prior permission from his seniors. The appellant preferred departmental appeal showing the cause of his absence as his engagement with treatment of his mother who being patient of sugar and high blood pressure got severe heart attack and due to that reason he submitted an application for

leave before the competent authority but the same was not responded. After health recovery of his mother, he visited the concerned quarter for joining his duty where he was handed over the impugned order dated 06.11.2018 pertaining to his dismissal from service without following the legal procedure. He alongwith his departmental appeal annexed the copies of medical treatment. His departmental appeal was rejected by respondent No. 2 vide order dated 25.04.2019, wherein he observed that the appellant was issued proper charge sheet and summary of allegations by SP/City Peshawar and DSP/City-II Peshawar was appointed as enquiry officer. The enquiry officer after conducting proper enquiry submitted his findings and recommended the delinquent official for *ex-parte* action. However, there is no reference of such proceedings in the impugned order which on its face seems to have been issued without compliance with the prescribed procedure for disciplinary action on account of willful absence. The appellant also filed Petition under Section 11-A of Police Rules, 1975 almost showing the similar cause as shown in departmental appeal. The same was also rejected but with different reason that he remained absent for long period of seven months and 26 days and he had earned 22 bad entries on the charge of absence from duty which establishes that he is habitual absentee and there is no prospect of mending his ways. Needless to say that even if any enquiry was conducted and its findings as annexed with the reply of the respondents was submitted, the same is short of the proceedings required to be conducted in accordance with rules. In fact the disciplinary action against the appellant, if any, on account of his willful absence was due; the same would have been taken under Rules 9 of the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011, which is copied herein below:-



"Notwithstanding anything to the contrary contained in these rules, in case of willful absence from duty by a Government servant for seven or more days, a notice shall be issued by the competent authority through registered acknowledgement on his home address directing him to resume duty within fifteen days of issuance of the notice. If the same is received back as undelivered or no response is received from the absentee within stipulated time, a notice shall be published in at least two leading newspapers directing him to resume duty within fifteen days of the publication of that notice, failing which an *ex-parte* decision shall be taken against the absentee. On expiry of the stipulated period given in the notice, major penalty of removal from service may be imposed upon such Government servant."



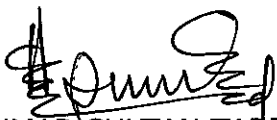
8. If this is the case, the ground of willful absence is not coverable for punishment under Police Rules, 1975 while the appellant was not proceeded against in accordance with law on the ground of being habitual absentee. The appellant when came up to show a cause for his absence, it was judiciously required that the appellate authority should have given the appellant opportunity of proving the same but his appeal was straightaway rejected with the reason having no nexus with the actual charge of willful absence. The appellant with the ground advanced in appeal has got a good case for acceptance of the appeal.

9. For what has gone above, the appeal is accepted. The impugned order of dismissal of the appellant from service is set aside and he is reinstated into

service. The intervening period shall be treated as leave of the kind due.
Parties are left to bear their own costs. File be consigned to the record room.



(ATIQ-UR-REHMAN WAZIR)
Member(E)


(AHMAD SULTAN TAREEN)
Chairman

ANNOUNCED
12.01.2022

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 6875 /2020

shahabAlam

V/S

Police Deptt:

INDEX

S. No.	Documents	Annexure	P. No.
01	Memo of appeal	-----	01-03
02	Copy of medical report	A	04-21
03	Copy of order dated 06.11.2018	B	22
04	Copies of departmental appeal, order dated 25.04.2019, revision and order dated 07.01.2020	C,D,E&F	23-26
05	Wakalat Nama	-----	27

APPELLANT

THROUGH:


(TAIMUR ALI KHAN)

ADVOCATE HIGH COURT

&

(ASAD MAHMOOD)

ADVOCATE HIGH COURT

Room No. Fr-08, 4th Flour,
Bilour plaza, Peshawar cantt:
Cell# 0333-9390916

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2020

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 6314

Dated 7/7/2020

Shahab Alam, Ex-Constable, No.3899,
Police Station Phandu *pesh*

(APPELLANT)

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Capital City Police Officer, Peshawar.
3. The Superintendent of Police City Division, Peshawar.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 07.01.2020 RECEIVED BY THE APPELLANT ON 25.06.2020 WHEREBY THE REVISION OF THE APPELLANT FOR REINSTATEMENT HAS BEEN REJECTED AND AGAINST THE ORDER DATED 25.04.2019, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED AND AGAINST THE ORDER DATED 06.11.2018, WHEREBY THE APPELLANT WAS DISMISSED FROM SERVICE FROM THE DATE OF HIS ABSENCE.

Filed to-day

Reg. Secy.
Registrar
7/7/2020

PRAYER:

THAT THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 07.01.2020, 25.04.2019 AND 06.11.2018 MAY KINDLY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED INTO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWTH:

FACTS:

1. That the appellant joined the police force in the year 2007 and has completed all his due training and performed his duty with great devotion and honesty, whatsoever assigned to him and also have good service record throughout.
2. That the mother of the appellant was ill and the appellant was engaged in the treatment of his mother in different hospitals and took her to different doctors in different intervals and that interval he was unable to perform his duty and was remained absent from his duty. **(Copy of medical report of appellant's mother is attached as Annexure-A)**
3. That one sided inquiry was conducted against the appellant and on the basis of that inquiry, the appellant was dismissed from service from the date of absence vide order dated 06.11.2018 without serving charge and show cause notice to the appellant. **(Copy of order dated 06.11.2018 is attached as Annexure-B)**
4. That against the dismissal order dated 06.11.2018, appellant filed departmental appeal on 04.12.2018, but the same was rejected on 25.04.2019. The appellant the filed revision on 23.05.2019 which was also rejected on 07.01.2020 and the same was received by the appellant on 25.06.2020. **(Copies of departmental appeal, order dated 25.04.2019, revision and order dated 07.01.2020 are attached as Annexure-C,D,E&F)**
5. That now the appellant come to this august Service Tribunal for redressal of his grievance on the following grounds amongst others.

GROUND:

- A. That the impugned order dated 07.01.2020, 25.04.2019 and 06.11.2018 are against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.
- B. That one sided inquiry was conducted against the appellant in which no chance of defence was provided to the appellant, which is against the norms of justice and fair play.
- C. That no charge sheet was issued to the appellant before passing the impugned order of dismissal from service, which is violation of law and rule.

- D. That no show cause notice was issued to the appellant before passing the impugned order, which is violation of law and rules.
- E. That the appellant was dismissed from service with effect from the date of his absence which is retrospective order and as per superior courts judgments such like order is void order.
- F. That the appellant has been condemned unheard and has not been treated according to law and rules.
- G. That the penalty of dismissal from service is very harsh which is passed in violation of law and law, therefore, the same is not sustainable in the eyes of law.
- H. That the appellant did not intentionally absent from his duties, but he was engaged in the treatment of his mother due to which he was unable to perform his duty and was compel to remain absent from his duty.
- I. That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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

Shahab
APPELLANT
Shahab Alam

THROUGH:

Ali Khan
(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT
&
(ASAD MAHMOOD)
ADVOCATE HIGH COURT

OPD SETP

AC

SURGICAL - OPD Token# 001

OPD No : 32959
ISIR No : K030000026447
Name : AYAT BIBI
Gender : Female
Age : 30 Year(s)

Serial # : 26200
Invoice # : K03170026264
Receipt # : K03170026203
Amount Paid : 10.00
Date : 09-FEB-17

History

Diagnosed case of RT Ca Breast
Now Received 4 cycles of
neoadj chemo
Now C/O
Lump Lt Breast

Chief Complaint

Provisional Diagnosis

Trucut biopsy taken under LA

Investigations

Rx
~~Tab Augmentin 6g~~
~~(J>5) (1+1)~~
Cap Ampiclox 500mg
(J>5) 2+2
Tab Veten 500mg
(J>5) 1+1

[Handwritten signature]

5

Khyber Teaching Hospital, Peshawar

OUT - PATIENTS DEPARTMENT

RS: 10/-

14956730317



27

S.No: 59829

Name: AYAT BIBI
Gender: FEMALE
Referred for: SURGICAL
Date: 20-MAR-17
Address: PESHAWAR
Shift: MORNING OPD

~~Data~~ Post MRM + AD for
(R) Ca Breast

C/S Report → Shows no growth

Sutures have been removed. wound slightly
gaping in one

⇒ Continue previous treatment

region is
minimal
slough

No active
complaints.

[Signature]

[Signature]

MTI, Khyber Teaching Hospital Peshawar

University Road, Peshawar. Phone: +92-91-9224400, Fax: --
Email: info@kth.gov.pk, Website: http://www.kth.gov.pk

6

OPD SLIP

SURGICAL - OPD

Token# 001

OPD No : 1760018.

Serial # : 375465

M.R. No : K0300000378448

Invoice # : K03170379915

Name : HAYAT BIBI

Receipt # : K03170379518

Gender : Female

Amount Paid : 10.00

Age : 65 Year(s)

Date : 29-JUN-17

History

90
Post MRM + AD
(Rt Ca Breast)

DMT

Clinical Examination

→ Patient has taken radiotherapy
→ Was seen previously on 25/5/17
for wound dehiscence
→ Has used Fucidin ointment & Las Neskid for
2 weeks.

Provisional Diagnosis

O/E : wound clean & dry & small
focus of slough noted but no
active discharge.

Investigations

Rx:- Fucidin ointment

2 ————— 1e1

— دو ہفتوں کے لیے فوسیدین

دوا

Ar

A

MTH, Khyber Teaching Hospital Peshawar

University Road, Peshawar. Phone: +92-91-9224400, Fax: --

Email: info@kth.gov.pk, Website: http://www.kth.gov.pk

OPD SLIP

7

SURGICAL - OPD

Token# 126

Appointment Time : 15:10:00

M.R. No : **K0300000929840**

Invoice # : K03171155270

Name : **HAYAT BIBI**

Receipt # : K03171036291

Gender : Female

Amount Paid : 10.00

Age : 65 Year(s)

Date : 29-NOV-17

History

Clinical Examination

Provisional Diagnosis

Investigations

Diagnosed case of
Ca Rt breast

Rt MRM + AD - 6 men

Received neo adj chemo
& post op radiotherapy

C/O Lump + hardness in
wound site - 3 days

Adv

FNAC —

No malignant cells seen

Refer to IRNum for
further assessment

ADP

Khyber Teaching Hospital

8

Echocardiography Report

Patient ID:	Name: HAYAT BIBI	Age: 50	Sex: F
Date: 01-11-2016	Weight: Adult.		

Measurement	Observed	Normal
LV End Diastolic Diameter	5.1	3.5-5.7
LV End Systolic Diameter	3.5	
Right Ventricle	2.0	0.9-2.6
Inter ventricular Septum	0.9	0.6-1.1
IVC Post Wall	0.9	0.6-1.1
Aorta	3.0	2.0-3.7
LA Atrium	3.8	1.9-4.0
Ejection Shortening	31%	30-40%
Ejection Fraction	60%	
Mitral Valve Area (2D)		4.0 cm ²
IVC size		cm

GRADIENT	PEAK	MEAN	REGURGITATION
Mitral Valve			Mitral Valve
Aortic Valve			Aortic Valve
Pulmonic Valve			Pulmonic Valve
Tricuspid Valve			Tricuspid Valve
VSD Gradient			
RVSP			
Rvot			
Lvot			
Mitral valve area.		cm ²	

Comments:

- LA size is normal
- RV size is normal with preserved systolic Function.
- IVC size is normal.
- Valvular structures appear normal.
- No LA / LV clot seen.
- No Vegetations seen.

DOPPLER:

A RATIO REVERSED.

CONCLUSION:

LV DIASTOLIC DYSFUNCTION.


Signature


Attest

9

Hospital No: 1874460317	Patient Name: HAYAT BIBI	Bed No:
Referred To: SURGICAL D	Result Date: 109-March-2017	Lab No: 192090317

Complete Blood Count + Platelet

Hemoglobin %	17.2	G/dl	M: 14---18 F: 12---
Platelet Count	85000	X109/L	150---400
WBC Leucocytes count	3300	/cmm	4000---11000
Differential Leucocyte Count			
Neutrophils	70	%	40---75
Lymphocytes	23	%	20---40
Eosinophils	06	%	06---10
Monophils	01	%	01---06

LFTs

Bilirubin	0.29	mg/dl	0.1---1.5
Alk. Phosphates	140	U/L	Ch: upto 625 Ad
AST (ALT)	13.9	U/L	10---40

Technician	Pathologist
------------	-------------

This is computer generated report and does not need any signature or stamp

10

Hospital No: 1874460317

Patient Name: HAYAT BIBI

Bed No:

Referred To: SURGICAL D

Result Date: 09-March-2017

Lab No: 192090317

PT / A.P.T.T

ient	16	Second
ntrol	13	Second
T.T ient	36	Second
ntrol	32	Second

RBS (Random Blood Sugar)

BLOOD SUGAR (R)	224.5	mg/dl	70----140
-----------------	-------	-------	-----------

Renal Profile

sa	27.2	mg/dl	15----40
reatinine	0.66	mg/dl	1.10----1.50

Technician

Pathologist

This is computer generated report and does not need any signature or stamp





Department of Pathology

Histopathology Report

VIEW: 16-Nov-2016 12:06:14

Dept Ref# : **001HIS16063482**
MRNO : **001-80001310280**
Name : **HAYAT BIBI**
Age/Sex : 65 Year(s)/Female
Phone : 92 0333 9215394

Ordered By :
In-house Consultant :
Report Destination : Collection Centre - 49
Requested : 17-OCT-2016 13:37:04
Specimen Received : 18-OCT-2016 07:27:54
Reported : 21-OCT-2016 13:00:30

Addendum Report on 15-11-2016 15:26:11

IMMUNOHISTOCHEMICAL STAINS:
Estrogen Receptors: Positive in 70-80% of tumor cells
Progesterone Receptors: Positive in 70-80% of tumor cells

SNOMED: T-04020 M-85003

Dr. Noreen Akhtar
Consultant Pathologist

Dr. Zainab Jamil
Resident Doctor (Pathology)

Initial Report on 21-10-2016 13:00:30

Spc Nature: TRUCUT BIOPSY
Spc Site: RIGHT BREAST

History: Lump right breast ---3 months, no increased in size and painless. On examination 4x4 cm lump in the superior to areola hard, irregular.

Gross: Specimen container is labeled with the patient's name and medical record number. Received in formalin are multiple fragmented cores ranging in size from 0.3 cm to 0.1 cm in length and 0.1 cm in average diameter. The entire specimen is submitted in one block.

Micro: Section examined reveals core biopsy infiltrated by invasive ductal carcinoma grade-II.

Diagnosis: RIGHT BREAST, TRUCUT BIOPSY:
Invasive ductal carcinoma, grade-II.

Disclaimer: The grade of tumor can differ in subsequent excision specimen like lumpectomy / mastectomy.

SNOMED: T-04020 M-85003

Dr. Noreen Akhtar
Consultant Pathologist

Dr. Anam Malik
Resident Doctor (Pathology)

Electronically verified by, no signature(s) required.

MH

Dr. Asif Loya
MBBS, DABP (AP and
Cytopathology), FIAC

Dr. Sajid Mushtaq
MBBS, FCPS, FRCPath

Dr. Romena Qazi
M.Phil, Ph.D Molecular Biology

Dr. Mudassar Hussain
MBBS, FCPS (Histopathology)

Dr. Summiya Nizamuddin
MBBS, FCPS (Microbiology)

Dr. Noreen Akhtar
MBBS, FCPS, FRCPath

Dr. Usman Hassan
MBBS, FCPS, FRCPath

Dr. Asad Hayat Ahmad
MBBS, DABP (AP, CP and
Hematopathology)

Dr. Imran S. Chaudhry
MD, DABP (AP, CP and
Hematopathology), FRCPC

Dr. Mohammad Tariq Mahmood
MBBS, DABP (AP/CP and
Hematopathology)

Professor

Dr. Moh Muneer Khan

Gold Medalist

چراغیہ

ڈاکٹر ماہ منیر خان

گولڈ میڈلسٹ

21.

ایف۔سی۔ پی۔ ایس۔ (سرجری)، ایف۔آر۔سی۔ ایس۔ (گلاسگو۔ یو۔ کے)

ڈیپارٹمنٹ آف سرجری خیبر پختونخوا ہسپتال پشاور۔

کلینک: 2۔ جمال الدین افغانی روڈ،

نزد موسیٰ خان مسجد، یونیورسٹی ٹاؤن پشاور

23-02-17

FCPS (Surgery) FRCS (Glasg -UK)

Department of Surgery

Khyber Teaching Hospital

Peshawar

Clinic: 5842242

Hayat Bibi 601

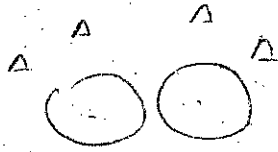
Peshawar

↳ known case of (R) Ca - breast, on
chemo - last ~~8 days~~ ^{NACT} 8 days ago

↳ Referred back for MRM
as advised by oncologist

13/12/16

• Bone Scan
- Neg



PA
chest

• USG abdomen
2.11.16

• (L) Renal
Simple cyst

Adv

prep prep

B.P → 110/80

• (R) mammo-gram

BIRAD - V

Ix

کیمیائی

- HB
- HBsAg
- Anti HCV
- Anti HIV
- CXR
- ECG

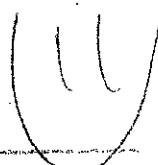
بہترین 25/2/17 کو سیرنگ
OPD سرجن ہسپتال

Handwritten signature

چھٹی بروز: ہفتہ اور اتوار

Handwritten notes

OPD SLIP



13

SURGICAL - OPD

Token# 00

OPD ID: 1382410
M.R. No: K0300000070076
Name: AYAT BIR
Gender: Female
Age: 60 Year(s)

Serial #: 1937
Invoice #: K0312000956
Receipt #: K0312000936
Amount Paid: 10.00
Date: 25-FEB-17

History

Yo. Known case of (RP) Ca - Breast
chemo - Last NAET -> 10 days ago.

Current Examination

(L) Breast (Axillary Biopsy) (N)
~~BRAD - V~~

R: Mammograms
BRAD - V

Provisional Diagnosis

~~BRAD - V~~
(RP) Breast chemo cycles done.

Ade
Hb: 12.9
P.C.V: 35.6

Investigations

9/3/2017

OP 17
تشریح لایحه

Hep B/C
(N)
= CxR/ECG

14

Khyber Teaching Hospital, Peshawar

OUT - PATIENTS DEPARTMENT

RS: 10/-

69



70546

S.No:

Patient ID: 14247800317

Name: HAYAT BIBI

Gender: FEMALE

60 YEARS

Rate: 10

Referred To: SURGICAL

Date: 09-MAR-17

Time: 10:28:07

Address: PESHAWAR

Shift: MORNING OPD

Admitt to SDW

- (L) Cat. Breast
- Hed - adjuvant
gim

Admitt SDW

B # 8

FOL5 MKM . B
142

Hayat Bibi
SDW

JA

Department of Pathology

Histopathology Report

VIEW: 28-Oct-2016 10:09:29

Dept Ref# : 001HIS16063482
MRNO : 001-80001310280
Name : HAYAT BIBI
Age/Sex : 65 Year(s)/Female
Phone : 92 0333 9215394

Ordered By :
In-house Consultant :
Report Destination : Collection Centre - 49
Requested : 17-OCT-2016 13:37:04
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Disclaimer: The grade of tumor can differ in subsequent excision specimen like lumpectomy / mastectomy.

SNOMED: T-04020 M-85003

ER } status
PR }

Dr. Noreen Akhtar
Consultant Pathologist

Dr. Anam Malik
Resident Doctor (Pathology)

Electronically verified by, no signature(s) required.

IUK

Dr. Asif Loya
MBBS, DABP (AP and
Cytopathology), FIAC

Dr. Sajid Mushtaq
MBBS, FCPS, FRCPath

Dr. Romena Qazi
M.Phil, Ph.D Molecular Biology

Dr. Mudassar Hussain
MBBS, FCPS (Histopathology)

Dr. Summiya Nizamuddin
MBBS, FCPS (Microbiology)

Dr. Noreen Akhtar
MBBS, FCPS, FRCPath

Dr. Usman Hassan
MBBS, FCPS, FRCPath

Dr. Asad Hayat Ahmad
MBBS, DABP (AP, CP and
Hematopathology)

Dr. Imran S. Chaudhry
MD, DABP (AP, CP and
Hematopathology), FRCPC

Dr. Mohammad Tariq Mahmood
MBBS, DABP (AP/CP and
Hematopathology)


14/10/16

U/S Breast

→ R Breast shows 1.6 x 1.3 cm lobulated hypodense lesion at 11 to 12 o'clock position colour Doppler reveals vascularity in periphery of the region Rest of breast parenchyma is normal
 No lymphadenopathy seen

→ Left Breast appears Normal
 No lymphadenopathy seen

Dr. Saad
 M. M. M.


 Attested

City Medical Laboratory

G.75, 7th Floor, Auqaf Plaza, Dabgarj Garden Peshawar
Phone: 091-2219651 Fax: 091-256-8690
E-mail: info@citylab.com.pk URL: www.citylab.com.pk



ADMINISTRATOR
A. Latif Malik
Microbiologist
M(ASCP) CLS (NCA) MT(SPH) USA

CONSULTANTS:
Dr. Nizam ud Din Khan
MBBS, FCPS, Ph. D. (Histopathology)
Prof. Dr. Liaqat Ali
MBBS, DCR, M. Phil (Microbiology)
Dr. Fazal-ur-Rehman
MBBS, OCP, M. Phil (Haematology)

17

PATIENT ID	1702017376	DATE / TIME	23/02/17 21:21:13
PATIEND NAME	HAYAT BIBI	AGE	60 / 0 Yr/M
SEX	Female	SPECIMEN	Blood
REFF BY	DR MAH MUNEEER		
TEST REQ.	HB%		

RESULT

TEST	NORMAL	UNITS	RESULTS
Haemoglobin	Male 14-18 Female 12-16	gm/dl	12.9
P.C.V.	M 40-57/F 37-47	VOL %	35.40




PMDC Registration: 2776-N


Heamatologist
Dr.FAZAL-UR-REHMAN
M.B.B.S.,D.C.P.
M.Phil (Haematology)



All queries/Discrepancies if any may be referred to our lab. within 24 Hrs. of reporting for re-evaluation / confirmation.

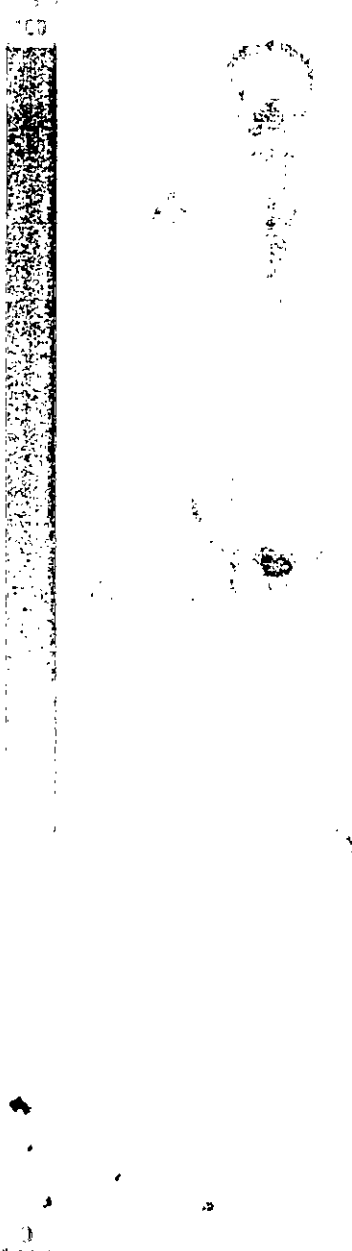
Note : See Reverse for Terms & Conditions.


Attest

18

Institute of Radiotherapy and Nuclear Medicine (IRNUM) Peshawar Ph 091-9216114-7 Ex151
Hayat Bibi DOB: 11/16/1951 ID: 016721/16 SEX: F
STUDY: Bone Scan STUDY DATE: 11/16/2016

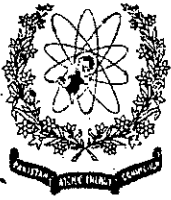
Whole body 11/16/2016



Whole body 11/16/2016



Handwritten signature or initials.



(19)

Pakistan Atomic Energy Commission
Institute of Radiotherapy & Nuclear Medicine (IRNUM)
University Campus Peshawar Pakistan
Tel: 091 9216114-7, Fax: 091 9216119
Nuclear Medicine Division

Director

Dr. Muhammad Rauf Khattak

Nuclear Physicians

Dr. Shoaib Shah Dr. Shakil Ahmad
Dr. Muhammad Rauf Dr. Kamran Khan
Dr. Shaheen Iqbal Dr. Sabeen Zia

BONE SCAN

Rec No: 16721/16

Date: 13-12-2016

Name: Hayat Bibi

Age: 65 years

Gender: Female

Clinical Information: Carcinoma Breast

Procedure: Anterior and posterior images of the whole body acquired 3 hours following IV injection of ^{99m}Tc -MDP

Findings:

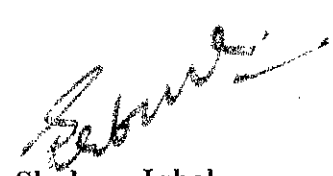
The scan shows nonhomogeneous tracer uptake in lower lumbar spine... likely degenerative changes. Rest of the skeleton shows tracer distribution within normal limits.

Impression:

- Degenerative changes involving lumbar spine.
- No definite evidence of skeletal metastases seen at this stage.

Advice:

Clinical and radiological correlation.


Dr. Shaheen Iqbal
MBBS, MS (Nuclear Medicine)

Scientists

Mr. Abdus Saeed Shah
Mr. Hameedullah
Mr. Farrukh Saeed

Technologists

Mr. Muhammad Siddique
Mr. Abdur Rehman
Mr. Abdul Waheed
Mr. Sher Ali



Dr. Nabila Javed

20

M.B.B.S/F.C.P.S

Consultant Clinical Oncologist

Head Oncology Department IRNUM Hospital Peshawar

Clinic: Park Road, Near Mehboob Masjid Abdara Road, Peshawar

Ph: 0331-9315272

Hayat
F-160

20-11-17

Clinical Record

Weight:

Height:

Ca (R) Bnl

treated - 8mo

On S&KMS

Go Pain (R) Chest wall

o/c :- Redness + Induration
(R) Chest wall

? Review

Adv

- Tac Amoxiclav 1g+110
- Tac Dazox DS 1+1 x 1wk
- Tac Cox-2 1000 1+1 x 5day
- Cay Delsor 200 1+1 x 1wk

ڈاکٹر نبیلہ جاوید ایم۔ بی۔ بی۔ ایس / ایف۔ سی۔ پی۔ ایس

Not Valid for Court

ماہر امراض کینسر ہیڈ آف انکلائیڈ اسپتال اور
کلینک پارک روڈ نزد مسجد آبدارہ روڈ پشاور

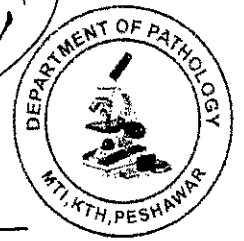
کلینک ہفتہ اتوار بند رہے گا۔

Amir



DEPARTMENT OF PATHOLOGY

21



Medical Teaching Institution,
Khyber Teaching Hospital, Peshawar.

Name HAYAT BIBI
 Age 60 Years
 Sex Female
 Specimen Right Anterior Chest Wall
 Referred By

Sp No. 793/17
 MR: No. 00
 Date In 04/12/2017
 Hospital Khyber Teaching Hospital
 Ward/Bed OPD

Clinical Information

Diagnosed case of Ca breast right post MR+AD- 06th months

On Examination

A diffuse swelling and redness seen (measure; 5 x 2 cm) along with right mastectomy scar. Two attempts performed. Scant hemorrhagic fluid aspirate. 02 slides made.

Microscopic Description

The smear shows degenerated RBCs along with occasional mononuclear inflammatory cells.

Opinion

SCAR RIGHT ANTERIOR CHEST; FNAC:
NO MALIGNANT CELLS SEEN

Comments

Recommended clinical correlation

(Signature)

Dr. Muhammad Asghar
Lecturer Pathology
Assistant Professor Microbiology

Dr. Safia Rahman
Assistant Professor Chemical Pathology

Dr. Naveed Sharif
Assistant Professor Histopathology

Dr. Neelam Ahmad
consultant Hematologist

Dr. Noor Rehman
Microbiologist / Administrator

Mr. Sana Ullah
Clinical Technologist

Mr. Muhammad Riaz Khattak
Clinical Technologist

Mr. Habib Ullah Khan
Biotechnologist
incharge PCR Lab

E-mail: pathologykth@gmail.com Web Site: /www.kth.gov.pk Phone# 091-9216340-47 Ext:2047

(Signature)

B (22)

ORDER

1. With reference to departmental enquiry vide this office endst: No. 09/PA dated 15.03.2018 against the Constable Shabab Alam No. 3899, posted at PS Pharipura.

2. Constable Shabab Alam No. 3899 while posted at PS Phandu absented himself from lawful duty w.e.f from 26.09.2017 to 01.10.2017, from 02.10.2017 to 07.11.2017, (Total 40-Days), from 17.03.2018 to 28.04.2018, vide DD No. 06 dated 17.03.2018 PS Phandu (Total 41-Days) and from 01.05.2018 to 17.05.2018 vide DD No. 28, from 27.05.2018 to 23.07.2018 vide DD No. 59 dated 27.05.2018 and from 09.08.2018 to date vide DD No. 08 dated 09.08.2018 PS Gulbahar (G.Total 7-months & 21-days) without any leave or prior permission from his seniors.

3. Keeping in view the above circumstances, being a competent authority he is hereby awarded the "Major Punishment of dismissal from service" from the date of absence.

3368
7-11-18

(SHAHZADA KAWKAB FAROOQ)
Superintendent of Police,
City Division, Peshawar.

No. 5841 /PA dated Peshawar, the 06/11/2018.

Copy for information and necessary action to:-

- 1. The SP/HQrs. CCP Peshawar.
- 2. PO, CRC, OASI.
- 3. FMC with enquiry report for record.

Attested

C 23

To

The Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Subject: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER DATED 06.11.2018 WHEREBY THE APPELLANT HAS BEEN DISMISSED FROM SERVICE.

Respected Sir,

It is most humbly stated that I was the employee of your good self Department and had served as constable No. 3899 for quite considerable period efficiently and up to the entire satisfaction of my superiors. During service my mother who is the patient of sugar and high blood pressure got severe heart attack and due to that reason I submitted an application for leave before the competent authority but the same was not responded by the competent authority. That after gaining health of my mother I visited the concerned quarter for joining of my duty but in response the concerned authority handed over the impugned order dated 06/11/2018 to me, whereby I was dismissed from service without following the legal procedure.

Respected Sir, I am belonging to a poor family and having no any other source of income moreover my absence was not willful but caused due to my mother illness. Copies of the medical prescriptions are attached.

It is therefore, most humbly requested that I may very kindly be re-instated into service with all back benefits and oblige.

Dated: 3.12.2018

1177-PA
cef

Your's obediently

Shahab

Shahab Alam,

Ex-Constable No. 3899,
Police Lines, Peshawar.

4-12-18

Sh

53



OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR

Phone No. 091-9210989

Fax No. 091-9212597

24


ORDER.

This order will dispose of the departmental appeal preferred by Ex-Constable Shahab Alam No. 3899 who was awarded the major punishment of "dismissal from service" under Police Rules-1975 by SP/City Peshawar vide OB No. 3368, dated 01-11-2018.

2- The allegations leveled against him were that he while posted at Police Station phandu Peshawar absented himself from his lawful duty w.e.f 26.09.2017 to 01.10.2017, 02.10.2017 to 07.11.2017 (40 Days) 17.03.2018 to 28.04.2018 (41 Days) 01.05.2018 to 17.05.201 (17-days) 27.05.2018 to 23.07.2018 (57-days) and from 09.08.2018 to 01-11-2018 (81-days) PS Gulbahar without any leave or permission from his seniors. Total absence 07 months and 26 days.

3- He was issued proper Charge Sheet and Summary of Allegations by SP/City Peshawar and DSP/City-II Peshawar was appointed as enquiry officer. The enquiry officer after conducting proper departmental enquiry submitted his finding report and recommended the delinquent official for "ex-parte action". On receipt of findings of the enquiry officer, the competent authority issued him Final Show Cause Notice but he failed to submit his written reply within stipulated period. Hence the Competent Authority awarded him the above major punishment.

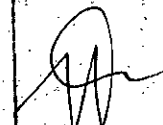
4- He was heard in person in O.R. The relevant record perused along with his explanation. He did not apply for any kind of leave to his high ups nor produced any plausible explanation in his defence to prove his innocence. The record shows that he has become a habitual absentee as he frequently absented himself as given above. Therefore, his appeal to set-aside the punishment order passed by SP/City Peshawar vide OB No. 3368, dated 01-11-2018 is hereby rejected /dismissed.


(QAZI JAMIL UR REHMAN)PSP
CAPITAL CITY POLICE OFFICER,
PESHAWAR

No. 665-71 /PA dated Peshawar the 28-04-2019

Copies for information and n/a to the:-

1. SP/City Peshawar.
2. PO/OASI/CRC for making necessary entry in his S.Roll.
3. FMC along with FM
4. Official concerned.



Accepted

To,

The Inspector General of Police,
Khyber Pakhtunkhwa, - Peshawar.

E (25)
4262/8B

23-5-19

Subject:- REVISION UNDER 11-A OF POLICE RULES 1975 APPEAL AGAINST THE IMPUGNED ORDER DATED 6/11/2018 WHEREBY THE APPELLANT HAS BEEN DISMISSED FROM SERVICE

Respect Sir,

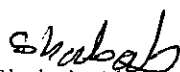
It is most humbly stated that I was the employee of your good self department and had served as constable No. 3899 for quite considerable period efficiently and upto to the entire satisfaction of my superiors. During service my mother who is the patient of sugar, high blood pressure and cancer and due to that reason I submitted an application for leave before the competent authority but the same was not responded by the competent authority. That after gaining health of my mother I visited the concerned quarter for joining of my duty but in response the concerned authority handed over the impugned order dated 06/11/2018 to me, whereby I was dismissed form service without following the legal procedure

Respected Sir, I am belonging to a poor family and having no any other source of income moreover my absence was not willful but caused due to my mother illness. (copies of the medical prescription are attached).

It is therefore, most humbly requested that I may very kindly be reinstated into service with all back benefits and oblige.

Dated 23/5/2019

Your's Obediently


Shabab Alam,
Ex-Constable No. 3899.
Police Lines, Peshawar.



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

F 26

No. SI/ 339 /20, dated Peshawar the 07/04/2020.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Shahab Alam No. 3899. The petitioner was dismissed from service by SP/City, Peshawar vide OB No. 3368, dated 01.11.2018 on the allegations of absence from duty w.e.f 26.09.2017 to 01.10.2017, 02.10.2017 to 07.11.2017, 17.03.2018 to 28.04.2018, 01.05.2018 to 17.05.2018, 27.05.2018 to 23.07.2018 and from 09.08.2018 till date of dismissal from service i.e. 01.11.2018 for total period of 07 months & 26 days. His appeal was rejected by Capital City Police Officer, Peshawar vide order Endst: No. 665-71/PA, dated 25.04.2019.

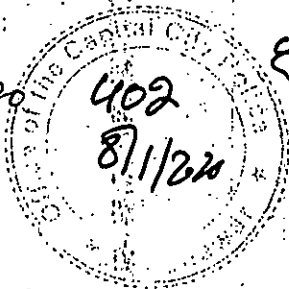
Meeting of Appellate Board was held on 08.08.2019. The petitioner was heard in person in the Appellate Board meeting. During hearing petitioner contended that his absence was not deliberate but his mother was suffering from cancer.

Perusal of the record reveals that he remained absent for long period of 07 months & 26 days. He has earned 22 bad entries on charges of absence from duty which establishes that he is habitual absentee and there is no prospects of mending his ways. During the proceedings, he could not submit solid evidence of his innocence. All the proceedings of departmental enquiry are found to be accurate as per rules. Therefore, the Board decided that his petition is hereby rejected. However, his penalty of dismissal from service is converted into removal from service.

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

PASSPORT No. 154

09/11/2020



ES/RE/20

P 110

P/P/20

(ZAIB ULLAH KHAN)

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

No. SI/ 340-47 /20,

Copy of the above is forwarded to the:

1. Capital City Police Officer, Peshawar. One Service Roll, one Fauji Missal and one enquiry file of the above named Ex-FC received vide your office Memo: No. 20126/CRC, dated 30.07.2019 is returned herewith for your office record.
2. Supdt: of Police, City Peshawar.
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. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

CRC/PNC

Signature of the Superintendent of Police

Superintendent of Police
HQrs: CPO Peshawar

SP-HQ
for file
9/11

Signature

Shahab

25.6.2020

50194	50 روپے	PBA	پشاور بار ایسوسی ایشن، خیبر پختونخواہ	QR Code
ایڈویکٹ:				
بار کونسل ایسوسی ایشن نمبر:				
رابطہ نمبر:				

بعدالت جناب:

مخانب: مہربا عالم	دعویٰ:
	علت نمبر:
مہربا عالم بنام محکمہ پولیس	مورخہ:
	جرم:
	تھانہ:

باعت تحریر آئکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ
 آن مقام لیسٹ اور کیلے ایجوکیشنل سائن اور اسٹراٹجی اور اسٹریٹجی کو وکیل مقرر
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 ذریعہ پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یا کٹرفٹ یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ 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 وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخلہ منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے
 المرقوم:

Attested & Accepted

DESHAWAR BAR ASSOCIATION
 KHYBER PAKHTUNKHWA

مقام کے لیے منظور ہے۔

S. Babar

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

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

Service Appeal No.6875/2020.

Ex- Constable Shahab Alam No.3899 of CCP, Peshawar.....**Appellant.**

VERSUS.

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.
3. Superintendent of Police City Peshawar**Respondents.**

Reply by Respondents No. 1, 2, &3.

Respectfully Sheweth:-

PRELIMINARY OBJECTIONS.

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

FACTS:-

- (1) Correct only to the extent that the appellant was appointed as constable in the year 2007 in the respondent department, while rest of para is denied on the ground that he has not a clean service record and contains 11 bad entries 01 minor punishment and one major punishment on the charges of absence on different occasions in his service. The appellant is a habitual absentee and not interested in his lawful duty. (copy of list as annexure A)
- (2) Incorrect. The appellant while posted at PS Phandu Peshawar absented from official and lawful duty w. e. from 26.09.2017 to 01.10.2017, 02.10.2017 to 07.11.2017, 17.03.2018 to 28.04.2018,01.05.2018 to 17.05.2018,27.05.2018 to 23.07.2018 and from 09.08.2018 to 01.11.2018(total 07 months and 26 Days) without prior permission or leave from the competent authority. In this regard, he was issued charge sheet with statement of allegations. DSP City-II Peshawar was appointed as enquiry officer. During the course of enquiry, he was summoned time and again, which was served upon him, but he did not bother to attend the enquiry proceedings. The enquiry officer finalized the enquiry and submitted findings report wherein allegations were proved against the appellant.

After receipt of the finding, Final Show Cause Notice was issued to him, which was served upon him, but failed to submit his written reply. After observing all codal formalities, he was awarded major punishment of dismissal from service. (copy of charge, statement of allegations, enquiry report, Summon and FSCN are annexure as B,,C,D,E,F)

- (3) Para is totally incorrect. In fact the appellant deliberately absented from his lawful duty for long period. The enquiry officer summoned the appellant time and again, but he did not appear before the enquiry officer. After fulfilling all the codal formalities, he was awarded the major punishment of dismissal from service.
- (4) Incorrect. The appellant preferred departmental appeal, which after due consideration was filed/ rejected. He then filed mercy petition, wherein his penalty of dismissal from service is converted into removal from service on 07.01.2020.


GROUND:-

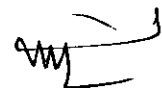
- A. Incorrect. The punishment orders passed by the competent authority is in accordance with law/rules and liable to be upheld.
- B. Incorrect. Proper charge sheet with statement of allegations was issued to appellant. During course of enquiry, he was summoned, but he failed to produce any cogent reason in support of his self defense. After fulfilling all codal formalities he was awarded appropriate major punishment.
- C. Incorrect. The appellant was issued charge sheet with statement of allegation before awarding of punishment order, and no violation of law and rules was done by the replying respondents.
- D. Incorrect. The appellant was issued final show cause notice which was served upon him, but he did not submit his reply.
- E. Incorrect. The punishment order passed by the competent authority is based on facts & law/rules and justice.
- F. Incorrect. The appellant was provided full opportunity to defend himself, but he failed to defend the proved charges.
- G. Incorrect. The appellant was treated as per law/ rules and no violation of any law/rules has been done by the respondent, department.
- H. Incorrect. The appellant is a habitual absentee, and not interested in his lawful duty.
- I. Respondents also seek permission of this Honorable Tribunal to raise additional grounds at the time of arguments.

PRAYERS:-

In view of the above, and keeping in view the gravity of slackness, willful negligence and misconduct of appellant, it is prayed that appeal being devoid of merit may kindly be dismissed with cost please.


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.


Capital City Police Officer,
Peshawar.


Superintendent of Police,
City, Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.6875/2020.

Ex- Constable Shahab Alam No.3899 of CCP, Peshawar.....Appellant.

VERSUS.

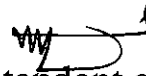
1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.
3. Superintendent of Police City PeshawarRespondents.

AFFIDAVIT

We respondents No. 1 ,2 & 3 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and nothing has concealed/kept secret from this Honorable Tribunal.


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.


Capital City Police Officer,
Peshawar.


Superintendent of Police,
City, Peshawar.

A

Name of Official SHABAB ALAM No:3895 S/O MUHAMMAD ISMAIL KHAN
R/O Shahi Payan Regi P.S Regi District Peshawar
2. Date of Birth 03.04.1983
3. Date of enlistment 19.07.2007
4. Education 10th
5. Courses Passed Recruit
6. Total qualifying service 11 years, 01 month & 25 days.
7. Good Entries Nil
8. Punishment (previous)

Bad Entries (L.W.O Pay, E/Drill & Warning)

1. 01 day leave without pay vide OB No.2059 dt: 24.07.2008
2. 02 days leave without pay vide OB No.2048 dt: 28.02.2008
3. 03 days leave without pay vide OB No.2282 dt: 09.08.2008
4. 01 day leave without pay vide OB No.2579 dt: 03.09.2008
5. 01 day leave without pay vide OB No.2374 dt: 06.07.2010
6. 05 days leave without pay vide OB No.2445 dt: 13.07.2010
7. 03 days leave without pay vide OB No.2248 dt: 28.06.2010
8. 05 days leave without pay vide OB No.1845 dt: 13.05.2011
9. 01 day E/drill vide OB No.456 dt: 31.01.2013
10. 01 day leave without pay vide OB No.3801 dt: 13.11.2013
11. 16 days leave without pay vide OB No.733 dt: 26.02.2016

Minor Punishment

1. 10 days leave without pay & Censured vide OB No.3398 dt: 07.10.2010

Major Punishment

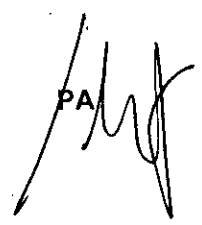
1. Reduction to time scale for a specific period of one year vide OB No. 2379 dt: 13.06.2017 by SP/City Peshawar.

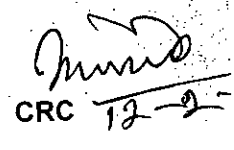
09. Punishment (Current)

- Awarded major punishment of dismissed from service on the charge of absence total 07 months & 21 days vide OB No.3368 dt: 01.11.2018 by SP/City Peshawar.

10. Leave Account

<u>Total leave at his credit</u>	<u>Availed leaves</u>	<u>Balance</u>
532 days	Nil	532 Days

PA 


CRC 12-2-

(13)

B

CHARGE SHEET

1. Whereas I am satisfied that a Formal Enquiry as contemplated by Police Rule is necessary and expedient.
2. And whereas, I am of the view that the allegations if established would call for major/minor penalty, as defined in Rule 3 of the aforesaid Rules.

Now therefore, as required by Rule 6 (1) of the said Rules I, **Shazada Kaukab Farooq**, Superintendent of Police, City Division, Peshawar hereby charge you FC Shabab Alam 3899 posted at PS Phandu on the basis of following allegations:-

"You FC Shabab Alam 3899 posted at PS Phandu absented yourself from lawful duty without any leave or prior permission from your seniors w.e.f 02.10.2017 to 07.11.2017 & 26.09.2017 to 01.10.2017 (total 40 days). Being a responsible Police officer & member of discipline force your act is highly objectionable and against the Rules and regulation of the discipline force and norm of duty which is gross misconduct on your part. Therefore you have been recommended for proper departmental proceedings under the Rule 1975".

3. And I hereby direct you further under Rules 6 (I) of the said Rules to put in a written defense within 07 days of the receipt of this Charge Sheet as to why the proposed action should not be taken against you and also stating at the same time whether you desire to be heard in person.
4. And in case your reply is not received within the specific period it shall be presumed that you have no defense to offer and ex-parte action will be taken against you.



(SHAZADA KAUKAB FAROOQ)
Superintendent of Police City,
Division, CCP, Peshawar.

No. 6792/PA

Dt: 15/December, 2017.

(14)

C

DISCIPLINARY ACTION

I, **Shazada Kaukab Farooq**, Superintendent of Police City Division, Capital City Police Peshawar, as competent authority am of the opinion that he FC Shabab Alam 3899 posted at PS Phandu has rendered himself liable to be proceeded against as he committed the following acts/omission within the meaning of Section-3 of the Disciplinary Rules 1975.

STATEMENT OF ALLEGATIONS:

"FC Shabab Alam 3899 posted at Phandu absented himself from his lawful duty without any leave or prior permission from his seniors w.e.f 02.10.2017 to 07.11.2017 & 26.09.2017 to 01.10.2017 (total 40 days). Being a responsible Police officer & member of discipline force his act is highly objectionable and against the Rules and regulation of the discipline force and norm of duty which is gross misconduct on his part. Therefore he has been recommended for proper departmental proceedings under the Rule 1975.

For the purpose of scrutinizing the conduct of the said FC with reference to the above allegations, **SDPO-II** is appointed as enquiry officer.

The Enquiry Committee/Enquiry Officer shall in-accordance with the provision of the Police Rules (1975), provide reasonable opportunity of hearing to the accused officer/officials and make recommendations as to punish or other appropriate action against the accused.

Sd/22
(SHAZADA KAUKAB FAROOQ)
Superintendent of Police City,
Division, CCP, Peshawar.

No. 6792/PA

Dt: 15/December, 2017.

Copy to Enquiry officer for conducting departmental enquiry and submit finding within three (3) days positively under Police Rules 1975.

D
3

**FINDING U/S 6 (5) OF POLICE RULES 19/5,
AGAINST CONSTABLE SHABAB ALAM NO. 3899**

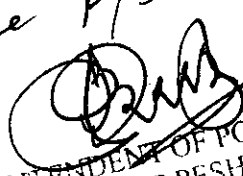
The enquiry in hand was referred to this office to ascertain the misconduct, committed by the subject Constable vide order of enquire No. 6792/ PA dated 15-12-2017.

"Short facts are that Constable Shabab Alam No. 3899, posted at Police Station Phandu, Peshawar remained absent from lawful duty w.e.f. **02.10.2017 to 07-11-2017 & 26.09.2017 to 01-10-2017 (total 40 days)** without approval and prior permission from the competent authority or any Justifiable reason/cause, hence, he was Charge Sheeted and also issued Summary of Allegations.

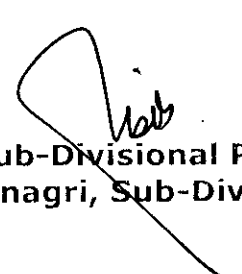
The accused Constable could not submit his reply within stipulated period despite the fact that he was repeatedly summoned to join the enquiry proceedings. Furthermore, as per report of **MM police station Gulbahar, Peshawar the accused constable is still absent from his PS vide DD. No. 59, dt: 27.05.2018 till to date (20.06.2018).**

Keeping in view of the above mentioned circumstances, it is, crystal clear that accused constable is no more interested in his service. Neither is he obeying the order of his senior officers nor joined the enquiry proceedings. He is, therefore, recommended for ex-parte action.

All relevant papers are attached herewith please.

PA
Issue F/SCN.

SUPERINTENDENT OF POLICE
CITY DIVISION CCP PESHAWAR.

Worthy Superintendent of Police,
City, Peshawar


Sub-Divisional Police Officer,
Hashtnagri, Sub-Division, Peshawar.

No. 1048 /E/St, dated Peshawar the 20/06/2018

94

90 ~~70~~ 190

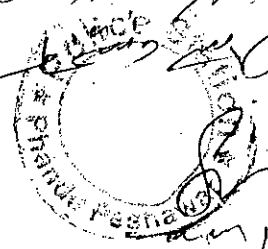
Shahid



3898

کتاب

مذکورہ کتاب کا ایک نسخہ مورخہ 28/12 کو DSP
کو پیش کیا گیا اور اس وقت 11:00 بجے
تک اس کی تصدیق اور انگریزی اور اردو میں
تعمیرات کی گئیں۔



28/12/17

26.12.17

(4)

ضلع پشاور

آرڈر جناب ڈی۔ ایس۔ پی۔ سی ۱۱

پروانہ

نمبر 718 / ریڈر

مورخہ 26.12.2017

بخدمت جناب 540 صاحب نعتانہ لیفٹننٹ ریٹائر

حسب الحکم جناب DSP/CITY-II صاحب لکھا جاتا ہے کہ کنسٹیبل شیپ صاحب محکمہ 3899 کو مطلع کریں۔ کہ وہ

بسلسلہ انکوائری مورخہ 2017۔ 12۔ 28 بوقت 11:00 بجے دفتر ہذا میں پیش ہو جائے پیش نہ ہونے کی صورت میں کنسٹیبل بالا کے خلاف

یکطرفہ کارروائی عمل میں لائی جائیگی ہے۔

نوٹ: پروانہ بعد از تعمیل دفتر ہذا واپس ارسال کرنا نہایت ضروری ہے۔

ڈی ایس پی سی۔ ۱۱ سب ڈویژن پشاور۔

(17) F

FINAL SHOW CAUSE NOTICE

I, **Shahzada Kaukab Farooq** Superintendent of Police City Peshawar, as Competent Authority do hereby serve Show Cause Notice to you Constable Shabab No. 3899 while posted at PS Phandu Peshawar.

- i) That consequent upon the completion of enquiry conducted against you by City-II, Enquiry Officer you have been found guilty of misconduct.
- iv) Ongoing through the finding and recommendations of the Enquiry Officer, the material on record and other connected papers, I am satisfied that you have committed the following acts/omission specified in Section-3 of the said Ordinance on the following grounds:-

"You Constable Shabab Alam No. 3899 while posted at PS Phandu absented yourself from lawful duty w.e.f 02.10.2017 to 07.11.2017 & 26.09.2017 to 01.10.2017 (Total 40-Days) without any leave or Prior permission from your seniors. Being a member of discipline force your act is highly objectionable and against the Rules and regulation of the discipline force and norm of duty which is gross misconduct on your part. Therefore you have been recommended for proper departmental proceedings under the Rule 1975".

2. As a result thereof, I as competent Authority have tentatively decided to impose upon you the major penalty including dismissal from service under section-3 of the said Ordinance.
3. You are therefore, directed to Show Cause as to why the aforesaid penalty should not be imposed upon you.
4. If no reply to this notice is received within **(07)** days of its receipt of this notice in the normal course of circumstances, it shall be presumed that you have no defense to put and ex-parte action shall be taken against you.


SUPERINTENDENT OF POLICE,
CITY DIVISION, PESHAWAR.

No. 6792/PA/SP/ City:
Dt: 28/7/2018

Received
Shabab
28/7/2018


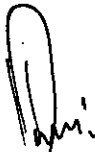
2018

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 6875 /2020

1S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/07/2020	<p>The appeal of Mr. Shahab Alam presented today by Mr. Taimur Ali Khan 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> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>19/08/2020</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

19.08.2020

Counsel for the appellant present. Preliminary arguments heard and case file perused. Learned counsel for the appellant contended that the appellant was appointed as Constable in Police Department in the year 2007. That mother of the appellant was ill and he was engaged due to the treatment of his mother in different hospitals for which he was unable to perform his duty and had to remain absent from duty. That one sided inquiry was conducted against the appellant and on the basis of that inquiry, the appellant was dismissed from service from the date of absence vide impugned order dated 6.11.2018. Against the impugned order, the appellant filed departmental appeal on 03.12.2018 but the same was rejected on 25.04.2019. The appellant thereafter filed revision petition under Rule -11-A of the Khyber Pakhtunkhwa Police Rules 1975, on 23.05.2019 which was also rejected on 07.01.2020 and the same was received by the appellant on 25.06.2020. Learned counsel for the appellant assailed and contended that the appellant has not been treated according to rules and due course of law has not been observed in the instant case. The appellant has been condemned unheard because no charge sheet/statement of allegations and show cause notice were served upon him. No proper enquiry has been conducted against the appellant which is against the spirit of natural justice and fair trial.

Points urged need consideration. Service appeal is admitted subject to all legal objections. Appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 08.10.2020 before S.B.

Appellant Deposited
Security & Process Fee
19/8/20


(MAIN MUHAMMAD)
MEMBER (E)

08.10.2020

Counsel for the appellant and Addl. AG for the respondents present.

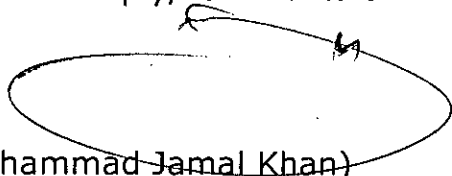
Learned AAG seeks time to submit reply/comments. Adjourned to 03.11.2020 on which date the requisite reply/comments shall positively be submitted.


Chairman

03.11.2020

Nemo for appellant. Mr. Kabirullah Khattak, Additional Advocate General is present.

Neither written reply on behalf of respondents submitted nor any representatives on their behalf are present, therefore, notices be issued to them for submission of written reply/comments. File to come up for written reply/comments on 09.12.2020 before S.B.


(Muhammad Jamal Khan)
Member (Judicial)

09.12.2020

Appellant in person and Addl. AG alongwith Abdur Raziq, H.C for the respondents present.

Representative of the respondents seeks further time to submit reply/comments. Last opportunity is granted to the respondents for submission of requisite reply/comments on 02.02.2021 before S.B.


Chairman

02.02.2021

Counsel for the appellant and Addl. AG alongwith Abdur Razaq, Reader for respondents present.

Representative of respondents has furnished reply/comments. Placed on record. The matter is assigned to D.B for arguments on 10.05.2021. The appellant may furnish rejoinder, within one month, if so advised.


Chairman

10.05.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 30.08.2021 for the same as before.


Reader

30.08.2021

Due to summer vacations, the case is adjourned to 12.11.2021 for the same as before.



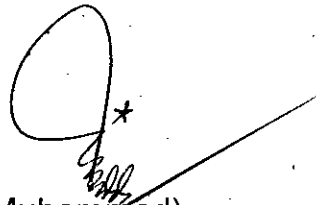
READER

12.11.2021


Clerk of learned counsel for the appellant present.

Kabirullah Khattak, Adll: AG for respondents present.

Former requests for adjournment on the ground that learned counsel (Taimoor Ali Khan, Advocate) is busy before the Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 12.01.2022 before D.B.





(Mian Muhammad)
Member (E)



(Rozina Rehman)
Member (J)



S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	12.01.2022	<p><u>Present.</u></p> <p>Mr. Shahab Alam, ... For appellant Advocate</p> <p>Mr. Javaidullah, ... For respondents. Asstt. Advocate General</p> <p>Vide our detailed judgment, the appeal is accepted. The impugned order of dismissal of the appellant from service is set aside and he is reinstated into service. The intervening period shall be treated as leave of the kind due. Parties are left to bear their own costs. File be consigned to the record room.</p> <p> (ATIQ-UR-REHMAN WAZIR) Member(E)</p> <p> CHAIRMAN</p> <p><u>ANNOUNCED</u> 12.01.2022</p>