

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 458/2018

Date of Institution ... 09.02.2018

Date of Decision ... 14.01.2022

Adnan Khan S/o Mumtaz Ali R/o Mohallah Saleem Khan Dheri, Village Saleem Khan, Tehsil & District Mardan Ex-Constable Police Department, K.P, District Mardan. ... (Appellant)

**VERSUS**

Government of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and others. ... (Respondents)

Naila Jan,  
Advocate

... For Appellant

Muhammad Rasheed,  
Deputy District Attorney

... For respondents

**AHMAD SULTAN TAREEN**  
**ATIQ-UR-REHMAN WAZIR**

...  
...

**CHAIRMAN**  
**MEMBER (EXECUTIVE)**

**JUDGMENT**

**ATIQ-UR-REHMAN WAZIR MEMBER (E):-**

Brief facts of the

case are that the appellant was appointed as Constable vide order dated 02-08.2009. During the course of his service, the appellant was proceeded against on the charges of absence from duty and was ultimately dismissed from service vide order dated 30-01-2015, against which the appellant filed departmental appeal, which was also rejected vide order dated 12-03-2015. The appellant filed revision petition, which was also rejected vide order dated 26-01-2017 communicated to the appellant on 24-01-2018, hence the instant appeal with prayers that the impugned orders dated 12-03-2015 and 30-01-2015 and 26-01-

2017 may be set aside and the appellant may be re-instated in service with all back benefits.

02. Learned counsel for the appellant has contended that the appellant has not been treated in accordance with law, as the appellant has not been associated with proceedings of the inquiry; that absence of the appellant was not intentional, rather due to compelling reason of illness of his wife, which was not taken into consideration; that the appellant has been proceeded against ex-parte, thus was deprived of the opportunity to defend his cause; that absence on medical ground does not constitute gross misconduct entailing major penalty of dismissal from service.

*Wm* 03. Learned Deputy District Attorney for the appellant has contended that the appellant willfully absented himself from lawful duty without permission of the competent authority; that plea of the sickness of his wife is baseless, non-reliable and is false, hence denied; that proper departmental inquiry was conducted against the appellant and the appellant was afforded opportunity to prove his innocence but the appellant did not join the inquiry proceedings; that departmental appeal as well as revision petition of the appellant were considered but were rejected being devoid of merit; that the instant appeal of the appellant being devoid of merit may be dismissed.

04. We have heard learned counsel for the parties and have perused the record.


05. Record reveals that the appellant was served with charge sheet/statement of allegation dated 02-12-2014, to which he responded and presented medical prescription in respect of his wife, who reportedly was having issue in her spinal cord. The inquiry officer in his report has taken into consideration illness of his wife and also checked medical prescriptions, but he neither termed it fake nor sent it for verification but reiterated that the appellant was supposed to inform


the authorities well in time about such illness, hence his absence amounts to misconduct, which deserve to be awarded with major punishment. It is a well settled legal proposition that leave on medical grounds even without permission of the competent authority does not constitute gross misconduct entailing major penalty of dismissal from service. Reliance is placed on 2008 SCMR 214. The inquiry officer was supposed to take a lenient view, instead he recommended him for major punishment, which appears to be harsh. We have observed that the appellant has not been treated in accordance with law, as no final show cause notice was served upon him, thus deprived him of the opportunity to prove his innocence. The disciplinary proceedings were also conducted in absence of the appellant and the appellant was not associated with proceedings of the inquiry, thus the respondents skipped a mandatory step prescribed in law.

06. We are of the considered opinion that absence of the appellant was not willful but due to illness of his wife and stance of the appellant was considered to some extent by the inquiry officer, but neither such stance of the appellant was regretted nor the medical prescriptions were sent for verification, despite he was recommended for major penalty, which to our opinion appears to be harsh.

07. In view of the situation, we are inclined to partially accept the appeal. The appellant is re-instated in service by converting the major penalty of his dismissal into minor penalty of stoppage of two increments. The intervening period is treated as leave of the kind due. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED  
14.01.2022

  
(AHMAD SULTAN TAREEN)  
CHAIRMAN

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

ORDER

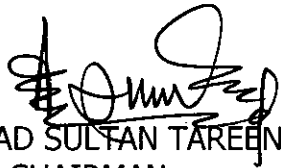
14.01.2022

Learned counsel for the appellant present. Mr. Muhammad Rasheed Deputy District Attorney for respondents present. Arguments heard and record perused.

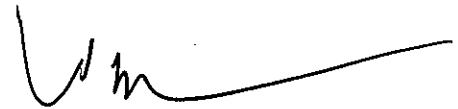
Vide our detailed judgment of today, separately placed on file, we are inclined to partially accept the appeal. The appellant is re-instated in service by converting the major penalty of his dismissal into minor penalty of stoppage of two increments. The intervening period is treated as leave of the kind due. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

14.01.2022



(AHMAD SULTAN TAREEN)  
CHAIRMAN



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

05.07.2021

Nemo for appellant.

Muhammad Rasheed learned Deputy District Attorney  
alongwith Khyal Roz Inspector for respondents present.

Notice be issued to appellant/counsel for 25.10.2021  
for hearing before D.B.

  
(Rozina Rehman)  
Member(J)

  
Chairman

25.10.2021

Appellant in person present. Mr. Kabirullah Khattak,  
Additional Advocate General for respondents present.

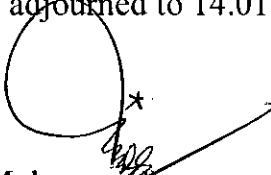
Arguments could not be heard due to learned judicial member  
(Salah-ud-Din) is on leave. Adjourned. To come up for arguments  
before the D.B on 14.01.2022.


  
(MIAN MUHAMMAD)  
MEMBER (E)

05.11.2020

Appellant in person present. Zara Tajwar, Deputy District Attorney alongwith Mr. Zaheer Muhammad, PASI for respondent is present.

The Bar is observing general strike, therefore, the matter is adjourned to 14.01.2021 for hearing before the D.B.

  
(Mian Muhammad)  
Member (E)


  
Chairman

14.01.2021

Appellant in person present. Addl: AG alongwith Mr. Khayal Roz, Inspector (Legal) for respondents present.

Arguments could not be heard due to learned Member(Judicial) is on leave.

Adjourned to 01.04.2021 for arguments before D.B.

  
(Mian Muhammad)  
Member(E)

01.04.2021

Due to non availability of the concerned D.B, the case is adjourned to 05.07.2021 for the same.

  
Reader

8-4-2020

Due to COVID19, the case is adjourned to

4/72020 for the same as before.

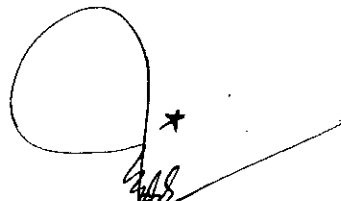
  
Reader

06.07.2020

Appellant in person and Mr. Ziaullah learned DDA alongwith Mr. Atta Ur Rehman Insepctor for the respondents present.

Former requests for adjournment due to indisposition of his learned counsel.

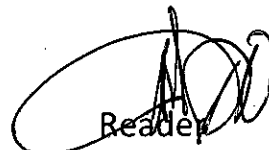
Adjourned to 28.08.2020 before D.B.

  
Member

  
Chairman


28.08.2020

Due to summer vacation, the case is adjourned to 05.11.2020 for the same as before.

  
Reader

02.03.2020

Counsel for the appellant present. Mr. Muhammad Jan, DDA alongwith Mr. Atta Ur Rehman, SI for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 28.04.2020 before D.B.



Member

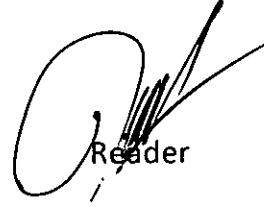


Member



25.10.2019

Due to tour of the Hon'ble Members to Camp Court  
Abbottabad, To come up for the same on 02.12.2019 before D.B.



Reader

02.12.2019 Learned counsel for the appellant present. Mr. Kabi-ullah Khattak learned Additional Advocate General for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 10.01.2020 before D.B.



(Hussain Shah)  
Member



(M. Amin Khan Kundi)  
Member

10.01.2020

Due to general strike of the bar on the call of Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for further proceedings/arguments on 02.03.2020 before D.B.




Member



Member


22.04.2019

Appellant in present and Addl: AG alongwith Mr. Atta Ur Rehman, SI for respondents present. Written reply/comments not submitted. Requested for adjournment. Adjourned. Case to come up for written reply/comments on 11.06.2019 before S.B.

  
(Ahmad Hassan)  
Member

11.06.2019

Appellant in person present. Addl: AG alongwith Mr Atta Ur Rehman, SI for respondents present. Written reply/comments submitted which is placed on file. Case to come up for arguments on 06.08.2019 before D.B.

  
(Ahmad Hassan)  
Member

06.08.2019

Miss. Huma Khan, Advocate on behalf of Miss. Naila Jan, Advocate, counsel for the appellant, and Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Attaur Rehman, S.I for the respondents present.

Former requests for adjournment as learned senior counsel for the appellant is indisposed today.

Adjourned to 25.10.2019 before D.B.

  
Member


  
Chairman

558/2018

04.2.2019

Miss Naila Jan, Advocate for appellant present.

States that she has substituted Mr. Amjad Ali, Advocate to represent the appellant but is not in possession of copy of order dated 26.01.2017 passed upon departmental review petition under Rule-11-A of Police Rules, 1975. She, therefore, requests for adjournment. Adjourned to 08.03.2019 before S.B.


  
Chairman

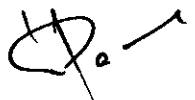
08.03.2019

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant (Head Constable) has filed the present service appeal u/s 4 against the order dated 30.01.2015 whereby the appellant was dismissed from service on the ground of absence from duty. The appellant has also made impugned the order dated 12.03.2015 regarding rejection of his departmental appeal and the order dated 26.01.2017 through which his departmental appeal under Rule 11-A of the Khyber Pakhtunkhwa Police Rules 1975 was fled.

Points urged need consideration. The appeal is admitted for regular hearing subject to all legal objections including the issue of maintainability and limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 22.04.2019 before S.B.

  
Appellant Deposited  
Security & Process Fee

  
Member

16-11-2018

Due to Retirement of Honorable  
Chairman the Tribunal is non functional  
Therefore the case is adjourned to  
come up for the same on 29-11-2018  
Haji  
Raddar

29.11.2018

Miss Uzma Syed Advocate present and submitted wakalat  
name in favor of appellant and seeks adjournment being freshly  
engaged. Adjourn. To come up for preliminary hearing on  
16.01.2019 before S.B

  
Member

16.1.2019


Mst. Huma Khan and Naila Jan, Advocates have  
submitted Wakalatnama in their favour executed by the  
appellant and request for adjournment in order to prepare the  
brief. Adjourned to 04.02.2019 before S.B.

  
Chairman

Service Appeal No. 458/2018

06.07.2018

Appellant in person present and requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for preliminary hearing on 27.07.2018 before S.B.

  
(Muhammad Amin Khan Kundi)  
Member

27.07.2018

Appellant Mr. Adnan Khan in person present. Appellant made a request for adjournment as his counsel is not available today. Granted. To come up for preliminary hearing on 11.09.2018 before S.B.

  
Chairman

11.09.2018

Appellant Adnan Khan in person present and made a request for adjournment as his counsel is not available today. Granted. Case to come up for preliminary hearing on 18.10.2018 before S.B.

  
Chairman

18.10.2018

Appellant in person present and seeks adjournment as his counsel is not in attendance. Adjourn. To come up for arguments 16.11.2018 before S.B.

  
Member


04.04.2018

Learned counsel for the appellant appeared and submitted copy of the impugned order dated 26.01.2017 and stated that copy of departmental appeal is not in possession of the appellant. In this scenario the office objection;no more exists. Adjourn. To come up for preliminary hearing on 18.04.2018 before S.B

  
Member

18.04.2018

Appellant in person present and seeks adjournment on the ground that his counsel is not available today. Adjourned. To come up for preliminary hearing on 09.05.2018 before S.B.

  
(Muhammad Amin Khan Kundi)  
Member

09.05.2018

The Tribunal is non functional due to retirement of the Honorable Chairman. Therefore, the case is adjourned. To come up for the same on 06.07.2018 before S.B.

  
Reader

04.04.2018

Learned counsel for the appellant appeared and submitted copy of the impugned order dated 26.01.2017 and stated that copy of departmental appeal is not in possession of the appellant. In this scenario the office objection no more exists. Adjourn.

FORM OF ORDERSHEET

S.No.	Date of order proceedings	To come up for preliminary hearing on 18.04.2018 before S.B
1	2	3
1	05/03/2018	<p>The appeal in hand was returned to the counsel for the appellant. Today he resubmitted the same without removing the objection with the request to submit before the Tribunal the same may be submitted to the S. Bench for decision on office objection, be put up there on <u>19/03/18.</u></p> <p style="text-align: right;">REGISTRAR 5/3/18</p>
19.03.2018		<p>Learned counsel for the appellant present and seeks adjournment. Adjourn. To come up for arguments on office objection on 04.04.2018 before S.B</p> <p style="text-align: right;">Member</p>

The appeal of Mr. Adnan Khan son of Mumtaz Ali r/o Mohallah Saleem Khan Dheri Ex-Constable Police Department received today i.e. on 09.02.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of departmental appeal and revision petition mentioned in the memo of appeal are not attached with the appeal which may be placed on it.
- 2- Copy of impugned order 26.1.2017 mentioned in the heading of the appeal is not attached with the appeal which may be placed on it.


No. 316 /S.T,

Dt. 12/02 /2018

*[Signature]*  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Amjid Ali Adv. Mardan.

Case Resubmitted then  
The copy of Impugned order <sup>Departmental</sup> ~~of 26/1/17~~ Appeal  
are not available with the  
appellant Resubmitted please place  
Before the court

*[Signature]*  
Amjad Ali  
Adv  
Murder 

Sir,

The objection of this office and  
reply of counsel for the <sup>in</sup> ~~is~~ <sup>sub-</sup>mitted  
for order please.

25-2-2018

*[Signature]*  
5/3/18

Honorable  
Member.

*[Signature]*



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

C.M.No. 1 /2018

IN

Service Appeal No. 458 /2018

Adnan Khan .....Appellant

**VERSUS**

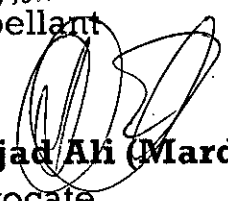
Govt. of KPK through Secretary Home &  
Tribal Affairs Department and others .....Respondents

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*Adnan Khan*  
Appellant

Through

  
**Amjad Ali (Mardan)**  
Advocate  
Supreme Court of Pakistan  
Cell: 0321-9882434

Dated: 9/2/2018

(1)

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

Service Appeal No. 458 /2018

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 187

Dated 9-2-2018

Adnan Khan S/o Mumtaz Ali  
R/o Mohallah Saleem Khan Dheri,  
Village Saleem Khan, Tehsil & District Mardan  
Ex-Constable Police Department, K.P, District Mardan

.....Appellant

**VERSUS**

1. Govt. of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. Inspector General of Police, Police Department, Khyber Pakhtunkhwa, Peshawar.
3. Deputy Inspector General of Police, Mardan/ Regional Police Officer, Mardan.
4. District Police Officer, Mardan.

.....Respondents

Filed to-day  
Registrar  
9/2/18

**SERVICE APPEAL U/S 4 OF SERVICE  
TRIBUNAL ACT, 1974 AGAINST FINAL  
APPELLATE ORDER DATED  
26.01.2017, PASSED BY RESPONDENT  
NO.2 (RECEIVED ON 24.01.2018  
THROUGH HIS OWN EFFORTS)  
PASSED ON DEPARTMENTAL APPEAL  
UNDER RULE 11-A OF KP POLICE  
RULES, 1975 AND ORDER DATED  
13.02.2015 PASSED BY RESPONDENT  
NO.3 AND ORDER DATED 30.01.2015  
PASSED BY RESPONDENT NO.4,**

(2)

**WHEREBY APPELLANT HAS BEEN  
DISMISSED FROM SERVICE, WHICH IS  
ILLEGAL AGAINST LAW AND FACTS.**

**PRAYER:**

*On acceptance of this appeal,  
order dated <sup>12-3-15</sup> 13.02.2015 and order  
dated 30.01.2015 may please be  
set-aside and appellant may please  
be reinstated in service with all  
back benefits. Any other relief  
deemed fit may also be graciously  
be granted.*

Sir,

Appellant humbly submits as under;-

- 1) That appellant was appointed as a constable vide order dated 2-8-2009.
- 2) That appellant performed duty to the entire satisfaction of his superiors.
- 3) That appellant is charge sheeted for absence vide D.D. No.66 dated 14.09.2014 to date i.e. 02.12.2014 without leave/ permission of competent authority.
- 4) That the absence was not intentional/ willful as due to sickness of his wife (better-half) as obvious from medical prescription. (**Copy of medical prescription is Annex "A"**)
- 5) That appellant is dismissed vide order dated 30.01.2015 by respondent No.4, which is

illegal, against law and facts. (*Copy of order dated 30.01.2015 is Annex "B"*)

- 6) That departmental appeal is dismissed vide order dated 12.03.2015 by respondent NO.3 on the basis of previous record, which is illegal against law and facts. (*Copy of order dated 12.03.2015 is Annex "C"*)
- 7) That vide order dated 26.01.2017, respondent No.2 dismissed appeal, while exercising under Rule 11-A of KP Police Rules, 1975, which is illegal against law and facts.
- 8) That final appellate order dated 26.01.2017 is received on 24.01.2018 through his own efforts.
- 9) That final appellate order has not been served upon appellant.
- 10) That time is to be reckoned as per law from date of reception i.e. 24.01.2018, thus service appeal is within time.
- 11) That order dated 26.01.2017 is final appellate order.
- 12) That impugned orders detailed in the heading of appeal are illegal, against law and facts on the following grounds:-

**GROUND**

- A. Because appellant has not been associated with any inquiry prior to dismissal or any

(4)

inquiry upon the order of final appellate authority i.e. I.G.P.

- B. Because in the impugned original order absence period has been treated as on duty.
- C. Because no opportunity of cross-examination has been afforded to appellant.
- D. Because the absence period has been regularized.
- E. Because absence is due to family/ wife's ailment.
- F. Because absence is not deliberate/ intentional.
- G. Because Police Rules, 1975 are not applicable to the case of appellant.
- H. Because impugned orders are passed by incompetent authorities.
- I. Because exparte proceedings are conducted.
- J. Because absence is not an offence under the Police Rules or Service Rules.
- K. Because leave is available at the credit of appellant.
- L. Because the " " principle of Islamic jurisprudence enunciates that it should be treated as period spent on duty.
- M. Because impugned orders are void orders and nullity in the eyes of law.

(5)

It is therefore, humbly prayed that, on acceptance of this appeal, order dated 13.02.2015 and order dated 30.01.2015 may please be set-aside and appellant may please be reinstated in service with all back benefits. Any other relief deemed fit may also be graciously be granted.

*Adnan Khan*  
Appellant

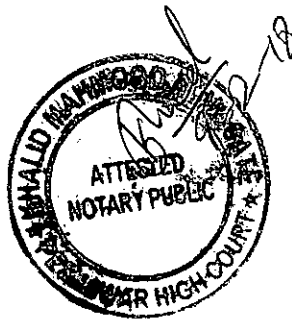
Through

*Amjad Ali (Mardan)*  
Advocate  
Supreme Court of Pakistan

VERIFICATION

It is verified that, the contents of the appeal are true and correct to the best of my knowledge and belief and nothing material has been concealed from this hon'ble Tribunal.

*Adnan Khan*  
Deponent



(6)

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

C.M.No. \_\_\_\_\_/2018

IN

Service Appeal No. \_\_\_\_\_/2018

Adnan Khan ..... **Appellant**

**VERSUS**

Govt. of KPK through Secretary Home &  
Tribal Affairs Department and others ..... **Respondents**

**APPLICATION FOR**  
**CONDONATION OF DELAY**

Sir,

Applicant humbly submits as under;-

- 1) That aforementioned appeal is filed today.
- 2) That final appellate order dated 26.01.2017 has been received on 24.01.2018.
- 3) That said order has not been served/communicated to applicant on registered post or any other means.
- 4) That time is to be reckoned from date of reception i.e. 24.01.2018, thus appeal is within time.

It is, therefore, humbly prayed that delay if any may please be condoned.

Appellant *Adnan Khan*

Through

**Amjad Ali (Mardan)**  
Advocate

Supreme Court of Pakistan

(7)

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

C.M.No. \_\_\_\_\_/2018

IN

Service Appeal No. \_\_\_\_\_/2018

Adnan Khan ..... **Appellant**

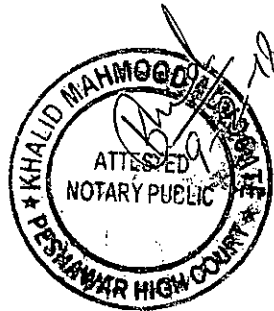
**VERSUS**

Govt. of KPK through Secretary Home &  
Tribal Affairs Department and others ..... **Respondents**

**AFFIDAVIT**

I, Adnan Khan S/o Mumtaz Ali R/o Mohallah Saleem Khan Dheri, Village Saleem Khan, Tehsil & District Mardan (Applicant), do hereby affirm and declare on oath that the contents of accompanying\ application are true and correct and nothing has been concealed therein.

*Adnan Khan*  
Deponent





Amr... (Signature)  
D.P. (Signature)  
A.A. (Signature)

کلینک: بہادر میڈیکل سنٹر  
پتھان ڈی ایچ جی ہسپتال مردان  
مردان: 0321-9323866

Not Valid For Court

آرٹھوڈینک سرجین  
ڈاکٹر خلیل الرحمان کا کاخیل  
ایم بی بی ایس (پتھان ڈی ایچ جی) (دوبہ)  
ایم ایس ایم ایس (دوبہ) ایف آئی ایس (امریکا)  
ماہر امراض ہڈی، جوڑو و ٹھہ  
آرٹھوڈینک ڈیپارٹمنٹ D.H.Q. ہسپتال مردان

مدد نامہ 06/09/14

1. Mr. ...  
2. ...  
3. Original  
4. Receipt

As  
My ...

دین احمد و بارہ معائنہ کیلئے تشریف لائیں۔





DATE

Rs. 5-

OUT PATIENTS DEPARTMENT

11

NAME

W. L. C. C. C.

NO.

4506

15-9-14

DISEASE

*[Handwritten scribble]*

*[Handwritten signature]*

*[Handwritten signature]*

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*[Handwritten text]*

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*[Handwritten mark]*

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AGREEMENT REPERS



DATE

No.

Rs. 5

OUT PATIENTS DEPARTMENT

13

NAME

YEAREY NO

DATE

DISEASE

FACE VALUE RUPEES

*[Signature]*

- 28 Feb 2007
- 28 March 07
- 26 Nov 07

MEDICAL OFFICER  
R.M. Hospital

# AIMAL MEDICOSE

CHEMIST & DRUGGISTS

Opp: D.H.Q. Hospital, Shamsi Road, Mardan. L.No.

Ph: 0937-865870

Date 13-10-14

No. \_\_\_\_\_

Name

*W/O J. J. J.*

2954

14

Qty	PARTICULARS	Rate	Amount	
			Rs.	Ps.
	<i>100g. Salicyl</i>	<i>116</i>	<i>116</i>	
	<i>100g. Beclal</i>	<i>70</i>		
			Total	<i>301</i>

Signature

*[Handwritten Signature]*

No.

No. 3

OUT PATIENTS DEPARTMENT

NAME W/O. S. S. S.

YEARLY NO 2044

DATE 13-10-14

DISEASE

*Handwritten notes:*  
No. 1  
L  
L

FACE VALUE RUPEES 5

15

26 Vertical rot

28 | Dr. S. S. S.

28 | Recpt

**MEDICAL DEPARTMENT**  
*Handwritten signature*



Cash Memo

# AIMAL MEDICOSE

CHEMIST & DRUGGISTS

Opp: D.H.O. Hospital, Shamsi Road, Mardan. E.No. 2955  
Ph: 0937-865870

Date: 28-10-14

16

No. \_\_\_\_\_

Name: *W/O. O. B. Khan*

Qty	PARTICULARS	Rate	Amount	
			Rs.	Ps.
<i>20</i>	<i>Fab. Felbec</i>	<i>214</i>	<i>214</i>	
<i>20</i>	<i>Musclon</i>	<i>112</i>	<i>224</i>	
<i>50</i>	<i>bevidex</i>	<i>50</i>	<i>50</i>	
	<i>Small</i>			
			<b>Total:</b>	<b>488</b>

Signature: *[Handwritten Signature]*

AIMAL MEDICOSE  
Opp: D.H.O. Hospital Road, Mardan  
Ph: 0937-865870

No. \_\_\_\_\_ Rs. 5

OUT PATIENTS DEPARTMENT

NAME W/O. G. G. G.

YEARLY NO. 5725

DATE 28/10/14

DISEASE

*Malaria*

*180*

*1/28* *180* *180*

*1/28* *Malaria* *180*

*180* *180*

MEDICAL OFFICER  
S.B. Hospital Ward

FACE VALUE RUPEES 5

17



19

No.

Rs. 5

OUT PATIENTS DEPARTMENT

NAME

*W/O To Obe*

YEARLY NO

*1947*

DATE

*12-11-14*

DISEASE

*Asplent*

*U. Pres - 207*

*U. Pres - 207*

*U. Pres - 207*

FACE VALUE RUPEES 5

GENERAL OFFICE

*[Signature]*

Cash Memo

# AIMAL MEDICOSE

CHEMIST & DRUGGISTS

Opp: D.H.Q. Hospital, Shamsi Road, Mardan. L.No. 2958  
Ph: 0937-865870

Date: 27-11-14

No. \_\_\_\_\_

Name: *W/O G. Gul*

Qty	PARTICULARS	Rate	Amount	
			Rs.	Ps.
	<i>1 box Analgic</i>	<i>214-</i>	<i>214-</i>	
	<i>20. Tab. Duragic</i>	<i>26-</i>	<i>52-</i>	
	<i>1 box Tab. Benzlat</i>	<i>50-</i>	<i>50-</i>	
	<i>Small</i>			
<i>Signature</i>			Total	<i>316-</i>

(20)

Signature

AIMAL MEDICOSE  
CHEMIST & DRUGGISTS  
Opp: D.H.Q. Hospital Road, Mardan.  
Ph: 0937-865870

No.

Rs. 3

OUT PATIENTS DEPARTMENT

NAME W/o U. C. U. P.

YEARLY NO 5334

DATE 27-11-14

DISEASE

*Handwritten notes in the disease field*

FACE VALUE RUPEES 3

(21)

- 26. Anusidant
- 28. Magnesium
- 28. Penton

*[Signature]*  
**MEDICAL OFFICER**  
 S.H. Hospital Madras





15

No.

Rs.

OUT PATIENTS DEPARTMENT

NAME W100606

YEARLY NO 2870

DATE 12-12-14

DISEASE

*Handwritten notes and signatures in the disease field.*

- Handwritten list of names:*
- 2 *Kej...*
- 2 *...*
- 2 *...*

*Handwritten notes:*  
A2  
Physically out

FACE VALUE RUPEES 5-

23

MEDICAL OFFICER  
B.H.C. Hospital, ...







POLICE DEPARTMENT

*Amroha*  
**ORDER**

*Amroha*

*(Handwritten initials)*

*(26)*

MARDAN DISTRICT

*(Handwritten initials)*

This order will dispose of departmental inquiry, which has been conducted against Constable Adnan No. 3081 on the allegation that the Constable Adnan No. 3081 while posted at Police Lines, absented himself from lawful duty vide DD No. 66 dated 14.09.2014 to date without any leave/permission. His attitude adversely reflected on his performance which is an indiscipline act and gross misconduct on his part as defined in rule 2(iii) of Police Rules:1975. Therefore he was recommended for departmental action.

In this connection, Constable Adnan No. 3081, was charge sheeted vide this office No. 756/R, dated 11.11.2014 and also proceeded him against departmentally through Mr. Faqir Hussain DSP/HQrs: Mardan, who after fulfilling necessary process, submitted his findings to the undersigned vide his office endorsement No. 23/HQrs: dated 27.01.2015, as the allegation have been established against him.

The undersigned agreed with the findings of enquiry officer and the alleged Constable Adnan No. 3081, is hereby dismissed from service, while his absence period is counted as absence from duty in exercise of the power vested in me under the above quoted rules.

Order announced

O.B No. 188

Dated 30/01/2015

*(Signature)*  
(Gul Afzal Afzadi)  
District Police Officer,  
Mardan.

No. 1097-11a21 dated Mardan the 30.01. /2015

Copy for information and necessary action to:-

1. The Deputy Inspector General of Police Mardan Region-1, Mardan.
2. The S.P Operations, Mardan.
3. The DSP/HQrs Mardan.
4. The Pay Officer (DPO) Mardan.
5. The E.C (DPO) Mardan.
6. The OASI (DPO) Mardan.

①  
27

✓ A+C

ORDER.

This order will dispose-off the appeal preferred by Ex-Constable Adnan No. 3081 of Mardan District Police against the order of District Police Officer, Mardan, wherein he was dismissed from service vide District Police Officer, Mardan OB No. 188 dated 30.01.2015

I have perused the record and comments furnished by District Police Officer, Mardan in this case. His previous service record speaks volume of misconduct and rendered him an in-disciplined employee. Therefore, I MUHAMMAD SAEED Deputy Inspector General of Police, Mardan Region-I, Mardan in exercise of the powers under rule 11(4) (a) Khyber Pakhtunkhwa Rules, 1975, upheld the order of penalty and reject the appeal and do not interfere in the order passed by the competent authority, thus the appeal is filed forthwith.

ORDER ANNOUNCED.

*(Signature)*  
(MUHAMMAD SAEED) PSP  
Deputy Inspector General of Police,  
Mardan Region-I, Mardan. *SL*

*(Signature)*  
*(Signature)*  
*(Signature)*  
No

No. 1601 /ES, Dated Mardan the 12-3- /2015.

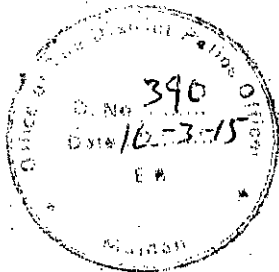
Copy to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No. 257/LB dated 26.02.2015. His service roll is returned herewith for record in your office.

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

*EC/DSG*

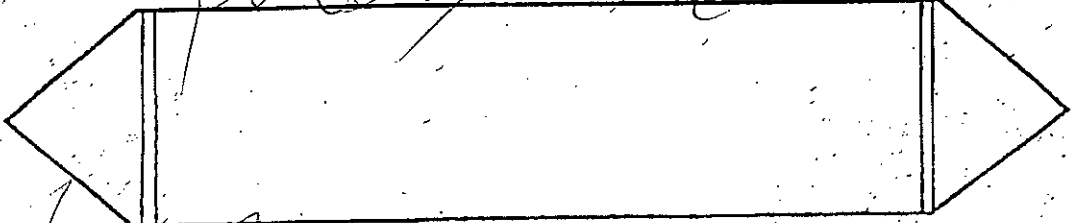
*For u/action*

*(Signature)*  
*DPO Mard*  
*12/3*



towards official duty.

# بعدالت لیسٹ اور صفائی کارڈ لیسٹ



2018ء بمقام سید عبدالرشید  
بنام

9/2/2018

مورخہ

مقدمہ

دعویٰ

جرم

علی محمد خان

SA

## باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ  
آن مقام ~~سید عبدالرشید~~ کیلئے ~~سید عبدالرشید~~ 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 حالت فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک دروپیا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ  
پر واختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ درجاندہ التوائے مقدمہ کے سبب سے وہ ہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

الرقوم 9  
ماہ جنوری 2018

Accepted

واہ العی

پشاور کے لئے منظور ہے۔

بمقام

Attested  
for  
Answer  
in order

(Signature)

03219870175

Admission



Fixed on - 4-4-2018  
Next date 18-4-2018  
گنجان خان  
PH  
کان

OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

No. S/ 421 /17, dated Peshawar the 26/01/2017.

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-Constable Adnan Khan No. 3081. The appellant was dismissed from service by DPO/Mardan vide OB No. 188 dated 30.01.2015 on the charge of absence from duty for 112 days.

His appeal was filed by Regional Police Officer, Mardan vide order No. 1601/ES, dated 12.03.2015.


Meeting of Appellate Board was held on 03.12.2015 wherein appellant was heard in person. During hearing petitioner contended that his absence was not deliberate as his family problems did not allow him to perform duties.

Therefore, the Board remanded his case to punishing authority i.e. RPO/Mardan for examining the case afresh by confirming the truth of the contention of petitioner vide this office Memo: No. S/1251-52/16, dated 12.02.2016.

In response Regional Police Officer, Mardan vide Memo: No. 11302/ES, dated 23.12.2016 submitted that the appellant was summoned and given opportunity of defense by the DPO/Mardan and his case was re-examined by DSP/HQrs: Mardan and his statement recorded but the appellant failed to justify his absence from duty. Being habitual absentee, the appellant does not deserve to be considered for re-instatement in service and the appeal may be filed.

In the light of report of Regional Police Officer, Mardan, the Board decided that his petition is hereby filed.

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

  
(NAJEEB-UR-REHMAN BUGVI)  
AIG/Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.

No. S/ 422-28 /17,

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan.
2. District Police Officer, Mardan.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. Office Supdt: E-IV CPO Peshawar.
7. Central Registry Cell, CPO.

بعدالت

Service Tribunal, Peshawar

29/11/2018  
مقدمہ  
دعویٰ  
جرم

2 منجانب  
عدنان خان بنام

لو لیب

### باعث تحریر آنکہ

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

آن مقام Peshawar کیلئے دیکھی ہے

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

Accepted

Accepted

2018

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06

29

المرقوم

العبد گواہ العبد

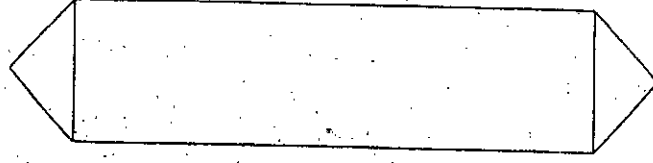
کے لئے منظور ہے۔

Peshawar

مقام

بعدالت

KP سروس ٹریبونل  
لشاور



2019ء منجانب  
عدنان خان بنام پولیس

مورخہ

مقدمہ

دعویٰ سروس اپیل

جرم

### باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
آن مقام لشاور کیلئے صحیحان اینڈ نائڈ جان  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائین پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی  
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت  
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے  
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے  
اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے  
سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں  
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

2019ء

ہا

المرقوم

16 جتوری

العبد گواہ العبد

کے لئے منظور ہے۔

*(Signature)*

لشاور

Attested and accepted by *(Signature)*

عدنان خان



BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,  
PESHAWAR.

Service Appeal No. 458/2018.

Muhammad Adnan Ex-Constable No. 3081.....Appellant.

VERSUS.

District Police Officer, Mardan  
& others.....Respondents.

INDEX

S. No.	Description of Documents	Annexure	Pages.
1.	Written Reply.	----	1-2
2.	Affidavit.	----	3
3.	Copy of Enquiry	A	4-10
4.	Copy of Authority Letter.	----	11

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

Service Appeal No. 458/2018.

Muhammad Adnan Ex-Constable No. 3081.....Appellant.

**VERSUS.**

District Police Officer, Mardan  
& others.....Respondents.

**Respectfully Sheweth:**

**PRELIMINARY OBJECTIONS:-**

1. That the appellant has not come to this Honourable Tribunal with clean hands.
2. That the appellant has got no cause of action.
3. That the appellant has concealed material facts from this Honourable Tribunal.
4. That the appellant is estopped by his own conduct, by law to bring the instant appeal.
5. That the present appeal is bad in its present form hence not maintainable and liable to be dismissed.
6. That the appeal is bad due to non-joinder of necessary parties and mis-joinder of unnecessary parties.
7. That the instant appeal is barred by law & limitation.

**REPLY ON FACTS.**

1. Pertains to record, hence, no comments.
2. Incorrect as appellant's service record speaks otherwise.
3. Correct, hence, no comments.
4. Incorrect. The impugned absence is deliberate as the appellant did not adopt proper procedure for seeking leave, casual or otherwise, from the competent authority. The plea of sickness of appellant's wife is baseless, non-reliable and is a false pretext, hence, denied.
5. Incorrect. The impugned order dated 30.01.2015 is legal and in accordance with facts and law.
6. Incorrect. The appellant is dealt under rules/law by respondent No. 3 and rejected his departmental appeal on valid/legal grounds. Hence, denied.
7. Incorrect. As stated in Para-6.
8. Incorrect and baseless, hence, denied.
9. Incorrect and baseless, hence, denied.
10. Incorrect as time-limitation is mis-assumed, hence, denied.
11. Pertains to record, hence, no comments.
12. Incorrect. The impugned orders are legal and in accordance with law and facts, hence, holds no grounds, legal or moral, to stand hereon in this Honourable Tribunal.


**REPLY ON GROUNDS:-**

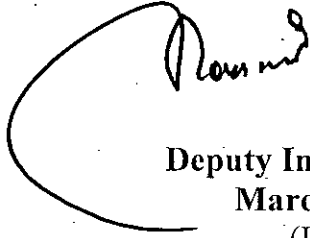
- A. Incorrect. Proper departmental inquiry was conducted as per rules/law. **(Copy of Inquiry is attached as Annexure-A)**
- B. Incorrect. Absence period is treated as absence from duty which is based on the principle of "No Work No Pay".


- C. Incorrect as all codal formalities has been complied with.
- D. Incorrect, hence, denied.
- E. False pretext, hence, denied.
- F. Incorrect as the impugned absence is intentional and amounts to misconduct under rules/law.
- G. Incorrect and baseless as appellant is member of Police Force and to be treated as per Police Rules, 1975.
- H. This Para carries an incorrect assumption, hence, denied.
- I. Again an incorrect assumption is carried in this Para.
- J. Incorrect and mis-assumed the relevant rules/law.
- K. Incorrect as the absence period is merely marked as absence from duty.
- L. Incorrect Police is a disciplined force and is dealt under special law i.e Police Rules, hence, the law in reference is not applicable in this case.
- M. Incorrect. The impugned orders are valid and legal in the eyes of law.

**PRAYER:-**

It is, therefore, requested that the prayer of the appellant, being baseless & devoid of merits, is liable to be dismissed with costs.

  
**Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.**  
(Respondent No. 02)

  
**Deputy Inspector General of Police,  
Mardan Region-I, Mardan**  
(Respondent No. 03)

  
**District Police Officer,  
Mardan**  
(Respondent No. 04)

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

**Service Appeal No. 458/2018.**

Muhammad Adnan Ex-Constable No. 3081.....Appellant.


**VERSUS.**

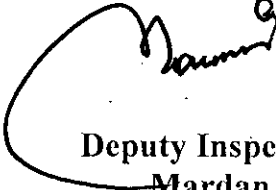
District Police Officer, Mardan


& 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. 02)**

  
**Deputy Inspector General of Police,  
Mardan Region-I, Mardan  
(Respondent No. 03)**

  
**District Police Officer,  
Mardan  
(Respondent No. 04)**

KS  
PE

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

No. 765 /R/D.A-P/R-1975

Dated 2-12- /2014

**DISCIPLINARY ACTION UNDER NWFP POLICE RULES - 1975**

I, Gul Afzal Khan District Police Officer, Mardan as competent authority am of the opinion that Constable Adnan No. 3081, has rendered himself liable to be proceeded against as he committed the following acts/omission within the meaning of section-02 (iii) of NWFP Police Rules 1975:

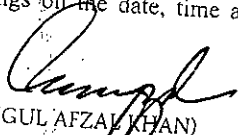
**STATEMENT OF ALLEGATIONS**

That Constable Adnan No. 3081, while posted at Police Lines, deliberately absented himself from the lawful duty vide DD No. 66 dated 14.09.2014 to-date without any leave / permission of the competent authority.

2. For the purpose of scrutinizing the conduct of the said official with reference to the above allegations Mr: Faqeer Hussain Khan DSP/HQrs: Mardan is appointed as Enquiry Officer.

3. The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record its findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

4. The accused officer shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

  
(GUL AFZAL KHAN)  
District Police Officer,  
Mardan.

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

No. 765 /R; dated Mardan the 2-12- /2014

Copy of above is forwarded to the:

1. DSP/HQrs: Mardan for initiating proceedings against the accused official / Officer namely Constable Adnan No. 3081, under Police Rules, 1975.
2. Constable Adnan No. 3081, with the directions to appear before the Enquiry Officer on the date, time and place fixed by the enquiry officer for the purpose of enquiry proceedings.

\*\*\*\*\* !!! \*\*\*\*\*

23/12 1975

130  
PE

**CHARGE SHEET UNDER NWFP POLICE RULES 1975**

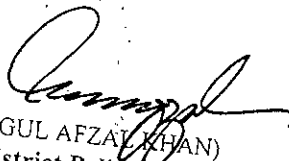
I, Gul Afzal Khan District Police Officer, Mardan as competent authority hereby charge you Constable Adnan No. 3081, as follows.

That you constable, while posted at Police Lines, deliberately absented yourself from the lawful duty vide DD No. 66 dated 14.09.2014 to-date without any leave / permission of the competent authority.

This amounts to grave misconduct on your part, warranting departmental action against you, as defined in section - 6 (1) (a) of the NWFP Police Rules 1975.

By reason of the above, you appear to be guilty of misconduct under section - 02 (iii) of the NWFP Police Rules 1975 and has rendered yourself liable to all or any of the penalties as specified in section - 04 (i) a & b of the said Rules.

1. You are therefore, directed to submit your written defense **within seven days** of the receipt of this charge sheet to the enquiry officer.
2. Your written defence if any, should reach to the enquiry officer within the specified period, failing which, it shall be presumed that you have no defense to put-in and in that case, an ex-parte action shall follow against you.
3. Intimate whether you desired to be heard in persons.
- 4.

  
(GUL AFZAL KHAN)  
District Police Officer,  
Mardan.



فائل انکوائری رپورٹ اذان کنشیل عدنان نمبر 3081 متعینہ پولیس لائن مردان

جناب عالی!

بحوالہ مشمولہ چارج شیٹ نمبری R/765 مورثہ 02/12/014 مجاریہ از دفتر جناب DPO صاحب مردان کنشیل عدنان نمبر 3081 پر الزام لگایا گیا ہے۔ کہ کنشیل مذکورہ پولیس لائن سے بحوالہ مد 66 روز نامہ 14/09/14 تا بحوالہ مد 3

روز نامہ 06/01/15 تک کل 112 یوم غیر حاضرہ چکا ہے۔

کنشیل مذکورہ پر چارج شیٹ تقسیم کر کے جس پر مذکورہ نے اپنا جواب داخل دفتر کر کے تحریر کیا۔ کہ وہ حسب اجازت

23 گھنٹے رخصت پر گھر خود گیا تھا۔ جو کہ اسی دن سخت بارش تھی۔ اور اس کی بیوی گر کر زخمی ہوئی تھی۔ جسکو علاج معالجہ کیلئے سے

گئی۔ چونکہ سائل کے علاوہ گھر پر کوئی فرد نہیں تھا۔ اور اپنے خلاف چارج شیٹ کو بلا کسی کارروائی داخل دفتر کرنے کی استدعا کی ہے

دوران انکوائری کنشیل مذکورہ نے اپنی بیوی کے علاج معالجہ کے میڈیکل کاغذات لا کر پیش کئے۔ اور غیر حاضر ہونے

کی وجہ زوجہ خود کے اچانک حادثہ ہونا بتلایا ہے۔ اس کو چاہئے تھا۔ کہ اپنے افسران بالا صاحبان کو چھٹی کیلئے اطلاع کرتا۔ لیکن ایسا

نہ کیا ہے۔ جس کا یہ فعل قابل مواخذہ ہے۔

اسلئے کنشیل عدنان نمبر 3081 کو بوجہ طویل 112 یوم غیر حاضری پر Major Punishment دینے

کی سفارش کی جاتی ہے۔

کل (28) صفحات

(فقیر حسین خان)

ڈپٹی سپرنٹنڈنٹ آف پولیس ہیڈ کوارٹر مردان

Dismissed from  
Service.

No. 23/14 Gx  
27/01/15

27.1.15



3081

**ORDER**

This order will dispose of departmental inquiry, which has been conducted against Constable Adnan No. 3081 on the allegation that the Constable Adnan No. 3081 while posted at Police Lines, absented himself from lawful duty vide DD No. 66 dated 14.09.2014 to date without any leave/permission. His attitude adversely reflected on his performance which is an indisciplin act and gross misconduct on his part as defined in rule 2(iii) of Police Rules 1975. Therefore he was recommended for departmental action.


In this connection, Constable Adnan No. 3081, was charge sheeted vide this office No. 756/R, dated 11.11.2014 and also proceeded him against departmentally through Mr. Faqir Hussain DSP/HQrs: Mardan, who after fulfilling necessary process, submitted his findings to the undersigned vide his office endorsement No. 23/HQrs: dated 27.01.2015, as the allegation have been established against him.

The undersigned agreed with the findings of enquiry officer and the alleged Constable Adnan No. 3081, is hereby dismissed from service, while his absence period is counted as absence from duty in exercise of the power vested in me under the above quoted rules.

Order announced

O.B No 188

Dated 30/01/2015

  
(Gul Afzal Afzadi)  
District Police Officer,  
Mardan.

No. 1097-11021 dated Mardan the 30.01.2015

Copy for information and necessary action to:-

1. The Deputy Inspector General of Police Mardan Region-I, Mardan.
2. The S.P Operations, Mardan.
3. The DSP/HQrs Mardan.
4. The Pay Officer (DPO) Mardan.
5. The E.C (DPO) Mardan.
6. The OASI (DPO) Mardan.

مردان

① (27)

hxc

ORDER.

This order will dispose-off the appeal preferred by Ex-Constable Adnan No. 3081 of Mardan District Police against the order of District Police Officer, Mardan, wherein he was dismissed from service vide District Police Officer, Mardan OB No. 188 dated 30.01.2015

I have perused the record and comments furnished by District Police Officer, Mardan in this case. His previous service record speaks volume of misconduct and rendered him an in-disciplined employee. Therefore, I MUHAMMAD SAEED Deputy Inspector General of Police, Mardan Region-I, Mardan in exercise of the powers under rule 11(4) (a) Khyber Pakhtunkhwa Rules, 1975, upheld the order of penalty and reject the appeal and do not interfere in the order passed by the competent authority, thus the appeal is filed forthwith.

ORDER ANNOUNCED.

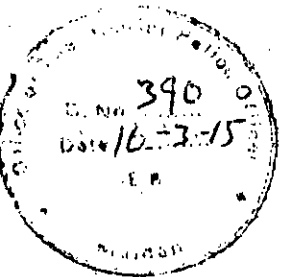
*(Signature)*  
(MUHAMMAD SAEED) PSP  
Deputy Inspector General of Police,  
Mardan Region-I, Mardan. *SA*

No. 1601 /ES, Dated Mardan the 12 - 3 - /2015.

Copy to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No. 257/LB dated 26.02.2015. His service roll is returned herewith for record in your office.

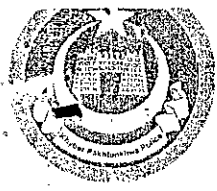
(\*\*\*\*\*)

*cc / DSP (g)*  
*for u/c action*



*DP O Mard*  
*12/3*

towards official duty.



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA

PESHAWAR.

No. S/ 421 /17, dated Peshawar the 26/10/2017.

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-Constable Adnan Khan No. 3081. The appellant was dismissed from service by DPO/Mardan vide OB No. 188 dated 30.01.2015 on the charge of absence from duty for 112 days.

His appeal was filed by Regional Police Officer, Mardan vide order No. 1601/ES, dated 12.03.2015.


Meeting of Appellate Board was held on 03.12.2015 wherein appellant was heard in person. During hearing petitioner contended that his absence was not deliberate as his family problems did not allow him to perform duties.

Therefore, the Board remanded his case to punishing authority i.e. RPO/Mardan for examining the case afresh by confirming the truth of the contention of petitioner vide this office Memo: No. S/1251-52/16, dated 12.02.2016.

In response Regional Police Officer, Mardan vide Memo: No. 11302/ES, dated 23.12.2016 submitted that the appellant was summoned and given opportunity of defense by the DPO/Mardan and his case was re-examined by DSP/HQrs: Mardan and his statement recorded but the appellant failed to justify his absence from duty. Being habitual absentee the appellant does not deserve to be considered for re-instatement in service and the appeal may be filed.

In the light of report of Regional Police Officer, Mardan, the Board decided that his petition is hereby filed.

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

  
(NAJEEB-UR-REHMAN BUGVI)  
AIG/Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.

No. S/ 422-28 /17.

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan.
2. District Police Officer, Mardan.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. Office Supdt: E-IV CPO Peshawar.
7. Central Registry Cell, CPO.

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

**Service Appeal No. 458/2018.**

Muhammad Adnan Ex-Constable No. 3081.....Appellant.

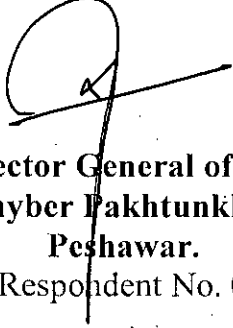
**VERSUS.**

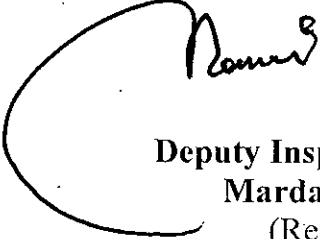
District Police Officer, Mardan


& others.....Respondents.

**AUTHORITY LETTER.**

Mr. Atta-ur-Rahman 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. 02)**

  
**Deputy Inspector General of Police,  
Mardan Region-I, Mardan  
(Respondent No. 03)**

  
**District Police Officer,  
Mardan  
(Respondent No. 04)**