

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 7693/2021

Diary No. 3364

Shabbir Ahmad (Appellant)

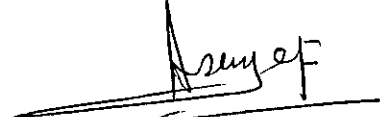
Dated 1-2-2023

VERSUS

The Government of KPK and others (Respondents)

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DSP Legal,
City Traffic Police,
Peshawar

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA**PESHAWAR****Service Appeal No. 7693/2021**

Shabbir Ahmad (Appellant)

VERSUS

The Government of KPK and others (Respondents)

COMMENTS BY RESPONDENTS NO. 1,2,3 & 4**RESPECTFULLY SHEWETH:****PRELIMINARY OBJECTIONS.**

1. That the appeal is badly barred by law & limitation.
2. That the appeal is bad for miss-joinder and non-joinder of necessary and proper parties.
3. That the appellant has not come to this Hon'able Tribunal with clean hands.
4. That the appellant has no cause of action and locus standi to file the instant appeal.
5. That the appellant is Estopped by his own conduct to file the instant appeal.
6. That the appellant has concealed the material facts from this Honorable Tribunal.
7. That this Tribunal lacks jurisdiction to adjudicate upon the matter.

FACTS:

1. Pertains to record.
2. Incorrect, service record would reveal many bad entries of the appellant regarding his neglect/poor performance in duty (Bad entries and punishments are annexed as "A")
3. Pertains to record.
4. Incorrect, the appellant did not follow proper departmental procedure to obtain leave regarding his illness, if any, from the competent authority as per Chapter-8 "Leave" of Police Rules 1934 and willfully absented himself from lawful duty. It is important to mention that no such alleged medical prescription was ever been provided to Department during course of enquiry (annexed as "B").
5. Incorrect, misleading and subject to proof. No such application has been submitted before competent officers as per office records.

6. The appellant was dismissed from service due to his long absence of 04-months & 10-days (from 05.11.2015 to the date of dismissal from service) under KP Police Rules 1975. While the departmental appeal was rejected as the appellate authority found no ground to interfere in the punishment order.
7. Incorrect, the review petition of the appellant was rejected because he failed to advance any plausible explanation behind his willful and deliberate absence from duty. Besides, his service record contains 08 bad entries. The review petition was also time barred. Therefore, the board decided to reject the same.
8. The appeal of the appellant being devoid of any merit may kindly be dismissed on the following grounds:

Grounds:

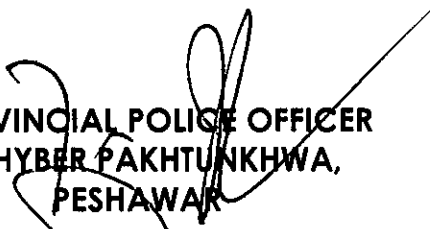
- A. Incorrect, the orders of respondents have been passed after fulfillment of all codal formalities in accordance with laws/rules.
- B. Incorrect, the appellant was issued final show notice for his continuous and prolonged absence which he received on the day of personal hearing (29.02.2016) but he failed to submit written reply within the stipulated period, which shown his lack of interest in official duties.
- C. Incorrect, proper departmental enquiry was conducted by Enquiry Officer DSP Cantt: Traffic Mr. Johar Shah. The appellant failed to attend the departmental enquiry proceedings despite being called for several times on his personal Cell No. 0336-8841741. Similarly, the appellant was heard in person on 29.02.2016 by SSP Traffic but he failed to produce any cogent reason for his continuous absence. Thereafter, he was also issued Final Show Cause Notice served upon him on same date of hearing by competent authority i.e: 29.02.2016 to which, he failed to submit written reply showing disinterest in duties, therefore awarded major punishment of dismissal from service.
- D. Incorrect, the appellant failed to attend the departmental enquiry proceedings despite being called for several times on his personal Cell No. 0336-8841741. Similarly, the appellant was heard in person

on 29.02.2016 by SSP Traffic but he failed to produce any cogent reason for his continuous absence.

- E. Incorrect, the appellant himself did not avail opportunity of cross examination.
- F. Incorrect, the dismissal order is passed keeping in view the recommendations of the Enquiry Officer as well as the continuous and prolonged absence of 04-months & 10-days by the appellant.
- G. Incorrect, the punishment has been awarded keeping in view of the recommendations of the Enquiry Officer as well as the continuous and prolonged absence of 04-months & 10-days by the appellant circumstances vary from case to case.
- H. The respondents may also be allowed to advance any additional grounds at time of hearing of the appeal.

PRAYER:

It is therefore, most humbly prayed that in the light of above facts and submissions, the appeal of the appellant being devoid of merits may kindly be dismissed with cost, please.


**PROVINCIAL POLICE OFFICER
 KHYBER PAKHTUNKHWA,
 PESHAWAR**


**REGIONAL POLICE OFFICER,
 MARDAN.**


**SENIOR SUPERINTENDENT OF POLICE,
 TRAFFIC POLICE, PESHAWAR**


**DISTRICT POLICE OFFICER,
 NOWSHERA.**

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR

Service Appeal No. 7693/2021


Shabbir Ahmad (Appellant)

VERSUS

The Government of KPK and others (Respondents)

AFFIDAVIT

We Respondents 01, 02, 03 & 04 do hereby solemnly affirm on Oath the contents of written comments are true and correct to the best of our knowledge and belief. Nothing has been concealed from this Honorable Tribunal.


PROVINCIAL POLICE OFFICER
KHYBER PAKHTUNKHWA,
PESHAWAR

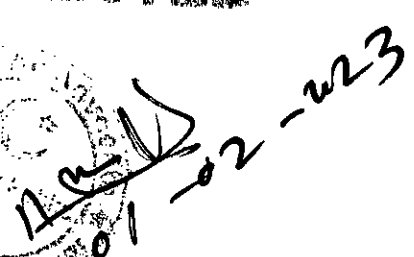

REGIONAL POLICE OFFICER,
MARDAN.


SENIOR SUPERINTENDENT OF POLICE,
TRAFFIC POLICE, PESHAWAR


DISTRICT POLICE OFFICER,
NOWSHERA.

ATTESTED




01-02-2023

h complete

ATTO
16/06/15

5/2015

Dr. 48760/ on a/c of ...
He ... 4/2015

11-6-15

11/5/2015

10/15/15

03/03/2015

Remission of sentence stopped for 2 years with
effect and issued last warning to be
in future vide SSP/10/10/15/48760/15

(b) days absence is 13. The day, attended ...

8/10/15

03/03/2015

OB No. 1283

Punishment:

Awarded him minor punishment
at stoppage of one year imprisonment
without accumulative effect

As At B-9
which was 90. Then ...
Rs: 1400/- from ...
M-cy & ... amount
on ... till ...
20/4. Some unknown ...
of the situation ...
while ... 20 ... was ...

SURSES AND PUNISHMENTS.

(Continued)

(A)

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15

16. LEAVE, ABSENCE AND BREAKS IN SERVICE.

All periods not counting as "approved service" to be entered in the red ink.

1		2		3	4
DATE		EXTENSION		No. of District Order	Description of leave i.e. privilege, hospital, sick leave, or furlough, or of absence, or forfeiture of approved service. All entries to be initialed, by superintendent of Police
From	To	Months	Days		
	Absent for duty	6 days		OB. No. 63 ok 12-1-10	L. w. out pay W
	Absent for duty 30 days	30 days		OB. No. 1259 ok 7-9-2011	L. w. out pay DPO/NSR
		(2) days		OB. No. 1626 ok 7-9-10-013	L. w. out pay DPO/NSR
		(1) day		OB. No. 2078 ok 12-12-013	L. w. out pay DPO/NSR
		1 day		OB. No. 1447 ok 2/11/14	L. w. o. pay DPO/NSR

15-CENSURES AND PUNISHMENTS.-Contd.

Absent himself from duty (29 days) is treated as leave without pay and awarded punishment of 30 days of one increment w/pw/accrued date effect.

OB No. 948
dt 6-9-10

DP/NSR

ORDER

Placed under suspension in closed to P. lines, NSR.

OB No. 549
23.4.13

DP/NSR

ORDER

Re-instated in service from the date of suspension

OB No. 562
24.4.13

DP/NSR

ORDER

charged while posted to PS Alibor Pura with full and deliberately absent himself from lawful duty from 0-11-03 till absent.

Punishment Awarded him for punishment dismissed from service for the cause of absence i.e. 30-1-03.

OB No. 2168

DP/NSR

dt 30-12-03

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29-9-2016
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mendations
y/11/03 and
and 10 days,
Dismissal
the Police
e 5-11-2015
-10/PA

ORDER

8

Constable Shabir No. 177, while posted to Police Station Akbarpura willfully and deliberately absented himself from lawful duty from 30.11.2013 & is still absent. On account of which, he was issued Show Cause Notice vide this office No. 637/PA, dated 13.12.2013. He was informed to collect Show Cause Notice but he is reportedly still absent. His continuous absence clearly indicated disinterest, disobedience on his part and seems no more interest in Police job.

Therefore, in exercise of the powers vested to me under the Police Rules, 1975, Constable Shabir No. 177 is hereby awarded Major punishment of dismissal from service from the date of absence i.e. 30.11.2013.

OB No. 2168

Dated 3/12/2013.


**District Police Officer,
Nowshera.**

No. 9397-9400/PA, dated Nowshera, the 30/12 /2013.

Copy of above is forwarded for information and necessary action to the:-

1. Pay Officer.
2. Establishment Clerk.
3. OHC.
4. FMC.

8

(9)

ORDER

This order will dispose of appeal preferred by Ex- Constable Shabir Ahmad No. 177 of Nowshera District Police against the order passed by District Police Officer, Nowshera wherein he was dismissed from Service vide OB: No. 2168 dated 30.12.2013.

Brief facts of the case are that he while posted to Police Station Akbarpura willfully and deliberately absented himself from lawful duty with effect from 30.11.2013 & is still absent. On account of which, he was issued Show Cause Notice, he was informed to collect Show Cause Notice but he is reportedly still absent. His continuous absence clearly indicated disinterest, disobedience on his part and seems no more interest in Police job, therefore he was dismissed from service under Police Rules 1975.

I have perused the record and also heard the appellant in Orderly Room held in this office on 12.02.2014. Due to his pathetic family condition, he is reinstated in service with immediate effect, absence period to be treated as leave without pay & also awarded minor punishment of censure.

ORDER ANNOUNCED.

Dy No: 488
P.A. D.P.O. NSR
dt. 19.2.14
Encl: -

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

No. 1036 /ES, Dated Mardan the 14/02 /2014.

Copy to District Police Officer, Nowshera for information and necessary action w/r to his office Memo: No. 371/PA dated 27.01.2014. He may be informed accordingly.

His Service record is returned herewith.

(*****)

PO, EC, OBC, OHC, F.M.C.
For necessary action.

(0216 245 / 19/2/14)

P. J. M.
D.P.O. - NSR
19-2-14.

v

(16)

ORDER

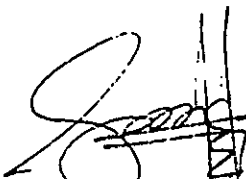
This is an order on the departmental enquiry initiated against Constable Shabbir Ahmad No.261-T/85-NSR for absentsing himself from duty with effect from 05.11.2015 till date without leave/permission of the competent authority. He was issued charge sheet and statement of allegations and DSP/Cantt. Traffic Mr. Johar Shah was nominated as enquiry officer to conduct formal departmental proceedings and submit his report in this regard. Charge Sheet along with Statement of Allegation was served upon him on 11.02.2016 who submitted his written reply stating therein that he is seriously ill due to which absented himself from duty.

The Enquiry Officer summoned the accused constable time and again on his cell No.0336-8841741 to attend the enquiry proceedings who always promised that he will attend the proceedings but failed. The enquiry officer therefore, recommended him for major punishment as he proves himself as unwilling worker for not attending the enquiry proceedings and bothering to report his arrival for duty.

On 29.02.2016 the accused constable was called for personal hearing who appeared before the undersigned but failed to produce cogent reason in support of his prolonged and continuous absence. On the day of personal hearing, the accused constable was directed to report his arrival for duty but inspite of going to Roznamcha for reporting his arrival and resuming his duty, he straight away went to his home. He was issued final show cause notice for his continuous and prolonged absence which he received on the day of personal hearing (29.02.2016) but he again failed to submit his written reply within the stipulated period which shows that the accused constable is not interested to perform his duties.

Keeping in view the recommendations of the Enquiry Officer as well as his continuous and prolonged absence for about 04-months & 10-days, accused constable Shabbir Ahmad No.261-T/85-NSR is awarded major punishment of dismissal from service under the Khyber Pakhtunkhwa Police Rules 1975 from the date of his absence i.e. 05.11.2015.

Order announced.


(SADIQ HUSSAIN) PSP
Senior Superintendent of Police,
Traffic, Peshawar.

No. 181,88/PA, Dated Peshawar the 14/3/2016.
Copies for information and necessary action to:-

1. The District Police Officer, Nowshera.
2. DSP/Hqs. Traffic, Peshawar.
3. OSI
4. Accountant
5. SRC (along-with complete enquiry file consisting of 16-pages)

This order will dispose-off the appeal preferred by Ex-LHC Shabir Ahmad No.261 of Nowshera district police against the order of SSP Traffic, Peshawar, wherein he was awarded major punishment of dismissal from service vide endorsement No.184-38/PA, dated 14.03.2016.

Brief facts of the case are that departmental enquiry initiated against Ex- Constable Shabir Ahmad No.261/T/85 NSR for absenting from duty w.e.f 05.11.2015 till date of dismissal without leave/permission of the competent authority. He was issued charge sheet and statement of allegation and DSP Cantt: Traffic Mr. Johar shah was nominated as enquiry officer to conduct formal department proceedings and submit his report in this regard. The enquiry officer summoned the accused constable time and again on his Cell No.0336-8841741 to attend the enquiry proceeding who always promised that he will attend the proceeding but failed. The enquiry officer therefore, recommended him for major punishment as he proved his self as unwilling person for not attending the enquiry proceeding and bothering to report his arrival for duty. On 29.02.2016 the accused constable was called for personal hearing who appeared before the SP Traffic Peshawar but failed to produced cogent reason in support of his prolonged and continuous absence. On the day of personal hearing the accused constable was directed to report his arrival for duty but instead of going to roznamcha for reporting his arrival and resuming his duty, he state away went to his home. He was issued final show cause notice for his continuous and prolong absence which he received on the day of personal hearing (29.02.2016) but he again failed to submit his written reply within the stipulated period which shows that the accused constable is not interested to perform his duty. Therefore, recommendation of enquiry officer as well as his continuous and prolong absence for about 4 months and 10 days avoided him major punishment of dismissal from service by SSP Traffic Peshawar.

On perusal of record the undersigned, found no ground to interfere the order passed by the SSP Traffic Peshawar, therefore the appeal is rejected being time barred.

Order announced.

(IJAZ AHMAD)PSP
Regional Police Officer
Mardan.

No.964-66/ES, Dated Mardan the 03/02/2017.

Dy No: _____

P.A. D.P.

65

dt _____

12

ORDER.

This order will dispose-off the appeal preferred by Ex-LHC Shabbir Ahmad No. 261 of Nowshera District Police against the order of SSP Traffic, Peshawar, wherein he was awarded Major punishment of dismissal from service vide endorsement No. 184-88/PA dated 14.03.2016.

Brief facts of the case are that departmental enquiry initiated against Ex-Constable Shabbir Ahmad No, 261/T/85 NSR for absenting from duty with effect from 05.11.2015 till date of dismissal without leave/permission of the competent authority. He was issued charge sheet and statement of allegations and DSP Cantt: Traffic Mr. Jihar Shah was nominated as enquiry Officer to conduct formal departmental proceedings and submit his report in this regard. The enquiry Officer summoned the accused Constable time and again on his cell No. 0336-8841741 to attend the enquiry proceedings who always promised that he will attend the proceedings but failed. The enquiry Officer therefore, recommended him for major punishment as he proves himself as unwilling worker for not attending the enquiry proceedings and bothering to report his arrival for duty. On 29.02.2016 the accused Constable was called for personal hearing who appeared before the SP Traffic, Peshawar but failed to produce cogent reason in support of his prolonged and continuous absence. On the day of personal hearing the accused Constable was directed to report his arrival for duty but in spite of going to Roznamcha for reporting his arrival and resuming his duty, he straight away went to his home. He was issued Final Show Cause Notice for his continuous and prolonged absence which he received on the day of personal hearing (29.02.2016) but he again failed to submit his written reply within the stipulated period which shows that the accused Constable is not interested to perform his duties. Therefore recommendations of enquiry Officer as well as his continuous and prolonged absence for 130 days awarded him major punishment of dismissal from service by SSP, Traffic, Peshawar.

On perusal of record the undersigned, find no grounds to interfere the order passed by the SSP Traffic, Peshawar. Therefore the appeal is rejected being time barred.

ORDER ANNOUNCED

(IJAZ AHMAD)PSP
Regional Police Officer,
Mardan

No. 964-66 /ES, Dated Mardan the 03/02 2017

Copy forwarded to the:-

1. Capital City Police Officer, Peshawar for information w/r to his office Memo: No. 158/CR/03.01.2017.
2. SSP Traffic, Peshawar for information.
3. District Police Officer, Nowshera for information and necessary action w/r to his office Memo: 6-113/PA dated 22.09.2016. The Service Record is returned herewith.

*S.C. Final
For u. action.*

*DDO NSR
3/2/17*

This order is hereby passed to dispose-off departmental appeal under Rule 11A of Khyber Pakhtukhwa Police Rules 1975 submitted by EX/FC Shabir Ahmad No.261-T/85-NSR. The appellant was dismissed from service W.E.F 05.11.2015 by SSP Traffic Peshawar vide order Endorsement No.184-88/PA dated 14.03.2016 on the charge of absence from duty for 04 months and 10 days.

His appeal was rejected by regional police officer, Mardan vide order endorsement No.964-66/ES dated 03.02.2017.

Meeting of appellate board was held on 20.04.2017 wherein petitioner was heard in person. During hearing petitioner contended that his absence was not deliberate but was ill. He provided medical certificate.

Perusal of record reveals that petitioner was dismissed from service on charges of willful and deliberate absence from duty. He failed to advance a plausible explanation behind his absence besides his service record contains 08 bad entries. The petition is also time barred. Therefore, the board decided that his petition is hereby rejected.

This order is issued by the competent authority.

(MASAOOD AHMAD KHALIL)
AIG/Establishment
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

No. 2768-75/17, Dated Peshawar the 08/05/2017.

18

14

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by the JCO Shabbir Ahmad No. 261-185-NSR. The appellant was dismissed from service w.e.f 05.11.2015 by SSP Traffic Peshawar vide order Endst. No. 184-38/PA dated 14.03.2016 on the charge of absence from duty for 04 months and 10 days.

His appeal was rejected by Regional Police Officer, Mardan vide order Endst. No. 957-SES, dated 03.02.2017.

Meeting of Appellate Board was held on 20.04.2017 wherein petitioner was heard in person. During hearing petitioner contended that his absence was not deliberate but he was ill. He produced medical certificates.

Perusal of record reveals that petitioner was dismissed from service on charges of wilful and deliberate absence from duty. He failed to advance any plausible explanation behind his absence besides his service record contains 08 bad entries. The petition is also time barred. Therefore, the Board decided that his petition is hereby rejected.

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

(MASOOD AHMAD KHAN)
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

No. SI 2768-75/17

Copy of the above is forwarded to the

1. Regional Police Officer, Mardan.
2. Senior Superintendent of Police, Traffic, Peshawar.
3. PSO to IGP, Khyber Pakhtunkhwa, CPO, Peshawar.
4. PA to Addl. IGP/IO, Khyber Pakhtunkhwa, Peshawar.
5. PA to IGP/IO, Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt. I-IV, CPO Peshawar.
8. Central Registry Cell, CPO.

ES/Secy Branch Dns 2017-05/04/2017/17/17

Mobile No: 03356841741

(B)

(15)

CHAPTER VIII

Leave

8.1. General : (1) [The rules relating to leave for all Government servants who are under the Administrative Control of the Punjab Government are contained in Civil Services Rules (Punjab), Volume I, Section 17 of the Punjab Civil Servants Act, 1974. West Pakistan Government Servants Leave Rules, 1955, West Pakistan (Civil Services) Delegation of Powers Rules, 1962, as amended by Notification No. 2320-SR-VI-64, dated 20.11.1964 and Leave Rules prescribed by Government of the Punjab, Finance Department--vide No. SR-III-1-65/78, dated 5.11.1978. Police Officers of all ranks are amenable to these rules, subject to such further conditions as are imposed by Police Rules"].

²[Gazetted Officers and Clerks who have to deal in any capacity, with application for leave, are required to be familiar with and are in a position to refer to Civil Services Rules (Punjab) Vol. I, and the leave rules mentioned in sub-rule (1). This chapter contains only such departmental rules as supplement the rules of the Finance Department and a summary of the more important of the latter rules for the guidance of Subordinates Police Officers who are not in possession of the leave rules, referred to. In all doubtful cases or where detailed information is required, the rules should be consulted in original. Clerks and others having access to the full rules are required to give all reasonable assistance to officers of whatever rank, who wish to ascertain their individual rights and obligations in respect of leave, or to obtain guidance for dealing with request received from their subordinates.]

8.2. Principles governing the grant of leave : Leave is earned by time spent on duty only. Leave cannot be claimed as of right; the authority empowered to grant it may refuse or revoke it in the interests of the public service, or in accordance with any duly authorized disciplinary rule.

8.3. Nature of leave and method of calculation : (1) A separate leave account (in-----) is maintained in the office to which he is subordi-
A.F. No. 75-A
F.R. 9-A

rate for every police officer. In this account the leave to which he is entitled under the ³[Leave Rule] is periodically placed to his credit and he is debited with the leave which he has taken. Leave due may be granted on average pay or half-average pay, or partly on one and partly on the other according to the conditions laid down in the

1. Rule 8.1 (1)/re-constructed by the Gaz. of Pb. Part-III, dated 27-4-1983. Notifi. No. 7258/M-III, [PLD 1983 Pb. St. 44]
2. Rule 8.1(2)/re-constructed by the Gaz. of Extd. Notifi. 21824/M-III, dated 12-7-1979.
3. Subs. for the words "Fundamental Rules" Gaz. of Pb., Part-III, dated 27-4-1983, Notifi. No. 7250/M-III [PLD 1983 Pb. St. 44].

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of Committee which
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Leave Rule] Leave not due may be granted on medical certificate and, in very exceptional circumstances, for not more than three months at any one time and six months in all, otherwise than on medical certificate.

(2) Police Officers may be granted by the Provincial Government under conditions specified in the Fundamental Rules, special disability leave if disabled in the performance or in consequence of their official duties or in consequence of their official position. Such leave is not debited in leave accounts. Under special circumstances, and when no other leave is by rule admissible, extraordinary leave, without pay, may be granted. Police officers of and below the rank of head constable may be granted hospital leave by the Superintendent of Police under whom they are serving, while under medical treatment for illness or injury, such illness or injury is certified not to have been caused by irregular intemperate habits. Hospital leave is not debited in leave accounts, and may be combined with other leave; but hospital leave shall not be granted in excess of six months in all in any term of three years, and no single period of leave, after combination with hospital leave, shall exceed twenty-eight months.

8.4. Special provisions regarding leave : The following rules relating to leave are to be observed by all police officers:--

(a) A Police Officer who has taken leave on account of ill-health which technically on medical certificate or not shall, before he is permitted to return to duty, be required by the authority which granted him leave to produce a medical certificate in the following form:-

"I, A B----- do hereby certify that I have examined

C.D.----- and that I consider him fit to resume his duties in Government service".

The officer shall produce the original certificate and statement of the case on which the leave was granted or extended before the authority asked to grant a certificate of fitness to return to duty. In the case of Gazetted officers this certificate must be signed by a District Health Officer or Medical Officer of commissioned rank. If the leave has been sanctioned on a certificate granted by Medical Committee the certificate of fitness to return to duty must also be obtained from a Medical Committee except (1) in cases in which the leave is not for more than three months, or (2) in cases in which the leave is for more than three months, or leave for three months or less is extended beyond three months but the Medical Committee granting the original certificate or the certificate for extension state at the time of granting such certificate, that the Government Servant need not appear before another Committee to obtain the certificate for fitness to return to duty.

No travelling allowance will be paid to an officer for journeys performed by him to appear before a Medical Committee to obtain a certificate of fitness to return to duty.

17

LEAVE

Chap. VIII

In the case of subordinate Police Officers the authority which granted the leave has discretion to admit a certificate by any registered medical practitioner.

(b) All applications for leave, or for extensions of leave, shall be made through the proper channel to the authority competent to grant the leave. The form of application shall be, in the case of Gazetted officers A.F. No. 74, and in the case of subordinates Police Rule Form 8.4(b). Nothing in this rule shall debar a Superintendent of Police from requiring those police officers subordinate to him who are in a position to do so, to apply verbally for leave in office orderly room. Where prescribed forms are not available, applications may be made by ordinary letter.

(c) Gazetted officers applying for leave, or extension of leave, on medical certificate, are required to appear before a medical board, in accordance with the provisions of [Rule 8.8 of the Civil Services Rules (Punjab) Vol-I] subordinate police officers are required to support applications for leave on medical certificate by the certificate of the District Health Officer of the district in which they are serving. Applications for extension of such leave must ordinarily be similarly supported by the certificate of the District Health Officer of the district, where the applicant is residing while on leave. If the applicant for an extension of leave is incapacitated by illness from appearing before the District Health Officer, it is within the discretion of the authority empowered to grant the leave to accept the certificate of any registered medical practitioner. The grant of a medical certificate is not equivalent to the grant of leave and confers no right to leaves the certificate must be forwarded to the authority competent to grant leave: whose orders must be awaited. Except on strong grounds, leave recommended in the certificate of a competent medical authority should be granted.

(d) A police officer returning from leave is not entitled as of right to resume the post which he held before going on leave unless the order granted the leave specifically preserved his lien on such post. He must report his return to the authority which granted his leave and, unless orders of posting have already been conveyed to him, await orders.

(e) A police officer holding a temporary post may be granted leave within the limits allowed by [rules 8.97 and 8.98 of the Civil Services Rules (Punjab) Volume-I]. Provided he has held such temporary post for at least two years or, if he has held such post for less than two years, provided no extra expense to Government is involved. Probationary police officers may be granted such leave as would be admissible to them under these rules if they had been confirmed in their

5. Subs. for the words "Chapter-XI of Punjab financial Hand Book No. 2, Col-II" by Notifi. No. 7258/M-III, dated 27-4-1983.
6. Subs. for the words "Chapter-XI of Punjab Financial Hand Book No. 2, Col-II" by the Notifi. No. 7258/M-III, dated 27-4-1983.
7. Subs. by Gaz. of Punjab Part-III, dated 27-4-1983, Notifi. No. 7258/M-III, [P.L.D. 1983 Pb. St. 44].

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appointments; but leave to probationers while undergoing instructions will only be granted in cases of special urgency.

8.5. Casual leave-grant of : (1) Casual leave is a privilege granted by Government in the nature of a brief holiday, and is not treated as absence from duty. Such leave, consequently, shall not be entered in leave accounts.

(2) Casual leave may be granted by the authorities shown in rule 8.9 below, subject to the condition that it does not exceed ten days at any one time or twenty days in a year, and that leave exceeding four days is not granted more than twice in a year.

(3) Exceptions to the provisions of Rule 8.5 (2) are as follows:--

⁸[(a) Members of the Pakistan Auxiliary Force may, if they can be spared, be granted casual-leave up to a fortnight at a time to attend an annual camp.]

(b) Casual leave up to 30 days may be granted to police officers required to undergo treatment at a Pasteur Institute.

(c) A police officer prohibited by the District Health Officer from attending his duties on account of infectious disease in his family, may count the period of absence as casual leave up to a limit of 30 days.

Casual leave granted in accordance with these exceptions will not count against the annual amount of such leave admissible.

8.6. Casual leave restrictions regarding : (1) Casual leave may not be combined with other leave except in exceptional cases when a police officer is prevented from attending to his duties by cases beyond his control. ⁹[Rule 8.62 of the Civil Services Rules (Punjab), Volume 1] should be referred to in adjudicating such cases.

(2) Police Officers on casual leave are prohibited from visiting places, whence their return within the period of their leave is likely to be prevented by blocking of roads, breakdown in transport or similar accidental cause or from which they cannot return to their headquarters within 36 hours notice. For special and adequate reasons the Inspector-General may relax this rule in particular cases, but it should ordinarily be strictly observed.

¹⁰[xxxxx]

¹¹[8.7. Casual leave of Superintendents : Police officers in independent charge of districts shall consult the District Magistrate when applying for casual

8 Subs. by Gaz. of Punjab Part-III, dated 27-4-1983 Notifi. No. 7258/M-III, [PLD 1983 Pb. St. 44].

9 Subs. by Gaz. of Punjab Part-III, dated 27-4-1983 Notifi. No. 7258/M-III, [PLD 1983 Pb. St. 44].

10. Deleted by the Gaz. of Punjab Part III, dated 27-4-1983, Notifi. No 7258/M-III, [PLD 1983 Pb. St. 44]

leave, and shall state in their dates proposed by them are :

8.8. Joining time : or returning from leave may in ¹²[Leave Rules and Chap and subject to the limitation

(2) Joining time officers transferred within leave to the same district officers of all ranks may be grant them leave, to take up the public service so demanded without or beyond the be transferred for the purpose

8.9. Authorities : the authorities empowered Provincial Government is officers holding independent

Authority	To whom
¹² [Inspector General of Police	All Officers

Deputy Inspector-General

11. Sub-joined table to Rule III, dated 27-4-1983.
12. Subs. by the Gaz. of Punjab Part III, dated 27-4-1983, Notifi. No 7258/M-III, [PLD 1983 Pb. St. 44].