

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 624/2018

Date of Institution ... 08.05.2018

Date of Decision ... 28.01.2022

Mushtaq Ahmad, Ex-Constable, No. 1007 Buner District.

... (Appellant)

**VERSUS**

The Regional Police Officer, Malakand Region, Swat and one another.

... (Respondents)

Uzma Syed,  
Advocate

... For Appellant

Muhammad Adeel Butt,  
Additional Advocate General

... For respondents

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

...  
...

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

**JUDGMENT**

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

Brief facts of the

case are that the appellant while serving as Constable in Police Department was proceeded against on the charges of absence from duty and was ultimately dismissed from service vide order dated 24-08-2017. Feeling aggrieved, the appellant filed departmental appeal dated 07-02-2018, which was not responded within the statutory period, hence the instant service appeal instituted on 08-05-2018 with prayers that the impugned order dated 24-08-2017 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 impugned order is against law, facts and norms of natural justice, therefore not tenable and liable to be set aside; that the impugned order was passed with retrospective effect,

which is void in the eye of law. Reliance was placed on 2002 SCMR 1129 and 2006 PLC CS 221; that no regular inquiry was conducted, rather the so called inquiry officer accepted his stance of illness of the appellant; that absence of the appellant was not intentional but was due to serious illness of the appellant, which does not constitute gross misconduct, hence the penalty so awarded is harsh and needs revision; that the appellant has been condemned unheard as no proper inquiry was conducted nor the appellant was associated with proceedings of the inquiry; that the appellant has not been afforded opportunity of personal hearing, hence was condemned unheard.

03. Learned Additional Advocate General for the respondent has contended that the appellant was earlier awarded with major punishment as well as minor punishments, but the appellant did not mend his ways and again absented from lawful duty, for which he was served with notices, but he did not respond either to notices or to the proceedings of the inquiry, hence he was awarded with major punishment of dismissal from service vide order dated 14-06-2018; that the appellant is a habitual absentee, neither the doctor advised him medical rest nor the appellant sent the medical documents to the department for information; that the appellant did not join the inquiry proceedings inspite of repeated reminders, hence he was rightly penalized in absentia.

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

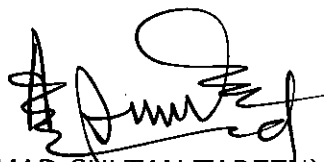
05. It is un-disputed that the appellant remained absent from duty for some time, but the respondents proceeded the appellant in absentia and did not take into consideration his illness. It otherwise is mandatory that regular inquiry is must before imposition of major penalty. The appellant was not treated as per law, as in case of willful absence, the appellant was required to be proceeded against under Rule-9 of the Khyber Pakhtunkhwa Government Servants

(Efficiency & Discipline) Rules, 2011, but the respondents acted in arbitrary manner and dismissed the appellant.

06. The appellant was not guilty of charges of gross misconduct or corruption, therefore, extreme penalty of dismissal from service for the charge of absence is on higher side, hence, quantum of the punishment needs to be reduced. Reliance is placed on 2006 SCMR 1120. Charge against the appellant was not so grave as to propose penalty of removal from service, such penalty appears to be harsh, which does not commensurate with nature of the charge. The appellant has admitted his absence but such absence was not willful, which does not constitute gross misconduct entailing major penalty of removal from service. Competent authority had jurisdiction to award any of the punishments mentioned in law to the government employee but for the purpose of safe administration of justice such punishment should be awarded which commensurate with the magnitude of the guilt, Otherwise the law dealing with the subject would lose its efficacy. Reliance is placed on 2006 SCMR 1120.

07. In view of the foregoing discussion, the instant appeal is partially accepted. The penalty of removal from service is converted into minor penalty of stoppage of increments for two years and the intervening period is treated as leave without pay. Respondents however, are at liberty to conduct inquiry, if they so desire. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED  
28.01.2022



(AHMAD SULTAN TAREEN)  
CHAIRMAN



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

ORDER

28.01.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the instant appeal is partially accepted. The penalty of removal from service is converted into minor penalty of stoppage of increments for two years and the intervening period is treated as leave without pay. Respondents however, are at liberty to conduct inquiry, if they so desire. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

28.01.2022



(AHMAD SULTAN TAREEN)  
CHAIRMAN



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

05/04/2021

Due to COVID-19, the case is adjourned to

07/06/2021 for the same.

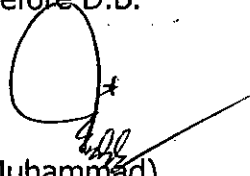
  
READER


*Handwritten notes:*  
Not  
29-7-2021

08.11.2021

Clerk of learned counsel for the appellant present.  
Mr. Muhammad Rashid, DDA for respondents present.

Arguments could not be heard due to general strike of the Bar. Adjourned. To come up for arguments on ~~01.01.2022~~ before D.B.

  
(Mian Muhammad)  
Member(E)

  
(Rozina Rehman)  
Member(J)

20.01.2022

Appellant in person present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Mr. Noshewan S.I (Legal) for respondents present.

Arguments heard. To come up for order on 28.01.2022 before D.B.

(Atiq-Ur-Rehman Wazir)  
Member (E)

  
Chairman

Accepted  
Penalty  
converted

- 121 9/10 -  
(Appellant Argued himself)

proceeded on absence:

imposed order by  
incompetent authority.

absence on medical grounds:

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D.D.A/ -

24/8/2017 imposed order.

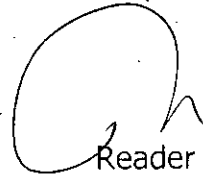
7/2/2018

D.A/ -


no deposit appeal.

time barred.

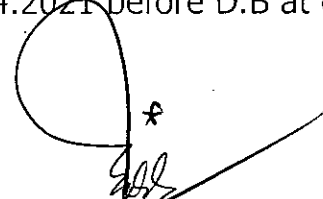
07.12.2020 Due to COVID-19, case is adjourned to 01.02.2021 for the same as before.


  
Reader

01.02.2021 Nemo for parties.

 Muhammad Riaz Khan Painsdakhel, Assistant Advocate General for respondents is present.

Preceding date was adjourned on account of Covid-19, therefore, both the parties be put on notice for the date fixed. Issue involved in the instant case is pending before Larger Bench of this Tribunal, therefore, case is adjourned to 05.04.2021 before D.B at camp court Swat.

  
(Mian Muhammad)  
Member(E)

  
(Rozina Rehman)  
Member(J)  
Camp Court Swat


02.02.2021 Nemo for appellant.

Preceding date was adjourned on account of Covid-19, therefore, notice be issued to appellant/counsel for 08.04.2021 for preliminary hearing before S.B at Camp Court, Swat

(Rozina Rehman)  
Member (J)  
Camp Court, Swat.

*Handwritten note:*  
27 Nov  
SW  
Noted  
15-2-21

03.06.2020 Due to Covid-19, the case is adjourned. To come up for the same on 08.07.2020, at camp court Swat.



Reader

08.07.2020 Bench is incomplete. Therefore, the case is adjourned. To come up for the same on 09.09.2020, at camp court Swat.




Reader

09.09.2020 Nemo for appellant.

Mr. Riaz Paindakhel learned Assistant Advocate General for the respondents present.

Issue involved in the present case is pending before Larger Bench of this Tribunal, however notice be issued to the appellant.

Adjourned to 07.12.2020 for arguments before D.B at Camp Court, Swat.



(Attiq-ur-Rehman)  
Member  
Camp Court, Swat



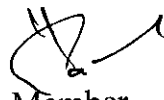
(Rozina Rehman)  
Member  
Camp Court, Swat



04.02.2020

Appellant absent. Learned counsel for the appellant absent. Mr. Muhammad Jan learned Deputy District Attorney, along with Nowsherwan Inspector (Legal) for the respondents present. Lawyers are not attending the courts today on the call of Khyber Pakhtunkhwa Bar Council. Adjourn. To come up for further proceedings/arguments on 04.03.2020 before D.B at Camp Court Swat. Appellant be put to notice for the date fixed.

  
Member

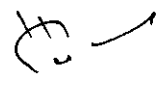
  
Member  
at Camp Court Swat

*Noted  
12/2/2020*

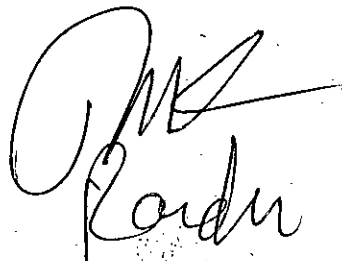
04.03.2020

Appellant in person present. Mr. Riaz Paindakheil learned Assistant Advocate General present. Learned counsel for the appellant not available. Adjournment requested. Adjourn. To come up for arguments on 08.04.2020 before D.B at Camp Court, Swat.

  
Member

  
Member  
Camp Court, Swat.


*Due to corona virus tour to camp court swat has been cancelled. / To come up for the same on 03-06-2020*

  
Razvi

02.09.2019

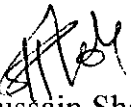
Appellant in person present. Mian Amir Qadir, DDA alongwith Mr. Jehan Zada, ASI for respondents present. Appellant submitted an application for adjournment, wherein he stated that his counsel was busy before the Peshawar High Court, Peshawar. Adjourn. To come up for arguments on 04.11.2019 before D.B at camp court Swat.

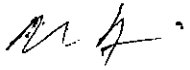
  
Member

  
Member  
Camp Court Swat

04.11.2019

Appellant in person and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Nowsherwan Inspector (Legal) for the respondents present. Appellant submitted application for adjournment on the ground that his counsel is busy at Hon'ble Peshawar High Court, Peshawar. Application is placed on record. Case to come up for arguments on 04.12.2019 before D.B at Camp Court Swat.

  
(Hussain Shah)  
Member  
Camp Court Swat

  
(M. Amin Khan Kundi)  
Member  
Camp Court Swat

04.12.2019

Lawyers are on strike on the call of Bar Association. Adjourn. To come up for further proceedings/arguments on 04.02.2020 before D.B at Camp Court, Swat.


  
Member

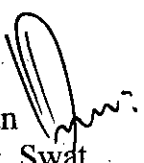
  
Member  
Camp Court, Swat

07.03.2019

Counsel for the appellant and Mian Amer Qadir, District Attorney alongwith Tajbar, ASI for respondents present.


Learned counsel for the appellant requests for adjournment as she could not prepare the brief due to engagement in other cases. Adjourned to 02.04.2019 before the D.B at camp court, Swat.


  
Member

  
Chairman  
Camp Court, Swat

02.04.2019


Counsel for the appellant and Mr. Mian Ameer Qadir, District Attorney alongwith Mr. Nowsherwan, S.I for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 10.06.2019 before D.B at Camp Court Swat.

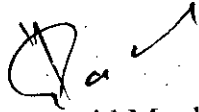
  
(M. Amin Khan Kundi)  
Member  
Camp Court Swat

  
(M. Hamid Mughal)  
Member  
Camp Court Swat

10.06.2019

Appellant in person and Mian Ameer Qadir learned District Attorney alongwith Mr. Nowsherwan, S.I for the respondents present. Appellant submitted application for adjournment. Adjourn. To come up for arguments on 02.09.2019 before D.B at Camp Court Swat.

  
(M. Amin Khan Kundi)  
Member  
Camp Court Swat

  
(M. Hamid Mughal)  
Member  
Camp Court Swat

11.10.2018

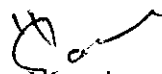
Later on the above named representative of the respondents turned up and submitted written reply. Since the case pertains to territorial limits of Malakand Division, therefore, the same is fixed for rejoinder and arguments on 05.12.2018 at camp court, Swat. Appellant and his counsel may be informed accordingly.

  
Chairman

05.12.2018

Appellant in person present. Mr. Usman Ghani learned District Attorney alongwith Mr. Aman Ullah H.C for the respondents present. Adjournment requested. Adjourn. To come up for arguments on 07.02.2019 before D.B at camp court Swat.


  
Member

  
Member  
Camp Court, Swat

07.02.2019

Appellant in person and Mian Amir Qadar learned District Attorney alongwith Nowsherawan SI present. Appellant seeks adjournment as his counsel is not in attendance. Adjourn. To come up for arguments on 07.03.2019 before D.B at Camp Court Swat.

  
Member

  
Member  
Camp Court Swat.

29.05.2018

Counsel for the appellant present. Preliminary arguments heard and case file perused. Learned counsel for the appellant argued that on account of willful absence from duty disciplinary proceedings were initiated against him and vide impugned order dated 24.08.2017 major penalty of dismissal from service was imposed on him from the date of his absence i.e. 24.08.2017. He filed departmental appeal on 07.02.2018, which was not responded within stipulated period, hence the instant service appeal. Dismissal order was passed with retrospective effect which is void ab-initio and no limitation runs against a void order. Formalities prescribed in the rules before imposing major penalty were not observed and as such he was condemned unheard.

Appellant Deposited  
Security & Process Fee

Points urged need consideration. Admit subject to deposit of security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 13.08.2018 before S.B.

(AHMAD HASSAN)  
MEMBER

13.08.2018

Counsel for the appellant and Mr. Kabirullah Khattak, AAG alongwith ASI Samin Sher for the respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 11.10.2018 before S.B.

(Muhammad Amin Khan Kundi)

11.10.2018

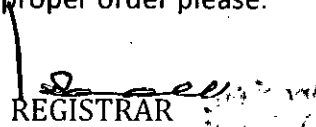

Counsel for the appellant Mst. Uzma Syed, Advocate present. Mr. Bahramand Shah, Inspector alongwith Mr. Kabirullah Khattak, Addl. AG for the respondents present and made a request for adjournment. Granted. To come up for written reply/comments on 05.12.2018 before S.B.

Chairman

Form-A  
FORM OF ORDERSHEET

Court of \_\_\_\_\_

Case No. 624/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	08/05/2018	<p>The appeal of Mr. Mushtaq Ahmad presented today by Uzma Syed Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	15/05/18	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>29/05/18.</u></p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 624/2018

Mushtaq Ahmad

V/S

Police Deptt:

**INDEX**

S.No.	Documents	Annexure	Page No.
1.	Memo of Appeal	-----	1-3
2.	Copy of medical prescription	-A-	04-07
3.	copy of impugned order	-B -	08
4.	Copy of departmental appeal	-C-	09
5.	Vakalat Nama	-----	10

**APPELLANT**

THROUGH:

*uzma*  
**(UZMA SYED)**

&

*Noman Ali Bukhari*  
**SYED NOMAN ALI BUKHARI**  
**(ADVOCATES, HIGH COURT)**

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 624 /2018

Mughdaq Ahmad , EX- Constable, No.1007  
Buner District.  
Buner

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 669

Dated 08-5-2018

.....(Appellant)

**VERSUS**

1. The Regional Police officer, Malakand Region, Swat.
2. The District Police officer Buner.

.....(Respondents)

**APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 24.08.2017 WHEREBY THE APPELLANT HAS BEEN DISMISSED FROM THE SERVICE AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF 90 DAYS.**

**PRAYER:**

**THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 24.08.2017 MAY PLEASE BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED IN TO 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.**

Filed to-day

Registrar  
27/5/18



**RESPECTFULLY SHEWETH:**

**FACTS:**

Facts giving rise to the present service appeal are as under:

1. That the appellant was appointed as Constable in Police and the appellant was performed his duties with entire satisfaction of his superiors.
2. That the appellant had been seriously ill due to which appellant didn't performed his duties so the abscentia of the appellant was not willing full but due to serious illness. **The copy of medical prescription is attached as Annexur-A**
3. That, thereafter, the appellant was departmentally proceeded, without charge sheet, statement of allegation, regular inquiry and even without showcause notice, the impugned order dated 24.08.2017 was passed against the appellant whereby the appellant was dismissed from service from retrospective effect. The appellant been agrrieved from the impugned dismissal order preffered departmental appeal but the same was not respondend within statutory period of 90 days. **Copy of impugned order is attached as Annexure-B.**
4. That now the appellant come to this august Tribunal on the following grounds amongst others.

**GROUND:**

- A) That the impugned orders dated 24.08.2017 are against the law, facts, norms of justice and void as from retrospective effect. So material on record, therefore not tenable and liable to be set aside.
- B) That the impugned order was retrospective order which was void in the eye of law and according to Superiors Court Judgment reported as 2002 SCMR, 1129 and 2006 PLC 221.
- C) That no regular enquiry has been conducted nor the enquiry office is rebutted the plea of illness of the appellant because as medical prescription have not been cross examined from the concerned Doctor, and in case of any doubt the authority was required to refer the matter to Medical Board for their opinion. therefore, without adopting that procedure the impugned penalty order has been passed which is not sustainable in the eyes of law.


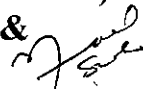
- D) That there is no order in black and white form to dispense with the regular inquiry which is violation of law and rules and without charge sheet, statement of allegation and proper inquiry the appellant was dismissed from the service vide order dated 24.08.2017 without given personal hearing which is necessary and mandatory in law and rules before imposing major penalty. So the whole procedure conducted has nullity in the eye of law. So the impugned order is liable to be set aside.
- E) That the appellant has been condemned unheard and has not been treated according to law and rules.
- F) That the appellant has not been treated under proper law despite he was a civil servant of the province, therefore, the impugned order is liable to be set aside on this score alone.
- G) That the penalty imposed upon the appellant was so harshed and not commensurate with the guilt liable to be set aside.
- H) That the appellant's guilt has not been proved beyond the shadow of doubt and the appellant has been punished on the basis of conjecture and surmises.
- I) That no chance of personal hearing was provided to the appellant and as such the appellant has been condemned unheard throughout.
- J) 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.



**APPELLANT**  
Mushtaq Ahmad

THROUGH:

  
**(UZMA SYED)**  
&  


**(SYED NOMAN ALI BUKHARI)**  
ADVOCATES, HIGH COURT

Annex - B 8

**ORDER**

This order will dispose-off Departmental enquiry initiated against Constable Mushtaq Ahmad No. 1007 of this district police vide this office No. 17/Enquiry dated 07.07.2017.

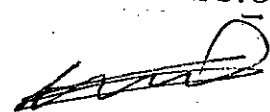
Constable Mushtaq Ahmad No. 1007 of this district police while posted to Police Lines Daggar absented himself from His Lawful duty with effect from 21.02.2017 to date without prior permission. He was proceeded departmentally and served with Charge sheet and statement of allegation under Police Disciplinary Rules-1975. Mr. Saddique Akbar Khan DSP HQrs was appointed as Enquiry Officer to conduct departmental enquiry against the defaulter official. The Enquiry Officer in its finding has recommended the official concerned for major punishment. He was called to orderly room on 01.08.2017 in order to give opportunity of self-defense but he did not appear.

Therefore, his service record was perused and order to take decision in line with above circumstances, where it was found that he is habitual absentee and there are 18 finalities on his part including major punishment i.e reduction in pay to lower stage of time scale for a period of 5 years vide OB No. 75 dated 10.08.2016. The service record of defaulter constable is very much unfair and unsatisfactory.

Ample opportunity provided to him but there is no reason to believe on make a good officer in future.

Therefore I, Muhammad Irshad District Police Officer Buner as competent authority and in exercise of the power vested to me under police disciplinary rules 1975, award Constable Mushtaq Ahmad No. 1007 major punishment i.e dismissal from service with effect from the date of his absence i.e 21.02.2017.

Order announced.

  
(Muhammad Irshad)  
DISTRICT POLICE OFFICER,  
BUNER

OB No. 108

Dated 24/08/2017.

CC:

To all dealing hands for necessary action.

  
ATTESTED

کھور خا - دھنن کولیس آفسیر ملکنڈ ریجن سوات

خدا عالی

قربانہ گزارش حصہ سائٹ ۲۰۱۵ کا کھوئی شدہ  
 ہے۔ دوران ڈیوٹی کی قسم کی کوتاہی نہیں کی ہے اور اسی  
 دوران کئی جوانی (فوج پولیس) آپریشنوں میں حصہ  
 لیا ہے۔ آئیے علاوہ انہی ڈیوٹی خوب ایمانداری سے سرکاری  
 دی ہیں۔ دوران ڈیوٹی کبھی بھی اپنے افران بالادلو شہادت  
 کا قوت نہیں دیا ہے۔ کچھ عرصہ قبل سائٹ عرف لہناہ بیماری  
 میں مبتلا تھا جسکی وجہ سے سائٹ کو سخت تکلیف کا سامنا تھا  
 گھر میں کوئی نارینہ فرد نہ بیونے کیوجہ سے بروقت افران بالادلو  
 اطلاع نہ دے سکا۔ شدید تکلیف میں مبتلا بیونے کی وجہ  
 سے سائٹ نوصن علیج صاحبہ عینر حاضر رہا جسکی نیارہ  
 سروس سے ضمانت لیا گیا۔ سائٹ آئیٹ غریب کھڑے سے تعلق  
 رکھتا ہے بحال بچوں والد ہے۔ ذرا فقہ حاشن صرف اور صرف  
 پولیس کی کوری تھی۔ اسد عاصد سائٹ پر اور سائٹ کے بچوں پر  
 رحم کرنے سائٹ کو دوبارہ بحالی کے احکامات صادر فرمائیں تو  
 عین لوازش بیونی۔

العاص

آلہ تابدار

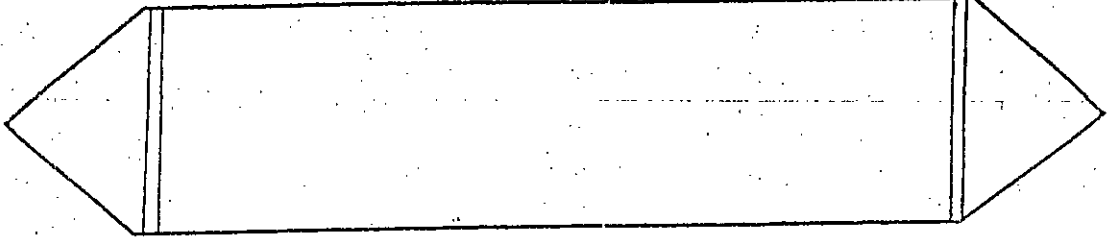
متنیق احمد سائق کولیس  
 سائٹ ڈیپارٹمنٹ  
 کورڈر ۰۱۸-۰۲-۰۷

ATTESTED

~~0349-9609891~~

~~0331-9808302~~

# بعدالت



2ء مخجاب  
بنام

مورخہ  
مقدمہ  
دعویٰ  
جرم

## باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ نے ان مشا  
آن مقام چنانچہ کیلئے

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 ثالثتہ فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور صولی چیک دروپیہ 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 برادگی اور منسوخ  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار 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 بالا اختیارات حاصل ہوں گے اور اس کا ساختہ  
پر داخستہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ 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 سند ہے۔

المرقوم \_\_\_\_\_ ماہ \_\_\_\_\_ 20 \_\_\_\_\_

بمقام  
Peshawar کے لئے منظور ہے۔  
واہ الع

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Service Appeal No. 624/2018

**Mushtaq Ahmad Ex-constable of district Buner ..... Appellant**


**VERSUS**

1. Regional Police Officer, Malakand Region at Saidu Sharif Swat.
2. District Police officer Buner.

..... Respondents

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2	Authority letter	--	05
4	Previous Penalty Record	Annex "A,	6
5	Charge Sheet, Statement of Allegation	Annex: "B , C"	7-8
6	Finding Report and Enquiry Papers	Annex: "D,E"	9-15
7	Final Show Cause Notice	Annex: "E"	16

  
**DISTRICT POLICE OFFICER,  
BUNER**  
(Respondent No. 02)

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

Service Appeal No. 624/2018

**Mushtaq Ahmad ex-constable of district Buner ..... Appellant**

**VERSUS**

1. Regional Police Officer, Malakand Region at Saidu Sharif Swat.
2. District Police officer Buner.

..... Respondents

**Parawise comments on behalf of respondents:**

**Respectfully sheweth:**

**Preliminary Objections:-**

1. That the service appeal is time barred.
2. That the service appeal is not maintainable in its present form.
3. That the appellant has got no cause of action and locus standi to file the instant appeal.
4. That the service appeal is bad due to mis-joinder and non-joinder of necessary parties.
5. That the appellant has concealed the material facts from this august tribunal.
6. That the appellant has not come to this august tribunal with clean hands.
7. That the appellant has been estopped due to his own conduct.
8. That no departmental appeal has been filed by the appellant.

**ON FACTS:**

1. Para.No.1 relates to the service record of the appellant i-e he is enlisted in police department as constable on 20/12/2010, but in his short term of service there are 5 penalties including major punishment are exist in his service record. **(Copies as annex: "A")**.
2. Incorrect. That the absence period of the appellant is willfully because the appellant is habitual absentee, neither the doctor advised him medical rest nor the appellant sent the medical documents to the department for information. The appellant not only admitted his absence but also admitted that he had not submitted any



application or medical prescription. Therefore, the attached medical documents of the appellant are speculative.

- 3. Incorrect. That the appellant has been proceeded departmentally charge sheets, statement of allegations was issued to the appellant. Regular enquiry has been conducted. Final show cause notice was issued to the appellant. Opportunity for self defense was offered to the appellant by respondent No.2 but he did not appeared to explain his plea; therefore, he was rightly dismissed from service. The departmental appeal of the appellant is not available on the record. Copy of charge sheet, statement of allegations, finding report , enquiry papers and final show cause notice as Annex- "B,C,D, E & F".
- 4. That service appeal of the appellant is liable to be dismissed on the following grounds.

✓ **GROUNDS**

- A. Incorrect. That the impugned orders dated 24/08/2018 are legally and according to the law & Rules.
- B. Incorrect. That all the codal formalities have been fulfilled therefore, the impugned order is according to Law, Rules and justice.
- C. Incorrect. That regularly enquiry has been conducted the enquiry officer called the appellant again and again but the appellant did not appear to the enquiry office to explain his plea and neither he sent the medical documents to the enquiry officer that could be examined / referred to medical board for opinion. Therefore, the whole proceedings and dismissal orders is legal and according to law.
- D. Incorrect. The appellant has been proceeded departmentally charge sheet, statement of allegations were issued to the appellant proper departmental enquiry was conducted. Final show cause notice was also issued to the appellant. Opportunity of personal hearing for self defense was offered, but the appellant could not appear to explain his plea to the competent authority. Therefore, the whole proceedings conducted according to Law, Rules and justice.
- E. Incorrect. The appellant despite calling not appeared to the enquiry officer and neither to the competent authority to explain his compulsion, also he failed to sent


3

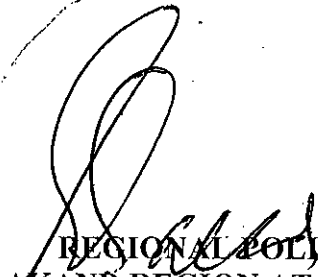
any application for grant of medical leave, coupled medical documents. Therefore, the whole proceedings are according to the Law & Rules.

- F. Incorrect. As explained in para "D and "E" all the codal formalities have been fulfilled. Therefore, the impugned order is mandatory and according to the Law & Rules.
- G. Incorrect. That the appellant is habitual absentee and not interested to his job, therefore, he was rightly dismissed from service.
- H. Incorrect. The appellant's guilt has been proved and the punishment is not on the basis of conjecture and surmises.
- I. Incorrect. As explained in para D & E opportunity of personal hearing was offered to the appellant but he did not appear to explain his compulsion.
- J. That the respondents also seek permission from this august tribunal to adduce more points / grounds at the time of arguments.

✓ **PRAYER:**

In view of the above comments on facts and grounds it is most humbly prayed that the appeal of the appellant may graciously be dismissed with costs.

  
**DISTRICT POLICE OFFICER,  
BUNER.**  
(Respondent No. 02)

  
**REGIONAL POLICE OFFICER,  
MALAKAND REGION AT SAIDU SHARIF SWAT**  
(Respondent No. 01)  
*Regional Police Officer,*  
Malakand at Saidu Sharif, Swat.

(4)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

**Service Appeal No. 624/2018**

**Mushtaq Ahmad Ex-constable of district Buner ..... Appellant**


**VERSUS**

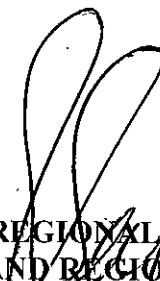
- 1. Regional Police Officer, Malakand Region at Saidu Sharif Swat.
- 2. District Police officer Buner.

..... Respondents

**AFFIDAVIT**

We the above responded do hereby solemnly affirm and state on oath that the whole contents of these Para-wise comments are true and correct to the best of our knowledge and belief and nothing has been concealed from this August tribunal.

  
**DISTRICT POLICE OFFICER,  
 BUNER.  
 (Respondent No. 02)**

  
**REGIONAL POLICE OFFICER,  
 MALAKAND REGION AT SAIDU SHARIF SWAT  
 (Respondent No. 01)**  
*Regional Police Officer*  
 Malakand at Saidu Sharif, Swat.

2

**TRIBUNAL PESHAWAR CAMP COURT SWAT  
BEFORE THE KHYBER PAKHTUNKHWA SERVICE**

Service Appeal No. 024/2018

Mushtaq Ahmad Ex-constable of district Buner ..... Appellant

**VERSUS**


1. Regional Police Officer, Muzakand Region at Saidu Sharif Swat.
2. District Police Officer Buner


..... Respondents

**AUTHORITY LETTER**

We, the above respondent do hereby authorize and allow Mr. Newshtawan  
Shahjal to file the accompanying papers as comments on our behalf and do whatever is needed in the

Court

  
 DISTRICT POLICE OFFICER  
 BUNER.  
 (Respondent No. 02)

  
 REGIONAL POLICE OFFICER  
 MUZAKAND REGION AT SAIDU SHARIF SWAT  
 (Respondent No. 01)

Serial No:

15. CENSURES AND PUNISHMENTS

1

ORDER: Absence from Duty 2 days with out  
 Pay. OB No  $\frac{40}{DPO}$  24  $\frac{4}{15}$   
 SP (INR)

2

ORDER  
 Suspended involved in case FIR No. 221 dated -  
 13/2/2016 u/s 417/420-PPC Ps Hayatabad Patna  
 vide DPO OB No 28 dated 16/03/2016  
 SP (i) Invest

3

Charge Absence  
 Mini statement (1) days leave with out pay with 1/2 - DPO  
 DPO No 5 dt 12.1.2016.  
 SP (i) Invest

4

Charge:  
 involved in case FIR No: 221, dated:  
 13-2-2016, u/s 417/420-PPC Ps Hayatabad  
 Patna.  
Punishment: Major punishment i.e. Reduction  
 in Pay to lower stage of time scale for a  
 period of five years with immediate effect.  
OB No: 75,  
DT: 10-07-2016.  
 District Police Officer,  
 Bihar

CHARACTER ROLL OF

Serial No:

15. CENSURES AND PUNISHMENTS - Contd.

3)

Charge Absence: himself born his lawful duty 58 days leave with out pay. i.e. 01-08-2016 to 27-09-2016

Punishment: minor punishment i.e. fine Rs: 6000/-

OP No: 108

DT: 25/10/16.

Stamp: District Officer

Eo L.

11/8/16 to 27/9/16  
(58) days

152  
1/12/17

Arrival of pay & allowances w.r.

28<sup>7</sup>/<sub>16</sub> to 31<sup>1</sup>/<sub>2017</sub> vide OP No 108 dt

25<sup>11</sup>/<sub>2016</sub>

paid R. 1006.44 &

pay for the mto 2/2017 action through computer

Signature: 21/2/17

Order:-

Dismissed from service on recommendation of DSP Daggan Saddique Akbar (E.O.).

This office memo No. 1251/Invert

Dated:- 23-08-2017

DPO 08 No. 108

Signature: Superintendent of Police Investigation Buner.

No. 17 ENQ-HQ

(3) (7)

(15)  
Annexure 'B'

7-7-2017

NO. 974 /Enquiry,

Dated 7-7 /2017.

### CHARGE SHEET

I Head of Investigation, Buner as competent authority, under Khyber Pakhtunkhwa Police Disciplinary Rules-1975, hereby charge you Const: Mushtaq Ahmad No.1007 while posted to Police Line Daggar District Buner as follow:-

1. You Const: Mushtaq Ahmad No.1007 While posted to Police Line Daggar District Buner it is alleged that You have absented yourself, willfully with effect from 21.02.2017 up till now without leave or prior permission vide DD report No.57, dated 21.02.2017 Police Line daggar. You are habitual absentee, there are five(5) bad entries in service roll form the date of your enlistment i.e 20.12.2010.
2. You have already been awarded major punishment, reduction in pay to lower stage of time scale for a period of five years vide District Police Officer OB No.75, dated 10.08.2016, excluding dismissal conditionally i.e during one year any misconduct, inefficiency and negligence against you if reported, you shall be consider as dismissed from service.
3. And also fine of Rs.6000/- vide OB No.108, dated 25.08.2016, Your this act amount to gross misconduct, and malafide on your part which rendered, you liable to be proceeded against you departmentally under Police Disciplinary Rules-1975.
4. By reasons of the above, you appear to be guilty of misconduct and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Disciplinary Police Rules, 1975.
5. You are; therefore, require to submit your written reply within **07 days** of the receipt of this Charge Sheet to the Enquiry Officer under Rules-6 Sub Rules (i) (b) of Police Disciplinary Rules 1975.
6. Your written reply, if any, should reach the Enquiry Committee 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.
7. Intimate as to whether you desire to be heard in person or not?
8. A statement of allegations is enclosed

  
Head of Investigation,  
Buner

(4)

(2)

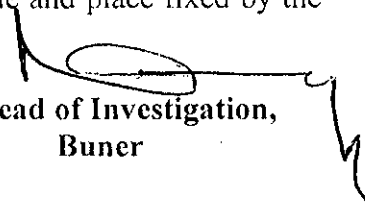
16  
Annexure "C"

### DISCIPLINARY ACTION

I Head of Investigation, Buner as competent authority, under Khyber Pakhtunkhwa Police Disciplinary Rules-1975, is of the opinion that **Const: Mushtaq Ahmad No.1007 while posted to Police Line Daggar District Buner** have rendered himself liable to be proceeded against departmentally and committed the following acts/omission as defined in Rule-2 (iii) of Police Disciplinary Rules 1975.

### STATEMENT OF ALLEGATIONS

1. You Const: Mushtaq Ahmad No.1007 While posted to Police Line Daggar District Buner it is alleged that You have absented yourself, willfully with effect from 21.02.2017 up till now without leave or prior permission vide DD report No.57, dated 21.02.2017 Police Line daggar. You are habitual absentee, there are five(5) bad entries in service roll form the date of your enlistment i.e 20.12.2010.
2. You have already been awarded major punishment , reduction in pay to lower stage of time scale for a period of five years vide District Police Officer OB No.75, dated 10.08.2016, excluding dismissal conditionally i.e during one year any misconduct, inefficiency and negligence against you if reported, you shall be consider as dismissed from service.
3. And also fine of Rs.6000/- vide OB No.108, dated 25.08.2016, Your this act amount to gross misconduct, and malafide on your part which rendered, you liable to be proceeded against you departmentally under Police Disciplinary Rules-1975.
4. For the purpose of scrutinizing the conduct of said officer with reference to the above allegations **Mr. Saddiq Akbar DSP/IIqr:** is appointed as Enquiry Officer under Rules 5 (4) of Police Disciplinary Rules 1975.
5. The Enquiry Officer shall conduct proceedings in accordance with provision of Police Disciplinary Rules 1975 and shall provide reasonable opportunity of defence and hearing to the accused officer, record its findings and make within ten (10) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer under Rules 6 (v) of Police Disciplinary Rules 1975.
6. The accused officer shall join the proceeding on the date, time and place fixed by the Enquiry Officer.

  
Head of Investigation,  
Buner

### OFFICE OF THE HEAD OF INVESTIGATION, BUNER

No. 475-76 /Enquiry, Dated Daggar the 7 / 7/2017  
Copy of above is sent to:-

1. The Enquiry Officer for initiating proceeding against the accused officer namely under Police Disciplinary Rules, 1975.
2. The RI to deliver the Charge sheet upon the defaulter Constable through DFC, obtained his signature and returned to this office, please.



(2)

(فائنڈنگ رپورٹ)

(9)

(11) Annexure-D

بجوالہ ڈسپلنری ایکشن نمبر 76-975، چارج شیٹ نمبر: 974/15 مورخہ 7/7/2017 مجاریہ دفتر جناب SP صاحب انویسٹی گیشن بونیر بنام: کنسٹیبل مشتاق احمد نمبر 1007

جناب عالی!

بجوالہ ڈسپلنری ایکشن نمبر 76-975 مجاریہ جناب SP صاحب انویسٹی گیشن بونیر انکوائری برخلاف کنسٹیبل مشتاق احمد نمبر 1007 معروض خدمت ہوں کہ کنسٹیبل مشتاق 1007 متعینہ پولیس لائن بجوالہ مد 57 روزنامچہ 21/2/2017 غیر حاضر ہو کر بوجہ مسلسل غیر حاضری منجانب افسران بالا بمورخہ 7/7/2017 ڈسپلنری ایکشن، چارج شیٹ دفتر زیر دستخطی موصول ہو کر من ڈی ایس پی ہیڈ کوارٹر کو اندر میں بارہ انکوائری افسر مقرر کیا گیا ہے۔

انکوائری کے سلسلے میں بذریعہ پروانہ نمبری 207/HQ بذریعہ محرر لائن کنسٹیبل مشتاق احمد 1007 کو اطلاع دی گئی۔ جسکی تعمیل مذکورہ کے والد سراج اور چچا اشتر خان سے کی گئی۔ تعمیلی رپورٹ لف شامل انکوائری ہے۔ اسکے علاوہ مذکورہ کنسٹیبل کے والد اور چچا کیساتھ انکے موبائل نمبرات 0333 9704576، 0333 3642444 پر بات ہوئی۔ جنہوں نے اطلاعیاتی کے متعلق تسلی کی۔ مذکورہ کے اپنے زیر استعمال موبائل فون نمبر: 0331 9898302 پر قلمبندی بیان کے سلسلے میں بات کی گئی۔ بذریعہ محرر تھانہ ڈگر بجوالہ نقلہ 22 روزنامچہ 14/7/2017 انچارج گارڈ ڈگر کھلے کنسٹیبل مشتاق کو مطلع کیا گیا۔ تاہم باوجود اطلاعیاتی کے دفتر ہذا پیش نہ ہوا اسکے والد نے فون پر جواباً واضح کیا کہ ہم اسکو نوکری کے بارے میں کہتے ہیں تو وہ واضح جواب نہیں دیتا بلکہ نوکری والی بات ٹال دیتا ہے۔

مذکورہ قبل ازیں دفتر انویسٹی گیشن بونیر میں تعینات تھا پولیس لائن تبدیل ہونے کے بعد نوکری میں دلچسپی نہیں لی اور اکثر اوقات غیر حاضر رہا۔ جس کو بجوالہ OB نمبر 75 مورخہ 10/8/2016 پانچ سال سروس سے تنزلی جبکہ OB نمبر 108 مورخہ 25/8/2016 مبلغ 6000 روپے جرمانہ کا سزاء یاب کیا گیا۔ تاہم سزاء کا اس پر کوئی اثر نہ ہوا اپنی روش کو برقرار رکھتے ہوئے تاحال غیر حاضر چلا آ رہا ہے۔

انکوائری سے پایا گیا کہ کنسٹیبل مشتاق احمد نمبر 1007 نوکری میں دلچسپی نہیں لے رہا۔ عادی غیر حاضر باش ہے سابقہ ریکارڈ

بھی درست نہیں ہے۔ کئی بار سزاء یاب ہو چکا ہے۔ دور آن انکوائری اسکے جانب سے کسی قسم کا مثبت جواب سامنے نہیں آیا۔

لہذا کنسٹیبل مشتاق احمد 1007 کو پولیس ڈسپلنری رولز 1975 کے تحت نوکری سے برخاست کیا جائے۔ اگر اتفاق ہو۔

OR

ڈی ایس پی ہیڈ کوارٹر بونیر

مورخہ 20/7/2017

Head of Investigation - Buner

1-8-2017

بجوالہ چارج شیٹ نمبری: ENQ/974 مورخہ: 7/7/2017 مجاریہ دفتر جناب SP صاحب انویسٹی گیشن یونیر بر خلاف کنسٹیبل مشتاق احمد 1007 بسلسلہ غیر حاضری

نمبر	تاریخ، وقت کاروائی	کیفیت
1	مورخہ: 7/7/2017 وقت: 13:00 بجے	امروز دفتر جناب SP صاحب انویسٹی گیشن یونیر سے چارج شیٹ نمبر 974/ENQ بنام کنسٹیبل مشتاق احمد 1007 بسلسلہ غیر حاضری بذریعہ ڈاک موصول ہوئی۔ رجسٹر انکوائری سلسلہ 17 پر درج کی گئی ہے۔ DSP HQ
2	مورخہ: 7/7/2017 وقت: 14:20 بجے	انکوائری اڈا کے سلسلے میں پروانہ نمبری 207/HQ بابت اطلاعیاتی کنسٹیبل مشتاق احمد 1007 بجانب لائن / محرر لائن جاری کی گئی۔ DSP HQ
3	مورخہ: 7/7/2017 وقت: 15:10 بجے	اس وقت بذریعہ ریڈر محرر لائن کو اطلاع دی گئی کہ کنسٹیبل مشتاق احمد 1007 کو مطلع کیا جائے۔ کہ وہ مورخہ 11/7/2017 دفتر ہذا پیش ہو جائے۔ DSP HQ
4	مورخہ: 11/7/2017 وقت: 11:10 بجے	پروانہ جاری شدہ بعد از تعین واپس ہو کر جسکی تعین والد اور چچا سے کی گئی۔ DSP HQ
5	مورخہ: 12/7/2017 وقت: 13:10 بجے	اب تک کنسٹیبل مشتاق احمد 1007 بسلسلہ انکوائری پیش نہ ہو کر بذریعہ ریڈر اسکے والد سے موبائل فون پر بات کی۔ جس نے واضح کیا کہ وہ گھر پر نہیں ہے۔ جیسے ہی آئیگا مطلع کرونگا۔ DSP HQ
6	مورخہ: 13/7/2017 وقت: 13:10 بجے	امروز بسلسلہ انکوائری مذکورہ کیساتھ ریڈر نے اسکے زیر استعمال موبائل نمبر 0331 9898302 پر بات کی جس کو کل مورخہ 14/7/2017 دفتر ہذا پیش ہونے کی حدایت ہوئی۔ DSP HQ
7	مورخہ: 13/7/2017 وقت: 13:00 بجے	آج کنسٹیبل مشتاق احمد 1007 بسلسلہ انکوائری باوجود اطلاعیاتی دفتر ہذا پیش نہ ہوا۔ DSP HQ
8	مورخہ: 14/7/2017 وقت: 13:00 بجے	امروز محرر تھانہ ڈگر کو اطلاع دیکر محرر تھانہ نے بذریعہ انچارج گارڈ ڈگر کے مذکورہ کنسٹیبل کو مطلع کیا۔ DSP HQ
9	مورخہ: 15/7/2017 وقت: 14:00 بجے	آج کنسٹیبل مشتاق احمد 1007 بسلسلہ انکوائری باوجود اطلاعیاتی دفتر ہذا پیش نہ ہوا۔ DSP HQ
10	مورخہ: 17/7/2017 وقت: 12:10 بجے	امروز ریڈر نے مذکورہ کے والد سراج اور چچا اشتر خان سے بذریعہ موبائل فون رابطہ کیا کہ بیان قلمبندی کے سلسلے میں کنسٹیبل مشتاق احمد 1007 دفتر ہذا پیش ہو جائے۔ DSP HQ
11	مورخہ: 18/7/2017 وقت: 11:10 بجے	آج باوجود اطلاع کے مذکورہ کے والد اور چچا دفتر ہذا نہ آئے۔ DSP HQ

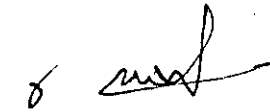
پروانہ

بجانب لائن آفیسر / محرر لائن نمبری:

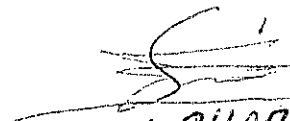
نمبر HQ-207

مورخہ 7/7/2017

بکار سرکار تحریر ہیکہ بحوالہ چارج شیٹ نمبری: 974/ENQ مورخہ: 7/7/2017 مجاریہ دفتر جناب  
SP صاحب انویسٹی گیشن بونیر بسلسلہ غیر حاضری بنام کنسٹیبل مشتاق احمد 1007 متعینہ پولیس لائن  
ڈگر کنسٹیبل مذکورہ کو مطلع کریں کہ وہ بسلسلہ انکوائری بمورخہ: 11/7/2017 بوقت 09:00 بجے بغرض  
قلمبندی بیان دفتر زیر دستخطی پیش ہو جائے۔ پروانہ بند بعد از قلمبندی و اس میں ہو۔

  
ڈی ایس پی ہیڈ کوارٹر بونیر

مورخہ: 7/7/2017

  
15101-9409390-1

نام - سراج والد امیر نواس  
ڈگر کلے ضلع بونیر  
03333642944  
المنیر  
15101-0412100-7

فنا - عالی

03339704576

چارج شیٹ بند پروانہ اطلاع نامی بدست نجیب خلم 947  
کنسٹر مشتاق 1007 کا والد است سراج ولد امیر نواس  
کو ہرالہ کر کے پروانہ بند اتقل چارج شیٹ بعد از قلمبندی  
والس دست ارسال خدمت ہے والد است بدست سراج والد امیر نواس  
وصولی ثبت کی گئی ہے

MAL/DLID affax

11-7-077

(۱۵) (۸)

۲۷ ڈیڑھ

کلیج ٹوینٹ

۵۷ مہر نامہ ۲۱  $\frac{۵۲}{۹۷}$

۵۷ مہر نامہ حافی ما و متہ ۲۲۱۲۵ : ۲۱  $\frac{۵۲}{۹۷}$  درہم  
کسر مشتاق ۱۵۵۶ کا آج حارہ یومہ ۶ دھتہ آفتابہ سے وایتی طلب  
تہم گمانی اشتفاریہ ما و جرد تاصل نہ آکر عکہ خلاف رپورٹ حافی ما درہ

رہز نامہ کتہ قبا عالیہ

تہذیب

۱۹۷۷/۰۷/۱۹

۱۹-۷-۷۷

نوائذ ڈر

نقلہ 22 اور تاریخ 14/07/07 (14)

مطلع کوئی

ص 22 اطلاع خون امرپورٹ SHO وقت 13:40 بجے 14 استوفن ریشہ راجہ راجہ  
 He ریشہ راجہ DSP/49 صاف ڈر 2 پیر ایف خون اطلاع دی کہ کنٹریل  
 مشتاق احمد 1007 سکر ڈر کا کو مطلع کرے کہ کل خون 07/07  
 کو بسلسلہ انکوائری چارج مشیت عمر 9741 PM خون 07/07  
 پیر الغرض قلندری بیان یسویہ جانے، یہ آفہ اطلاع ریشہ راجہ  
 ڈر کنٹریل وڈ کو رڈ کو مطلع کرنے کی خاطر پیر ڈر کا مالہ بندی ثابت  
 مشاہدہ کو اطلاع دیا کہ He مذکورہ 2 ہر وقت کنٹریل وڈ کو  
 کو قلم نازا سے مطلع کیا

خبر عالی

نقل علی بنی اول

الی

MM. P. Dejjab  
17/7/07

Siv  
Forwarded.

Siv  
P. Dejjab  
SHO  
17/7/07

پولیس دائرہ کار

مطلع کوئی

تقاریر 29 مئی تا 7 جولائی 17017

در 29 اطلاع ٹولڈ اور ایپروپریٹ ممبر 12:10 17017 17017 17017 17017 17017  
 اور ایپروپریٹ ممبر 12:10 17017 17017 17017 17017 17017  
 دیکھ کہ کنٹریل مینٹننس ایمر 1007 سوال جا، شیڈول 6 976 17017  
 سے اطلاع کیا ہے مینٹننس ایمر اول اسٹیشن سراج اول ایمر ڈیوار  
 اور چھ اسٹیشن اسٹیشن حالت اول ایمر ڈیوار کو مطلع کیا ہے کہ کل  
 مینٹننس قلمبر سے بیانات دستبرد دے دیے جائیں گے اور ایمر ڈیوار  
 کیس آئندہ اطلاع دینے سے باز رہے

مطلع کوئی  
 17017  
 17017

From - PL. Duggar  
 19-7-017

16

Annex (A) F  
No. 1131 / Invest.

Dated 11/11/2017

FINAL SHOW CAUSE NOTICE

I Darvesh Khan Head of Investigation, Buner as competent authority, under Khyber Pakhtunkhwa Police Disciplinary Rules-1975, do hereby serve you, Constable Mushtaq Ahmad No 1007 of this District Investigation wing Buner as follows:

- 1. (i) that consequent upon the completion of enquiry conducted against you by the enquiry officer for which you were given opportunity of hearing vide communication No.975-76/Invest., dated 07/07/2017:
- (ii) On going through the finding and recommendation of the enquiry officer, the material available on record and other connected papers including your defense before the enquiry officer.

I am satisfied that you have committed the following acts/omissions specified in Rule-3 of Police Disciplinary Rules 1975.

You Constable Mushtaq Ahmad No. 1007 of this District Investigation wing it is alleged that you Constable Mushtaq Ahmad No. 1007 willfully absented with effect from 21.02.2017 up till now with out leave or prior permission vide DD report No.57, dated 21.02.2017 Police line Daggar. You have already been awarded major punishment, reduction in pay to lower stage of time scale for a period of five years vide DPO OB No.75, dated 10.08.2016, excluding dismissal conditionally i.e during one year ay misconduct, inefficiency and negligence against you if reported, you shall be consider as dismissed from service and also fine of Rs.6000/- vide DPO OB No.108, dated 25.08.2016, being a disciplinary force your this act amount to gross misconduct on your part which rendered you liable to be proceeded against departmentally under Police disciplinary Rules-1975.

- 2. As a result therefore, I, Darvesh Khan, Head of Investigation, Buner as a competent authority, have tentatively decided to impose upon you one or more penalties including Dismissal from Service as specified in Rule-4 of the Ibid Rule
- 3. You, are, thereof, required to show cause as to why the aforesaid penalties should not be imposed upon you and also intimate whether you desire to be heard in person.
- 4. if no reply to this Notice is received within seven (07) days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.
- 5. A copy of the findings of the inquiry officer is enclosed.

*Darvesh Khan*  
(DARVESH KHAN)  
Head of Investigation,  
Buner

Copy to the:

Received Copy: -

1. Lines Officer with the direction to serve the copy of this Show Cause Notice to Constable Mushtaq Ahmad No. 1007 through DFC or Constable and copy thereof may be sent to this Office.

Received By Name: - 0331 9898302 J. D. G. 21/11/17  
15101-4033391-5 21/11/17

Signature : - *[Signature]*  
Date : - 11-11-2017

No 1131 /Invest:

Dated 9-8- /2017

**FINAL SHOW CAUSE NOTICE**


I **Darvesh Khan** Head of Investigation, Buner as competent authority, under Khyber Pakhtunkhwa Police Disciplinary Rules-1975, do hereby serve you, Constable **Mushtaq Ahmad No 1007** of this District Investigation wing Buner as follows:

1. (i) that consequent upon the completion of enquiry conducted against you by the enquiry officer for which you were given opportunity of hearing vide communication No.975-76/Invest:, dated 07/07/2017:  
(ii) On going through the finding and recommendation of the enquiry officer, the material available on record and other connected papers including your defense before the enquiry officer.

I am satisfied that you have committed the following acts/omissions specified in Rule-3 of Police Disciplinary Rules 1975.

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2. As a result therefore, I, **Darvesh Khan**, Head of Investigation , Buner as a competent authority, have tentatively decided to impose upon you one or more penalties including **Dismissal from Service** as specified in Rule-4 of the Ibid Rule.
3. You, are. thereof, required to show cause as to why the aforesaid penalties should not be imposed upon you and also intimate whether you desire to be heard in person.
4. If no reply to this Notice is received within seven (07) days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.
5. A copy of the findings of the inquiry officer is enclosed.

  
(DARVESH KHAN)  
Head of Investigation,  
1-3-017 Buner

**Copy to the:**

1. Lines Officer with the direction to serve the copy of this Show Cause Notice upon Constable **Mushtaq Ahmad No. 1007** through DFC or Constable and copy thereof may be sent to this Office.



عدالت سروس ٹریبونل خیر کجواہ کمیٹی کوٹ ایٹام سوات

درخواست برادرینو علی تاریخ پیشی بابت سروس اپریل 18

حدا - عالی

معرضی ہوں کہ سائل کی سروس اپریل 18  
میں آج تاریخ پیشی حضور عدالت محترمہ  
خونہ سائل کا وکیل مائی کوٹ شاہداد الاقضاء سوات  
میں دیگر عدالت میں مصروف عمل ہے عدالت حضور  
میں سے قاصر ہے

لہذا استدعا ہے کہ سائل کی سروس اپریل میں  
تاریخ پیشی تبدیل کرنے کا حکم صادر فرمایا  
تواریخ ہوگی

الغرض  
مشفق احمد پٹیل

10-6-2019

بعدالت جناب سروس ٹریبونل کیمپ کورٹ گلگندہ سیدو شریف سوات

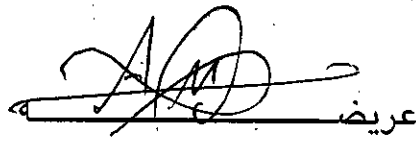
مشاق احمد بنام سرکار

درخواست برائے تبدیلی تاریخ پیشی

جناب عالی! حسب ذیل عرض ہے۔

- ۱۔ یہ کہ مقدمہ عنوان بالا عدالت حضور میں زیر سماعت ہے۔ جس میں آج مورخہ 02/09/2019 تاریخ پیشی مقرر ہے۔
- ۲۔ یہ کہ سائل کا وکیل عظمیٰ سید ایڈوکیٹ دیگر مقدمات کے سلسلے میں پشاور ہائی کورٹ پشاور میں مصروف ہے۔ بدیں وجہ عدالت حضور میں پیش ہونے سے قاصر ہے۔

لہذا استدعا ہے کہ بمنظوری درخواست ہذا سائل کو تبدیلی تاریخ پیشی کا حکم صادر فرمایا جائے۔ المرقوم: 02/09/2019

  
عریضہ  
مشاق احمد (سائل)

بعدالت جناب سروس ٹریبونل کیمپ کورٹ بمقام گلگدہ سیدوشریف سوات

مشاق احمد نام سرکار

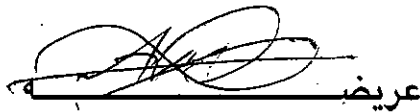
درخواست بمراد تبدیلی تاریخ پیشی

جناب عالی! حسب ذیل عرض ہے۔

۱۔ یہ کہ مقدمہ عنوان بالا عدالت حضور میں زیر سماعت ہے۔ جس میں آج مورخہ 04/11/2019 تاریخ پیشی مقرر ہے۔

۲۔ یہ کہ سائل کا وکیل عظمیٰ سید ایڈوکیٹ دیگر مقدمات کے سلسلے میں پشاور ہائی کورٹ پشاور میں مصروف ہے۔ بدیں وجہ عدالت حضور میں پیش ہونے سے قاصر ہے۔

لہذا استدعا ہے کہ بمنظوری درخواست ہذا سائیل کو تبدیلی تاریخ پیشی کا حکم صادر فرمایا جائے۔ المرقوم: 04/11/2019

  
عریضا

مشاق احمد (سائل)

بعدالت جناب سروس ٹریبونل کمپ کورٹ بمقام گلکدہ سید و شریف سوات


مشتاق احمد بنام سرکار

درخواست برائے تبدیلی تاریخ پیشی

جناب عالی! حسب ذیل عرض ہے۔

- ۱- یہ کہ مقدمہ عنوان بالا عدالت حضور میں زیر سماعت ہے۔ جس میں آج مورخہ 04/03/2020 تاریخ پیشی مقرر ہے۔
- ۲- یہ کہ لارجری پنچ پشاور جو کہ مورخہ 12/03/2020 کو مقرر ہے۔ بدیں وجہ سائل کو مذکورہ لارجری پنچ کے بعد تاریخ پیشی دینے کا حکم صادر فرمایا جائے۔

لہذا استدعا ہے کہ بمنظوری درخواست ہذا سائل کو تبدیلی تاریخ پیشی کا حکم صادر فرمایا جائے۔ المرقوم: 04/03/2020



مشتاق احمد (سائل)