



10.10.2022

Appellant in person present. Mr. Asif Masood Ali Shah,
Deputy District Attorney for the respondents present.

Appellant requested for adjournment on the ground that
his counsel is busy in the august Peshawar High Court,
Peshawar. Adjourned. To come up for arguments on 09.12.2022
before the D.B.


(Mian Muhammad)
Member (E)


(Salah-Ud-Din)
Member (J)

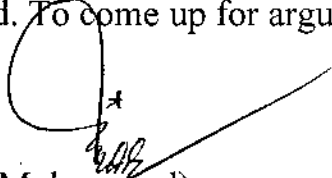
09.12.2022


Learned counsel for the appellant present. Mr. Asif Masood Ali
Shah, Deputy District Attorney for the respondents present.

Learned counsel for the appellant requested for adjournment on
the ground that he has not made preparation for arguments.

Adjourned. To come up for arguments on 08.02.2023 before the D.B.

**SCANNED
KPST
Peshawar**

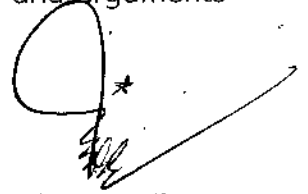

(Mian Muhammad)
Member (E)


(Salah-Ud-Din)
Member (J)

19.05.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Mr. Fayyaz H.C for the respondents present.

Written reply/comments on behalf of respondents submitted which is placed on file. Copy of the same is handed over to the learned counsel for the appellant. Adjourned. To come up for rejoinder if any, and arguments on 15.07.2022 before D.B.



(Mian Muhammad)
Member (E)

15.07.2022

Appellant alongwith clerk of his counsel present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Supreme Court of Pakistan. Adjourned. To come up for rejoinder, if any, as well as arguments on 10.10.2022 before the D.B.



(Rozina Rehman)
Member (J)



(Salah-ud-Din)
Member (J)

08.11.2021

Appellant present in person.

Memorandum of Appeal and documents annexed therewith perused. Subject to all just and legal objections including limitation, this appeal is admitted for full hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 02.03.2022 before the D.B.

Amount Deposited
Security & Process Fee

2-3-2022


Chairman

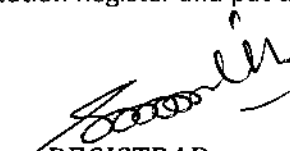

Due to retirement of the Hon'ble Chairman the case is adjourned to come up for the same as before on 19-5-2022


Reader

FORM OF ORDER SHEET

Court of _____

Case No.- 2417 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1- 2-	15/09/2021 SCANNED KPST Peshawar	<p>The appeal of Mr. Akhtar Gul resubmitted today by Mr. Fazal Shah Mohmand Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>08/11/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p style="text-align: right;">5-2-21</p>

The appeal of Mr. Akhtar Gul Ex-Constable no. 1225 District Police Nowshera received today i.e. on 13.09.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Check list is not attached with the appeal.
- 2- Certificate be given to the effect that appellant has not filed any service appeal earlier on the subject matter before this Tribunal.

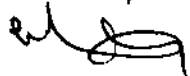
No. 1815 /S.T,

Dt. 13/09 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Fazal Shah Mohmand Adv. Pesh.

R/siv,

Resubmitted after necessary completion.

15/9/21

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Case Title: Amir Gul

CHECK LIST

v/s

RP*

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: <u>Fazal Shah Mohmand</u>	✓	
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	x	✓
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?	x	✓
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On _____	✓	
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974, Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____	✓	
26	Whether copies of comments/reply/rejoinder submitted? On _____	✓	
27	Whether copies of comments/reply/rejoinder provided to opposite party? On _____	✓	

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: Fazal Shah Mohmand AS

Signature: [Signature]

Dated: 10/3/21

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 2417/2021

Akhtar Gul.....Appellant

V E R S U S

RPO & others.....Respondents

I N D E X

S.No	Description of Documents	Annexure	Pages
1.	Service appeal with affidavit		1-3
2.	Copy of order dated 18-05-2020, departmental appeal, and order dated 27-07-2020, Mercy Petition & Order dated 29-10-2020	A, B, C, D, & E	4-9
3.	Copy of order dated 11-11-2020	F	10
4.	Copy of Charge Sheet & Reply	G & H	11-12
5.	Copy of Final Show Cause Notice & Reply	I & J	13-14
6.	Copy of Order dated 11-03-2021	K	15
7.	Copy of Departmental appeal & Order dated 20-08-2021	L & M	16-17
8.	Vakalat Nama		18

Dated:-08-09-2021


Appellant

Through


FAZAL SHAH MOHMAND
ADVOCATE,
SUPREME COURT OF PAKISTAN.

OFFICE:-
Cantonment Plaza Flat# 3/B
Khyber Bazar Peshawar.
Cell# 0301 8804841
Email:- fazalshahmohmand@gmail.com

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No _____/2021

Akhtar Gul, Ex Constable No 1225, District Police Nowshera.

.....Appellant

V E R S U S

1. Regional Police Officer, Mardan
2. District Police Officer, Nowshera.
3. Provincial Police Officer, Khyber Pkhtunkhwa, Peshawar.

.....Respondents

**APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT
1974 AGAINST THE ORDER DATED 20-08-2021
WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT
FILED AGAINST THE ORDER DATED 11-03-2021 OF
RESPONDENT NO 2, HAS BEEN REJECTED.**

PRAYER:-

On acceptance of this appeal the impugned Order dated 20-08-2021 & Order dated 11-03-2021 may kindly be set aside and the appellant may kindly be ordered to be reinstated in service with all back benefits.

Respectfully Submitted:-

1. That the appellant was enlisted as Constable in District Police Nowshera in the year 2013 and since enlistment performed his duties with honesty and full devotion and to the entire satisfaction of his high ups.
2. That in the month of November 2020, the appellant while lastly posted to Police Lines Nowshera, was dismissed from service by respondent No 2 on the allegations of absence from duty w.e.f 21-11-2019 to 08-04-2020 vide Order dated 18-05-2020, against which he preferred departmental appeal which was also rejected vide order dated 27-07-2020 where after the appellant filed Mercy petition before respondent No 3 which was accepted, the appellant was reinstated in service and de-novo proceedings were ordered vide order dated 29-10-2020. **(Copy of order dated 18-05-2020, departmental appeal, and order dated 27-07-2020, Mercy Petition & Order dated 29-10-2020 is enclosed as Annexure A, B, C, D & E).**

4. That Charge Sheet was issued to the appellant which he replied in detail refuting the allegations where after an illegal inquiry was conducted wherein no one was examined in presence of neither the appellant nor the appellant was provided reasonable opportunity to defend his case. **(Copy of Charge Sheet & Reply is enclosed as Annexure G & H).**
5. That Final Show Cause Notice was issued to the appellant on 09-04-2020 which the appellant also replied refuting the allegations and explaining the true facts and circumstances. The appellant was not provided copy of mentioned inquiry report. **(Copy of Final Show Cause Notice & Reply is enclosed as Annexure I & J).**
6. That without considering the reply and record the appellant was awarded the major penalty of Dismissal from service vide Order dated 11-03-2021. **(Copy of Order dated 11-03-2021 is enclosed as Annexure K).**
7. That the appellant filed departmental appeal before respondent No 1 on 07-04-2021 which was rejected vide order dated 20-08-2021. **(Copy of Departmental appeal & Order dated 20-08-2021 is enclosed as Annexure L & M).**
8. That the impugned Orders dated 11-03-2021 & Order dated 20-08-2021, are against the law, facts and principles of justice on grounds inter alia as follows:-

GROUND S:-

- A. That the impugned Order 20-08-2021 & Order dated 11-03-2021 are illegal, unlawful and void ab-initio.
- B. That mandatory provisions of law and rules have been badly violated by the respondents and the appellant has not been treated according to law and rules.
- C. That no evidence was collected in support of the allegations thus the charges never stood established against the appellant.
- D. That the impugned Order is void being passed in utter violation of law and rules on the subject.
- E. That no proper inquiry was conducted in the matter to

- F. That the version/plea of the appellant was never considered and the impugned order as such too is liable to be set aside.
- G. That even otherwise the absence from duty was not willful and deliberate rather the same was because of serious domestic problem which circumstances were compelling in nature and were beyond the control of the appellant as well.
- H. That the appellant was not afforded opportunity of personal hearing.
- I. That no proceedings as required in case of absence were taken, thus too the impugned orders are liable to be set ay naught.
- J. That the appellant has about 8 years of service with unblemished service record.
- K. That the appellant seeks the permission of this honorable tribunal for further/additional grounds at the time of arguments.

It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for in the heading of the appeal.

Any other relief deemed appropriate and not specifically asked for, may also be granted in favor of the appellant.

Dated:-08-09-2021


Appellant

Through


FAZAL SHAH MOHMAND
ADVOCATE,
SUPREME COURT OF PAKISTAN.

AFFIDAVIT

I, Akhtar Gul, Ex Constable No 1225, District Police Nowshera, do hereby solemnly affirm and declare on oath that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

~~Previous Enquiry~~

-4- "A"

POLICE DEPARTMENT

NOWSHERA DISTR

ORDER

This order will dispose of the departmental enquiry initiated under K1 Pakhtunkhwa Police Rules, 1975 against Constable Akhtar Gul No. 1225, he while posted at P. Lines Nowshera, remained absent from lawful duty without any leave/permission of the competent authority vide DD No. 32 dated 21.11.2019 to DD No. 08 dated 08.04.2020 Police Lines. On same day he was relieved for PP Chappari with the directions to report at PP Chappari, but instead of reporting there, he again absented from duty.

On account of which, he was served with Show Cause Notice on 01.01.20 but failed to submit his reply, therefore, he was proceeded against departmentally through SI Pabbi, who after fulfillment of legal formalities submitted his report to undersigned vide his order No. 359/SI dated 28.04.2020, wherein he highlighted that he was contacted time and again to appear before SDPO Pabbi, but failed. He is still absent, which shows that he is no more interested in police job and recommended him for awarding major punishment of dismissal from service.

He was served with Final Show Cause Notice on 06.05.2020, but failed to submit his reply. He was contacted through his mobile number to appear before the undersigned for personal hearing but with no response.

In the light of above, he is hereby awarded major Punishment of dismissal from service from the date of his absence, in exercise of the powers vested in me under K1, Pakhtunkhwa Police Rules-1975.

OB No. 392

Dated 18/05/2020

No. 1378-81 /PA, dated Nowshera, the 18/05/2020.

Copy for information and necessary action to the:

1. Pay Officer.
2. Establishment Clerk.
3. OIC.
4. FMC with its enclosures (26 sheets).

District Police, (M)
Nowshera

BETTER COPY OF THE PAGE NO. 4

POLICE DEPARTMENT

NOWSHERA DISTRICT

ORDER

This order will dispose of the departmental enquiry initiated under Khyber Pakhtunkhwa Police Rules, 1975 against Constable Akhtar Gul No. 1225, he while posted at Police Lines Nowshera, remained absent from lawful duty without any leave permission of the competent authority vide DD No. 32 dated 21.11.2019 to DD No. 08 dated 08.04.2020 Police lines. On same day he was relieved for PP Chappri with the directions to report at PP PPChappari, but instead reporting there, he again absented from duty.

On account of which, he was served with Show Cause Notice on 01.01.2020 but failed to submit his reply, therefore, he was proceeded against departmentally through SI Pabbi, who after fulfillment of legal formalities submitted his report to undersigned vide his Order Endst: No.359/St: dated 28.04.2020 wherein he highlighted that he was contacted time and again appear before SDPO Pabbi, but failed. He is still absent, which shows that he is no more interred in police job and recommended him for awarding major punishment of dismissal from service.

He was served with Final Show Cause Notice on 06.05.2020, but rule submit his reply. He was contacted through his mobile number to appear before the undersigned personal; hearing but with no response.

In the light of above, he is hereby awarded major Punishment of dismissed from service from the date of his absence, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules-1975.

OB No. 392

Dated 18/05/2020.

District Police, Officer
Nowshera

No.1328-8 LIPA, dated Nowshera, the 18/05/2020.

Copy for information und necessary action to the:

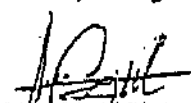
1. Pay Officer.
2. Establishment Clerk.
3. OHC
4. FMC with its enclosures (26 sheets).

R/Sir,

With due respect, I beg to submit that while I posted to PP Chapari, PS Jalozai, District Nowshera, I received a home call regarding domestic issues and went to home. Being the matter of severe nature, I did not bring the matter into the notice my superiors regarding the same. I marked absent w.e.f 21-11-2019.

Your good self is well aware of the fact that domestic issues hurt so much, likewise I remained absent for 05 months in resolving the issues. On dated 18-05-2020, I was dismissed from service on the orders of DPO Nowshera on account of so much absence.

I request before your kind honor to kindly consider on my appeal and keeping in view my domestic issues & current era of inflation, I may be given chance to serve under your kind command.


AKHAR GUL NO.1225,
EX-CONSTABLE,
DISTRICT NOWSHERA.

03189836805

-6- "E"

Q.U.C.R.

This order will dispose-off the departmental appeal preferred by Ex-Constable Akhtar Gul No. 1225 of Nowshera District Police, against the order of District Police Officer, Nowshera, whereby he was awarded major punishment of dismissal from service vide OB: No. 392 dated 18.05.2020. The appellant was proceeded against departmentally on the allegations that he while posted at Police Lines, Nowshera, remained absent from lawful duty without any leave/punishment of the competent authority vide daily diary No. 37 dated 21.11.2010 of Police Lines, Nowshera.

He was issued Show Cause Notice on 22.01.2020, but he failed to submit his reply. Therefore, proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Sr. Divisional Police Officer, (SDPO) Pabbi, Nowshera was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities, submitted his findings wherein he highlighted that the appellant was contacted time and again to appear before the enquiry Officer, but he failed and remained absent, which showed that he was no more interested in Police Service. He recommended him for major punishment of dismissal from service.

He was issued Final Show Cause Notice on 06.05.2020, but neither had he submitted his reply nor assumed the duty.

The delinquent Officer was informed through his personal Cell number to appear before the District Police Officer, Nowshera in Orderly Room. But he failed to appear. Consequently, ex-parte action was taken against him and he was awarded major punishment of dismissal from service from the date of absence vide OB: No. 392 dated 18.05.2020 by the District Police Officer, Nowshera.

Feeling aggrieved from the order of District Police Officer, Nowshera, the appellant preferred the instant appeal. He was summoned and heard in person in Enquiry Room held in this office on 22.07.2020.

From the perusal of the enquiry file and service record of the appellant, it has been found that the appellant during the course of enquiry did not bother to join enquiry proceedings. Moreover, he was called in Orderly Room held by the District Police Officer, Nowshera but he failed to appear in

ORDER

This order will dispose-off the departmental appeal preferred by Ex-Constable AkhtarGul NO. 1225 of Nowshera District Police, against the order of District Police Officer, Nowshera, whereby he was awarded major punishment of dismissal from service vide OB No. 392 dated 18/05/2020. The appellant was proceeded against departmentally on the allegations that he while posted at Police Lines, Nowshera, remained absent from lawful duty without any leave/permission of the competent authority vide daily diary NO. 37 dated 21/11/2019 of Police Lines, Nowshera.

Ho was issued Show Cause Notice on 22/01/2020, but he failed to submit his reply. Therefore, proper departmental enquiry proceedings were initiated against him. He was issued charge sheet alongwith Statement of Allegations and Sub Divisional Police Officer, (SDPO) Pabbi, Nowshera was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities, submitted his findings wherein he highlighted that the appellant was contacted time and again to appear before the enquiry Office, but he failed and remained absent, which showed that he was no more interested in Police Service, Here recommended him for major punishment of dismissal from service.

Ho was issued Final Show Cause Notice on 06.05.2020, but neither had he submitted his reply nor assumed the duty.

The delinquent Officer was informed through his personal Cell number to appear before the District Police Officer, Nowshera in Orderly Room, Bui he failed to appear. Consequently, ex-parte action was taken against him and he was awarded major punishment of dismissal from service from the from the date of absence vide OB NO. 392 dated 18.05.2020 by the District Police Officer, Nowshera.


Feeling aggrieved from the order of District Police Officer, Nowshera, the appellant preferred to instant appeal. He was summoned on heard in person in Ordinary Room held in his office on 22.07.2020.

From the personal of the enquiry file and service record of the appellant, It has been found that the appellants during the course of enquiry did not bother to joint enquiry proceedings. Moreover, he was called in Orderly Room held by the District Police Officer, Nowshera he failed to appear in

Orderly Room which clearly depicted that he had nothing to justify his absence. Moreover, the appellant reported his arrival on 08.04 2020 vide daily diary No 08 dated 08.04 2020 Police Lines, Nowshera. However, on the same day i.e 08.04 2020, due to his transfer to Police Post Chappri, he was relieved with the directions to report at Police Post Chappri, but instead of reporting arrival he again absented himself from duty. Hence, the very conduct of appellant is unbecoming of a disciplined Police Officer. Therefore, the order passed by the competent authority does not warrant any interference.

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

Order Announced.


Regional Police Officer,
Mardan.

No. 4651 JES. Dated Mardan the 27-7- 2020.

Copy forwarded to District Police Officer, Nowshera for information and necessary wtr to his office Memo: No. 1761/PA dated 07.07.2020. His Service Record is returned herewith.

(*****)

BETTER COPY OF THE PAGE NO. 7

Orderly Room which early deputed that he had nothing to justify his absence. Moreover, the appellant reported his arrival on 08.04.2020 vide diary No 03 dated 08.09.2020 Police Lines, Nowshera. However, on the same days i.e. 08.04.2020 transfer la Police Post Chappri, he was relieved with the directions to report at Police Post Chappri, but instead of reporting appeal he again absented himself from duty. Hence, the very conduct of appellant is unbecoming of a disciplined Police Officer. Therefore, the order passes by the competent authority does not warrant any interference.

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

Order announced.

Regional Police officer,
Mardan.

No. 4651/ES,

Dated Mardan the 27/07/2020

Copy forwarded to District Police Officer, Nowshera for information and necessary w/r to his office Memo No. 1761/PA dated 07.07.2020. His Service Record is returning herewith.

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

Subject: - MERCY PETITION FOR RE-INSTATEMENT IN SERVICE

Sir,

With profound respect and humble submission, I beg to submit that I have been dismissed from Police Force by the District Police Officer Nowshera vide OB No.392 dated 18-05-2020 for the allegations of absence from 21-11-2019 to 08-04-2020 and from 08-04-2020 till to date against which I am going to submit the present mercy petition on the following grounds/ justification:-

1. While posted at Police Post Chapri I received a home call regarding the domestic dispute. Upon the receipt of the said call, I rushed to home without bringing the matter into the notice of my seniors being upset to the issue. Your good self is well aware of the fact that how the domestic problems/disputes hurt someone. Moreover, I became fearful to the effect of my mother physique as she is heart patient feeling that unfortunately any mishap may occur to her.
2. In order to resolve the issue, our local notables were gathered and all issues were come to front and the issues adopted a severe and prolong condition.
3. Attention is invited to the Jarga system in the villages that the same takes sufficient time to solve the issues in terms of transparency.
4. Though show cause notice was issued, but in the meantime my dismissal order was issued and that is why I have not submitted its reply.
5. Departmental enquiry was conducted into the matter and I was awarded the above cited punishment straight away.
6. I was put to financial loss for ever.
7. I assure you sir that I will remain dutiful/disciplined and will never give an opportunity of any complaint in future.

Therefore, I approach your good self to kindly accept my Appeal, the order of punishment (dismissal) may kindly be withdrawn, for which I shall be highly obliged.

I will pray for your long life and prosperity.

Yours Obediently,



(ALIMTAR GUL)
Ex-Constable No.1225
PP Chapri District Nowshera

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11 A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Akhtar Gul No. 1228. The petition was dismissed from service by District Police Officer, Nowshera vide OI No. 392, dated 18.05.2020 on the allegation of absence from duty w.e.f 21.11.2019 to till date of dismissal from service i.e. 18.05.2020 for a total period of 05 months & 28. He reported arrival on 08.04.2020, however on the same day, i.e. 09.04.2020, due to his transfer to Police Post Chappri, he was relieved with the directions to report at Police Post Chappri, but instead of reporting arrival, he again absented himself from duty. His appeal was rejected by Regional Police Officer, Mardan vide order Unit No. 4651/ES, dated 27.07.2020.

Meeting of Appellate Board, was held on 06.10.2020 wherein petitioner was heard in person. During hearing petitioner contended that his absence was not deliberate but due to some domestic problems. Therefore, the Board decided that de-novo enquiry proceeding be conducted and the petitioner is hereby re-instated in service for the purpose of de-novo enquiry.

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

S/-

DR. ISHTIAQ AHMED, PSP/PSA
Additional Inspector General of Police
HQrs: Khyber Pakhtunkhwa, Peshawar

No. SI

12522/70/20

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan One Service Roll and one Faulty Missal of the above named Ex-FC received vide your office Memo No. 5534/ES, dated 11.09.2020 is returned herewith for your office record.
2. District Police Officer, Nowshera.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl. IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt. B-IV CPO Peshawar.

PA
For 4/10/20

ZAHID HANIF AFRIDI
AIG Establishment
For Inspector General of Police
Khyber Pakhtunkhwa Peshawar

BETTER COPY OF THE PAGE NO. 9
ORDER

This order is hereby passed to dispose of Revision Petition under Rule 14-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Akhtar Gul NO. 1225. He was dismissed from service by District Police Officer, Nowshera vide OB No. 392 dated 21.11.2019 on the allegations of absence from duty w.e.f 21.11.2019 to till date of dismissal from service i.e 18.05.2020 the total period of 05 months & 25. He reported arrival on 08.04.2020, however on the same day i.e. 18.04.2020 due to his transfer to Police Post Chappri, he was relieved with the directions to report at Police Post Chappri, but instead of reporting arrival, he was absented himself from duty. His appeal was dismissed by Regional Police Officer, Mardan vide order Endst NO. 4651/ES, dated 27.07.2020.

Meeting of Appellate Board was held on 06.10.2020 wherein petitioner was heard in personal hearing petitioner contended that his absence was not deliberate but due to some domestic problems.

Therefore, the board decided that de-novo enquiry proceedings be conducted and the petitioner is hereby re-instated in service for the purpose of de-novo equity.

This order is raised with the approval of competent Authority.

Sd-
Dr. Ishtiaq Ahmad, PSP
Additional Inspector General of Police
HQrs: Khyber Pakhtunkhwa, Peshawar

No. S/4212-90/20

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan One Service Roll and one Fauji Massal of the above noted Ex-FC received vide your office Memo NO. 5534/FS, dated 11.09.2020 is returned herewith on your office record.
2. District Police Officer, Nowshera.
3. PSO to IGP/Khyber Pakhtunkhwa CPO Peshawar.
4. PA to Addl. IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt. E-IV, CPO Peshawar

(Zahoor Babar Afridi) PSP
AIG Establishment
For Inspector General of Police
Khyber Pakhtunkhwa, Peshawar

-10- "F"

ORDER

In compliance with the order passed by CPO vide No.4282-90 dated 29.10.2020, Akhtar Gul, Ex-Constable No. 1225 is hereby reinstated in service with immediate effect for the purpose of Denovo enquiry.

OB No. 1067

Dated 11/11/2020.

Ali

District Police Officer,
Nowshera

No. 2991-96 /PA, dated Nowshera, the 11/11 /2020.

Cc for information and necessary action to the:

1. DSIP Hqrs, Nowshera.
2. Pay Officer
3. Establishment Clerk.
4. OHC.
5. FMC.
6. Official concerned.

DISCIPLINARY ACTION

- 11 - "9"

1. Capt. (R) Najmul Hasnain Liaquat, PSP, District Police Officer, Nowshera as competent authority am of the opinion that Constable Akhtar Gul No. 1225 has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meaning of Police Rules, 1975.

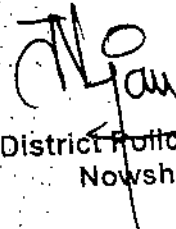
STATEMENT OF ALLEGATIONS

Whereas, Constable Akhtar Gul No. 1225, while posted at Police Lines Nowshera, remained absent from lawful duty without any leave/permission of the competent authority vide DD No. 32 dated 21.11.2019 Police Lines till the date of dismissal i.e 18.05.2020; against which, he had preferred appeal before the Regional Police Officer, Mardan but the same was rejected. Later on, he submitted application / mercy petition before the Inspector General of Police, Khyber Pakhtunkhwa. He was heard in person in Appellate Board meeting held on 06.10.2020; wherein he contended that his absence was not deliberate but due to some domestic problems. The Board reinstated him in service for the purpose of de-novo enquiry under Khyber Pakhtunkhwa Police Rules, 1975.

For the purpose of scrutinizing the conduct of the said accused official with reference to above allegations, DSP Pabbi is hereby nominated as Enquiry Officer.

The Enquiry Officer shall, in accordance with the provision of Police Rules, 1975, provides reasonable opportunity of hearing to the defaulter official, record his findings and make immediate recommendations as to punish or other appropriate action against the defaulter official.

Constable Akhtar Gul No. 1225 is directed to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer.


District Police Officer,
Nowshera

No. 184 JPA,

Dated 11/11 /2020.

19-10
20/11/20

خواتین کی آرڈر (De-novo) انٹوائٹری جاریہ دفتر صا - 120
 VP عدالتی - 134. فرج 11/11/11 عہدہ حق عہدہ حق بنوں آباد۔

میں تھا جو وہ عہدہ میں ڈیوٹی پر موجود تھا۔ کہ عہدہ میں عہدہ میں عہدہ میں
 برائے۔ حلی اطلاع میں عہدہ پر آیا تھا۔ اور عہدہ میں وہ عہدہ میں عہدہ میں
 کے دوران کے درجے عہدہ عہدہ پر آیا۔ حلی میں کافی وقت تک رہا۔
 اس دوران میں ایسی ڈیوٹی عہدہ میں آسکا۔ اور عہدہ میں عہدہ میں
 ڈیوٹی نہ آسکا۔ حلی پر عہدہ عہدہ پر آیا۔ اور عہدہ میں عہدہ میں
 سے (Dismiss) کیا گیا۔

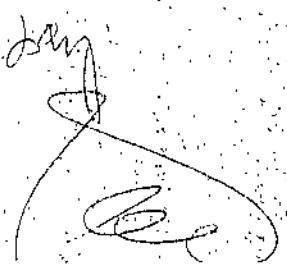
حق عہدہ میں لے آھا۔ اس عہدہ میں آف ٹو ایس کی عہدہ میں عہدہ
 درخواست کیا۔ حلی پر عہدہ عہدہ میں آھا۔ عہدہ میں عہدہ میں (De-novo)
 انٹوائٹری عہدہ میں لے آھا۔

ایسی ڈیوٹی اب عہدہ میں عہدہ میں عہدہ میں عہدہ میں
 اس سے قبل عہدہ میں ایسی ڈیوٹی عہدہ میں عہدہ میں عہدہ میں
 عہدہ میں عہدہ میں عہدہ میں عہدہ میں عہدہ میں عہدہ میں
 عہدہ میں عہدہ میں عہدہ میں عہدہ میں عہدہ میں عہدہ میں

استدعا عہدہ میں عہدہ میں عہدہ میں عہدہ میں عہدہ میں
 عہدہ میں عہدہ میں عہدہ میں عہدہ میں عہدہ میں عہدہ میں
 دعا کی دے گا۔ عہدہ میں عہدہ میں عہدہ میں عہدہ میں عہدہ میں

The State
 (عہدہ میں) 1225
 فرج 29/01
 0313-9836805

State
 Call the defaulters
 by today



"9"
-13-

FINAL SHOW CAUSE NOTICE

Whereas, you Constable Akhtar Gul No. 1225, while posted at Police Lines Nowshera, remained absent from lawful duty without any leave/permission of the competent authority vide DD No: 32 dated 21.11.2019 Police Lines till the date of dismissal i.e 18.05.2020, against which, you had preferred appeal before the Regional Police Officer, Mardan but the same was rejected. Later on, you were re-instated in service by appellate board of CPO for the purpose of De-novo proceedings.

In compliance of the order of Inspector General of Police, Khyber Pakhtunkhwa, Peshawar de-novo proceeding were initiated against you through SDPO Pabbi, who after fulfillment of legal formalities submitted his report to undersigned wherein he found you guilty and recommended you for awarding major punishment.

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


Hence, I, Najmul Husnain Liaquat, PSP, District Police Officer Nowshera, in exercise of the powers vested in me under Rules 5(3) (a) & (b) of the Khyber Pakhtunkhwa Police Rules 1975, call upon you to Show Cause finally as to why the proposed punishment should not be awarded to you.

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

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


District Police Officer
Nowshera

No. 39 /PA,
Dated 24/02/2021.


2/3/2021

صنادق

مخزن سوگماز مری 39.88 فارم صبا - DPO کا فرم جو
 24.22
 مخزن گنگر مری مسابھ کے تحت ہے زمین پر لگانے کی ضرورت
 ہے کہ وہ سے میں صلح اختیار کرنا ضروری ہے نہ خاص طور
 پر کہ میں صبا - DIAP کے لئے حال کر اور صبا - DSP کے لئے
 De-moro انکوائری کر کے اور پھر ان انکوائری میں نہ رہنا چاہئے۔
 ہم یہاں بیان سے متعلق کوئی ٹیسٹ ہو تو وجہ غیر حاضری اس سے پیشینہ
 کی گئی ہے کہ وہاں وائرس کے پھیلنے کی وجہ سے اور کھڑکوں کے
 کھانے گنگر کو زیادہ تر صلح رہی اور زیادہ تر اسے گنگر میں
 فروری رہا اور
 صلح دہائی اور علاقائی ڈاکٹر سے صلح کرنے پر اور صلح سے صلح
 اور صلح سے صلح ہے کہ اور کئی غیر صلح استعمال کرتا رہا جب
 کہ صلح سے صلح ہے کہ اور کئی غیر صلح استعمال کرتا رہا جب
 صلح سے صلح ہے کہ اور کئی غیر صلح استعمال کرتا رہا جب

وہ صلح سے صلح ہے کہ اور کئی غیر صلح استعمال کرتا رہا جب
 صلح سے صلح ہے کہ اور کئی غیر صلح استعمال کرتا رہا جب
 صلح سے صلح ہے کہ اور کئی غیر صلح استعمال کرتا رہا جب
 صلح سے صلح ہے کہ اور کئی غیر صلح استعمال کرتا رہا جب

صلح سے صلح ہے کہ اور کئی غیر صلح استعمال کرتا رہا جب
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صلح سے صلح ہے کہ اور کئی غیر صلح استعمال کرتا رہا جب
 صلح سے صلح ہے کہ اور کئی غیر صلح استعمال کرتا رہا جب
 صلح سے صلح ہے کہ اور کئی غیر صلح استعمال کرتا رہا جب

الغرض

اصغر علی 1225
 لکھنات وکھتا اور



ORDER

- 15 - "K"

This order will dispose of the departmental enquiry initiated under Khyber Pakhtunkhwa Police Rules-1975, against Constable Akhtar Gul No:1225 that he while posted at Police Lines Nowshera, remained absent from lawful duty without any leave/permission of the competent authority vide DD No. 32 dated 21.11.2019, Police Lines till the date of dismissal i.e 18.05.2020 against which, he had submitted appeal before the Regional Police Officer, Mardan but the same was rejected. Later on, he submitted application / mercy petition before the Inspector General of Police, Khyber Pakhtunkhwa. He was heard in person in Appellate Board meeting held on 06.10.2020 where he contended that his absence was not deliberate but due to some domestic problems. The Board reinstated him in service for the purpose of de-novo enquiry.


On account of which, de-novo enquiry was conducted through DSP Pabbi after fulfillment of legal formalities, submitted his report to undersigned vide his office No. 137/St. of 22.02.2021, wherein he found him guilty, therefore recommended that he may be awarded minor punishment.

He was served with Final Show Cause Notice, to which, he submitted reply, perused by the undersigned and found unsatisfactory.

On 11.03.2021, he was heard by the undersigned in orderly room, where he failed to satisfy the undersigned, therefore, he is hereby awarded major punishment dismissal from service with immediate effect, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules-1975.

OB No. 299

Dated 11/3 /2021


District Police Officer
Nowshera

No. 682-86 /PA, dated Nowshera, the 11/03 /2021

Copy for information and necessary action to the:

1. Pay Officer.
2. OHC.
3. Establishment Clerk.
4. FMC with enquiry papers (16 pages).
5. Official concerned.

POLICE DEPARTMENT

DISTRICT NOWSHERA

ORDER

This order will dispose of the departmental enquiry initiated under Khyber Pakhtunkhwa Police Rules-1975, against Constable Akhtar Gul No. 1225 that he while posted at Police Lines Nowshera, remained absent from lawful duty without any leave permission of the competent authority vide DD No. 32 dated 21.11.2019. Police Lines till the date of dismissal i.e 18.05.20 against which he had submitted appeal before the Regional Police Officer, Mardan but the same rejected. Later on, he submitted application / mercy petition before the Inspector General of Police Khyber Pakhtunkhwa. He was heard in person in Appellate Board meeting held on 06.10.2020 where he contended that his absence was not deliberate but due to some domestic problems. The Board reinstated him in service for the purpose of de-novo enquiry.

On account of which, de-novo enquiry was conducted through DSP Pabbi after fulfillment of legal formalities submitted his report to undersigned vide his office No. 137/St: of 22.02.2021, wherein he found him guilty, therefore recommended that he may be awarded the punishment.

He was served with Final Show. Cause Notice to which, he submitted reply, perused by the undersigned and found unsatisfactory.

On 11.03.2021, he was heard by the undersigned in orderly room, when he failed to satisfy the undersigned, therefore, he is hereby awarded major punishment dismissal from service with immediate effect, in exercise of the powers vested in me in Khyber Pakhtunkhwa Police Rules-1975.

OB No. 299.

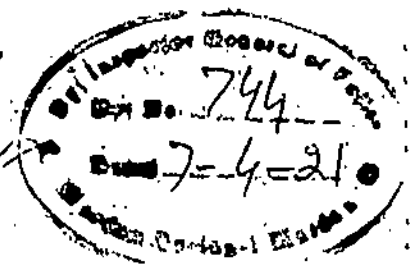
Dated 11/03/2021

District Police Officer
Nowshera

No. 682-86 /PA, dated Nowshera, the 11/03/2021.

Copy for information and necessary action to the:

1. Pay Officer
2. OHC.
3. Establishment Clerk.
4. FMC with enquiry papers (16 pages).



1225

مقامی پولیس اسٹیشن پر 2012ء کا عہدہ سہ ماہیہ اور علی نوٹس کے تحت
 کے اہتمام درج ذیل کے (مضمون) مضمون کے تحت ہر صحت کے
 کے 19 کے قابل اور لیکچرر صاحب DSP کے ساتھ
 کے (مضمون) کے مضمون کے تحت ہے۔ DPO کے
 کے 299 کے مضمون کے تحت ہر صحت کے
 11-3-2021
 کے مضمون کے تحت اور یہ جوڑا ہے مضمون کے
 کے مضمون کے

مقامی پولیس اسٹیشن پر 2012ء کا عہدہ سہ ماہیہ اور علی نوٹس کے تحت
 کے اہتمام درج ذیل کے (مضمون) مضمون کے تحت ہر صحت کے
 کے 19 کے قابل اور لیکچرر صاحب DSP کے ساتھ
 کے (مضمون) کے مضمون کے تحت ہے۔ DPO کے
 کے 299 کے مضمون کے تحت ہر صحت کے
 11-3-2021
 کے مضمون کے تحت اور یہ جوڑا ہے مضمون کے
 کے مضمون کے

EC/DPO Newsheet
For Comments

Insp: legal
For Comments

R.P.O Madani
6-4-2021

1882/ES

NO. 689/PA

NR

درخواست اپیل ہمارا بحال کرنے کا ٹیبل اختر گل 1225

جناب عالی!

گزارش ہے کہ سائل 2012ء کا بھرتی شدہ ہے اور ضلع نوشہرہ میں ڈیوٹی سرانجام دے رہا تھا۔
سائل بوجہ غیر حاضری محکمہ پولیس سے درخواست ہو کر جناب G صاحب نے بحال کرنے کے اور بعد میں
جناب DSP صاحب ہی سرکل نے ڈینوائٹو اٹری کر کے مجھے پھر محکمہ پولیس سے جناب DPO صاحب
نوشہرہ کے OB نمبری 299 مورخہ 11/03/2021 پر محکمہ پولیس سے درخواست کی ہے۔

چونکہ سائل غریب بندہ ہے اور یہ نوکری میرے بچوں دیکھ بھال کا واحد سہارا ہے۔

لہذا

بذریعہ درخواست عاجزانہ استدعا کی جاتی ہے کہ سائل کو محکمہ پولیس میں بحال کرنے کا حکم صادر فرمائی
جاوے سائل خود اور اس کے دیگر اہل و عیال تاحیات دعا گور ہے گا۔

العارض

اختر گل 1225/FC ضلع نوشہرہ

نوٹ

آرڈر ہمراہ لف ہے

EC DPO Nowshera

Insp Legal

For Comments

For Comments

RPO Mardan

06/04/2020

ORDER.

"M"-17-

This order will dispose-off the departmental appeal preferred by Ex-Constable Akhtar Gul No. 1225 of Nowshera District Police, against the order of District Police Officer, Nowshera, whereby he was awarded major punishment of dismissal from service vide OB: No. 299 dated 11.03.2021. The appellant was proceeded against departmentally on the allegations that he while posted at Police Lines, Nowshera, remained absent from lawful duty without any leave/permission of the competent authority vide daily diary No. 32 dated 21.11.2019 of Police Lines, Nowshera against which he had submitted an appeal to this office but the same was rejected vide this office order endorsement No. 4651/ES dated 27.07.2021 by the then Regional Police Officer, Mardan. He preferred a Revision Petition before the Worthy Inspector General of Police Khyber Pakhtunkhwa, Peshawar. The delinquent Officer was heard in person by the Appellate Board meeting held on 06.10.2020 at CPO/Peshawar, wherein he contended that his absence was not deliberate but due to some domestic problems. The said Appellate Board re-instated into service the delinquent Officer for the purpose of de-novo enquiry.

Therefore, proper de-novo departmental enquiry proceedings were initiated against him and Sub Divisional Police Officer, (SDPO) Pabbi, Nowshera was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings wherein he found him guilty and recommended for major punishment.

He was issued Final Show Cause Notice to which his reply was received/perused and found unsatisfactory.

The delinquent Official was heard in Orderly Room by the District Police Officer, Nowshera on 11.03.2021, wherein he failed to produce any cogent reason in his defense. Therefore, he was awarded major punishment of dismissal from service vide OB: No. 299 dated 11.03.2021.

Feeling aggrieved from the order of District Police Officer, Nowshera, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 26.07.2021.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations leveled against the appellant have been proved beyond any shadow of doubt. As the appellant has bitterly failed to produce any medical documents in support of his stance regarding illness. Hence, the absence period of the appellant clearly depicts the casual and lethargic attitude towards his official duties.

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

Order Announced.

Regional Police Officer,
Mardan.

No. 4436 /ES, Dated Mardan the 20/08 /2021.

Copy forwarded to District Police Officer, Nowshera for information and

بعدالت علم مسطور میں سر جرنل ایسٹاؤد



احمد نجات ایسٹاؤد
رہنمائی نام R.P.O. و پتہ

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کاروائی متعلقہ
آن مقام ایسٹاؤد کے لیے افضل شاہ + ASC

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 ثالتہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ یا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زراں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی براندگی 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 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 باختیارات حاصل ہوں گے اور اس کا ساختہ
پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جان 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 اوکالت نامہ لکھ دیا کہ سند ہے۔

ایسٹاؤد

المرقوم ۰۸
ماہ ستمبر ۲۰

بمقام ایسٹاؤد کے لئے منظور ہے۔

Accepted by

Accepted by

بعد الت محمد وسيلو سن سرسونل لساورد



2022 منجانب (لساورد)

زحمت مقل بنام R.P.O وسيره

مدرجه
مقدمه
دعوى
جرم

باعث تحریر آنکه

الکسٹ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام لساورد کیلئے محمد وسيلو سن + ASCS اور العمد مظفر الدین 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 تقریر ثالثہ فیصلہ بر حلف دینے 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 بصورت عدم پیروی یا ڈگری ٹیکٹ فرم 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 کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقریر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائت التوائے مقدمہ کے سبب سے وہوگا۔ کوئی تاریخ پیشگی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی نہ کوڈ کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

محمد وسيلو سن

المرقوم 08 ماہ ستمبر 20

بمقام لساورد کے لئے منظور ہے۔

Accepted by
Rabia
Rabia Nazki
Adv.

Accepted by
Fazal Shahi Mohammad
ASC

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

D.B

No.

Appeal No. 7417 of 20 21

Akhtar Gul Appellant/Petitioner

R-P-O-Mardan Respondent

Rgd

Respondent No. 1
Regional Police Officer Mardan

Notice to: —

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 7/3/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

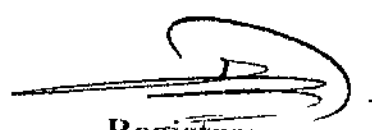
Copy of appeal is attached. Copy of ~~appeal~~ has already been sent to you vide this office Notice No.....dated.....

8/11

Given under my hand and the seal of this Court, at Peshawar this.....

Day of Dec 20 21

(for Reply)



Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR. D.B

No.

Appeal No. 7417 of 2021

Akhtar Gul Appellant/Petitioner

Versus

R-P-O Mardan Respondent

Respondent No. 2

Notice to: —

Distt. Police Officer Now Shera.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on 2/3/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this

office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this 8th

Day of Dec, 2021.

(for Reply)


Registrar

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR,
JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.** *DB*

No.

Appeal No. *7517* of 20 *21*
Akhtar Gul Appellant/Petitioner

R-P-O. Mardan Respondent

Respondent No. *3*
Provincial Police Officer KPK Peshawar

Notice to: —

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....*2/3/21*.....at 8.00 A.M. If you wish to urge anything against the appellent/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....

Day of.....*Dec 21*.....20.....

(for Reply)

[Signature]
Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

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

Service Appeal No: 7417/2021

Akhtar Gul, Ex-Constable No. 1225, District Police, Nowshera.

.....Appellant

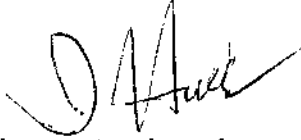
V E R S U S

Provincial Plice Officer, Khyber Pakhtunkhwa, Peshawar and others

.....Respondents

I N D E X

S.No.	Description of documents	Annexure	Pages
1.	Reply of Respondents	-	1-3
3.	Affidavit	-	04
4.	Copy of bad entries	A	05
5.	Copy of charge sheet and statement of allegation.	B	06-07
6.	Copy of enquiry report	C	08-09
7.	Copy of dismissal order	D	10
8.	Copy of rejection order of appeal	E	11-12
9.	Copy of order dated 29-10-2020	F	13
10.	Copy of punishment order	G	14
11.	Copy of order dated 20-08-2021	H	15
12.	Copy of statement	I	16


Inspector Legal,
Nowshera

(11)

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

Service Appeal No. 7417/2021

Akhtar Gul, Ex-Constable No. 1225, District Police, Nowshera.

.....Appellant

V E R S U S

1. Regional Police Officer, Mardan.
2. District Police Officer, Nowshera.
3. Provincial Plice Officer, Khyber Pakhtunkhwa, Peshawar.

.....Respondents

REPLY ON BEHALF OF RESPONDENTS

Respectfully Sheweth: -

PRELIMINARY OBJECTIONS: -

1. That the appellant has got no cause of action and locus standi to file the instant appeal.
2. That the appeal is badly barred by law and limitation.
3. That the appellant is estopped by his own conduct to file the instant appeal.
4. That the appeal is not maintainable in its present form.
5. That the appellant has not come to the Honourable Tribunal with clean hands.
6. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.

Reply on Facts: -

1. Para to the extent of enlistment of the appellant in Police Department as constable pertains to record while rest of the para is incorrect, as the appellant had neither been devoted to his duty nor perform his duty upto the entire satisfaction of his high-ups, as his service record is tainted with bad entries. (Copy of bad entries is annexure "A").
2. Para correct to the extent that appellant while posted at Police Lines, Nowshera remained absent from lawful duty without any leave/permission of the competent authority from 21-11-2019 to 08-04-2020. On the same day i.e 08-04-2020, he was relieved for Police Post, Chapari with the directions to report at Police Post, Chapari, but rather to report there he again absented himself from duty. Hence, appellant was dismissed from service after fulfillment of all legal and codal formalities. In this connection he was issued charge sheet with statement of allegations which was duly received by the appellant but he did not bother to submit reply to the same. Moreover, enquiry against the appellant was also conducted through DSP Pabbi, and the enquiry officer in his enquiry

findings recommended the appellant for major punishment. (Copy of charge sheet with statement of allegation is annexure "B" and Copy of enquiry report is annexure "C"). Against the order of dismissal, appellant moved departmental appeal before the appellate authority however, appeal of the appellant was rejected/ filed being devoid of merit. (Copy of dismissal order is annexure "D" and copy of rejection order is annexure "E"). Then the appellant moved mercy petition before the Inspector General of Police, Khyber Pakhtunkhwa, Peshawar. The appellate board vide order dated 29-10-2020, decided that denovo proceeding be conducted. (Copy of order dated 29-10-2020 is annexure "F"). Hence, denovo enquiry was conducted and in findings report, enquiry officer highlighted that appellant was heard in person but he failed to produce any cogent reasons regarding his absence, therefore, appellant was found guilty of the charges and was recommended for major punishment by the enquiry officer. Appellant was issued Final Show Cause Notice, to which he submitted reply but the same was found unsatisfactory, hence; was awarded major punishment of dismissal from service vide order dated 11-03-2021. (Copy of punishment order is annexure "G"). Feeling aggrieved from the order of dismissal, appellant moved departmental appeal before the appellate authority but the same was rejected/ filed on 20-08-2021. (Copy of order dated 20-08-2021 is annexure "H").

- 3&4. Incorrect. Proper enquiry as well as denovo enquiry was conducted against the appellant. However, during both the enquiries, appellant took different stances in his replies. Hence, appellant despite having ample opportunity, failed to defend himself.
- 5. Para already explained in para 2 ibid.
- 6. Incorrect. Due consideration was paid to the reply of appellant besides, he was also heard in the orderly room held on 31-03-2021, but he failed to give any cogent reasons in his defense.
- 7. Correct to the extent that departmental appeal of the appellant was rejected vide order dated 20-08-2021. (Copy already annexed as annexure-H).
- 8. Incorrect. Both the orders i.e passed by the competent authority dated 11-03-2021 and appellate authority dated 20-08-2021 were passed in accordance with law/rules, hence; liable to be maintained inter-alia on the following grounds: -


Reply on GROUNDS: -

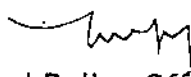
- A. Incorrect. Orders dated 20-08-2021 and 11-03-2021 was passed after fulfillment of all legal and codal formalities.


- B. Incorrect. No provision of law/rules has been violated by the respondent department and the appellant has been treated in accordance with law and rules.
- C. Incorrect. Appellant's own conduct was sufficient to establish charges against the appellant.
- D. Para already explained above.
- E. Para already explained above.
- F. Incorrect. The appellant at different times forwarded/took different stances, which could not be relied on. In both the enquiries, allegations against the appellant were proved.
- G. Incorrect. Absence of the appellant was willful and deliberate, which is evident from his previous record. Moreover, the story moved by the appellant in his statement dated 10-01-2020 is not appealable to a prudent mind. (Copy of statement is annexure "I").
- H. Incorrect. As explained above, he was heard in orderly room held on 31-03-2021, but he failed to give any cogent reason in his defense.
- I. Para already explained above.
- J. Incorrect. During short span of service, appellant earned a lot of bad entries and has a tainted service record, which reflects that appellant was not interested in his official duty.
- K. The respondents also seek permission of this Honourable Tribunal to advance additional grounds at the time of arguments.

Prayers

It is, therefore, most humbly prayed that on acceptance of above submissions, the appeal of the appellant may very kindly be dismissed with costs, please.


 Provincial Police Officer,
 Khyber Pakhtunkhwa,
 Peshawar.
 Respondent No. 03


 Regional Police Officer,
 Mardan.
 Respondent No. 01


 District Police Officer,
 Nowshera.
 Respondent No.02

BEFORE THE HONOURABLE, KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 7417/2021

Akhtar Gul, Ex-Constable No. 1225, District Police, Nowshera.

.....Appellant

V E R S U S

- 1. Regional Police Officer, Mardan.
- 2. District Police Officer, Nowshera.
- 3. Provincial Plice Officer, Khyber Pakhtunkhwa, Peshawar.

.....Respondents

AFFIDAVIT

We the respondents No. 1, 2 & 3 do hereby solemnly affirm and declare on Oath that the contents of reply to the appeal are true and correct to the best of our knowledge and belief and nothing has been concealed from the Honourable tribunal.

[Signature]
 Provincial Police Officer,
 Khyber Pakhtunkhwa,
 Peshawar.
 Respondent No. 03

[Signature]
 Regional Police Officer,
 Mardan.
 Respondent No. 01

[Signature]
 District Police Officer,
 Nowshera.
 Respondent No.02



انگلیس فوجی مثل اذان کیسٹ کیسٹ 5

کل قطعات	مہرڈیڑنگ تاریخ	گھنٹیک	روز
	21 10 2013	تھری شدہ تارہ	1
	256 24/02/2014	یوم غیر جانبداری رخصت بلا متعلقہ سیت شہاب	2
	314 07/03/2014	یوم غیر جانبداری رخصت بلا متعلقہ سیت شہاب	3
	1106 02/09/2014	یوم غیر جانبداری رخصت بلا متعلقہ سیت شہاب	11
	730 29/05/2014	یوم غیر جانبداری رخصت بلا متعلقہ سیت شہاب	1
	111 26/01/2015	یوم غیر جانبداری رخصت بلا متعلقہ سیت شہاب	1
	1583 01/12/2015	یوم غیر جانبداری رخصت بلا متعلقہ سیت شہاب	20
	1560 29/11/2015	یوم غیر جانبداری رخصت بلا متعلقہ سیت شہاب	4
	1507 01/12/2015	یوم غیر جانبداری رخصت بلا متعلقہ سیت شہاب	3
	1715 28/12/2015	یوم غیر جانبداری رخصت بلا متعلقہ سیت شہاب	1
	1308 13/10/2016	یوم غیر جانبداری رخصت بلا متعلقہ سیت شہاب	6
	270 27/02/018	یوم غیر جانبداری رخصت بلا متعلقہ سیت شہاب	3
	1141 16/10/018	یوم غیر جانبداری رخصت بلا متعلقہ سیت شہاب	1
	1324 22/11/018	یوم غیر جانبداری رخصت بلا متعلقہ سیت شہاب	6
	447 17/04/019	یوم غیر جانبداری رخصت بلا متعلقہ سیت شہاب	7
	658 21/06/019	یوم غیر جانبداری رخصت بلا متعلقہ سیت شہاب	5
	910 21/01/10	یوم غیر جانبداری رخصت بلا متعلقہ سیت شہاب	5

574
 18/05/2020
 No- 46511ES
 27/07/2020

اور سولہویں اور 18 ویں دو باروں میں
 2020

18

عید الفطر سے پہلے حکم پورے میں برخواست کیا گیا
 کتاب D16 لڑائی لڑکھن سے اسلین و کھکھے کی

1067
 11-11-2020

19

ڈیفو انکوائری دوبارہ ٹوری پر بحال
 کیا گیا

20

جناب عالی

سب سے پہلے ہی سوال تم نے جوابی عطا کی
 کیا ہے یہ وہی ہے جس کے بارے میں
 سوال کیا گیا تھا

[Signature]

NSR
 2020-07-08

1067
 11-11-2020

299
 11-03-2021

21

ڈیفو انکوائری دوبارہ ٹوری پر بحال کیا گیا
 دوبارہ ٹوری پر بحال کیا گیا

22

ڈیفو انکوائری دوبارہ ٹوری پر بحال کیا گیا

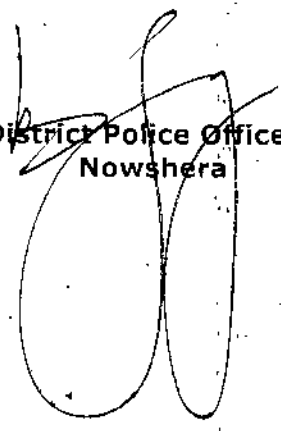
CHARGE SHEET

Annex: B,

(6)

1. I, **Kashif Zulfiqar, PSP** District Police Officer, Nowshera, as competent authority, hereby charge **Constable Akhtar Gul No. 1225** as per Statement of Allegations enclosed.
2. By reasons of above, you appear to be guilty of misconduct under Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975.
3. You are, therefore, required to submit your written defense within **07 days** of the receipt of this Charge Sheet to the Enquiry Officer, as the case may be.
4. Your written defense, if any should reach 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 ex-parte action shall follow against you.
5. Intimate whether you desire to be heard in persons.

District Police Officer,
Nowshera



B 7

DISCIPLINARY ACTION

I, Kashif Zulfiqar, PSP, District Police Officer, Nowshera as competent authority am of the opinion that Constable Akhtar Gul No. 1225 has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meaning of Police Rules, 1975.

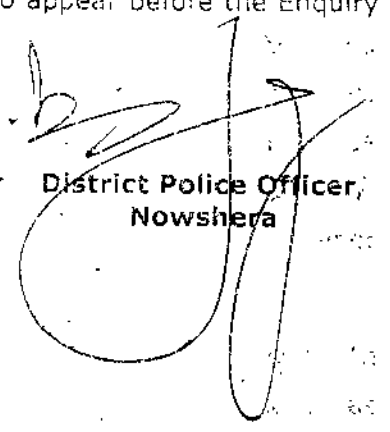
STATEMENT OF ALLEGATIONS

Whereas, Constable Akhtar Gul No. 1225, while posted at Police Lines Nowshera, remained absent from lawful duty without any leave/permission of the competent authority vide DD No. 32 dated 21.11.2019 Police Lines. He was served with Show Cause Notice through his home Police Station on 27.02.2020, but failed to submit his reply, which amounts to grave misconduct on his part and rendered him liable for minor/major punishment under Khyber Pakhtunkhwa Police Rules, 1975.

For the purpose of scrutinizing the conduct of the said accused official with reference to above allegations, DSP Pabbal is hereby nominated as Enquiry Officer.

The Enquiry Officer shall in accordance with the provision of Police Rules, 1975, provides reasonable opportunity of hearing to the defaulter official, record his findings and make immediate recommendations as to punish or other appropriate action against the defaulter official.

Constable Akhtar Gul No. 1225 is directed to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer.


District Police Officer,
Nowshera

No. 16 /PA,
Dated 11/03/2020.

Handwritten notes:
0333 2020/03/11
02-04-2020

Annex: 2 of C-112 (8)

POLICE DEPARTMENT

DISTRICT NOWSHERA.

DEPARTMENTAL ENQUIRY AGAINST CONSTABLE AKHTAR GUL NO. 1225 AT POLICE LINES NOWSHERA.

The instant departmental enquiry has been initiated by the competent authority against Constable Akhtar Gul No 1225 on the allegation that he while posted at Police Lines Nowshera, absented himself without leave/permission with effect from vide DD No 32 dated 21.11.2019 at Police Lines Nowshera. A Show Cause Notice was issued and served upon him on his home address on 27.02.2020, he failed to submit his reply in Show Cause Notice. The competent authority issued charge sheet/summary of allegations and appointed the undersigned as enquiry officer.

For completion of departmental proceedings, charge sheet/summary allegations was served upon him. For which he replied.

The defaulter constable deposed in his statement that he went to Karachi in connection with his domestic work and on way back someone given him drug in eateries and he became in unconscious. He was rushed to doctor for treatment and also consulted with Moulvis for "Dam Darood". He joined his duty on 07-01-2020 at Police Lines Nowshera and he again absented himself without any leave/permission vide DD No. 32 dated 21-11-2019 and after remained 109-days absence, he made his arrival report on 08-04-2020 vide DD No. 08 dated 08-04-2020 Police Lines Nowshera.

He was called to office time and again through his cell Nos. 0313-9836805 & 0333-1334903 to produce before the undersigned but he failed to bother for such legal formalities and he exhausted the chance of self-defense.

FINDINGS:-

From the perusal of his recorded statement, the defaulter constable Akhtar Gul No. 1225 failed to produce any cogent grounds regarding his prolong absence. Therefore, the undersigned come to the conclusion that the defaulter constable has no interest in his legitimate/legal duties and he has committed a gross misconduct on his part being remained absent for 109-days till date. He is recommended for major punishment please.

Encl= (2) Sheets

No. 359 /S

Dated 28/4/2020.



**Deputy Superintendent of Police,
Pabbi Circle.**

Issue FSCW

POLICE DEPARTMENT

NOWSHERA DISTR

ORDER

This order will dispose of the departmental enquiry initiated under Kt Pakhtunkhwa Police Rules, 1975 against Constable Akhtar Gul No. 1225, he while posted at P. Lines Nowshera, remained absent from lawful duty without any leave/permission of the competent authority vide DD No. 32 dated 21.11.2019 to DD No. 08 dated 08.04.2020 Police Lines. On same day he was relieved for PP Chappari with the directions to report at PP Chappari, but instead reporting there, he again absented from duty.

On account of which, he was served with Show Cause Notice on 01.01.20 but failed to submit his reply, therefore, he was proceeded against departmentally through SI Pabbi, who after fulfillment of legal formalities submitted his report to undersigned vide his O Endst: No. 359/St: dated 28.04.2020, wherein he highlighted that he was contacted time and again to appear before SDPO Pabbi, but failed. He is still absent, which shows that he is no more interested in police job and recommended him for awarding major punishment of dismissal from service.

He was served with Final Show Cause Notice on 06.05.2020, but failed to submit his reply. He was contacted through his mobile number to appear before the undersigned for personal hearing but with no response.

In the light of above, he is hereby awarded major Punishment of dismissal from service from the date of his absence, in exercise of the powers vested in me under Kt Pakhtunkhwa Police Rules-1975.

OB No. 392

Dated 18/05/2020

No. 1378-81 /PA, dated Nowshera, the 18/05/2020.

Copy for information and necessary action to the:

1. Pay Officer.
2. Establishment Clerk.
3. OHC.
4. FMC with its enclosures (26 sheets).

Distt Police, OTH
Nowshera

Annex: E

(11)

ORDER.

This order will dispose-off the departmental appeal preferred by **Ex-Constable Akhtar Gul No. 1225** of Nowshera District Police, against the order of District Police Officer, Nowshera, whereby he was awarded major punishment of dismissal from service vide OB: No. 392 dated 18.05.2020. The appellant was proceeded against departmentally on the allegations that he while posted at Police Lines, Nowshera, remained absent from lawful duty without any leave/permission of the competent authority vide daily diary No. 32 dated 21.11.2019 of Police Lines, Nowshera.

He was issued Show Cause Notice on 22.01.2020, but he failed to submit his reply. Therefore, proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Sub Divisional Police Officer, (SDPO) Pabbi, Nowshera was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities, submitted his findings wherein he highlighted that the appellant was contacted time and again to appear before the enquiry Officer, but he failed and remained absent, which showed that he was no more interested in Police Service. He recommended him for major punishment of dismissal from service.

He was issued Final Show Cause Notice on 06.05.2020, but neither had he submitted his reply nor assumed the duty.

The delinquent Officer was informed through his personal Cell number to appear before the District Police Officer, Nowshera in Orderly Room. But he failed to appear. Consequently, ex-parte action was taken against him and he was awarded major punishment of dismissal from service from the date of absence vide OB: No. 392 dated 18.05.2020 by the District Police Officer, Nowshera.

Feeling aggrieved from the order of District Police Officer, Nowshera, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 22.07.2020.


From the perusal of the enquiry file and service record of the appellant, it has been found that the appellant during the course of enquiry did not bother to join enquiry proceedings. Moreover, he was called in Orderly Room held by the District Police Officer, Nowshera but he failed to appear in

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Orderly Room which clearly depicted that, he had nothing to justify his absence. Moreover, the appellant reported his arrival on 08.04.2020 vide daily diary No. 08 dated 08.04.2020 Police Lines, Nowshera. However, on the same day i.e 08.04.2020, due to his transfer to Police Post Chappri, he was relieved with the directions to report at Police Post Chappri, but instead of reporting arrival, he again absented himself from duty. Hence, the very conduct of appellant is unbecoming of a disciplined Police Officer. Therefore, the order passed by the competent authority does not warrant any interference.

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

Order Announced.


Regional Police Officer,
Mardan.

No. 4651 /ES, Dated Mardan the 27 - 7 - /2020.

Copy forwarded to District Police Officer, Nowshera for information and necessary w/r to his office Memo: No: 1761/PA dated 07.07.2020. His Service Record is returned herewith.

(*****)

EC/FMC
for on action

DPONSA

No. 877/PA
dt 28/07/2020



Annex: F3

13

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

No. SI/

29/10/2020
/20, dated Peshawar the

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Akhtar Gul No. 1225. The petitioner was dismissed from service by District Police Officer, Nowshera vide OB No. 392, dated 18.05.2020 on allegation of absence from duty w.e.f 21.11.2019 to till date of dismissal from service i.e. 18.05.2020 total period of 05 months & 28. He reported arrival on 08.04.2020, however on the same day 08.04.2020, due to his transfer to Police Post Chappri, he was relieved with the directions to report at Police Post Chappri, but instead of reporting arrival, he again absented himself from duty. His appeal was rejected by Regional Police Officer, Mardan vide order Endst: No. 4651/ES, dated 27.07.2020.

Meeting of Appellate Board, was held on 06.10.2020 wherein petitioner was heard in person. During hearing petitioner contended that his absence was not deliberate but due to some domestic problem. Therefore, the Board decided that de-novo enquiry proceeding be conducted and petitioner is hereby re-instated in service for the purpose of de-novo enquiry.

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

Sd/-

DR. ISHTIAQ AHMED, PSC 04004
Additional Inspector General of Police,
HQs: Khyber Pakhtunkhwa, Peshawar.

No. SI/

1225-90
/20

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan. One Service Roll and one Fauji Missal of the above Ex-FC received vide your office Memo: No. 5534/ES, dated 11.09.2020 is returned herewith your office record.
2. District Police Officer, Nowshera.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQs: Khyber Pakhtunkhwa, Peshawar.
5. FA to DIG/HQs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG-1 et al, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt. B-IV CPO Peshawar.

PA
For u/a

(ZAHOOR BABAR AFRIDI) PSC
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

EC/100 NSR

For info

ORDER

This order will dispose of the departmental enquiry initiated under Khyber Pakhtunkhwa Police Rules-1975, against Constable Akhtar Gul No.1225 that he while posted at Police Lines Nowshera, remained absent from lawful duty without any leave/permission of the competent authority vide DD No. 32 dated 21.11.2019, Police Lines till the date of dismissal i.e 18.05.2020, against which, he had submitted appeal before the Regional Police Officer, Mardan but the same was rejected. Later on, he submitted application / mercy petition before the Inspector General of Police, Khyber Pakhtunkhwa. He was heard in person in Appellate Board meeting held on 06.10.2020 wherein he contended that his absence was not deliberate but due to some domestic problems. The Board reinstated him in service for the purpose of de-novo enquiry.

On account of which, de-nove enquiry was conducted through DSP Pabbi who after fulfillment of legal formalities submitted his report to undersigned vide his office No. 137/St: dated 22.02.2021, wherein he found him guilty, therefore recommended that he may be awarded major punishment.

He was served with Final Show Cause Notice, to which, he submitted his reply, perused by the undersigned and found unsatisfactory.

On 11.03.2021, he was heard by the undersigned in orderly room, wherein he failed to satisfy the undersigned, therefore, he is hereby awarded major punishment of dismissal from service with immediate effect, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules-1975.

OB No. 299

Dated 11/3 /2021

No. 682-86 /PA, dated Nowshera, the 11/03 /2021.
Copy for information and necessary action to the:

1. Pay Officer.
2. OHC.
3. Establishment Clerk.
4. FMC with enquiry papers (16 pages).
5. Official concerned.


District Police Officer,
Nowshera

ORDER.

Annex 1 H3

15

This order will dispose-off the departmental appeal preferred by Ex-Constable Akhtar Gul No. 1225 of Nowshera District Police, against the order of District Police Officer, Nowshera, whereby he was awarded major punishment of dismissal from service vide OB: No. 299 dated 11.03.2021. The appellant was proceeded against departmentally on the allegations that he while posted at Police Lines, Nowshera, remained absent from lawful duty without any leave/permission of the competent authority vide daily diary No. 32 dated 21.11.2019 of Police Lines, Nowshera, against which he had submitted an appeal to this office but the same was rejected with this office order endorsement No. 4651/ES dated 27.07.2021 by the then Regional Police Officer, Mardan. He preferred a Revision Petition before the Worthy Inspector General of Police Khyber Pakhtunkhwa, Peshawar. The delinquent Officer was heard in person by the Appellate Board meeting held on 06.10.2020 at CPO/Peshawar, wherein he contended that his absence was not deliberate but due to some domestic problem. The said Appellate Board re-instated into service the delinquent Officer for the purpose of de-novo enquiry.

Therefore, proper de-novo departmental enquiry proceedings were initiated against him and Sub Divisional Police Officer, (SDPO) Pabbi, Nowshera was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal functions submitted his findings wherein he found him guilty and recommended for major punishment.

He was issued Final Show Cause Notice to which his reply was received/perused and found unsatisfactory.

The delinquent Official was heard in Orderly Room by the District Police Officer, Nowshera on 11.03.2021, wherein he failed to produce any cogent reasons in his defense. Therefore, he was awarded major punishment of dismissal from service vide OB: No. 299 dated 11.03.2021.

Feeling aggrieved from the order of District Police Officer, Nowshera, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 26.07.2021.

No 1596/PA
dt 29/8/2021

From the perusal of the enquiry file and service record of the appellant has been found that allegations leveled against the appellant have been proved beyond any shadow of doubt. As the appellant has bitterly failed to produce any medical documents in support of his stance regarding illness. Hence, the absence period of the appellant clearly depicts the casual and lethargic attitude towards his official duties.

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

Order Announced.

bc / mc
for action

Regional Police Officer,
Mardan.

No. 4436 /ES, Dated Mardan the 20/8/2021.

Copy forwarded to District Police Officer, Nowshera for information and necessary action w/r to his office Memo: No. 956/PA dated 15.04.2021. His Ser. Record is returned herewith.

(*****)

بیان اہزان آگست 1225

یہ اس تحریر کی ذمہ داری ہر اہل علم کے لیے ہے۔ آپ ہر اہل علم کی
 طرف سے اس بارے میں جو شک و شبہ پیش ہوا ہے اس پر غور فرمائیے کہ جو
 مسائل نے اس بارے میں پیدا کیے ہیں ان میں سے کچھ تو ایسے ہیں جو
 جو یہ ہیں جن کے مسائل میں کچھ باطلیات سے ہیں اور کچھ ایسے ہیں جو
 اور ان کے خلاف قانون کی طرف سے کیا گیا ہے اور ان کے خلاف یہ
 قانون کے پاس سے اور ان کے خلاف یہ قانون کے پاس سے اور ان
 کے خلاف یہ قانون کے پاس سے اور ان کے خلاف یہ قانون کے پاس سے
 اور ان کے خلاف یہ قانون کے پاس سے اور ان کے خلاف یہ قانون کے پاس سے
 اور ان کے خلاف یہ قانون کے پاس سے اور ان کے خلاف یہ قانون کے پاس سے
 اور ان کے خلاف یہ قانون کے پاس سے اور ان کے خلاف یہ قانون کے پاس سے

آگست 1225

20/06/2010