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

Khyber Pakhtunkhwa  
Service Tribunal

**Service Appeal No. 7566/2021**

Diary No. 3039

Sher Bahadar Ex-Constable No. 2289 Police Lines, Mardan

Dated 18-1-2023

.....Appellant

**VERSUS**

The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and  
others.....Respondents

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**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER  
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**Service Appeal No. 7566/2021**

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.....Appellant

**VERSUS**

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others.....Respondents

**Para-wise comments on behalf of respondents:-**

**Respectfully Sheweth,**

**PRELIMINARY OBJECTIONS**

1. That the appellant has not approached this Hon'ble Tribunal with clean hands.
2. That the appellant has concealed the actual facts from this Hon'ble Tribunal.
3. That the appellant has got no cause of action or locus standi to file the instant appeal.
4. That the appellant is estopped by his own conduct to file the instant Service Appeal.
5. That the appeal is unjustifiable, baseless, false, flawless and vexatious and the same is liable to be dismissed with special compensatory cost in favour of respondents.
6. That the appeal is barred by law & limitation.

**REPLY ON FACTS**

1. Incorrect. Stance taken by the appellant is not plausible, because every Police Officer is under obligation to perform his duty upto the entire satisfaction of his superiors. Moreover, the perusal of service record of the appellant revealed that due to his lethargic attitude his entire service record is tainted with bad entries **(Copy of list of bad entries is attached as Annexure "A")**.
2. Incorrect. Plea taken by the appellant is not plausible, because being a member of disciplined force he was supposed to inform his seniors about his illness or submit application for leave but he failed to do so and remained absent from duty without any leave/permission of the competent authority.
3. Incorrect. Stance taken by the appellant is totally devoid of merit because he has been properly proceeded against departmentally by issuing him Charge Sheet with Statement of Allegations and Enquiry was entrusted to the then DSP HQ's Mardan for probing into the

matter. The enquiry officer during the course of enquiry provided full-fledged opportunity to the appellant to produce evidence/grounds in his defense. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended the appellant for awarding Major Punishment. In light of enquiry proceedings, he was issued Final Show Cause Notice, to which he was bound to submit his reply within the stipulated time but he failed. Besides, the appellant was called for Orderly Room on 09.06.2020, but this time too he failed to appear before the competent authority, therefore he was awarded major punishment of dismissal from service, which does commensurate with the gravity of misconduct of the appellant **(Copies of charge sheet with statement of allegations, Enquiry Paper and Final Show Cause Notice are attached as annexure "B, C & D")**.

4. Correct to the extent that the appellant preferred departmental appeal which was decided on merit because the appellant was provided full-fledged opportunity of defending himself before the appellate authority but he bitterly failed to produce any cogent reasons in his defense. Therefore, the same was rejected and filed, being devoid of merit **(Copy of order is attached as annexure-"E")**.
5. Correct to the extent that the appellant preferred Revision Petition which was also decided on merit and the same was rejected **(Copy of order is attached as annexure-"F")**.
6. That appeal of the appellant is liable to be dismissed on the following grounds amongst the others.

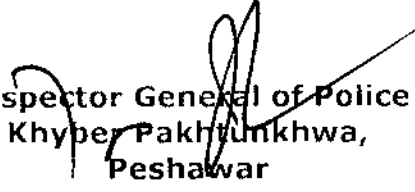
#### **REPLY ON GROUNDS:**

- A. Incorrect. Order passed by the competent authority as well as appellate authority are legal, lawful and according to norms of natural justice hence, liable to be maintained.
- B. Incorrect the appellant has been treated in accordance with law, rules, policy and the respondents did not violate any Article of the Constitution of Islamic Republic of Pakistan.
- C. Incorrect. The respondent department has no grudges against the appellant; therefore, stance of the appellant is devoid of legal footing.
- D. Incorrect. Stance taken by the appellant is not plausible, because he has been properly proceeded against departmentally by issuing him Charge Sheet with Statement of Allegations and also issued Final Show Cause Notice, which was received by the appellant himself on 28.01.2020 and duly signed the photo copy as token of its receipt **(Copy of receipt is attached as annexure -"G")**.

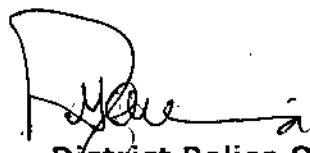
- E. Incorrect. Para already explained needs no comments.
- F. Incorrect. Stance taken by the appellant is totally devoid of merit because he has been properly proceeded against departmentally by issuing him Charge Sheet with Statement of Allegations and Enquiry was entrusted to the then DSP HQrs Mardan for probing into the matter. The enquiry officer during the course of enquiry provided full-fledged opportunity to the appellant to produce evidence/grounds in his defense. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended the appellant for awarding Major Punishment. In light of enquiry proceedings, he was issued Final Show Cause Notice, to which he was bound to submit his reply within the stipulated time but he failed. Besides, the appellant was called for Orderly Room on 09.06.2020, but this time too he failed to appear before the competent authority, therefore he was awarded major punishment of dismissal from service, which does commensurate with the gravity of misconduct of the appellant.
- G. Incorrect. Para already explained needs no comments.
- H. Incorrect. Plea taken by the appellant is not plausible, because being a member of discipline force he was supposed to inform his seniors about his illness or submit application for leave but he failed to do so and remained absent from duty without any leave/permission of the competent authority. Hence the order passed by the competent authority is tenable in the eye of law and liable to be maintained.
- I. That the respondents also seek permission of this Honorable Tribunal to raise additional grounds at the time of arguments.

**PRAYER:-**

It is therefore, most humbly prayed that on acceptance of above submissions, appeal of the appellant may very kindly be dismissed being devoid of merits.

  
**Inspector General of Police**  
**Khyber Pakhtunkhwa,**  
**Peshawar**  
(Respondent No. 01)

  
**Regional Police Officer,**  
**Mardan**  
(Respondent No. 02)

  
**District Police Officer,**  
**Mardan.**  
(Respondent No. 03)

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

**Service Appeal No. 7566/2021**

Sher Bahadar Ex-Constable No. 2289 Police Lines, Mardan

.....Appellant

**VERSUS**

The Inspector General of Police , Khyber Pakhtunkhwa, Peshawar and  
others.....Respondents

**COUNTER AFFIDAVIT**

We, the respondents do hereby declare and solemnly affirm on oath that the contents of the Para-wise comments in the service appeal cited as subject are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honourable Tribunal.

**Inspector General of Police  
Khyber Pakhtunkhwa,  
Peshawar**  
(Respondent No. 01)

**Regional Police Officer,  
Mardan**  
(Respondent No. 02)

**District Police Officer,  
Mardan.**  
(Respondent No. 03)



1.8 JAN 2023

Amirul H. ①

CHARACTER ROLL OF

(Continued)


## 12. Miscellaneous particulars.

## War Medals and Descraties.—

Note: — Enter designation of award and date only — Gazette Notification in case of Quaid-i-Azam Police Medal and the Pakistan Police Medal. Other special decoration to be entered full under commendatory entries.


ORDER

Selected for recruit course  
5-7-10 at PTC Hangu vide this office  
Order No 5106-8/051 dt = 2-7-10

  
COMMANDANT,  
Frontier Reserve Police,  
Khyber Pakhtoon Khawa,  
Peshawar

## 13. Miscellaneous particulars including awards other than those accompanied by Commendation Certificates, admission to removal from promotion lists.

passed recruit course vide PTC Hange  
No 2 675-89/3 dt 2-21-2-2011 and this  
office OB No 299 dt 22-3-2011.

  
COMMANDANT,  
Frontier Reserve Police,  
Khyber Pakhtoon Khawa  
Peshawar

ORDER

He was called for O.R on 8-6-2020, but  
he didn't appear before the undersigned,  
therefore awarded him major punishment  
of dismissal from service with effect  
from 03-11-2018 with immediate effect.

728 →

14. COMMENDATORY ENTRIES

ORDER

Transfer to District Police Mandem  
vide P.P.O R.P. Peshawar order Enclst No.  
1230-32/E-IV dated 28-1-2015.

17 1/4  
service from 11 To 15  
Has been verified from the pay  
Bills & Acquittance Roll Kept in  
this Office.

Supdt. of Police  
R.P. Kohat

Superintendent of Police  
R.P. Kohat

MF 230  
16/8/15

Adjusted amts of pay  
& Allowances up to 31/5/15

Gross Rs. 47940/-

⊖ 10781/-

Net Rs. 46862/-

*[Signature]*  
15/1/2015

ORDER

He is hereby awarded nine  
months of Censure while his absence  
period is treated as L.W. pay with imple-  
ment under Police Rules-1975.

OB No. 2476

19/1/15

*[Signature]*  
D. D. MIRD.

Serial No.

14. COMMENDATORY ENTRIES - Contd.

ORDER

He is hereby warned to be careful in future while his absence period treated as leave with out pay with immediate effect under R.O. 1975.

i.B. No. 277  
21-11-76

*[Signature]*  
DPO/MARD

ORDER:

Awarded minor punishment of stoppage of his one increment with cumulative effect and counted his (45) day absence's period as leave without pay.

OB NO. 453  
27/2/09

*[Signature]*  
DPO/MARD

ORDER

His appeal ~~was~~ rejected and filed by the ~~authorities~~ DPO/MARD vide order Bcast No. 4802/ES, dt. 06/08/2009.

*[Signature]*  
DPO/MARD




CHARACTER ROLL OF

Serfal No.

14. COMMENDATORY ENTRIES - Cond.

ORDER

The petition is hereby rejected  
A de ~~pro~~ Ad: 158/Hon Kt per name  
Order No. 2432-40/24 dt: 8.6.2024

  
D. S. K. S. S.

cl  
70  
R<sub>3</sub>

CHARACTER ROLL OF

(Continued)

Serial No.

15. CENSURES AND PUNISHMENT

① one day absence vide OB-no. 436 dt. 3/6/10

② one day absence vide OB. 479 dt. 23/6/2010

③ Four days absence period from 21/1/2011 to 24-1-2011 treated as leave without pay vide OB. No. 225 dt. 7-3-2011

COMMANDANT, Frontier Reserve Police, Khyber Pakhtoon Khawar, Peshawar

④ Three days absence period counted as leave without pay and pay released vide OB. no. 530 dt. 18/5/2010

COMMANDANT, Frontier Reserve Police, Khyber Pakhtoon Khawar, Peshawar

Charges: Absented him self from 7 days. punishment: leave w/o pay and fine Rs. 500/- OB no 666 2-11-11

Signature and stamp

Charges: Absented him self from 17 days. punishment: leave w/o pay and fine Rs. 1000/- OB no 647 6-11-11

Signature and stamp

Charges: Absented him self from 7 days. punishment: leave w/o pay and fine Rs. 500/- OB no 726 21-12-11

Signature and stamp

(5)

Serial No.

15. CENSURES AND PUNISHMENTS - Contd.

charges: Absented him self from  
 $14 \frac{1}{12}$  To  $7 \frac{2}{12}$  =  $19 \frac{3}{12}$  To  $28 \frac{3}{12}$  - 32 days  
 Punishment: leave w/o pay and Fine  
 Rs. 1000/- O.B.No 108.  
 3-4-12

*[Signature]*  
 [Stamp]

charges: Absented him self from  $18 \frac{6}{13}$  To  $13$   
 $18 \frac{6}{13}$  - 22 days. Punishment: leave  
 w/o pay. O.B.No 454.  
 23-8-13

*[Signature]*  
 [Stamp]

charges: Absented him self from  
 $25 \frac{11}{13}$  To  $4 \frac{1}{14}$  40 days.  
 Punishment: leave w/o pay.

*[Signature]*  
 [Stamp]

charges: Absented him self from  $26 \frac{1}{14}$  To  
 $15 \frac{3}{14}$  - 47 days. Punishment: leave with  
 out pay. O.B.No 126.  
 17-3-14

*[Signature]*  
 [Stamp]

charges: Absented him self from  $13 \frac{6}{14}$  To  $16 \frac{6}{14}$   
 3 days. Punishment: leave w/o pay.

O.B.No 302.  
 30-6-14

*[Signature]*  
 [Stamp]

ROLL OF

Serial No.

15. CENSURES AND PUNISHMENTS - Contd.

Charges: Absented his self from duty for 47 days

Punishment Leave with pay for 47 days

*[Signature]*

5.11.15

*[Signature]*

ORDER

He is warned to be careful in future and absence without pay and 17 days is treated as leave without pay

OBNO 572

2.3.16

ORDER - *[Signature]*

He is warned to be careful in future and his absence without pay is treated as leave without pay

OBNO 573

2

ORDER

He is warned to be careful in future of absence without pay

Pay under PR-1975

AR No. 1474

②

CHARACTER ROLL OF

(Continued)

Serial No.

15. CENSURES AND PUNISHMENTS - Contd.

Warned to be careful in future.

OB No. 2747  
2-7-45

CR/WR

16. LEAVE, ABSENCE AND BREAKS IN SERVICE

All periods not counting as "approved service" to be entered in red ink. (2)

1. DATE		2. EXTENT			3. No. of District Order	4. Description of leave, i.e. Privilege, hospital, sick leave, or furlough of or of absence, or forfeiture of approved service. All entries to be Initialed by Superintendent of Police.
From	To	Years	Months	Days		
29-7-10	29-8-11	8	30	days	OB No 433 28-7-11	Leave on full pay
					910	Leave w/o pay - DP/MR
					20-5-15	
					1059	do - DP/MR
					17-6-15	
113-2-16	1-3-16				1474	do - DP/MR
					9-6-16	
					1070	do - DP/MR
					25-4-16	
					2797	do - DP/MR
					21-1-16	

OFFICE OF THE  
DISTRICT POLICE OFFICER,  
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: dpo\_mardan@yahoo.com

Annex B  
9

2019

500 /PA

Dated 26/11/2019

DISCIPLINARY ACTION

I, Sajjad Khan (PSP), District Police Officer Mardan, as competent authority am of the opinion that Constable Sher Bahadar No.2289, himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975.

STATEMENT OF ALLEGATIONS

Whereas Constable Sher Bahadar No.2289, while posted at Police Station Takht-Bhai, remained absent from duty without any leave/permission of the competent authority vide DD No.06 dated 03-11-2019 till-date.

For the purpose of scrutinizing the conduct of the said accused Official with reference to the above allegations, Mr. Shakil Ahmad DSP/HQrs is nominated as Enquiry Officer.

The Enquiry Officer shall, in accordance with the provision of Police Rules 1975, provides reasonable opportunity of hearing to the accused Police Officer, record/submit his findings and make within (30) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused Official.

Constable Sher Bahadar is directed to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer.

(SAJJAD KHAN) PSP  
District Police Officer  
Mardan

Handwritten notes in Urdu, including "کاپی" and "مردان" and other illegible text.

Handwritten notes in Urdu, including "درد جبرانہ" and "228" and other illegible text.

(10)

**OFFICE OF THE  
DISTRICT POLICE OFFICER,  
MARDAN**


Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: dpo\_mardan@yahoo.com

2019

**CHARGE SHEET**

I, Sajjad Khan (PSP), District Police Officer Mardan, as competent authority, hereby charge Constable Sher Bahadar No.2289, while posted at Police Station Takht-Bhai, as per attached Statement of Allegations.

1. By reasons of above, you appear to be guilty of misconduct under Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975.
2. You are, therefore, required to submit your written defense within 07 days of the receipt of this Charge Sheet to the Enquiry Officer, as the case may be.
3. Your written defense, if any, should reach the Enquiry Officers within the specified period, failing which, it shall be presumed that you have no defense to put-in and in that case, ex-parte action shall follow against you.
4. Intimate whether you desired to be heard in person.

  
(SAJJAD KHAN) PSP  
District Police Officer  
Mardan



بہاں اسی ٹیس کے بارے میں 2289

ضلع عالی

(11)

یو ایچ ایف ٹیس کے بارے میں 26/12/2018 کو دو دن 11/12/18 کو جاری کیا گیا ہے

عمر وہی کیفیت میں نہ ہو اور 3-11-12 کو گھر خود سٹاپ کیا گیا ہے

اچانک ہیٹ میں درد پیرا ڈاکٹر صاحب نے باسٹا جانر عدالت پر

فیم جنوم سیراٹھو و خراب میوزی ٹی وی سے ہیٹ اور مگر وہ کمر پر

زیارہ درد سیراٹھس علاج معالجہ کے لئے ٹورس ڈا تھا اس کے

گھر میں ہیٹ مسائل کے جوئے پر دوران سٹیج تھا - 11/12/18 کو سٹاپ کیا گیا

جس ٹی وی سے ڈیوٹی کرنے سے غیر حاضر تھا۔ دو دن 11/12/18 کو

معا کیونکہ گھر میں مسائل اور مشکلات نے ہیٹ گھیر رکھا تھا

جس ٹی وی سے تعانہ میں ڈیوٹی کے قاب میں نہیں تھا

اس لئے اس وقت مسائل کے خلاف طرز سٹیج کو علاج

فائزائی واضح دستہ کرنے کا حکم صادر فرمایا گیا ہے

فائزائی واضح دستہ کرنے کا حکم صادر فرمایا گیا ہے

فائزائی

2289/40

16101-9740375-3

5332-9726799

تاریخ

میں آپ وقتاً بوقت گہرے تھے۔ چارچ مشرف ہولڈرز کے ہیں انہ  
نہ۔ کس گٹر میں موجود تھے۔ مگر گہرا حواس تھا اس دم سے راز  
میں نہ تھے۔ گہرا حواس سے ساقی راز ہے۔ لہذا انہ گٹرز سے مشرف  
ہو رہے ہیں۔

میں۔ آپ انہ کے لئے والے ہیں۔

نہ۔ خاص طور پر گہرا حواس میں جو ہے۔ چنانچہ گہرا حواسی طور پر گہرا حواسی  
میں۔ آپ انہ کے لئے مشرف ہولڈرز کے ہیں۔

نہ۔ گہرا حواسی مشرف ہولڈرز کے ہیں۔

نہ۔ گہرا حواسی مشرف ہولڈرز کے ہیں۔

نہ۔ ایک لاکھ

نہ۔ نقل اسناد

میں۔ گہرا حواسی مشرف ہولڈرز کے ہیں۔

نہ۔ پکارنا

میں۔ گہرا حواسی مشرف ہولڈرز کے ہیں۔

نہ۔ نقل اسناد

نہ۔ گہرا حواسی مشرف ہولڈرز کے ہیں۔

میں۔ خاص طور پر گہرا حواس میں جو ہے۔ چنانچہ گہرا حواسی طور پر گہرا حواسی

نہ۔ کس گٹر میں موجود تھے۔ مگر گہرا حواس تھا اس دم سے راز

DI

Tel No. & Face

DEPARTMENT ORDER

The following

as noted against each:-

Rank & Name	P
FC Sher Bahadar	
2. FC Al	
3.	

تعداد ایک زریہ بنت مہر ظاہر تاشی ہو کر  
 جس کی اکثر بیماریاں رہیں۔ معدے کا بیمار  
 تفریح میں کیا مشاغل ہیں؟  
 بس جس تفریح میں پریشانی لگے پچھتاوا رہیں  
 ہیں وہ تفریح میں زیادہ تر شامل ہوتے ہیں  
 سر۔ کتنا عرصہ ملازمت کیا؟  
 آج 10 سال پرے ہیں

س۔ 1۔ ظاہری الہی نیک نہیں تھا کہ ظاہر زرا لائق  
 آج د۔ عمل انشاء اللہ ظاہر زرا لائق تھا۔ حوالہ 228  
 سر۔ ظاہر زرا لائق لائق انشاء اللہ  
 آج۔

She

شہزادہ 228

16101-9740375-3  
 0332 98267788

V G V O V

OFFICE OF THE DEPUTY SUPERINTENDENT OF POLICE  
HEADQUARTERS MARDAN.

Enquiry Report conducted vide No. 520/PA, dated 26.11.2019.

FACTORY:-

Whereas, **Constable Sher Bahadar No.2289** while posted at Police Station Takht Bhai, remained absent from duty without any leave/permission of the competent authority vide DD No. 06 dated 03.11.2019 to till date.

PROCEEDINGS:-

In this connection the alleged **Constable Sher Bahadar No.2289** was time to time called on his personal contact No.0334-5531408 and 0307-5732702 but could not be contacted. On 26-11-2019 Moharrar PS Takht Bhai was directed to inform the alleged Constable to come to this office and receive his charge sheet but he replied that the said Constable was transferred from PS SMT to PS Takht Bhai but he has not yet reported in the PS. On 07-12-2019 his residential address was obtained from OSI Office. On 18-12-2019 Moharrar PS Saddar was directed to inform the alleged Constable regarding his enquiry but on the next day the concern Moharrar informed the undersigned telephonically that the alleged Constable has been shifted from his address Bochy Kali Mirwas PS Saddar to Toru Maira PS Toru on 03-01-2020 PS Toru was directed and it was found out that there is no one this name and no one in the Area know him.

On 28.01.2020 the alleged constable was traced and appear before the undersigned and charge sheet was served upon and record his statement wherein he stated that, on 03.11.2019 I was on my routine Shabshi, mean while I felt sever pain in my stomach, I went to doctor for check-up after examination the doctor revealed that my stomach is upset, therefore I feel pain in my stomach.

During the absence days I was in my home and there is no one at home to inform my seniors on time, apart this I have some domestic issue which I will disclose before the high-ups at the time of appearance, I was confined to bed due to illness therefore I was not able to do my duties, pardon me this time, and file the charge sheet issued against me.

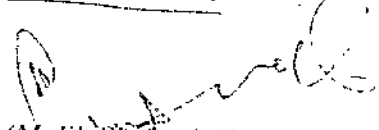
(He has own 21 bad entries with no good entry in his service so far).

RECOMMENDATION:-

Keeping in view the above facts, finding and after thoroughly inquired into the matter and cross examinations the undersigned is of the view that:

1. The alleged constable was several times tried to contact on his mobile No. 0332-9826799 and through 03 Police Stations i-e. PS TBI, Toru and Saddar but the said Constable were not respondent, neither had he traced out.
2. The alleged **Constable Sher Bahadar No. 2289**, is not interested in his duties, because he was strictly directed to ensure his presence report in his concerned Police Station but he failed to do so.
3. During his absence he has been transferred from Police Station Takht Bhai to Cheek Post (Nakka Bandi) but according to the enclosed last report Moharrar received on 7.2.2020 he has not yet made his arrival report in the PS Katlang Babuzai Nakka Bandi Point.
4. He Produce no medical documents about his illness.
5. He is still absent from 03.11.2019 about 3 months and 12 days.

Therefore he is recommended to be awarded Major Punishment if agree.

  
(Malik Shakeel Ahmad)  
Deputy Superintendent of Police,  
HOs, Mardan.

No. 68 /HOs dated Mardan the 17-2 /2020.

Issue F.SCN

OFFICE OF THE  
DISTRICT POLICE OFFICER,  
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: dpomdn@gmail.com

2020

No. 18 /PA

Dated 29/12/2020

FINAL SHOW CAUSE NOTICE

Constable Sher Bahadar No.2289, while posted at P.S Takht-Bhai (now Nakabandi Katlang Interchange), remained absent from duty without any leave/permission of the competent authority vide DD No.06 dated 03-11-2019 till-date.

In this connection, during the course of Departmental Enquiry, conducted by Mr. Shakeel Ahmad DSP/HQrs Mardan vide his office letter No.68/HQrs dated 17-02-2020, in pursuance of this office Statement of Disciplinary Action/Charge Sheet No.520/PA dated 26-11-2019, holding responsible you of gross misconduct & recommended for major punishment.

Therefore, it is proposed to impose Major/Minor penalty as envisaged under Rules 4 (b) of the Khyber Pakhtunkhwa Police Rules 1975.


Hence, I Sajjad Khan (PSP) District Police Officer Mardan, in exercise of the power vested in me under Rules 5 (3) (a) & (b) of the Khyber Pakhtunkhwa Police Rules 1975 call upon you to Show Cause Finally as to why the proposed punishment should not be awarded to you.

Your reply shall reach this office within 07 days of receipt of this Notice, failing which; it will be presumed that you have no explanation to offer.

You are liberty to appear for personal hearing before the undersigned.

Received by \_\_\_\_\_

Dated: \_\_\_/\_\_\_/2020

  
(SAJJAD KHAN) PSP  
District Police Officer  
Mardan

Copy to SHO PS Saddar (Attention Moharrar) to deliver this notice upon the alleged Official Sher Bahadar Son of Hazrat Gul Resident of Bochi Kille, Charsaddar Road or any of his closed family member & the receipt thereof shall be returned to this Office within (05) days for further necessary action.



@

**OFFICE OF THE  
DISTRICT POLICE OFFICER,  
MARDAN**

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: [dpomdn@gmail.com](mailto:dpomdn@gmail.com)



(76) 16

No. 2564-66 /PA

Dated 10/1/2020

**ORDER ON ENQUIRY OF CONSTABLE SHER BAHADAR NO.2289**

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the subject official, under the allegations that while posted at PS Takht-Bhai, (Now Nakabandi Katlang Interchange), proceeded against departmentally through Mr. Shakil Ahmad DSP/HQrs Mardan vide this office Statement of Disciplinary Action/Charge Sheet No.520/PA dated 26-11-2019, on account of absence from duty without any leave/permission of the competent authority vide DD No.06 dated 03-11-2019 till-date, who (E.O) after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.68/HQrs dated 17-02-2020, recommending the alleged official for major punishment.


In this connection, he was served with a Final Show Cause Notice under K.P Police Rules-1975, issued vide this office No.18/PA dated 24-02-2020, through his brother Muhammad Nabi on 24-03-2020, to which, his reply was due to reach this office within (07) days, but neither has he submitted his reply nor assumed duty till-date.

**Final Order**

Constable Sher Bahadar was called for O.R on 09-06-2020, but he didn't appear before the undersigned, meaning that he is not interested in Police Service, therefore, awarded him **major punishment of dismissal from service with effect from 03-11-2019** with immediate effect, in exercise of the power vested in me under Police Rules 1975.

OB No. 928

Dated 09/06/2020.

  
 (SAJJAD KHAN) PSP  
 District Police Officer  
 Mardan

Copy forwarded for information & n/action to:-

- 1) The SDPO Katlang.
- 2) The P.O & E.C (Police Office) Mardan
- 3) The OSI (Police Office) Mardan with 28 Sheets.

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ORDER.

This order will dispose-off the departmental appeal preferred by **Ex-Constable Sher Bahadar No. 2289** of Mardan District Police against the order of District Police Officer, Mardan, whereby he was awarded major punishment of dismissal from service vide OB: No. 928 dated 09.06.2020. The appellant was proceeded against departmentally on the allegations that he while posted at Police Station Takht Bhai, Mardan absented himself from his lawful duty without any leave/permission of the competent authority vide daily diary No. 06 dated 03.11.2019 till date of his dismissal.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Deputy Superintendent of Police Headquarters, Mardan was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities, submitted his findings wherein he opined that the appellant was contacted time and again to appear before the enquiry Officer, but he failed and remained absent, which showed that he was no more interested in Police Service. He recommended him for major punishment of dismissal from service.

He was issued Final Show Cause Notice, through his brother Muhammad Nabi on 24.03.2020, but neither did he submit his reply nor did he assume the duty.

The delinquent Officer was called in Orderly Room on 09.06.2020 by the District Police Officer, Mardan. But he failed to appear. Consequently, ex-parte action was taken against him and he was awarded major punishment of dismissal from service from the date of absence vide OB: No. 928 dated 09.06.2020 by the District Police Officer, Mardan.

Feeling aggrieved from the order of District Police Officer, Mardan, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 04.08.2020.

From the perusal of the enquiry file and service record of the appellant, it has been found that the appellant during the course of enquiry did not bother to join enquiry proceedings. Moreover, he was called in Orderly Room held by the District Police Officer, Mardan but he failed to appear in Orderly Room which clearly depicted that he had nothing to justify his absence. Prior to this, the appellant had also remained absent for a period of

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461 days on different occasions without proper leave or permission from the competent authority. He had been earlier punished on account of his absence. Hence, the very conduct of appellant is unbecoming of a disciplined Police Officer. Therefore, the order passed by the competent authority does not warrant any interference.

Keeping in view the above, I, Sher Akbar, PSP S.St Regional Police Officer, Mardan, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit.

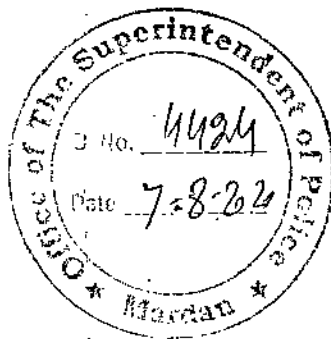
Order Announced.

2  
Regional Police Officer,  
Mardan.

No. 4802 /ES, Dated Mardan the 06-8- /2020.

Copy forwarded to District Police Officer, Mardan for information and necessary w/r to his office Memo: No. 232/LB dated 22.07.2020. His Service Record is returned herewith.

(\*\*\*\*\*)



✓  
EC/OSI  
For information.

DPO, Mardan  
06/8/20





CR # 2619/ES

OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

47812320

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No. SI 2432/121, dated Peshawar the 08/06/2021.

**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 Sher Bahadar No. 2289. The petitioner was dismissed from service by District Police Officer, Mardan vide OB No. 928, dated 09.06.2020 on the allegations that he while posted at Police Station Takht Bhai absented himself from duty w.e.f 03.11.2019 till date of dismissal from service i.e. 09.06.2020 for a period of 07 months & 06 days. His appeal was rejected by Regional Police Officer, Mardan vide order Endst: No. 4802/ES, dated 06.03.2020.

Meeting of Appellate Board was held on 22.04.2021 wherein petitioner was heard in person. Petitioner contended that he was ill.

Perusal of record reveals that the petitioner remained absent for long period of 07 months & 06 days. His petition is also time barred. The Board see no ground and reasons for acceptance of his petition, therefore, the Board decided that his petition is hereby rejected.

Sd/-  
**KASHIF ALAMI, PSP**  
Additional Inspector General of Police.  
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. SI 2432-40/121.

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan. One Service Roll and Fauji Missal of the above named Ex-FC received vide your office Memo: No. 357/ES, dated 21.01.2021 is returned herewith for your office record.
2. District Police Officer, Mardan.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

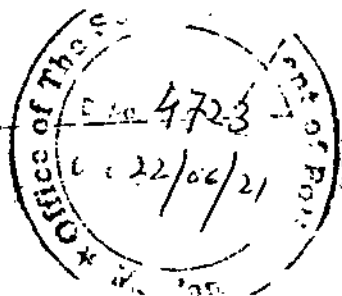
fr attached  
MEC

No - 3209/58  
Dt - 18-6-2021  
(Service Roll + Missal)

FE/DPO/Mardan  
For information  
necessary return

RPO Mardan  
18-6-21

(IRFAN ULLAH KHAN) PSP  
AIG Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.



✓  
ECT/USI/PAIDSP/II

For n/achm

DPO Mardan  
31/6/21

97.2 Ref

OFFICE OF THE  
DISTRICT POLICE OFFICER,  
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: dpo\_mardan@yahoo.com

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2019

580 /PA

Dated 26/11/2019

DISCIPLINARY ACTION

I, Sajjad Khan (PSP), District Police Officer Mardan, as competent authority am of the opinion that Constable Sher Bahadar No.2289, himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975

STATEMENT OF ALLEGATIONS

Whereas Constable Sher Bahadar No.2289, while posted at Police Station Takht-Bhai, remained absent from duty without any leave/permission of the competent authority vide DD No.06 dated 03-11-2019 till-date.

For the purpose of scrutinizing the conduct of the said accused Official with reference to the above allegations, Mr. Shakil Ahmad DSP/HQrs is nominated as Enquiry Officer.

The Enquiry Officer shall, in accordance with the provision of Police Rules 1975, provides reasonable opportunity of hearing to the accused Police Officer, record/submits his findings and make within (30) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused Official.

Constable Sher Bahadar is directed to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer

(SAJJAD KHAN) PSP  
District Police Officer  
Mardan

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

**Service Appeal No. 7566/2021**

Sher Bahadar Ex-Constable No. 2289 Police Lines, Mardan

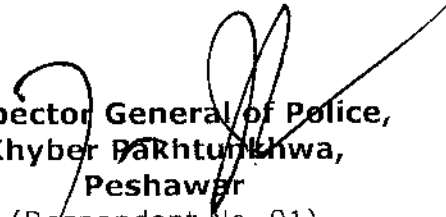
.....Appellant

**VERSUS**

The Inspector General of Police , Khyber Pakhtunkhwa, Peshawar and  
others.....Respondents

**AUTHORITY LETTER.**

Mr. Atta-ur-Rehman. Inspector Legal, (Police)  
Mardan is hereby authorized to appear before the Honourable Service  
Tribunal, Khyber Pakhtunkhwa, Peshawar in the above captioned service  
appeal on behalf of the respondents. He is also authorized to submit all  
required documents and replies etc. as representative of the respondents  
through the Addl: Advocate General/Govt. Pleader, Khyber Pakhtunkhwa  
Service Tribunal, Peshawar.

  
**Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar**  
(Respondent No. 01)

  
**Regional Police Officer,  
Mardan**  
(Respondent No. 02)

  
**District Police Officer,  
Mardan.**  
(Respondent No. 03)