

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 184/2019

Date of Institution ... 30.01.2019
Date of Decision ... 14.06.2021

Rahim Khan, Ex-Constable No.5450 R/O Chaghar Matti,
Peshawar.

... (Appellant)

VERSUS

Chief Capital City Police Officer, Peshawar and one another.

... (Respondents)

Naila Jan,
Advocate

... For appellant.

Asif Masood Ali Shah,
Deputy District Attorney

... For respondents.

AHMAD SULTAN TAREEN
ROZINA REHMAN

... CHAIRMAN
... MEMBER (J)

JUDGMENT

ROZINA REHMAN, MEMBER (J) : Appellant was a Constable. He was dismissed from service. It is the legality and validity of this order which has been challenged by him in the present service appeal filed U/S 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.

14/6/21

2. Brief facts giving rise to the present appeal are that appellant was appointed as Constable and he served the Department for 15 years with unblemished service record. He was dismissed from service on the charge of absence from duty vide order dated 13.04.2018. He filed departmental appeal which was dismissed, hence, the instant service appeal.

3. Learned counsel for appellant argued that the impugned orders are against law, illegal and unlawful as major penalty of dismissal from service was imposed upon the appellant without holding any proper inquiry. He contended that no show cause notice had been served upon the appellant before termination of his services and neither any departmental inquiry had been held in his case nor any opportunity of personal hearing had been afforded to the appellant. He further contended that major penalty was imposed without recording any evidence and without publication in two leading newspapers under Rule-9 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and Police Rules, 1975.

4. Conversely, learned D.D.A submitted that appellant was appointed as Constable in the Police Department who absented himself from his lawful duty without leave or prior permission from the competent authority. He submitted that he was issued charge sheet and summary of allegation, where-after, S.D.P.O Cantt. was appointed as inquiry officer. He was summoned by the inquiry officer time and again but he failed to join the inquiry proceedings. He contended that upon the findings of the inquiry officer, he was also

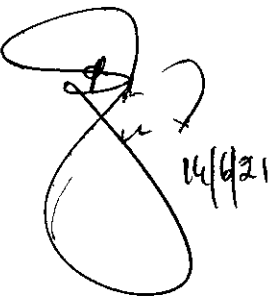
3/2
14/6/21

issued final show cause notice but he failed to submit his reply and after completion of all codal formalities, he was awarded major punishment of dismissal from service.

5. Perusal of record would reveal that the present appellant was charged for willful absence from duty. From the impugned order dated 13.04.2018, it is evident that ex-parte proceedings were initiated against the appellant. The appellant has annexed prescription chits with his appeal and also alleged in his departmental appeal the reasons of his absence. As per record, he met with an accident, where-after, he was examined by Medical officer who prescribed medication after examining him. He was having fracture on lumber region and in right hand elbow joint.

6. Nothing is available on file which could show that the appellant was properly informed to attend the departmental proceedings/inquiry proceedings. His illness as well as his medical record was not taken into consideration. From the order of appellate authority dated 08.01.2019, it is evident that the medical record of appellant was referred to S.P Headquarter Peshawar for verification from the concerned hospital. Allegedly, his medical record was not available on record of the K.T.H Peshawar. In this regard, nothing was brought on record in black & white in order to show any sort of correspondence in between S.P Headquarters and Administration of K.T.H Peshawar.

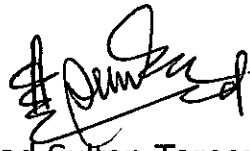
7. Disciplinary proceedings initiated against the appellant suggest that the appellant was not afforded proper opportunity of defense. In



Handwritten signature and date: 24/6/21

the circumstances, it is a case for de-novo inquiry. Hence, the appellant is reinstated for the purpose of de-novo inquiry to be conducted within 90 days of receipt of this judgment. Needless to mention that the appellant shall be provided proper opportunity of defense during the inquiry proceedings. The issue of back benefits shall be subject to final outcome of the de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.
14.06.2021

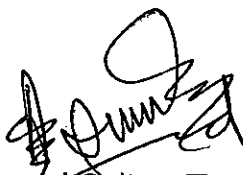
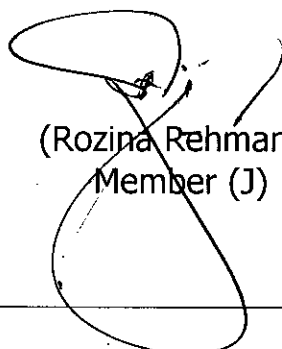


(Ahmad Sultan Tareen)
Chairman



(Rozina Rehman)
Member (J)

Service Appeal No. 184/2019

S.No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	<p>14.06.2021</p>	<p><u>Present.</u></p> <p>Naila Jan, Advocate ... For Appellant</p> <p>Asif Masood Ali Shah, Deputy District Attorney ... For respondents</p> <p>Vide our detailed judgment of today of this Tribunal placed on file, the appellant is reinstated for the purpose of de-novo inquiry to be conducted within 90 days of receipt of this judgment. Needless to mention that the appellant shall be provided proper opportunity of defense during the inquiry proceedings. The issue of back benefits shall be subject to final outcome of the de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.</p> <p><u>ANNOUNCED.</u> 14.06.2021</p> <p> (Ahmad Sultan Tareen) Chairman</p> <p> (Rozina Rehman) Member (J)</p>

20.08.2020

Due to summer vacation, the case is adjourned to 22.10.2020 before D.B.


Reader

22.10.2020

Junior to counsel for the appellant and Zara Tajwar, DDA for the respondents present.

The Bar is observing general strike today, therefore, the matter is adjourned to 15.12.2020 for hearing before the D.B.

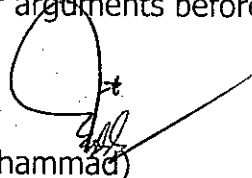

(Mian Muhammad)
Member


Chairman

15.12.2020

Appellant in person and Mr. Muhammad Jan, DDA for the respondents present.

Appellant requests for adjournment due to engagement of his learned counsel before the Honourable High Court today. Adjourned to 11.03.2021 for arguments before the D.B.


(Mian Muhammad)
Member(E)

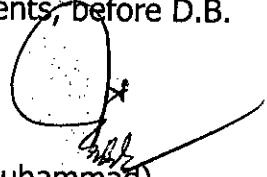

Chairman

11.03.2021

Nemo for appellant

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

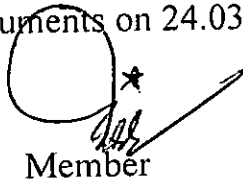
Notice be issued to appellant/counsel for 14/06/2021 for arguments, before D.B.


(Mian Muhammad)
Member (E)


(Rozina Rehman)
Member (J)

20.02.2020

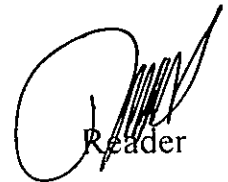
Appellant with counsel present. Mr. Zia Ullah learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourned To come up for arguments on 24.03.2020 before D.B.


Member


Member

24.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 09.06.2020 before D.B.


Reader

09.06.2020

Bench is incomplete as one learned Member (J) is on leave. Therefore, the case is adjourned. To come up for the same on 20.08.2020 before D.B.


Reader

27.08.2019

Appellant in person and Addl. AG alongwith Muhammad Raziq, Reader for the respondents present.

Parawise comments on behalf of respondents submitted. The appeal is assigned to D.B for arguments on 14.10.2019. The appellant may submit rejoinder within a fortnight, if so advised.


Chairman

14.10.2019

Learned counsel for the appellant and Mr. Riaz Khan Paindakheil learned Assistant Advocate General and Muhammad Raziq H.C present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 16.12.2019 before D.B.


Member


Member

16.12.20_9

Appellant in person present. Mr. Riaz Paindakheil learned Assistant Advocate General alongwith Muhammad Raziq H.C present. Appellant submitted application for adjournment. Application allowed. Adjourn. To come up for arguments on 20.02.2020 before D.B.


Member


Member

184/2019

09.04.2019 Counsel for the appellant and Addl. AG alongwith Abdur Razaq, H.C for the respondents present.

Representative of respondents states that preparation of reply/comments is underway and likely to be completed in a few days. He, therefore, requests for adjournment.

Adjourned to 14.05.2019 before S.B.

Chairman

14.05.2019 No one present on behalf of appellant. Written reply not submitted. Muhammad Raziq H.C representative of the respondent department present and seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 01.07.2019 before S.B.

Member

01.07.2019

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Raziq Head Constable for the respondent present. Written reply not submitted. Representative of the respondents seeks time to furnish written reply/comments. Last opportunity is granted. Adjourned. To come up for written reply/comments on 27.08.2019 before S.B.



Member

27.08.2019

Appellant in person and Addl. AG alongwith
Muhammad Raziq, Reader for the respondents present.

Parawise comments on behalf of respondents
submitted. The appeal is assigned to D.B for arguments on
^{14.10.19}~~13.11.2019~~. The appellant may submit rejoinder within a
fortnight, if so advised.

Chairman

DS

21.02.2019

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant (Ex-Constable) has filed the present service appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 against the order dated 13.04.2018 whereby the appellant was dismissed from service. The appellant has also challenged the order dated 08.01.2019 through which his departmental appeal was dismissed/rejected.

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 09.04.2019 before S.B.

Appellant Deposited.
Security & Process Fee



Member

09.04.2019

Counsel for the appellant and Mr. Wahidullah, ADO on behalf of respondents No. 3 & 4 alongwith Addl. AG for the respondents present.

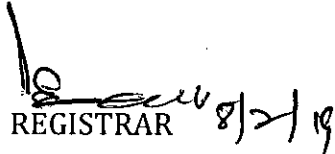

Representative of respondents No. 3 & 4 has submitted comments on behalf of the said respondents which are placed on record. To come up for reply by remaining respondents on 14.05.2019 before S.B.

Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 184/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/2/2019	<p>The appeal of Mr. Rahim Khan resubmitted today by Naila Jan 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 8/2/19</p> <p>2-</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>21-2-19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>


The appeal of Mr. Rahim Khan Ex-Constable No. 5450 received today i.e. on 30.01.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- ~~1-~~ In the memo of appeal many places have been left blank which may be filled up.
- ~~2-~~ Annexure-B of the appeal is illegible which may be replaced by legible/better one.
- ~~3-~~ Departmental appeal having no date be dated.
- 4- Address of appellant is incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.

No. 189 /S.T,

Dt. 31-1- /2019.

Naila Jan Adv. Pesh.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

*enc deficiencies removed all
by resubmitted
Naila Jan
8/2/2019*



**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

S.A. 184 /2019

Rahim Khan
VERSUS

Chief Capital City Police Officer & Others

INDEX

<i>S#</i>	<i>Description of Documents</i>	<i>Annex</i>	<i>Pages</i>
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2.	Affidavit.		6
3.	Addresses of Parties.		7
4.	Copy of Medical prescription	"A"	8-17
5.	Copy of the order dated 13/04/2018	"B"	18
6.	Copy of the Departmental appeal & Order dated 08/01/2019	"C" & "D"	19-20
7.	Wakalat Nama		21

Dated: 28/01/2019

Rahim Khan
Appellant
Naila Jan
Through
NAILA JAN
Advocate High Court
Peshawar.

①

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

S.A. 184 /2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 133

Dated 30/11/2019

Rahim Khan Ex-Constable No. 5450.

R/O chagwa matti Peshawar
-----**(Appellant)**

VERSUS

1. Chief Capital City Police Officer, Peshawar.
2. Superintendant Of Police, Head Quarters,
Peshawar.

-----**(Respondents).**

**APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL
ACT, 1974 AGAINST THE ORDER OF
DISMISSAL FROM SERVICE OF THE
APPELLANT DATED 13/04/2018 AND
ORDER DATED 08/01/2019 WHEREBY
THE DEPARTMENTAL APPEAL OF THE
APPELLANT HAS BEEN REJECTED FOR
NO REASON.**

Filed to-day

Rahim Khan
Registrar

30/11/19

Re-submitted to -day
and filed.

Rahim Khan
Registrar

PRAYERS:-

**ON ACCEPTANCE OF THE INSTANT APPEAL
THE IMPUGNED ORDERS DATED 13/04/2018 &
08/01/2019 MAY KINDLY BE SET ASIDE AND
THE APPELLANT MAY KINDLY BE
REINSTATED INTO SERVICE WITH ALL BACK
BENEFITS.**

2

Respectfully Sheweth,

The appellant submits as under:-

1. That the appellant was appointed as Constable in Police Department and serve the department for 45 years with unblemished service record.
2. That on 23/02/2017 the appellant was on the way for duty, while the appellant met a road accident and resultantly right hand of the appellant was fracture and for that reason the appellant was in hospital. (Copy of the Medical is attached as annexure "A").
3. That in the meanwhile the appellant was transferred from police line to SIU Police line Peshawar, however due to the above mention injury the appellant was unable to move, hence unable to join duties.

4. That the appellant was proceeded ex-parte and without providing any opportunity of personal hearing, the appellant was dismissed from service vide order dated 13/04/2018 and the absence period was regularized by treating leave without pay. (Copy of the order dated 13/04/2018 is annexure "B").

5. That feeling aggrieved from the above orders the appellant file a departmental appeal which was rejected vide order dated 08/01/2019. (Copy of the Departmental appeal & Order dated 08/01/2019 is annexed as annexure "C" & "D").

6. That feeling aggrieved from the above orders. The appellant having no other remedy filling the appeal inter alia on the following grounds.

GROUND:-

- A. That the impugned orders are against law, rules. Principles of Natural justice hence void abinitio not sustainable in the eyes of law.
- B. That the absence of the appellant is not willful but due to illness which does not amount to misconduct hence all the impugned orders are liable to be set aside.
- C. That no charge sheet, statement of allegation or show cause notice has been issued/served upon the appellant.
- D. That no regular inquiry was conducted nor did any opportunity of defense has been provided hence condemned unheard.
- E. That no witness has been examined nor did opportunity of personal hearing has been provided to the appellant.
- F. That even till date the appellant is ill however the inquiry officer did not bother to inquire about the illness from the concerned Hospitals, even the Respondents failed to take notice of the illness of the appellant.

5

G. That the appellant has not been provided right of fair Trial as guaranteed by constitution of Islamic Republic of Pakistan 1973.

H. That since the impugned dismissal order the appellant is jobless and the whole family are facing starvation.

I. That the appellant seek permission to adduce other grounds during Arguments.

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

Any other relief not specifically asked for may also graciously be extended in favour of the appellant in the circumstances of the case.

Dated: 28/01/2019

Kalish
Appellant
Naila Jan

Through

NAILA JAN
Advocate, High Court
Peshawar.

NOTE:-

No such like appeal for the same appellant, upon the same subject matter has earlier been filed by me, prior to the instant one, before this Hon'ble Tribunal.

Naila Jan
Advocate

6

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

S.A _____/2019

Rahim Khan
VERSUS

Chief Capital City Police Officer & Others

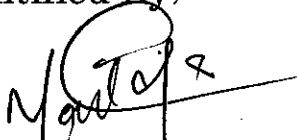
AFFIDAVIT

I, Rahim Khan Ex-Constable No. 5450, do hereby solemnly affirm and declare that all the contents of the accompanied appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.



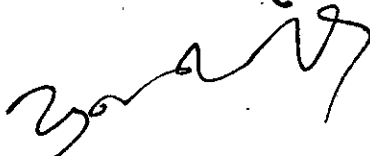
DEPONENT

Identified By;



NAILA JAN
Advocate High Court
Peshawar.

ATTESTED
IRFAN ULLAH ADVOCATE
NOTARY PUBLIC



**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

S.A _____/2019

Rahim Khan
VERSUS

Chief Capital City Police Officer & Others

ADDRESSES OF PARTIES

APPELLANT.

Rahim Khan Ex-Constable No. 5450

RESPONDENTS

1. Chief Capital City Police Officer, Peshawar.
2. Superintendant Of Police, Head Quarters,
Peshawar.

Dated: 28/01/2019

Through

Appellant

Naila Jan
NAILA JAN

Advocate High Court
Peshawar.

پولیس لائن ضلع پشاور

Amir A

از دفتر غازی شہید براج CCPO

بخدمت جناب M/S خیبر ٹیچنگ ہسپتال پشاور

جناب عالی!

بجوالہ ڈسچارج سلیپ نمبر 269409 بیڈ نمبر 27 مورخہ 23.02.2017 تک کنٹینیل

رحیم خان نمبر 15450 ارتھو پیڈیک Unite B میں زیر علاج تھا۔ اور OPD چھٹی نمبر 34870 مورخہ 15.06.2017 چھٹی

نمبر 34869 مورخہ 29.08.2017 چھٹی نمبر 34890 مورخہ 22.02.2017 اور چھٹی نمبر 34871 مورخہ

18.04.2017 ہسپتال سے علاج معالجہ کیا تھا۔

استدعا کی جاتی ہے کہ متذکرہ بالا ڈسچارج سلیپ مع OPD چھٹیاں کو تصدیق کر کے مع رپورٹ واپس ارسال کریں۔

[Handwritten Signature]

انچارج غازی اینڈ شہید براج

19-07-18

02-10-18

The Record of Mr. Raheem Khan showing admission no. 269409 with NO slip is not available in my unit. Also the discharge slip is not signed by me and does not belong to me. I have signed the discharge slip.

D. No. 8835
Dt. 23-7-18
HOSPITAL DIRECTOR OFFICE
Khyber Teaching Hospital
Peshawar

Record not found in data base (HIS). OPD chits not printed in computerized format.
ic. mis

[Handwritten Signature]

[Handwritten Signature]
SHAHID ZAMAN
ICIT Department
Khyber Teaching Hospital
Peshawar
25/7/18

9

NO 23 GSB-
12-6-18

پولیس لائن ضلع پشاور

17/07/18

سی شہید برانج CCPO

بخدمت جناب M/S خیر ٹیچنگ ہسپتال پشاور

جناب عالی!

بخوالہ ڈسپانچر سلسلہ نمبر 269409 بیڈ نمبر 27 مورخہ 23.02.2017 تا 27.02.2017 تک کنٹینیل ڈسپانچر

پر 5450 ارتھو پیڈیک Unite B میں زیر علاج تھا۔ اور OPD چھٹی نمبر 34870 مورخہ 15.06.2017، چھٹی

34871 مورخہ 29.08.2017 چھٹی نمبر 34890 مورخہ 22.02.2017، اور چھٹی نمبر 34871 مورخہ

18.0 ہسپتال سے علاج معالج کیا تھا۔

تذکار کی جاتی ہے۔ کہ متذکرہ بالا ڈسپانچر سلسلہ مع OPD چھٹیوں کو تصدیق کر کے مع رپورٹ واپس ارسال کریں۔



انچارج غازی اینڈ شہید برانج

18-07-19



20

Khyber Teaching Hospital, Peshawar
OUT - PATIENTS DEPARTMENT

RS: 10/-



S.No: 34869

Name: Rahim Khan Age: 41

F/Name: Safdar Khan Date: 29/08/2017

539281653



Rx

when become in vitall
Condition start.

Tab: Dalcon - P.
1+1

Tab: Surbek - Z
1

Tab: Vexan 50mg
1+1+1

Tab: Velosef 500mg
1+1+1

inj Toradol
T.D.S

inj Nospas
B.D

inf R/Lactate 1000cc
T.D.S

inf N/saline 1000cc
T.D.S

inf Lipofundine
O.D

inj Calcium Gluconate
in woul of pladex

Khyber Teaching Hospital, Peshawar
OUT - PATIENTS DEPARTMENT

RS: 10/-



S.No: 34870

Name: Rahim Khan Age: 41

F/Name: Safdar Khan Date: 15/06/2017

398743105

History

- ↳ Fracture in Lumbar Region
- ↳ Elbow joint Fracture
- ↳ Follow up investigation
- ↳ LFT'S ; RFT'S RDS
- ↳ S/electrolyte
- ↳ FBS
- ↳ PT/APTT
- ↳ Uric Acid.
- ↳ Creatinin.



Laboratory Request Form

Laboratory Request Form

Laboratory Request Form

NAME: U. Khan DATE: _____

Ward: OPD Bed No: 27
Hospital No: _____

NAME: Nabeen Khan DATE: _____

Ward: OPD Bed No: 27
Hospital No: _____

NAME: Rahim DATE: _____

Ward: OPD Bed No: 27
Hospital No: _____

SPECIMEN:

SPECIMEN:

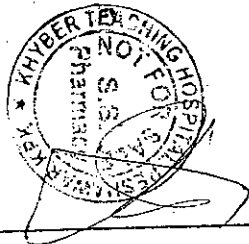
Examination Required

Examination Required

ECC

FBC

RFS



Handwritten signature





Laboratory Request Form

Laboratory Request Form

NAME: Rahim Khan DATE: _____

NAME: Rahim Khan DATE: 27

Ward: Ortho Bed No: 27
O.P.D: _____ Hospital No: _____

Ward: Ortho Bed No: 27
O.P.D: _____ Hospital No: _____

SPECIMEN:

SPECIMEN:

Examination Required

Examination Required

R.B.S

[Handwritten signature]

[Handwritten signature]





MEDICAL TEACHING INSTITUTION
KHYBER TEACHING HOSPITAL
PESHAWAR, KP

13

Patient Identification

ADMISSION ORDERS

Drug Allergies

Date & Time	Admission Orders	Nurse's Initials
	ADMIT TO SERVICE OF:	
	ADMITTING DIAGNOSIS:	
	CONDITION: <input checked="" type="checkbox"/> Stable <input checked="" type="checkbox"/> Serious <input checked="" type="checkbox"/> Critical	
	ACTIVITY:	
	VITAL SIGNS:	
	DIET	
	INVESTIGATIONS:	
	MEDICATION:	
	<p><i>A 40 year old Mr. Hakim Khan present with fracture in lower right cervical vertebrae in right hand due to an accident. He is unstable with lot of pain. No obvious bleeding over body site of injury but small cut over suspiciously. The right eye is</i></p>	

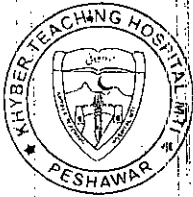
Please Use Ball Point Only

nt



ADMISSION ORDER

(4)



MEDICAL TEACHING INSTITUTION
KHYBER TEACHING HOSPITAL
PESHAWAR, KP

Patient Name: _____

M.R. No. _____

Gender: _____

AGE / D.O.B _____

HISTORY AND PHYSICAL EXAMINATION

Date: _____

Time: _____

HISTORY

Presenting Complaints: No past history

No past surgery or trauma

History of Present Illness: Follow up

Collected the pt. except

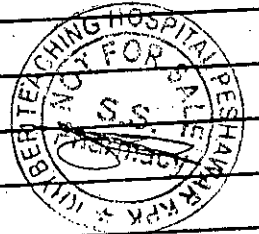
pass H/Ca tips

The all B I T, S

Right X-ray of lumbar region

also of right hand elbow joint &

Current Medication: _____



[Handwritten signature]

PHYSICAL EXAMINATION

15

~~Handwritten scribble~~

General Appearance: _____

Pulse: _____ BP: _____ RP: _____ Temp: _____

Weight: _____ Height: _____

Skin: _____

HEENT: _____

Neck: _____

Breast: _____

Follow up on breast exam

Respiratory: _____

Clear, normal findings

Cardiovascular: _____

Follow up on chest exam

Abdomen: _____

LFTs, RFTs, RBS

Rectal: _____

Stool type

Genitalia: _____

RBS

Lymph Nodes: _____

PT/APTT

Extremities: _____

Weak

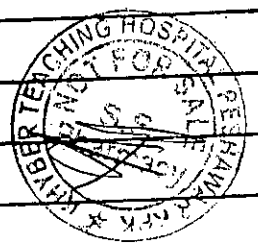
Mental Status: _____

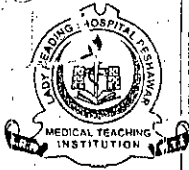
Granical Nerves: _____

CNS exam

Motor: _____

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OUTPATIENT DEPARTMENT (OPD)

Lady Reading Hospital
Medical Teaching Institution,
Peshawar - PAKISTAN

Appointment Time : 11:22

Amount Paid : 20

Invoice No : K02180

Invoice Date : 17-FE

MRNo : K0200002262709

Name : RAHIM KHAN

Father / Husband Name : SARDAR KH

Gender : Male

Age : 42 Year(s)

District : Peshawar

Visit Type : REGULAR

Clinic : ORTHOPEDICS MALE

Room No : 83

Operator : IMRAN ALI

Counter : MAIN OPD

Complaints:

Rx

Swelling - Elbow - ~~Swelling~~

Findings:

• Tab - Dnfen -
1e1

Investigations:

X-ray Elbow < AP
lat

• Cap contr - a

• Tab. Qabr

Diagnosis:

Mali

Next Visit:

Consultant Name:

Signature:

Phone: 9211430

Website: www.lrh.gov.pk

ORDER

18 Amul B

This office order relates to the disposal of formal departmental enquiry against Constable Raheem No. 5450 of Capital City Police Peshawar on the allegations that he while posted at SIU, Peshawar absented himself from lawful duty w.e.f 24.02.2017 till date without taking permission or leave.

In this regard, he was issued charge sheet & summary of allegations. SDPO Cantt was appointed as E.O. He conducted the inquiry & submitted his report/findings that the alleged official did not intend the enquiry proceedings. The E.O further recommended suitable punishment for defaulter official after issuance of final show cause notice vide Enquiry Report No. 1410/S dated 16.03.2018.

Upon the finding of E.O, he was issued final show cause notice and delivered to him on home address through local Police PS Athra but he failed to submit reply of the said notice or appear before this office as yet.

On 10.04.2018, a fresh report of MM. SIU & Police Lines was obtained. He reported that the alleged official was transferred from Police Lines on 21.02.2018 but he failed to report arrival in SIU as well in Police Lines Peshawar.

In the light of recommendations of E.O & other material available on record, the undersigned come to conclusion that the alleged official is guilty of deliberate/prolong absence, and found unwilling worker. Therefore, he is hereby dismissed from service under police & Disciplinary Rules-1975 with immediate effect. Hence, the period, he remained absent from 24.02.2017 till date is treated without pay.

SUPERINTENDENT OF POLICE
HEADQUARTERS, PESHAWAR

OB. NO. 1578 / Dated 13/4/2018

No. 974/80 /PA/SP/dated Peshawar the 13/4/2018.

Copy of above is forwarded for information & n/action to:

- The Capital City Police Officer, Peshawar.
- DSP/HQrs, Peshawar.
- Budget Officer
- GASI, CRC & FMC along with complete departmental file.
- Officials concerned.

محکمہ خزانہ کیشیل سٹی پولیس لائنز میں صلح پیمانہ

صفحہ 1 - حکماً اسلحہ خلاف حکم نمبر 8/2018-974 مورخہ 4-13-2018
حکماً بنانے کے لئے پولیس لائنز سے درخواست کیا گیا ہے

جناب عالی! سائل ذیل عرض رہا ہے

1۔ یہ کہ سائل محلہ پولیس میں بطور کیشیل ٹورٹی ہوکر محکمہ خزانہ میں لکھنا
13/14 سال کے دائم بطور تاجا ہے۔ اگر کئی لاکھ ان مال کو شکایت کا
موقعہ ہیں دیا ہے۔

2۔ یہ کہ سائل پولیس لائن میں تصدیق اور انتہائی خوش اسلوبی سے ڈیوٹی سرانجام
دے رہا تھا۔ آخر میں 23 کو برائے اور اسکی ڈیوٹی حاضر رہا تھا
کہ راستہ میں مہاروڈ ایک ایڈمنسٹریٹو ہوکر اسکی عمر سے میرا دانتیاں پاتھو بری
ٹوٹ گیا۔ اور علاج معالجہ مختلف قسم کے ڈاکٹروں سے جاری رکھا۔

3۔ یہ کہ میری عدم موجودگی میں میرا تھانہ پولیس لائن سے ملا کر ہو گیا۔ جو کل
سائل ایک ایڈمنسٹریٹو میں سوت رہی تھا۔ اسکی وجہ سے آرڈر میں کوئی کامیابی
اس لئے ڈیوٹی جو اس کے ساتھ تھا صاف رہا

3۔ یہ کہ اس دوران میں میرا حاضر کیا جا کر میری عدم موجودگی میں محکمہ
میں سیکرٹری کے روای میں لائی جا کر نتیجاً جو نوکری سے مجاز امید ہے درخواست
4۔ یہ کہ جو دوران میں میری تھانہ میں واقع نہیں دیا گیا ہے

5۔ یہ کہ سائل کی غیر حاضری کے بعد گنڈا میں تھی۔ بلکہ بوم ایک ایڈمنسٹریٹو واقعہ
بند ہے قصداً رہا۔ مندرجہ استادمہ لفظ ہے

6۔ یہ کہ رتبہ طرف ایک ایڈمنسٹریٹو کا شمار ہوکر علاج معالجہ میں خطیر رقم خرچ کرنا
بلکہ جواز نوکری سے درخواست کیا جا کر سائل معاشی بحال ہیں کہ دلیل میں
حال دیا۔

7۔ اس لئے درخواست کی ہے کہ جو اسکی تھانہ میں تھی۔ بلکہ بوم ایک ایڈمنسٹریٹو
9۔ سائل کو بطور جاب میں موجود ہے۔ اسکی بحال گزار مشورہ ماسٹا۔ ٹر کو دیا گیا ہے
عمر

حکماً بنانے کے لئے پولیس لائنز سے درخواست کیا گیا ہے

5450 سالہ کیشیل - 0302-8822322

تاریخ 2/5/2019

Handwritten signature



OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR

Phone No. 091-9210989

Fax No. 091-9212597

20

Amir

ORDER

This order will dispose off the departmental appeal preferred by Ex-Constable Rahim Khan No.5450 who was awarded the major punishment of "Dismissal from service" by SP/HQrs Peshawar vide No.1378, dated 13-04-2018.

2- The allegations leveled against him were that he while posted at S.I.U Police Lines Peshawar absented himself from his lawful duty w.e from 24-02-2017 till his dismissal i.e 13-04-2018 (13-months & 19 days) without leave or prior permission from the competent authority.

3- He was issued charge sheet and statement of allegations by SP/HQrs Peshawar and DSP/Cantt was appointed an enquiry officer. The enquiry officer after conducting proper departmental enquiry submitted his findings, recommended the delinquent official for suitable punishment. The competent authority after examining the findings of the enquiry officer issued him final show cause notice at his home address through local Police but he failed to submit his reply within the stipulated period. Hence the competent authority in light of the recommendation of the enquiry officer awarded him the major punishment of dismissal from service.

4- He was heard in person in O.R. The relevant record perused along with his explanation. During personal hearing he produced medical certificates in his defense. The same was referred to SP/HQrs Peshawar to verify it from the concerned Hospital. The medical documents produced by the appellant do not exist on the record of KTI Peshawar. Therefore the appeal of Ex-Constable Rahim Khan No. 5450 for reinstatement in service is hereby dismissed/rejected.

J. Ullah
(QAZI JAMIL UR REHMAN) PSP
CAPITAL CITY POLICE OFFICER,
PESHAWAR

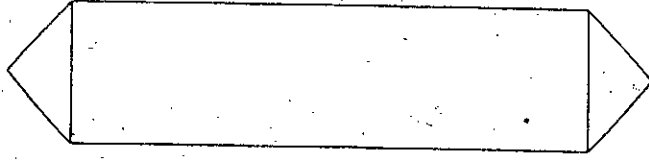
No. 78 — 83 /PA dated Peshawar the 08/01/2019

Copies for information and n/a to the:-

1. SP/HQrs Peshawar.
2. BO/OASI/CRC for making necessary entry in his S.Roll.
EMC along with FM
Official concerned.

Naila

KP Service Tribunal Peshawar
بعدالت



Appellate 2019 پنجاب
Rahim Khan بنام Police
for-cust Hble

مورخہ
مقدمہ
دعویٰ
جرم

Service
appeal

ادیل نمبر 184/19

باعث تحریر آنکہ

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

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

Rahim Khan
for-cust hble
Rahim Khan

المرقوم 29/10/2019 ماہ جنوری 2019

مقام Peshawar
کے لئے منظور ہے۔
Attested
Accepted by Hina Gul
Hina Gul

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 184/2019.

Rahim Khan Ex-Constable CCP, PeshawarAppellant.

VERSUS.

1. Capital City Police Officer, Peshawar
2. SP/HQrs: Capital City Police, Peshawar.....Respondents.

Reply on behalf of respondents No.1, & 2.

Respectfully Sheweth:-

PRELIMINARY OBJECTIONS.

1. That the appeal is badly time barred.
2. That the appeal is bad for mis-joinder and non-joinder or necessary parties.
3. That the appellant has not come to this Tribunal with clean hands.
4. That the appellant has no cause of action.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant concealed the material facts from Honorable Tribunal.
7. That the appellant was got no locus standi and cause of action to file the instant appeal.

FACTS:-

- 1- First Part of Para No. 1 is correct to the extent that the appellant was appointed as Constable in the Police Department while rest of para is incorrect on the ground that the appellant had a blemished service record. The appellant earned 20 Bad Entry and 02 Minor Punishment on willful absence.
- 2- Para No.2 is totally incorrect. In fact the appellant while posted at SIU, Peshawar absented himself from his lawful duty w.e.f 24.02.2017 to 13.04.2018 (Total 13 Months & 19 Days) without leave or prior permission from the competent authority. In this regard, he was issued charge sheet and summary of allegations. SDPO/Cantt: was appointed as enquiry officer. The enquiry officer summoned him time and again, but the appellant failed to join the enquiry proceedings. Upon the finding of enquiry officer, he was issued final show cause notice and delivered to him on home address through local police PS Mathra, but the appellant failed to submit his reply. After completion of all codal formalities, he was awarded major punishment of dismissal from service. The appellant then filed departmental appeal and produced medical documents. The same documents sent to KTH for verification. The manager medical record KTH

Peshawar has reported that as per Hospital Record, the Medical Documents in respect on the appellant has been checked and found fake. (Copy of charge sheet, statement of allegations, enquiry report, final show cause notice and verification report are annexure A, B, C, D & E).

- 3- Para No.3 is totally incorrect and based on misleading and misleading grounds. In fact the appellant absented himself without taking leave/permission and was enjoying his long absence period without any prior permission.
- 4- Para No.4 is incorrect. The appellant was associated in the enquiry proceedings and proper charge sheet and statement of allegations was issued to appellant. Proper opportunity of defense was provided to the appellant. He failed to defend himself. The charges of deliberate absence were proved against the appellant, hence he was awarded major punishment.
- 5- Para No.5 is incorrect. The appellant filed departmental appeal which after due consideration was filed/rejected on the ground that the appellant produced medical documents, but medical documents produced by the appellant does not exist on the record of KTH Peshawar.
- 6- That appeal of the appellant being devoid of merits may kindly be dismissed on the following grounds.

GROUND:-


- A- Incorrect. The punishment orders passed by the competent authority is in accordance with law/rules.
- B- Incorrect. The charges of deliberately absence were reported proved beyond any shadow of doubt.
- C- Incorrect. The appellant was issued proper charge sheet and statement of allegations and a final show cause notice was issued and delivered to him on home address through local police PS Mathra, but the appellant failed to submit his reply.
- D- Incorrect. Proper departmental enquiry was conducted against him. He was called time and again to appear before the enquiry officer, but he did not appear. The appellant was given full opportunity of defence but he failed to defend himself.
- E- Incorrect. The whole enquiry proceedings were initiated purely on merit and in accordance with law/rules. The appellant availed the opportunities of defence, but he failed to defend himself.

- F- Incorrect. The charges of deliberately absence were reported proved beyond any shadow of doubt. The enquiry was conducted on merit and in accordance with law/rules. The record of medical documents does not exist on the record of KTH Peshawar.
- G- Incorrect. The appellant treated as per law/rules and no provision of law has been violated.
- H- Incorrect. The appellant himself is responsible for the situation by committing gross misconduct.
- I- Respondents also seek permission of this Honorable Tribunal to raise additional grounds at the time of arguments.

PRAYERS:-

In view of the above, and keeping in view the gravity of slackness, willful negligence and misconduct of appellant, it is prayed that his appeal being devoid of any legal force may kindly be dismissed.


Capital City Police Officer,
Peshawar.


Superintendent of Police,
HQrs:, Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 184/2019.

Rahim Khan Ex-Constable CCP, PeshawarAppellant.


VERSUS.

1. Capital City Police Officer, Peshawar
2. SP/HQrs: Capital City Police, Peshawar.....Respondents.

AFFIDAVIT

We respondents No. 1 & 2 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and nothing has concealed/kept secret from this Honorable Tribunal.


Capital City Police Officer,
Peshawar.


Superintendent of Police,
HQrs: Peshawar.

8

CHARGE SHEET

I, Superintendent of Police, Headquarters, Capital City Police Peshawar, as a competent authority, hereby, charge that Constable Raheem No.5450 of Capital City Police Peshawar with the following irregularities.

"That you Constable Raheem No.5450 while posted at SIU, Peshawar were absent from duty w.e.f. 24.02.2017 till date without taking permission or leave. This amounts to gross misconduct on your part and is against the discipline of the force."

You are, therefore, required to submit your written defence within seven days of the receipt of this charge sheet to the Enquiry Officer committee, as the case may be.

Your written defence, if any, should reach the Enquiry Officer/Committee within the specified period, failing which it shall be presumed that have no defence to put in and in that case ex-parte action shall follow against you.

Intimate whether you desire to be heard in person.

A statement of allegation is enclosed.


SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

7

DISCIPLINARY ACTION



I, Superintendent of Police, Headquarters, Capital City Police Peshawar as a competent authority, am of the opinion that Constable Raheem No.5450 has rendered him-self liable to be proceeded against under the provision of Police Disciplinary Rules-1975.

STATEMENT OF ALLEGATION

"That Constable Raheem No.5450 while posted at SIU, Peshawar absented himself from duty w.e.f 24.02.2017 till date without taking permission or leave. This amounts to gross misconduct on his part and is against the discipline of the force."

For the purpose of scrutinizing the conduct of said accused with reference to the above allegations an enquiry is ordered and SDPo Cantt is appointed as Enquiry Officer.

2. The Enquiry Officer shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused officer, record his finding within 30 days of the receipt of this order, make recommendations as to punishment or other appropriate action against the accused.
3. The accused shall join the proceeding on the date time and place fixed by the Enquiry Officer.


SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR 

No. 76 /E/PA, dated Peshawar the 24/03 /2017

1 _____ is directed to finalize the aforementioned departmental proceeding within stipulated period under the provision of Police Rules-1975.

2. Official concerned



OFFICE OF THE
DEPUTY SUPERINTENDENT OF POLICE,
CANTT: SUB-DIVISION, PESHAWAR.

No. 1410 /E/Steno dated Pesh: the 16 /03/2018.

To

The Superintendent of Police,
HQrs, Peshawar.

(6)

**FINDING U/R 6(5) OF POLICE RULES 1975, AGAINST CONSTABLE
RAHEEM No. 5450**

**BREIF
STATEMENT
ALLEGATIONS**

The subject enquiry was referred to this office to ascertain the misconduct, committed by the subject police Constable vide order of enquiry No. 76/E/PA, dated 24/03/2017.

Short facts are that accused Constable **Raheem No. 5450** while posted at SIU, Peshawar remained absent from official duty w.e.f. 24.02.2017 to till date without approval and prior permission from the competent authority. Hence he was charge sheeted and summary of allegation was issued to him by the W/SP-Hqrs, Peshawar.

The accused Constable did not submit his reply within stipulated period despite the fact that he was summoned and to join the enquiry proceedings, but he did not provide himself to the undersigned office.

FINDINGS:

In the light of the above circumstances, as ex-party decided, the absence period of Constable **RAHEEM No. 5450** may be awarded for the suitable punishment after final show case notice.

All relevant documents are attached herewith.

PA 82
issue F.S.N.
19.3.2018

Kamal H.
KAMAL HUSSAIN

Enquiry Officer,
Deputy Superintendent of Police,
Cantt: Sub-Division, Peshawar.

FINAL SHOW CAUSE NOTICE

I Superintendent of Police, Headquarters, Capital City Police Peshawar, as competent authority, under the provision of Police Disciplinary Rules 1975 do hereby serve upon you, Constable Raheem No.5450 the final show cause notice.

The Enquiry Officer, SDPO Cantt, after completion of departmental proceedings, has recommended you for suitable punishment for you Constable Raheem No.5450 as the charges/allegations leveled against you in the charge sheet/statement of allegations.

And whereas, the undersigned is satisfied that you Constable Raheem No.5450 deserve the punishment in the light of the above said enquiry reports.

I, competent authority, have decided to impose upon you the penalty of minor/major punishment under Police Disciplinary Rules 1975.

1. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
2. If no reply to this notice is received within 7 days of its receipt, in normal course of circumstances, it shall, be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.


SUPERINTENDENT OF POLICE
HEADQUARTERS, PESHAWAR

No. 76/e /PA, SP/HQrs: dated Peshawar the 21.3.2018 /2018.

Copy to official concerned

— Before the UP Service Tribunal Bench
Dehra Dun

Room when us Police

Application for adjournment.

Applicant Submits as under.

Respected Sir:

1) That the above mentioned title appeal is pending before this honorable bench and today is fixed for final arguments.

2) That Counsel for the appellant is busy in high court and is unable to attend the case.

So it is requested that the above titled appeal may kindly be adjourned for another date.

Dated: 16/12/2018

Appellant
Rohini
a/Advocate
etc