

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 180/2019

Date of Institution ... 23.01.2019

Date of Decision ... 14.01.2022

Adnan S/o Gohar Nosh, R/o Mardan, Ex-Constable. No. 1628, FRP, Kohat Range Kohat. ... (Appellant)

VERSUS

Superintendent of Police, FRP, Kohat Range Kohat and others. ... (Respondents)

Arbab Saiful Kamal,
Advocate ... For Appellant

Asif Masood Ali Shah,
Deputy District Attorney ... For respondents

AHMAD SULTAN TAREEN ... **CHAIRMAN**
ATIQ-UR-REHMAN WAZIR ... **MEMBER (EXECUTIVE)**

JUDGMENT

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

Brief facts of the

case are that the appellant joined Police Department as Constable in the year 2004. During the course of his service, the appellant was proceeded against on the charges of absence from duty and was ultimately dismissed from service vide order dated 12-10-2017. Feeling aggrieved, the appellant filed departmental appeal dated 06-11-2017 followed by subsequent appeal dated 30-07-2018 for re-instatement in service, which was rejected vide order dated 15-10-2018. The appellant filed revision petition, which was also rejected vide order dated 09-11-2018, hence the instant service appeal with prayers that the impugned order dated 12-10-2017, 15-10-2018 and 09-11-2018 may be

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

02. Learned counsel for the appellant has contended that the appellant was enlisted in service in the year 2004 and served the department with zeal and enthusiasm till the date of dismissal from service; that absence of the appellant was not willful but due to compelling reason of his illness and the appellant has taken the same stance in his departmental appeal alongwith medical prescriptions; that absence period of the appellant was treated as leave without pay, hence there remains no other ground to penalize the appellant for absence; that absence on medical ground does not constitute gross misconduct as the same was not willful but due to compelling reason, which was beyond control of the appellant; that while proceeding the appellant, codal formalities were not fulfilled, hence the impugned order is against law , facts and norms of natural justice.

03. Learned Deputy District Attorney for the respondents has contended that perusal of his service record would reveal that the appellant is a habitual absentee an in past, the appellant was proceeded against on the charges of absence; that the appellant was also involved in FIR U/Ss 302/34 PPC Dated 08-11-2008, due to which he was removed from service vide order dated 18-02-2009; that the appellant filed service appeal No 572/2012 and the service tribunal re-instated him in service vide judgment dated 02-07-2014; that the appellant remained out of service for seven long years; that the appellant has no good reputation as per his service record, which would reveal that the appellant remained absent for 151 days; that proper inquiry was conducted against him and proper charge sheet/statement of allegation was served upon him, but the appellant failed to respond to the charge sheet; that after fulfillment of all codal formalities, the appellant was dismissed from service and his absence period was treated as leave without pay.

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


05. Record reveals that the appellant was dismissed from service on the allegation of absence from duty. The appellant filed departmental appeal, which was also rejected. Record would suggest that the appellant was proceeded against in absentia and nothing is available on record to suggest that charge sheet/statement of allegation was served upon the appellant. Similarly, no regular inquiry was conducted against the appellant; hence, the appellant was kept deprived of the opportunity to defend his cause. The appellant had taken the stance of his illness, which was also was not taken into consideration, which however was not warranted as the leave without permission of the competent authority on medical grounds does not constitute gross misconduct entailing major punishment of dismissal from service. Even otherwise, regular inquiry is must before imposition of major penalty of dismissal from service, which however was not done in case of the appellant.

06. In circumstance, we are inclined to partially accept the instant appeal. The appellant is re-instated in service with direction to respondents to conduct de-novo inquiry in accordance with law and rule. Needless to mention that the appellant shall be afforded appropriate opportunity of defense and the proceedings should be completed within 90 days from the date of receipt of the said judgment. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

14.01.2022


(AHMAD SULTAN TAREEN)
CHAIRMAN


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

ORDER

14.01.2022


Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for respondent present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, we are inclined to partially accept the instant appeal. The appellant is reinstated in service with direction to respondents to conduct de-novo inquiry in accordance with law and rule. Needless to mention that the appellant shall be afforded appropriate opportunity of defense and the proceedings should be completed within 90 days from the date of receipt of the said judgment. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

14.01.2022


(AHMAD SULTAN TAREEN)
CHAIRMAN

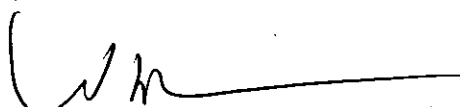

(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

02.08.2021

Counsel for the appellant present.

Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

Counsel for the appellant requests for adjournment as he could not prepare the brief today. Adjourned. To come up for arguments on 18.10.2021 before D.B.



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



(Rozina Rehman)
Member (J)

18.10.2021

Junior to counsel for appellant present.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 14.01.2022 for arguments before D.B.



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

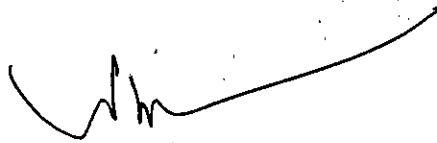


(Rozina Rehman)
Member (J)

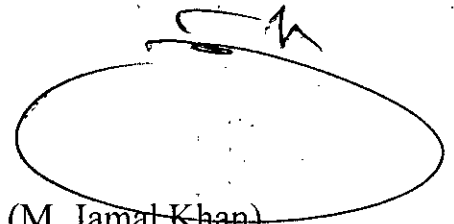
21.12.2020

Saad Ullah Khan Marwat, Advocate counsel for appellant and Mr. Kabirullah Khattak learned Addl. AG for respondents present.

Counsel for appellant requests for adjournment as he could not prepare the brief today. Adjourned. File to come up for arguments on 08.03.2021 before D.B.



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



(M. Jamal Khan)
Member (J)

08.03.2021

Counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Due to non-availability of D.B, case is adjourned to 11.06.2021 for the same as before.

15-3-21

AS PER APPLICATION THE
CASE IS REFUSED 5.5.2021



Reader



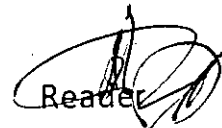
5.5.2021

DUE TO COVID-19, THE CASE IS
ADJOURNED TO 2.8.2021 FOR THE SAME.



_____.2020

Due to COVID19, the case is adjourned to
13 / 8 / 2020 for the same as before.

Reader 

13.08.2020

Due to summer vacations case to come up for the same on
26.10.2020 before D.B.

Reader 

26.10.2020

Proper D.B is on Tour, therefore, the case is
adjourned for the same on 21.12.2020 before D.B.

Reader 

Service Appeal No. 180/2019.

13.02.2020

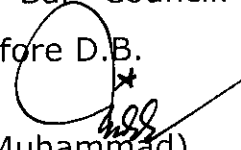
Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 20.03.2020 for rejoinder, if any, and arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

20.03.2020

Appellant in person and Mr. Ziaullah, Deputy District Attorney for the respondents present. Appellant submitted rejoinder and seeks adjournment on the ground that his counsel is not available today due to general strike of Khyber Pakhtunkhwa Bar Council. Adjourned to 21.05.2020 for arguments before D.B.


(Mian Muhammad)
Member


(M. Amin Khan Kundi)
Member

11.09.2019

Junior to counsel for the appellant present. Nemo for the respondents.

Respondents have not submitted written reply/comments despite last opportunity. The matter is posted to D.B for arguments on 18.11.2019.

Chairman

18.11.2019

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Ihsanullah, ASI for the respondents present. Representative of the department submitted written reply on behalf of respondents No. 1 to 3 which is placed on record. Case to come up for rejoinder and arguments on 02.01.2020 before D.B.

(Hussain Shah)
Member

(M. Amin Khan Kundi)
Member

02.01.2020

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant requested for adjournment to furnish rejoinder. Adjourned to 13.02.2020 for rejoinder, if any, and arguments before D.B.

(Hussain Shah)
Member

(M. Amin Khan Kundi)
Member

06.05.2019

Junior counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Ihsanullah, ASI for the respondents present. Written reply on behalf of respondents not submitted. Learned Additional AG requested for further time for filing of written reply. Adjourned to 26.06.2019 for written reply/comments before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

26.06.2019

Junior to counsel for the appellant present. Written reply not submitted. Ihsan SI Legal representative of the respondent department present and seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 21.08.2019 before S.B.



Member

21.08.2019

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Ihsan ASI for the respondents 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 11.09.2019 before S.B.



(Hussain Shah)
Member

22.03.2019

Learned counsel for the appellant present. Preliminary arguments Heard.

The appellant was enlisted in service in the year 2004 as constable. He was deputed in the year 2004 to PTS Hangu for training which he allegedly qualified he served for thirteen years in various station. On 15.08.2017 a charge sheet was issued to him for absence from duty w.e.f. 13.07.2017. The appellant could not reply the said charge sheet as it was not delivered to him. He was dismissed from service on 12.10.2017. In the dismissal order the period of absence was treated as leave without pay. The appellant submitted representation on 06.11.2017 followed by subsequent representation on 30.07.2018 which was rejected on 15.10.2018. The appellant submitted another review petition ^{to} by respondent No.3 which was rejected on 19.11.2018. This rejection order was received by the appellant on 16.01.2019. The learned counsel argued that as the absence period has been converted into leave without pay meaning by that the absence has been regularized. Whereafter the cause of dismissal has been negated. It has been requested that the appeal may be admitted for hearing so that these point could be discussed in detailed

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 ten (10) days. Thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 06.05.2019 before S.B.

Appellant Deposited
Security & Process Fee

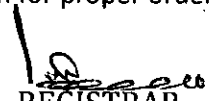

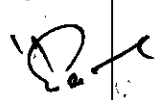
S. B.
Member

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 180/2019


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06/2/2019	<p>The appeal of Mr. Adnan Khan resubmitted today by Mr. Saadullah Khan Marwat 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 6/2/19</p>
2-	15.03.2019	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>15-3-19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Learned counsel for the appellant present and seeks adjournment on the ground that similar nature appeals are fixed for 22.03.2019. Adjourn. To come up for preliminary hearing on 22.03.2019 before S.B</p> <p style="text-align: right;"> Member</p>

The appeal of Mr. Adnan s/o Gohar Nosh r/o Mardan Ex-Constable no. 1628 FRP Kohat received today i.e. on 23.01.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- Annexures of the appeal may be flagged.
- 3- Copy of revision petition mentioned in para-8 of the memo of appeal is not attached with the appeal which may be placed on it.
- ④ Copies of dismissal and reinstatement orders of the others police personals mentioned in para-9 of the memo of appeal are not attached with the appeal which may be placed on it.
- ⑤ Copies of order dated 12.10.2017 and 09.11.2018 are illegible which may be replaced by legible/better one.
- ⑥ The authority to whom the departmental appeal was made has not been arrayed a party.
- 7- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 156 /S.T,

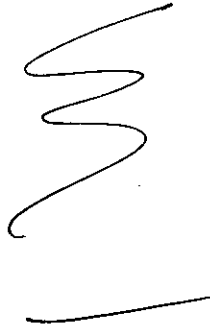
Dt. 23/01/2019.


REGISTRAR 23/01/2019
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Saadullah Khan Marwat Adv. Pesh.

Sir,

Re-submitted after complete.



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 180 /2019

Adnan

versus

SP & Others

I N D E X

S. No	Documents	Annex	P. No.
1.	Memo of Appeal		1-3
2.	Charge Sheet dated 15-08-2017	"A"	4-5
3.	Dismissal from service dated 12-10-2017	"B"	6
4.	Representation dated 06-11-2017	"C"	7
5.	Subsequent Representation, 30-07-2017	"D"	8
6.	Rejection order dated 15-10-2018	"E"	9
7.	Revision Petition	"F"	10
8.	Rejection order dated 09-11-2018	"G"	11
9.	Reinstatement of other constables	"H"	12-20

Through Appellant



Saadullah Khan Marwat
Advocate.

21-A Nasir Mansion,
Shoba Bazaar, Peshawar.

Ph: 0300-5872676

0311-9266609

Dated.22-01-2019

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 180 /2019

Adnan S/O Gohar Nosh,
R/o Mardan,
Ex-Constable. No. 1628, FRP,
Kohat Range Kohat Appellant

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 97

Dated 23/1/2019

VERSUS

1. Superintendent of Police,
FRP, Kohat Range Kohat.
2. Commandant FRP, *Peshawar*
~~Kohat Range Kohat~~
3. Provincial Police Officer,
KP, Peshawar. Respondents

⇄<=>⇄<=>⇄<=>⇄<=>⇄

Filed to-day APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974
AGAINST O.B NO. 733 DATED 12-10-2017 OF R. NO.
01 WHEREBY APPELLANT WAS DISMISSED FROM
SERVICE AND THE PERIOD OF ABSENCE WAS
TREATED AS LEAVE WITHOUT PAY FROM THE DATE
OF ABSENCE OR OFFICE ORDER NO. 10303 / EC
DATED 15-10-2018 OF R. NO. 02 WHEREBY
REPRESENTATION OF APPELLANT WAS REJECTED /
FILED OR OFFICE ORDER NO. S / 4523 / 18 DATED
09-11-2018 OF R. NO. 03 WHEREBY REVISION
PETITION WAS EXAMINED AND FILED:

Filed to-day
Registrar
23/01/19

Re-submitted to-day
and filed.
Registrar
23/1/19

⇄<=>⇄<=>⇄<=>⇄<=>⇄

Respectfully Sheweth;

1. That appellant was enlisted in service in the year 2004 as Constable and served the department till the date of removal from service.

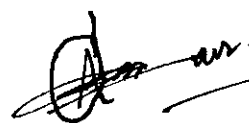
2. That appellant was deputed to PTC, Hangu for training in the year 2004 and qualified the same.
3. That thereafter appellant served in various Stations for about 13 years without any complaint.
4. That appellant was transferred from Peshawar to Kohat whereby he was marked absent from duty and as a result on 15-08-2017, Charge Sheet was issued to him regarding absence from duty with effect from 13-07-2017. (Copy as Annex "A")
5. That the said Charge Sheet could not be replied as the same was not served upon him as is evident from the same.
6. That perhaps enquiry into the matter was initiated but the same was not conducted as per the mandate of law and on finalizing of the self-made report, appellant was dismissed from service on 12-10-2017 and period of absence was treated as leave without pay, meaning thereby that his services was regularized by the R. No. 01. (Copy as Annex "B")
7. That on 06-11-2017, appellant submitted representation, followed by subsequent representation dated 30-07-2018 for reinstatement in service which was rejected on 15-10-2018 by R. No. 02. (Copies as Annex "C" & "D")
8. That thereafter appellant submitted Revision Petition before R. No. 03 for reinstatement in service which was rejected on 19-11-2018-2018. In this order R. No. 02 was directed to remit the said order to appellant but the order was not complied and thereafter he received the said order from the office at personal level on 16-01-2019 (Copy as Annex "E" & "F")
9. That not only appellant was dismissed from service on the score of absence but numerous others were also dismissed as such and they were reinstated into their services vide order dated 30-11-2010, 15-03-2017 and 09-08-2017 (Copies as Annex "G")

Hence this appeal, inter alia, on the following grounds:

GRUNDS:

- a. That appellant was enlisted in service in the year 2004 and served the department till the date of removal from service.
- b. That absence was not willful but was due to illness which medical receipts was supplied to the department well within time.
- c. That when period of absence of appellant was treated as leave without pay, then there was no justification to dismiss him from service as his services was made regularized through the impugned order.
- d. That in order dated 09-11-2018, R. No. 03 directed R. No. 02 to inform appellant with the said order but no such order was served upon him and the impugned order was received from the office of R. No. 01 through personal level on 16-01-2019, so no limitation runs.
- e. That absence does not constitute any misconduct when the same is not willful and as stated earlier, not only the department but the hon'ble Tribunal also reinstated absentees into their services.
- f. That codal formalities enumerated in the Rules were never observed, being mandatory. No publication was made in two leading newspapers. The impugned orders were not per the mandate of Law and based on malafide.

It is, therefore, most humbly prayed that on acceptance of appeal, orders dated 12-10-2017, 15-10-2018 and 09-11-2018 of the respondents be set aside and appellant be reinstated in service with all consequential / back benefits, with such other relief as may be deemed proper and just in circumstances of the case.

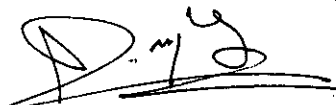


Appellant

Through



Saadullah Khan Marwat



Amjad Khan
Advocates.

Dated.22-01-2019

No. 391 /PA/FRP

4

Dated 13/08/2017

CHARGE SHEET

- I) I, Mian Imtiaz Gul, SP FRP Kohat as competent authority, am of the opinion that you Constable Adnan No. 1628 of FRP Platoon No. 121 have committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975.
 - a) You, Constable Adnan No. 1628 were relieved from security point vide DD No. 10 dated 13.07.2017 to report at FRP HQrs Peshawar for further departure to FRP Kohat but you failed to do so and absented yourself w.e.f 13.07.2017 vide FRP HQrs Peshawar DD No. 33 dated 13.07.2017 and have not reported till date. Your previous record is not good as previously you had remained absent for 47 days and were awarded punishment for the same but you did not mend your trend. Thus you have committed a gross "Misconduct" as defined in Rule 2 (iii) of Police Rules 1975 and have rendered yourself liable to be proceeded against departmentally.
 - II). By reason of the above, you seem to be guilty as sufficient materials is placed before the undersigned; therefore it is decided to proceed against you in general police proceeding.
 - III). You are; therefore, required to submit your written reply within 07 days of the receipt of this charge sheet to the Enquiry Officer.
 - IV). Your written reply, if any, should reach the Enquiry Officer within specific period, failing which it shall be presumed that you have no defense to offer and in that case, ex-parte action shall follow against you.
 - V). Intimate as to whether you desire to be heard in person or not?
 - VI) A statement of allegation is enclosed.

AC/AS
[Signature]


[Signature]
(Mian Imtiaz Gul)
Superintendent of Police, FRP
Kohat Range, Kohat

DISCIPLINARY ACTION

I, Mian Imtiaz Gul, SP FRP Kohat as competent authority, am of the opinion that you Constable Adnan No. 1628 of FRP Platoon No. 121, have committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975.

STATEMENT OF ALLEGATION

1. a) You, Constable Adnan No. 1628 were relieved from security point vide DD No. 10 dated 13.07.2017 to report at FRP HQrs Peshawar for further departure to FRP Kohat but you failed to do so and absented yourself w.e.f 13.07.2017 vide FRP HQrs Peshawar DD No. 33 dated 13.07.2017 and have not reported till date. Your previous record is not good as previously you had remained absent for 47 days and were awarded punishment for the same but you did not mend your trend. It is a gross "Misconduct" on your part as defined in Rule 2 (iii) of Police Rules 1975 and have rendered yourself liable to be proceeded against departmentally.
2. For the purpose of scrutinize the conduct of said Constable with reference to the above allegations, SI Noor Ali LO FRP Kohat is appointed as enquiry officer.
3. The enquiry officer shall conduct proceeding in accordance with provision of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record it is finding and make with twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused official.
4. The delinquent official shall join the proceeding on the date, time and place fixed by the officer.

Attesty


(Mian Imtiaz Gul)
 Superintendent of Police, FRP
 Kohat Range, Kohat

B

6

12-10-17

3-10-2018
for
for

ORDER

My this order will dispose of departmental enquiry conducted against Constable Adnan No. 1628/FRP under Khyber Pakhtunkhwa Police Disciplinary Rules 1975 (Amended in 2014).

The allegations against the delinquent constable are that he while deployed on loan in FRP HQs: Peshawar, was relieved from security point duty vide DD No. 10 dated 13.07.2017 to report at FRP HQs: Peshawar for further deployment to FRP Lines Kohat as he was repatriated to FRP Kohat Range vide order Endst: No. 4729-92/EC dated 12.06.2017 but he failed to do so and absented himself w.e.f 13.07.2017 vide FRP HQs: Peshawar DD No. 33 dated 13.07.2017 and reported back on 26.08.2017 (total absence period is 44 days). DD reports were sent to this office for further necessary action. Charge Sheet with summary of allegation was issued to him and SI Noor Ali Lo FRP Kohat was appointed as Enquiry officer. Proper departmental enquiry was conducted against him through LO FRP Kohat. Charge sheet was forwarded to DPO Mardan for service upon him at his home address through local Police which was served upon him through his uncle by local Police of PS Shahbaz Garhi as intimated by DPO Mardan but he neither submitted reply to it nor joined enquiry proceedings. The E.O in his findings, recommended him for major punishment. A final show cause notice vide No. 422/PA dated 07.09.2017 was issued to him which was served upon his brother namely Constable Taimoor through office of DPO Mardan but he failed to submit reply with in the stipulated period.

Service record perused which revealed that he was appointed as Constable on 23.10.2004 in FRP Mardan Range. There are 08 bad entries against him with no good entry in his credit. His previous record is not good as he had remained absent previously for 151 days in total. He was also awarded punishment of Removal from Service by the then Deputy Commandant FRP Khyber Pakhtunkhwa Peshawar vide order Endst: No. 339-35/PA dated 18.02.2009 on account of absence from duty and involvement in criminal case. He was re-instated in service in compliance with the judgment dated 23.05.2012 of Service Tribunal Khyber Pakhtunkhwa Peshawar in appeal No. 572/2012. Keeping in view his willful absence from duty and previous record, there is no other alternative except to proceed against him ex parte. He seems to be a habitual absentee. His total absence from 13.07.2017 till date is 44 days. It clearly indicates that he is not interested in his job.

Therefore, I, Mian Imtiaz Gul SP FRP Kohat Range, Kohat in exercise of powers vested in me under Rule -- 5 (5) of Khyber Pakhtunkhwa Police Rules-1975 (Amended in 2014), award him a major punishment of Dismissal from service. The period he remained absent is treated as absence from duty i.e. without pay.

OB No. 733

Dated: 12-10-2017

(Mian Imtiaz Gul)
SUPERINTENDENT OF POLICE, FRP
KOHAT RANGE, KOHAT

Copy to-

1. Pay Officer
2. Officer
3. SRP
4. [Signature]

For necessary action and also serve a copy of order upon him.

[Handwritten signature]

محرم صیبات بمقامت صاحب الفیاضی کساحر

امیل برتے بجائی سرور

صیبات علی

عاشق ہے کہ سبیل انی لاری میں بھیت کسبل
دریغی سرانجام کس نام کہ بیمار پیر کیا۔ صیباتی وجہ سے
کچھ وقت کسبلے دروغی سرانجام نہ ہو سکا۔ میں جہاں
نومرگی سے بر فوریت کیا گیا۔

بر فوریت سے بے توفیقی تھا ہوں کر پورا
نہیں کیا گیا۔ سبیل کا غیر صیباتی نام پر پھر رہا تھا
میرا نام ارادتا۔ سبیل کے والدین فیض ہیں۔ کون
دیگر سید اسحاق نام ہے۔

آیہ صیباتی نے در فوریت کے کسبیل کو
نومرگی بجائی فرما رہی۔ وہ کھور ہو گیا۔
لوت۔ سبیل کسبل ہے لوت ہیں۔

الکسار قر

عنوان 1628/47 الفیاضی طلبہ زہ مردوں

Atto
K

بیت صاب کارڈنٹ ایف آر بی غیر مختصہ بیمار

(اسی سے بحال) 4992
30-07-88

صالحی

گزارش سے متعلق ایف آر بی میں طرز عمل کو بروی سر انجام دیا گیا۔
بیمار کو سائل بیمار ہوا اور یوم بیماری غیر مختصہ ہوا
جیل دم سے سائل کو فوڈ سے برخواست کیا گیا جو نہ سائل
سے غیر مختصہ ہوا اور بیماری جھوڑی سے ہی تھی۔ سائل کو فوڈ
کے سے اور والدین صحت کو لکھ کر لے گئے اور دوسرے فرد نہیں
کو لکھ کر مارجم ہوا تھا کہ سائل

لینا آ رہے ہیں صحت کو سائل کو فوڈ سے برخواست
بحال کر کے کام چھوڑ دیا گیا

العدویہ
عین توارش حوج

لاہور کے ایک اور بیمار کے لئے

~~Amir~~

بیمار کا نام عدویہ FRP 1628 کے لئے
KT

0345-9175883

مردان

Si/ Legal

Per my appointment

30/7/88

Amir

ORDER

E P-16 ✓ 9 15-10-18

This order will dispose of the departmental appeal preferred by ex-constable Adnan No. 1628 of FRP Kohat Range, against the order passed by SP FRP Kohat Range, Kohat vide OB No. 733, dated 12.10.2017, wherein he was awarded major punishment of dismissal from service. The applicant was proceeded against on the allegations that he was deployed on loan in FRP HQrs: Peshawar. He was relieved from security point duty vide DD report No. 10, dated 13.07.2017, with the direction to report at FRP HQrs: Peshawar for further departure to FRP Line Kohat as he was repatriated to FRP Kohat vide office order Endst: No. 4789-92/EC, dated 12.06.2017, but he failed to do so and absented himself with effect from 13.07.2017 vide DD report No. 33, dated 13.07.2017 and reported back on 26.08.2017 and remained absente for a period of 44 days.

In this regard, proper departmental enquiry was conducted against him, and SI Noor Ali Line FRP Kohat was appointed as Enquiry Officer. During the course of enquiry the Enquiry Officer found him guilty of the charges leveled against him and recommended him for major punishment.

In the light of recommendation of the Enquiry Officer he was issued final show cause notice vide office No. 422/PA, date 07.09.2017, but he failed to submit reply within stipulated period. Thus he was awarded major punishment of dismissal from service vide OB No. 733, dated 12.10.2017.

It is worth mentioning here that previous he was removed from service due to his long absence from duty by Deputy Commandant FRP, KP, Peshawar vide order Endst: No. 332-35/PA, dated 18.02.2009. Later on he was reinstated in service by worthy Commandant FRP KP, Peshawar vide order Endst: No. 4808-14/EC, dated 28.05.2015 in compliance with service Tribunal Khyber Pakhtunkhwa judgment dated 02.07.2014 and attached him for the purpose pay etc to FRP Kohat Range vide order Endst: No. 5510-12/OASI, dated 24.06.2015.

Feeling aggrieved against the impugned order of SP FRP Kohat Range, Kohat, the applicant preferred the instant appeal. The applicant was summoned and heard in person in Orderly Room held on 03.10.2018.

During the course of personal hearing, the applicant failed to present any justification regarding his prolongs absence.

Besides from perusal of record it is found that the appellant was dismissed in the past on account of his mis-conduct who later on, was reinstated into service.

In the instant case, it transpired that the appellant again remained himself absented for a period of 44 days without any cause of justification, warranting departmental action, hence the competent authority rightfully imposed major punishment on the accused officer of dismissal from service. Therefore any leniency or complacency would further embolden the accused officer and impinge upon the adversely on the over all discipline and conduct of the force.

Based on the findings narrated above, I, Sajid Ali PSP Commandant FRP Khyber Pakhtunkhwa, Peshawar, being the competent authority, has found no substance in the appeal, therefore, the same is rejected and filed being badly time barred and meritless.

Order Announced.

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Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar.

No 10303 /EC, dated Peshawar the 15/10/2018.

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

1. SP FRP Kohat Range, Kohat. His service record alongwith D file sent herewith.
2. Ex-constable Adnan No. 1628 S/O Gohar Nosh, Police Station Rustam, Village Garyala, District Mardan.

نجمت جناب آئی جی بی صاحب خیر کھوسا صاحب

عنوان :- درخواست بجاو سروس بجالی :-

جناب عالی!

۱۔ او میں نے سوال کیا کہ میں ڈیوٹی میں آ جاؤں تو کیا
سائل ایف آر بی میں سے کچھ لوگوں سے ڈیوٹی میں
سروس میں آ جاؤں گا۔ اس دوران میں لو ایف آر بی میں آ جاؤں گا
میں حاضر کر رہے ہیں۔ کیا ہے۔ سائل فیسٹ اسٹیبلشمنٹ ڈیوٹی میں
دائیں دوران میں آ کر لوگوں کو نکال دیا جائے گا۔ اس میں
ڈیوٹی میں آ جاؤں گا۔ اس میں آ کر لوگوں کو نکال دیا جائے گا۔ اس میں
سائل ڈیوٹی میں آ کر لوگوں کو نکال دیا جائے گا۔ اس میں
کیا ہے۔ سائل ڈیوٹی میں آ کر لوگوں کو نکال دیا جائے گا۔ اس میں

سائل ایف آر بی میں سے کچھ لوگوں سے ڈیوٹی میں
سروس میں آ جاؤں گا۔ اس دوران میں لو ایف آر بی میں آ جاؤں گا
میں حاضر کر رہے ہیں۔ کیا ہے۔ سائل فیسٹ اسٹیبلشمنٹ ڈیوٹی میں
دائیں دوران میں آ کر لوگوں کو نکال دیا جائے گا۔ اس میں
ڈیوٹی میں آ جاؤں گا۔ اس میں آ کر لوگوں کو نکال دیا جائے گا۔ اس میں
سائل ڈیوٹی میں آ کر لوگوں کو نکال دیا جائے گا۔ اس میں

لہذا میں درخواست ہے کہ میں اس میں شامل کیا جائے۔
میں حاضر کر رہے ہیں۔ کیا ہے۔ سائل فیسٹ اسٹیبلشمنٹ ڈیوٹی میں
دائیں دوران میں آ کر لوگوں کو نکال دیا جائے گا۔ اس میں
ڈیوٹی میں آ جاؤں گا۔ اس میں آ کر لوگوں کو نکال دیا جائے گا۔ اس میں
سائل ڈیوٹی میں آ کر لوگوں کو نکال دیا جائے گا۔ اس میں

العارض
آئی جی بی صاحب خیر کھوسا صاحب
1628 ایف آر بی کوکٹ ریج
Ahsan



G 22
9347
09/11/2018

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE,
PESHAWAR.

No. S/ 4523 18. dated Peshawar the 09/11/2018.

To : The Commandant,
FRP, Khyber Pakhtunkhwa
Peshawar.



Subject: APPEAL (EX-FC ADNAN NO.1628)

The competent authority has examined and filed the appeal submitted by Ex-Constable Adnan No.1628 of SP/FRP, Kohat against punishment of dismissal from service awarded by the SP/FRP, Kohat vide OB No 733, dated 12.10.2017 being badly time barred. The applicant may please be informed accordingly.

Sp/ Legal
For n/a/c
W/O

9/11
(SYED ANIS UL-HASSAN)
Registrar,
For Inspector General of Police,
Khyber Pakhtunkhwa Peshawar.

office of Commandant FRP KP, Peshawar
No 11386/si legal, dated Peshawar the 13/11/2018
copy of above is forwarded to the SP
FRP Kohat Range for information, with direction
that the applicant may be informed accordingly.
OH/ SRC
10/11/18

Sir,
Received from the office
re personal kind on 16.1.19.

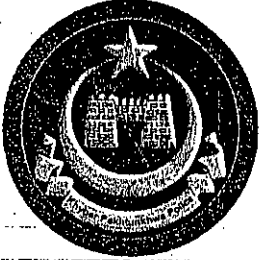
Signature

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OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE,
PESHAWAR.

No. S/ 4523 /18, dated Peshawar the 09/11/2018.

To : The Commandant,
FRP, Khyber Pakhtunkhwa
Peshawar.

Subject: APPEAL (EX-FC ADNAN NO.1628)

Memo :

The competent authority has examined and filed the appeal submitted by Ex-Constable Adnan No.1628 of SP/FRP, Kohat against punishment of dismissal from service awarded by the SP/FRP, Kohat vide OB No.733, dated 12.10.2017 being badly time barred.

The applicant may please be informed accordingly.


(SYED ANIS-UL-HASSAN)

Registrar,

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

o/c
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ORDER

WHEREAS as per the approval of the Provincial Police Officer, Khyber Pukhtunkhwa a Committee had been constituted vide this office No: 9871-77/E dated 16/11/2010, headed by DPO Swat to record/consider the cases of the personnel dismissed during militancy.

AND WHEREAS the Committee has, after thorough deliberations and scrutiny of the relevant record, submitted its findings vide No: 14732/E dated 29/11/2010 wherein 253 personnel have been recommended for reinstatement in service.

NOW THEREFORE as per the approval of the Provincial Police Officer, the following personnel recommended by the Committee are hereby reinstated in service with effect from the date of their dismissal. The period during which they remained out of service after dismissal and the period of their absence will be treated as leave without pay.

S.No.	Name and No.
1.	Ex-Constable Bahader Khan No: 1322
2.	Ex-FC Milan Sald Rohman No.582
3.	Ex-Constable Muhammad Saced No. 1543
4.	Ex-Constable Firdi Hussain No. 751
5.	Ex-Constable Zia-u-din No.1581.
6.	Ex-Constable Sami Ullah No. 103
7.	Ex-Constable Sadia Akbar No. 310
8.	Ex-Constable Ayaz Ali No. 1402
9.	Ex-PASI Ijaz Ali No. 35 (Shaheed Son)
10.	Ex-Constable Farman Ali No.757
11.	Ex-Constable Sha Mullah No. 298
12.	Ex-Constable Shor Ali Khan No. 443
13.	Ex-Constable Sade Hussain No. 1421
14.	Ex-Constable Sharafat Khan No. 776
15.	Ex-Constable Fazal Anwar No. 1091
16.	Ex-Constable Asmat Ali No. 1304
17.	Ex-Constable Niaz Mond No. 822
18.	Ex-Constable Abdul Wadud No. 151
19.	Ex-Constable Muhammad Shoab No 112/RR
20.	Ex-Constable Ghani Hussain No. 1252
21.	Ex-FC Abdul Wali Khan No. 370
22.	Ex-Constable Naseer Un-din No.1415
23.	Ex-Constable Ajmal Khan No. 1524

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24.	Ex-Constable Gul Fariz Khan No. 1512
25.	Ex-Constable Fazal Wadood No. 12311
26.	Ex-Constable Sultanat Khan No. 556
27.	Ex-Constable Bakht Nawab No. 141/RR
28.	Ex-Constable Saeed ulBh No. 1043
29.	Ex-Constable Nasir Ali No.1074
30.	Ex-Constable Zahoor Ahmad No. 1038
31.	Ex-Constable Said Akbar No.1118
32.	Ex-Constable Muhammad Ali No.1850
33.	Ex-Constable Falak Zeb No. 887
34.	Ex-Constable Adalat Khan No. 1254
35.	Ex-Constable Malak Zaba No. 953
36.	Ex-Constable Zahoor Ahmad No. 165/RR
37.	Ex-Constable Akhtar Ali No. 49
38.	Ex-Constable Shakir Hussain No. 290
39.	Ex-Constable Akbar Ali No. 1306
40.	Ex-Constable Akber Ali No. 1520
41.	Ex-Constable Zoor Muhammad Khan No. 549
42.	Ex-Constable Muhammad Alam No 512
43.	Ex-Constable Amir Khattam No. 30
44.	Ex-Constable Naseer-Ullah Khan No. 1428
45.	Ex-Constable Muhammad Zeb Khan No. 371
46.	Ex-Constable Hayat Muhd Khan No. 143
47.	Ex-Constable Subhan Ullah No. 106/RR
48.	Ex-Constable Asad-ullah Jan No. 1226
49.	Ex-Constable Rashood Khan No. 33/RR
50.	Ex-Constable Habib-ur- Rahman No. 205/RR
51.	Ex-Constable Abdullah No. 085
52.	Ex-Constable Niaz Ali Shah No. 120/RR
53.	Ex-Constable Sher Alam Khan No. 144/RR
54.	Ex-Constable Said Mahmood Jan No. 615
55.	Ex-Constable Muhammad Shoab No. 645
56.	Ex-Constable Ajab Khan No. 172
57.	Ex-Constable Tariq No. 1534
58.	Ex-Constable Karim Ullah Khan No. 608
59.	Ex-Constable Shafi Ullah No. 1506
60.	Ex-Constable Bashir, Ahmad No. 1457
61.	Ex-Constable Izzat Mond No. 1244
62.	Ex-Constable Shehzada No. 364
63.	Ex-Constable Umar Zaib No. 1448
64.	Ex-Constable Majeed Khan No. 81

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65.	Ex-Constable Shamshey Khan No. 508
66.	Ex-Constable Sabz Ali Khan No. 1447
67.	Ex-Constable Baktawar Khan No. 1251
68.	Ex-Constable Bacha Wali No. 1434
69.	Ex-Constable Rasheed Ahmad No. 1791
70.	Ex-Constable Muhd Sher Ali Khan No. 463
71.	Ex-Constable Adalat Khan No. 275
72.	Ex-Constable Mian Said Parvez No. 752
73.	Ex-Constable Jahon Parvez No. 293
74.	Ex-Constable Rehmat Ali No. 927
75.	Ex-Constable Abdul Hayeed No. 206
76.	Ex-Constable Bakht Ullah No. 92
77.	Ex-Constable Shokat Ali No. 1371
78.	Ex-Constable Zikriya No. 421
79.	Ex-Constable Zahir Ahmad No. 1450
80.	Ex-Constable Said Ahmad Khan No. 917
81.	Ex-Constable Bakht Zarin No. 1694
82.	Ex-Constable Riz Murammad No. 1467
83.	Ex-Constable Zahid Ullah No. 1394
84.	Ex-Constable Bakht Namroz No. 667
85.	Ex-Constable Mian Said Gul No. 344
86.	Ex-Constable Hidayat Ullah Khan No. 335
87.	Ex-Constable Umar Rehman No. 728
88.	Ex-Constable Gohar Ali No. 625
89.	Ex-Constable Said Azam No. 12/RR
90.	Ex-ASI Aman Khan
91.	Ex-Constable Najib Ullah No. 1481
92.	Ex-Constable Amir Ullah No. 1514
93.	Ex-Constable Feroz Khan No. 961
94.	Ex-Constable Ubaid Ullah No. 190
95.	Ex-Constable Akbar Bach No. 852
96.	Ex-Constable Shier Alam No. 996
97.	Ex-Constable Muhammad Ayaz No. 488
98.	Ex-Constable Anwar-ul-Haq No. 572
99.	Ex-Constable Muhammad Iqbal No. 369
100.	Ex-Constable Gohar Ali No. 642
101.	Ex-Constable Mirwan Ullah No. 1454
102.	Ex-Constable Yousaf Khan No. 350
103.	Ex-Constable Farooq No. 13
104.	Ex-Constable Muhammad Shoalb No. 1528
105.	Ex-Constable Ali Muhammad No. 1456

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106.	Ex-Constable Mumtaz Ali No. 62
107.	Ex-Constable Shah Wali Khan No. 1502
108.	Ex-Constable Mian Khaliq Jan No. 383
109.	Ex-Constable Luqman Ali No. 95
110.	Ex-Constable Jehan Ali No. 195
111.	Ex-Constable Munharat Khan No. 1113
112.	Ex-Constable Amir Muhammad No. 176/RIR
113.	Ex-Constable Alam Khan No. 107A
114.	Ex-Constable Sher Shah No. 062
115.	Ex-Constable Arjild Ali No. 1044
116.	Ex-Constable Sher Ali Khan No. 1353
117.	Ex-Constable Iftikhar No. 564
118.	Ex-Constable Bakht Akbar No. 1288
119.	Ex-Constable Taj Muhd. No. 1111
120.	Ex-Constable Alam Badshah No. 1196
121.	Ex-Constable Iloqat Ali No. 225
122.	Ex-Constable Iloqat Ali No. 225
123.	Ex-Constable Azam Khan No. 1427
124.	Ex-Constable Habib Ullah No. 1446
125.	Ex-Constable Yar Badshah No. 933
126.	Ex-Constable Nadr Shah No. 468
127.	Ex-Constable Nazir Muhd No. 1379
128.	Ex-NC Asghar Khan No. 31
129.	Ex-Constable Ali Rasheed No. 1480
130.	Ex-Constable Fazal Rehman No. 784
131.	Ex-Constable Bakhtaj No. 1329
132.	Ex-Constable Ibrar Hussain No. 420
133.	Ex-Constable Zafar Alam No. 653
134.	Ex-Constable Muhd Rafiq No. 1633
135.	Ex-Constable Sajjad Khan No. 151A
136.	Ex-Constable Umar Khatab No. 1109
137.	Ex-Constable Ahmad Ali No. 1318
138.	Ex-Constable Rehmat Ali No. 175
139.	Ex-Constable Iqbal Hussain No. 1486
140.	Ex-Constable Rehman Ullah No. 1466
141.	Ex-Constable Ayaz Ahmad No. 320
142.	Ex-Constable Sadiq No. 1470
143.	Ex-Constable Shafiq-Ur-Rehman No. 851
144.	Ex-Constable Bashir Ahmad No. 1377
145.	Ex-Constable Liaqat Ali No. 1345
146.	Ex-Constable Aziz-ul-Hassan No. 1170

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147.	Ex-Constable Zakir Hussain No. 308
148.	Ex-Constable Midrarullah No. 533
149.	Ex-Constable Munim Khan No. 101/RR
150.	Ex-Constable Zafar Ali Khan No. 74
151.	Ex-Constable Najib Ullah Khan No. 1439
152.	Ex-Constable Rahim Khan No. 571
153.	Ex-Constable Azam Khan No. 45
154.	Ex-Constable Miran Said Bacha No. 1362
155.	Ex-Constable Hazrat Alam No. 1570
156.	Ex-Constable Irfan Ud Din No. 1549
157.	Ex-Constable Sher Hassan Khan No. 685
158.	Ex-Constable Muht. Raza No. 131/RR
159.	Ex-Constable Miran Said Farooq No. 333
160.	Ex-Constable Muhammad Tahir No. 1703
161.	Ex-Constable Bahadur Nawab Khan No. 1625
162.	Ex-Constable Amir Khan No. 1604
163.	Ex-Constable Sami Ullah No. 1588
164.	Ex-Constable Muhammad Qasim No. 1601
165.	Ex-Constable Muht. Arif Khan No. 1393
166.	Ex-Constable Asmat Ali No. 1723
167.	Ex-Constable Farhad Ali No. 1761
168.	Ex-Constable Miran Said Ghani No. 1689
169.	Ex-Constable Inom Ullah No. 1145
170.	Ex-Constable Umar Farooq No. 1677
171.	Ex-Constable Israr Ahmad No. 1622
172.	Ex-Constable Arsal Khan No. 1569
173.	Ex-Constable Rehmat Ali No. 496
174.	Ex-Constable Zara Wali No. 134
175.	Ex-Constable Anwar Ullah No. 1666
176.	Ex-Constable Bakht Kayam No. 1800
177.	Ex-Constable Anwar Ali No. 1574
178.	Ex-Constable Aziz Ullah Khan No. 1591
179.	Ex-Constable Hazrat Bilal No. 1776
180.	Ex-Constable Farman Ali No. 217/RR
181.	Ex-Constable Muht. Alam Khan No. 1774
182.	Ex-Constable Asghar Khan No. 1720
183.	Ex-Constable Abdullah No. 1661
184.	Ex-Constable Mohammad Azim No. 971
185.	Ex-Constable Said Sarfullah No. 1600
186.	Ex-Constable Samin Khan No. 1724
187.	Ex-Constable Salman Asghar No. 1575

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188.	Ex-Constable Hayat Ali No. 1614
189.	Ex-Constable Lingat Ali Khan No. 1414
190.	Ex-Constable Yaqub Khan No. 1601
191.	Ex-Constable Anwar Ali No. 1069
192.	Ex-Constable Rehmat Zaid No. 1679
193.	Ex-Constable Fayaz Ali No. 914
194.	Ex-Constable Wali Ahmad No. 841
195.	Ex-Constable Barkat Ali Khan No. 190/RR
196.	Ex-Constable Nazir Mahmood No. 1771
197.	Ex-Constable Mohim Bacha No. 1608
198.	Ex-Constable Muhd. Khashif No. 1579
199.	Ex-Constable Nisar Ahmad No. 1565
200.	Ex-Constable Fazal Haq No. 1589
201.	Ex-Constable Ajab Khan No. 1553
202.	Ex-Constable Shah Ali Yar Khan No. 1645
203.	Ex-Constable Hazrat Ali No. 1797
204.	Ex-Constable Zia Ullah No. 104/RR
205.	Ex-Constable Naeem Iqbal No. 1716
206.	Ex-Constable Amjad Ali No. 1624
207.	Ex-Constable Farhad Ali No. 127
208.	Ex-Constable Hazrat Usman No. 1691
209.	Ex-Constable Umar Zaman No. 160/RR
210.	Ex-Constable Zafar Ali No. 159
211.	Ex-Constable Saeed Ullah No. 1513
212.	Ex-Constable Sher Bahadar Shah No. 211/RR
213.	Ex-Constable Arif Ali Shah No. 828
214.	Ex-Constable Fazal Ali No. 1647
215.	Ex-Constable Abdur Rehman No. 1607
216.	Ex-Constable Muhammad Ikram No. 240
217.	Ex-Constable Inayat Ullah No. 1665
218.	Ex-Constable Sajid Ullah No. 1672
219.	Ex-Constable Kori Ullah No. 1788
220.	Ex-Constable Umar Muhammad No. 1361
221.	Ex-Constable Nawab Rehman No. 1664
222.	Ex-Constable Zai Ullah Khan No. 9/RR
223.	Ex-Constable Qayum Khan No. 1586
224.	Ex-Constable Imran Ali No. 531
225.	Ex-Constable Nasir Ali No. 1623
226.	Ex-Constable Rizaz Ali No. 1559
227.	Ex-Constable Halder Ali No. 1667
228.	Ex-Constable Badshah Muhammad No. 142/RR

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OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

No. SI/1656

/17, dated Peshawar the 15/3/2017

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 114A of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-Constable Noor Khan No. 402. The appellant was dismissed from service by DPO, Dir Lower vide OB No. 361, dated 16.03.2009 on the charge of absence from duty for 02 months and 04 days.

Meeting of Appellate Board was held on 02.03.2017 wherein appellant was heard in person. During hearing petitioner contended that he was posted at Malakand Region as DFC. He could not bring Summon and Warrants to the area because of terrorism. Terrorists and Taliban threatened him time and again on his cell phone.

The Board examined his service record which revealed that appellant has no bad entry during his service. Moreover, he has qualified Recruit Course and A-1 examination.

Keeping in view 07 years, 11 months and 12 days service at the credit of petitioner and threats from Terrorists and Taliban, the Board decided that the petitioner is hereby re-instated in service, however, the Intervening period including period of absence from duty is considered as period in service but not on duty and he will not be entitled for salary of the intervening period. He will remain under special watch for one year.

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

Signature

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

SI/1657-64/17.

Copy of the above is forwarded to the:

1. Regional Police Officer, Malakand at Swat.
2. District Police Officer, Dir Lower.
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.
8. Central Registry Cell, CPQ.

*Similar copy placed
for control
Dis. received in 2019
Retained by Deptt.*

*Appellate
Board
order*

ORDER

This order shall dispose of departmental appeal under rule 10 of (Khyber Pakhtunkhwa) Police Rules 1975, submitted by Ex-constable Sadique Rehman No. 4881 of FRP Malakand Range, against the order of SP FRP Malakand Range, Swat, wherein he was removed from service.

Brief facts of the case are that Ex-constable Sadique Rehman No. 4881 of FRP Malakand Range was enlisted as constable on 20.07.2007. Later on during the course of duty he was absented himself from duty with effect from 20.07.2008, till the date of his removal from service.

In this regard he was issued charge sheet and statement of allegations, but neither he reported for duty, nor replied to charge sheet within stipulated period. Thereafter, on 08.11.2008 he was issued Urdu Parwan, but he failed to do so, therefore the Enquiry Committee recommended him for major punishment of removal from service. Later on he was issued final show cause notice but his reply was not received within stipulated period.

In the light of recommendation of Enquiry Committee and other material available on record, he was removed from service by the SP FRP Malakand Range, Swat, vide office OB No. 151, dated 14.11.2009.

After going through the available record it has pointed out that the appellant has neither participated with enquiry proceedings, nor provided opportunity of personal hearing.

The applicant has heard in person in orderly room held on 03.08.2017 during the course of hearing he contended that at those days the Swat valley was under control of miscreants/Taliban and were kidnapping, killing the Government employees, especially of Police department. He further stated that being a member of the Force (Police Department) he was received threat from Taliban, then he along with his family members were compulsively shifted to other safe place i.e. Punjab Province. He further added that his removal from service order was not communicated to him. His plea was found plausible and satisfactory.

Keeping in view the above, it is hereby recommended that the appellant being a trained soldier he (Ex-constable Sadique Rehman No. 4881 of FRP Malakand Range) who was removed from service and the period of his absence from duty and the intervening period are hereby modified and converted into major punishment of reduction in pay. The period of his absence from duty and the intervening period are considered as period in service but not on duty and he will not be entitled for salary of his absence and intervening period.

Order signed

Copy of above is forwarded to the ... information and necessary action. His name record ...

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This order shall dispose of departmental appeal under rule 11 of Khyber Pakhtunkhwa Police Rules 1975, submitted by Ex-constable Taj Bhadar No. 4899 of FRP Malakand Range, against the order of SP FRP Malakand Range, Swat, wherein he was removed from service.

Brief facts of the case are that constable Taj Bhadar No. 4899 of FRP Malakand Range was enlisted as constable on 26.07.2007. He was absented himself from duty with effect from 01.04.2009, till the date of his removal from service.

In this regard he was issued charge sheet and statement of allegations, but neither he report/arrival for duty nor replied to charge sheet within stipulated period. Thereafter, on 28.04.2009, he was issued show cause notice. He failed to do so. Therefore, the Enquiry Committee recommended him for major punishment of removal from service. Later on he was issued final show cause notice but his reply was not received within stipulated period.

In the light of recommendation of Enquiry Committee and material available on record he was removed from service by the SP FRP Malakand Range, Swat, vide office OB No. 294, dated 21.02.2009.

After going through the available record it has pointed out that during the course of enquiry the applicant has neither participated with enquiry proceedings nor provided opportunity of personal hearing.

The applicant was heard in person in orderly room held on 03.08.2017, during the course of hearing he contended that at those days the Swat valley was under control of miscreants/Taliban and were kidnaping, killing the Government employees especially of Police department. He further stated that being a member of the Force (Police Department) he was received threat from Taliban, then he alongwith his family members were compulsively shifted to other safe place i.e. Karachi. He further stated that his removal from service order was not communicated to him. His plea was found plausible and satisfactory.

Keeping in view the above vis-a-vis his unblemished service record, also a trained soldier he (Ex-constable Taj Bhadar No. 4899 of FRP Malakand Range) is hereby reinstated in service and the punishment of his removal from service is hereby cancelled and converted into major punishment of deduction in pay basis, as far as possible. The period of his absence from duty and the intervening period are considered as period in service but not on duty and he will not be entitled for salary of his absence and intervening period.

Order announced

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Commandant
Frontier Reserve Police
Peshawar

No. 5985/EC dated Peshawar 21.08.2017

Copy of above order is being sent to the SP, Malakand Range, Swat for information and necessary action. Copy of above order sent here with

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 180/2019.

**Adnan S/o Gohar Nosh R/o Mardan, Ex-constable No. 1628 FRP, Kohat Range,
Kohat Appellant.**

VERSUS

1. **Superintendent of Police, FRP,
Kohat Range, Kohat.**
2. **Commandant FRP,
Khyber Pakhtunkhwa, Peshawar.**
3. **Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar..... Respondents.**

PRELIMINARY OBJECTIONS

1. That the appeal is badly time barred.
2. That the appeal is not maintainable in the present form.
3. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
4. That the appellant has no cause of action to file the instant appeal.
5. That the appellant has not come to this Honorable Tribunal with clean hands.
6. That the appellant is estopped due to his own conduct to file the instant Service Appeal.
7. That the appellant is trying to conceal material facts from this Honorable Tribunal.

WRITTEN REPLY ON BEHALF OF RESPONDENTS.

RESPECTED SHEWETH.

FACTS:-

1. Para No. 1 is admitted to the extent of enlistment of appellant as claimed. However, from perusal of his service record it reveals that during his past service he had been absent from lawful duty with effect from 27.10.2008 and subsequently involved in criminal case vide FIR No. 705, dated 08.11.2008 U/S 302/34 Police Station Rustam, District Mardan, to which he was removed from service vide order dated 18.02.2009. Thereafter the appellant filed a Service Appeal No. 572/2012 before the Honorable Tribunal and he was reinstated in service by the Honorable Tribunal vide judgment dated 02.07.2014, which was implemented vide office order Endst; No. 4808-14, dated 28.05.2015. In this score the appellant has been remained out from service for a long period of more that 07 years.
2. Para No. 1 is pertains to record, needs no comments.
3. Pertains to record.
4. Incorrect and denied. That the appellant has no good reputation as per his service record, which reveals that he was remained absent from duty for a period of 151 days, thereafter he again absented himself from lawful duty with effect from 27.10.2008 and also involved in heinous criminal case vide FIR No. 705, dated 08.11.2008 U/S 302/34 Police Station Rustam, District Mardan and after proper enquiry he had been removed from service previously vide Order

Endst; No. 332-35/PA, dated 18.02.2009. (Copy of order is attached as annexure "A").

5. Para No. 4 is admitted to the extent that on the allegation of wilful absence the appellant was issued Charge Sheet alongwith Summary of Allegations and served upon him through DPO Mardan, with the directions to submit his reply within 07 days positively, but he failed to submit his reply. (Copy of Charge Sheet attached as annexure "B").
6. Incorrect and denied. The Charge Sheet alongwith Summary of Allegation was issued and served upon the appellant on his home address, through DPO Mardan, vide office memo No. 396, dated 18.08.2017, which was served upon his uncle and in this regard the statements of witness has also been recorded, which is a valid proof. (Copy of Charge Sheet alongwith witness attached as annexure "C").
7. Incorrect and denied. Proper departmental proceedings were initiated against the appellant as per law. After fulfillment of all legal formalities he was dismissed from and the absence period was treated as absence from duty as without pay and which is not comes into the ambit of punishment under the law.
8. Incorrect and denied. That the appellant submitted departmental appeal before the appellate authority on 30.07.2018, which was thoroughly examined and rejected on 15.10.2018 on the grounds of time barred and meritless.
9. Thereafter, he submitted mercy petition before the Inspector General of Police, Khyber Pakhtunkhwa, Peshawar, which was rejected/ filed on the grounds of time barred.
10. Incorrect and denied. The cases mentioned by the appellant in the Para are not at far with the case of the appellant.

GROUND:-


- a. The para has already been explained in para No. 1 of facts.
- b. Incorrect and denied. The appellant was deliberately absented himself from lawful duties without prior permission or any leave. The plea of illness taken by the appellant is a propounded story as the appellant was failed to produced any medical certificates before the Enquiry Officer or before the competent authority, during the course of enquiry.
- c. Incorrect and denied. That the appellant was dismissed from service on account of absence from lawful duty and the period of absence was treated as absence from duty leave without pay, which is not a punishment according to Police Rules 1975 amended 2014.
- d. Incorrect and denied. The allegations are false and baseless. The appellant was already informed accordingly.
- e. Incorrect and denied. That the appellant was remained absent from lawful duty for a long period of 118 days, without any leave or prior permission of his seniors, which is gross misconduct on his part. Moreover, the cases mentioned


by the appellant in the Para, were reinstated by the department or Service Tribunal, purely on merit. Moreover, the case of the appellant has badly time barred and meritless.

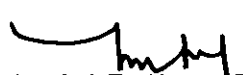
- f. Incorrect and denied. As explained in the preceding Paras proper departmental enquiry has been initiated against him as per law/rules. Moreover, the appellant was already served with Charge Sheet and Show Cause Notice, thus there is no need of publication in the daily newspaper as per Police Rules 1975 amended in 2014.

PRAYERS:-

It is therefore, most humbly prayed that in the light of aforesaid facts/submission, the service appeal may kindly be dismissed with cost.


Superintendent of Police, FRP,
Kohat Range, Kohat.
(Respondent No.1)


Commandant FRP,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No. 2)


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No.3)

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O.R.D.E.R

This office order relates to the disposal of formal departmental enquiry against Constable Adnan, No.3985, of FRP/HQrs: Peshawar, remained absent from duty w.e. from 27-10-2008 till-to-date without any leave/permission of the competent authority. The DPO Mardan vide his Memo No.14313/GB, dated 19-11-2008 intimate this office that the defaulter official has been involved in a criminal case vide case FIR No.705, dated 08-11-2008 U/S 302/34 PPC, PS Rustam .

In this connection formal departmental proceedings was initiated against him and RI/FRP/HQrs, Peshawar was nominated as Enquiry Officer. He conducted enquiry into the matter and submitted his report wherein he recommended to take Ex-parte action against him. Upon the findings of Enquiry Officer he was issued Final Show Cause Notice, which he received but failed to submit his reply with in the stipulated period of (14) days.

Keeping in view the recommendation of the Enquiry Officer and other material available on record it has become crystal clear that the delinquent official is habitual absentee and always remained absent from duty on one pretext or another. Being a member of a discipline force he is also a fugitive in a criminal case vide case FIR No.705, dated 08-11-2008 U/S 302/34 PPC, PS Rustam. Therefore, in exercise of Powers vested to me under the NWFP, Removal from Service (Spl: Powers) Ordinance 2000. Constable Adnan, No.3985, of FRP/HQrs, is hereby Removed from Service and the period of absence is treated as Leave without pay.

Order announced.

Awal Khan

(AWAL KHAN)
Dy: Commandant,
Frontier Reserve Police,
NWFP, Peshawar.

No. 330 - 33 /PA/FRP/HQrs: dated Peshawar, the 18/02/2009.

Copy of the above is forwarded to:-

1. The OSI/ FRP/HQrs: Peshawar
2. The Accountant /FRP/HQrs: Peshawar.
3. The SRC/FRP/HQrs: Peshawar
4. The FMC/ FRP/HQrs: Peshawar with original Enquiry file.

FRP. HQS
O.D. No. 334
Date 00/02/09

No. 391 /PA/FRP

Dated. 15/08/2017

PA/CH Sheet-2017

CHARGE SHEET

- I) I, Mian Imliaz Gul, SP FRP Kohat as competent authority, am of the opinion that you Constable Adnan No. 1628 of FRP Platoon No. 121 have committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975.
- a) You, Constable Adnan No. 1628 were relieved from security point vide DD No. 10 dated 13.07.2017 to report at FRP HQrs Peshawar for further departure to FRP Kohat but you failed to do so and absented yourself w.e.f 13.07.2017 vide FRP HQrs Peshawar DD No. 33 dated 13.07.2017 and have not reported till date. Your previous record is not good as previously you had remained absent for 47 days and were awarded punishment for the same but you did not mend your trend. Thus you have committed a gross "Misconduct" as defined in Rule 2 (iii) of Police Rules 1975 and have rendered yourself liable to be proceeded against departmentally.
- II). By reason of the above, you seem to be guilty as sufficient materials is placed before the undersigned; therefore it is decided to proceed against you in general police proceeding.
- III). You are; therefore, required to submit your written reply within 07 days of the receipt of this charge sheet to the Enquiry Officer.
- IV). Your written reply, if any, should reach the Enquiry Officer within specific period, failing which it shall be presumed that you have no defense to offer and in that case, ex-parte action shall follow against you.
- V). Intimate as to whether you desire to be heard in person or not?
- VI) A statement of allegation is enclosed.

(Mian Imliaz Gul)
Superintendent of Police, FRP
Kohat Range, Kohat

DISCIPLINARY ACTION

I, Mian Imtiaz Gul, SP FRP Kohat as competent authority, am of the opinion that you Constable Adnan No. 1628 of FRP Platoon No. 121, have committed the following acts/omission as defined in Rule 2 (lii) of Police Rules 1975:

STATEMENT OF ALLEGATION

1. a) You, Constable Adnan No. 1628 were relieved from security point vide DD No. 10 dated 13.07.2017 to report at FRP HQrs Peshawar for further departure to FRP Kohat but you failed to do so and absented yourself w.e.f 13.07.2017 vide FRP HQrs Peshawar DD No. 33 dated 13.07.2017 and have not reported till date. Your previous record is not good as previously you had remained absent for 47 days and were awarded punishment for the same but you did not mend your trend. It is a gross "Misconduct" on your part as defined in Rule 2 (iii) of Police Rules 1975 and have rendered yourself liable to be proceeded against departmentally.
2. For the purpose of scrutinize the conduct of said Constable with reference to the above allegations, SI Noor Ali LO FRP Kohat is appointed as enquiry officer.
3. The enquiry officer shall conduct proceeding in accordance with provision of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record it is finding and make with twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused official.
4. The delinquent official shall join the proceeding on the date, time and place fixed by the officer.

(Mian Imtiaz Gul)
 Superintendent of Police, FRP
 Kohat Range, Kohat

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16101-4657460-3

0346988956

SWAT

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16101-4657460-3

SWAT

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Handwritten note: 'مقامی حکومت'

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R/Six

Returned after Compliance

Signature and initials at the bottom right.

(1)

جناب عالی! اینٹونیکر ڈرائنگ کیل عدنان 1628 بلڈون 151 سال آن کون FRP پتہ پتہ

مخصوص خدمت میں کہیں مذکورہ بالا بحوالہ آرڈر نمبر 4789-921 Be 12.06.07 تاریخ تھا۔

مکانات صاف FRP پتہ پتہ آن کون آرڈر کیل پتہ پتہ نقل آرڈر نمبر پتہ پتہ

حکو بحوالہ 33 روزنامہ 07 13 سیکورٹی پونٹ FRP پتہ پتہ آرڈر نمبر پتہ پتہ

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اور مذکورہ بحال اور فرم 332-35/PA ایک بار پھر حکم لوہن سے درخواست ہو کر
15.2.09

سفارتشہ کرنا بحال 334 No, 08 دوبارہ بحال کر دیا گیا ہے مذکورہ نام کے بار
20.2.09

PRP میں پندرہ گوارا سفار سے معلومات کے بحال کے لئے فرما تم 08/017 30 اپریل 2008
فرم سے 08/017 کو مذکورہ نام کے بار سے PRP میں پندرہ گوارا سفار سے ایک بار پھر سفارتشہ کرنا

معلومات کے بار سے پندرہ گوارا سفار سے ایک بار پھر سفارتشہ کرنا اور مذکورہ نام کے بار سے 08/017 26
PRP میں پندرہ گوارا سفار سے

معلومات کے بار سے پندرہ گوارا سفار سے ایک بار پھر سفارتشہ کرنا اور مذکورہ نام کے بار سے 08/017 26
PRP میں پندرہ گوارا سفار سے

معلومات کے بار سے پندرہ گوارا سفار سے ایک بار پھر سفارتشہ کرنا اور مذکورہ نام کے بار سے 08/017 26
PRP میں پندرہ گوارا سفار سے

معلومات کے بار سے پندرہ گوارا سفار سے ایک بار پھر سفارتشہ کرنا اور مذکورہ نام کے بار سے 08/017 26
PRP میں پندرہ گوارا سفار سے

معلومات کے بار سے پندرہ گوارا سفار سے ایک بار پھر سفارتشہ کرنا اور مذکورہ نام کے بار سے 08/017 26
PRP میں پندرہ گوارا سفار سے



SI-10.FRP.KT
E0
06-09-017

B/S

FINAL SHOW CAUSE NOTICE

Whereas you **Constable Adnan No. 1628/FRP**, while deployed on loan in FRP HQrs: Peshawar were relieved from security point vide DD No. 10 dated 13.07.2017 to report at FRP HQrs: Peshawar for further departure to FRP Lines Kohat in connection with repatriation vide order Endst: No. 4789-92/EC dated 12.06.2017 but you failed to do so and absented yourself w.e.f 13.07.2017 vide FRP HQrs: Peshawar DD No. 33 dated 13.07.2017 and reported back on 26.08.2017 (total absence period is 44 days). Your previous record is not good as previously you had remained absent for 47 days and were awarded punishment for the same but you did not mend your trend.

Accordingly departmental Inquiry was conducted against you. The E.O in his finding report has found you guilty of the charges leveled against you and has recommended you for major punishment.

NOW, THEREFORE, I, Mian Imtiaz Gul, Superintendent of Police, FRP Kohat Range, Kohat in exercise of the powers vested in me under the Khyber Pakhtunkhwa Police Rules – 1975 hereby call upon you **Constable Adnan No. 1628/FRP**, through this Final Show Cause Notice to explain your position within 07 days of the receipt of this notice, as to why you should not be awarded one or more Major or Minor Punishment as mentioned in Rule (4) of KP Police Rules 1975. In case of non receipt of reply within the stipulated period, an ex-parte action will be taken against you. Also state in writing as to whether you desire to be heard in person or not. Copy of finding report of Enquiry Officer is enclosed herewith.

No. 422 /PA

Dated 07/09 /2017

(Mian Imtiaz Gul)
Superintendent of Police, FRP
Kohat Range, Kohat

شوکازیمبر 422 - ڈائری نمبر 1704

07-09-17

مخبر عالی

وقت 10:00 صبح 09
اس وقت پورے پٹیالہ کی کھیل میدان 1628 کو اطلاع کیا گیا
17 FRP

مکہ مذکورہ کھیل گاہ میں موجود نہ تھا۔ اللہ مذکورہ کھیل کے مقام پر کھیل شروع ہوا۔
PTC گاڑیوں میں موجود تھا۔ نقل کا پی حوالہ کرنے دستخط کر کے - 21-9-17
واپس ارسال ہوتے ہیں - رپورٹ کریں گے۔

ASi PP. Carryalra
21-9-2017

nic 16191-5125563-1

mob 9302 4029 974

تیمور خان ولد گدھڑویش سیدہ گدھڑویش پٹیالہ ضلع وردان

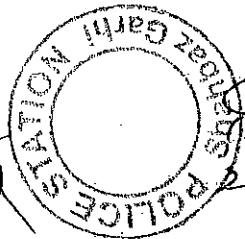
مخبر عالی

نقل حسب ضابطہ میگزین ایک نقل ہے
کھیل مذکورہ کے مقام پر پٹیالہ - Di - PTC
موجود تھا۔ رپورٹ آگے منتقل
اور قابل ملاحظہ ہے۔ اصل ہذا فائل
ارسال فرماتے ہیں۔

R/Six,

Returned after
Compliance

SOP
26-9-17



23-9-17

44

ORDER

This order will dispose of the departmental appeal preferred by ex-constable Adnah No. 1628 of FRP Kohat Range, against the order passed by SP FRP Kohat Range, Kohat vide OB No. 733, dated 12.10.2017, wherein he was awarded major punishment of dismissal from service. The applicant was proceeded against on the allegations that he was deployed on loan in FRP HQrs: Peshawar. He was relieved from security point duty vide DD report No. 10, dated 13.07.2017, with the direction to report at FRP HQrs: Peshawar for further departure to FRP Line Kohat as he was repatriated to FRP Kohat vide office order Endst: No. 4789-92/EC, dated 12.06.2017, but he failed to do so and absented himself with effect from 13.07.2017 vide DD report No. 33, dated 13.07.2017 and reported back on 26.08.2017 and remained absente for a period of 44 days.

In this regard, proper departmental enquiry was conducted against him, and SI Noor Ali Line FRP Kohat was appointed as Enquiry Officer. During the course of enquiry the Enquiry Officer found him guilty of the charges leveled against him and recommended him for major punishment.

In the light of recommendation of the Enquiry Officer he was issued final show cause notice vide office No. 422/PA, date 07.09.2017, but he failed to submit reply within stipulated period. Thus he was awarded major punishment of dismissal from service vide OB No. 733, dated 12.10.2017.

It is worth mentioning here that previous he was removed from service due to his long absence from duty by Deputy Commandant FRP, KP, Peshawar vide order Endst: No. 332-35/PA, dated 18.02.2009. Later on he was reinstated in service by worthy Commandant FRP KP, Peshawar vide order Endst: No. 4808-14/EC, dated 28.05.2015 in compliance with service Tribunal Khyber Pakhtunkhwa judgment dated 02.07.2014 and attached him for the purpose pay etc to FRP Kohat Range vide order Endst: No. 5510-12/OASI, dated 24.06.2015.

Feeling aggrieved against the impugned order of SP FRP Kohat Range, Kohat, the applicant preferred the instant appeal. The applicant was summoned and heard in person in Orderly Room held on 03.10.2018.

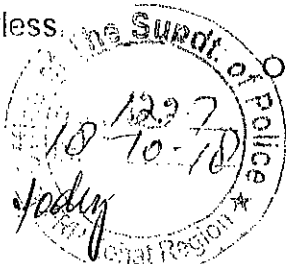
During the course of personal hearing, the applicant failed to present any justification regarding his prolongs absence.

Besides from perusal of record it is found that the appellant was dismissed in the past on account of his mis-conduct who later on, was reinstated into service.

In the instant case, it transpired that the appellant again remained himself absented for a period of 44 days without any cause of justification, warranting departmental action, hence the competent authority rightfully imposed major punishment on the accused officer of dismissal from service. Therefore any leniency or complacency would further embolden the accused officer and impinge upon the adversely on the over all discipline and conduct of the force.

Based on the findings narrated above, I, **Sajid Ali PSP** Commandant FRP Khyber Pakhtunkhwa, Peshawar, being the competent authority, has found no substance in the appeal, therefore, the same is rejected and filed being badly time barred and meritless.

Order Announced.



*1. Roll-1
1. File-1
2. Serial no. today*

*BHC/SRL
for info and follow up from the appellant.*

Superintendent of Police,
FRP Kohat Range,
Kohat

Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar.

18/10/18

No 10303 /EC, dated Peshawar the 13/10 /2018.

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

1. SP FRP Kohat Range, Kohat. His service record alongwith D file sent herewith.
2. Ex-constable Adnan No. 1628 S/O Gohar Nosh, Police Station Rustam, Village Garyala, District Mardan.

*J/P
18/10*

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S. A. No. 180 /2019

Adnan

versus

SP & others

REPLICATION**Respectfully Sheweth,****Answer To Preliminary Objections:**

All the 07 preliminary objections are illegal and incorrect. No reason in support of the same is ever given as to why the appeal is barred by law and limitation, the same is not maintainable, the same is bad for mis and non-joinder of necessary parties, he has no cause of action, he has not come to the hon'ble Tribunal with clean hands, he is estopped by his own conduct and is trying to conceal material facts from the Hon'ble Tribunal.

ON FACTS

1. Admitted correct to the extent of enlistment of appellant in service in the year 2004. The period of absence has been dealt with are ready and involvement in FIR does not required punishment until and unless convicted. He was reinstated in service and the period he remained out of service was not the lapses on his part but on the part of respondents.
2. Needs no comments regarding PTC training and qualified the same.
3. Needs no comments regarding services in various Police Stations.
4. Not correct. The para of the appeal is correct regarding marks of absence from duty. The absence, if any, was not willful but was involvement in FIR. The Charge Sheet was never served upon him.

5. Not correct. The Charge Sheet was not served upon appellant to submit reply to the same.
6. Not correct. The para of the appeal is correct regarding non-conduct of inquiry as per the mandate of law and when absence period was treated as leave without pay, than there was no need to dismissing from service.
7. Not correct. The para of the appeal is correct regarding submission of representation and its rejection.
8. Not correct. Appellant submitted Revision Petition but was rejected. Despite direction of the authority to remit the impugned order to appellant but the same was not complied with and the order was received from the office on 16-01-2019.
9. Not correct. The case is mentioned in the para of appeal are at par with the case in hand. (copy of the judgment dated 02-07-2014 reinstating appellant in service with all consequential benefits, order of reinstatement in service conditionally till the decision of CPLA FIR dated 11-08-2008 and acquittal order dated 12-01-2012 as annex "R", "R/1", "R/2" & "R/3" respectively)

GROUND:

- a. All the grounds of the appeal are legal and correct, while that of the reply are illegal and incorrect.

It is, therefore, most humbly prayed that the appeal be accepted as prayed for.



Appellant

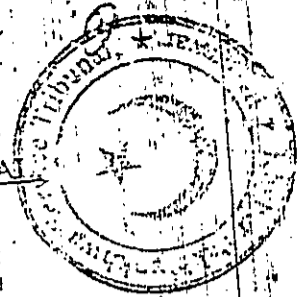
Through



Saadullah Khan Marwat
Advocate,

Dated: 20-03-2020

R
4
BEFORE THE PROVINCIAL SERVICES TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR.



Appeal No. No. 572 /2012

572
3-5-2012

Adnan son of Gohar Nosh Constable No.3985,
FRP Headquarter, Peshawar
R/O Galyara, Rustam District Mardan..... Appellant

VERSUS

- 1) Additional IGP/ Commandant FRP, KPK, Peshawar:
- 2) IGP KPK, Peshawar.
- 3) DIG/Range, Peshawar..... Respondents

ATTESTED

Signature
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Appeal against the order dated 18.02.2009
whereby, the appellant was dismissed from
service for absence without leave and
involvement in a criminal case.

Respectfully Sheweth;

Brief facts leading to this appeal are as under:

- 1) That the appellant has joined the service as Constable in police and has remained posted in FRP Peshawar when he was involved in a criminal case vide FIR NO.705 dated 8.11.2008 u/s 302/34 PPC police station Rustam and therefore, due to fear of the complainant party he remained absent from duty for about 3 months and 21 days when vide order dated 18.02.2009 he was dismissed from service vide order Endst:No.332-55/PA dated 18.02.2009.
- 2) That the appellant was arrested in the aforementioned case on 11.01.2011 and was put to jail for facing trial however, he contacted

Filed to
3/5/12

ASAD
Signature

Serial of Order or proceedings	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
	2	3

22.7.2014

Appeal No. 572/2012
(Adnan-vs-Additional IGP/Commandant FRP, KPK, Peshawar etc.)

Appellant with counsel and Mr. Pisanullah, ASI (A) on behalf of respondents and Mr. Usman Ghani, Sr. C.P present. Arguments heard and record perused.

Adnan, appellant, a Constable in Frontier Reserve Police (FRP), was charged for murder vide FIR No. 705 dated 8.11.2008 under section 302/34 PPC Police Station Rustam, and also proceeded against departmentally, culminating in his removal from service by the competent authority i.e Deputy Commandant, FRP, NWFP, Peshawar vide impugned order dated 18.2.2009. Against the order of the competent authority, the appellant preferred departmental appeal, which was, however, rejected by the appellate authority i.e. Additional IGP, Commandant, FRP, KPK, Peshawar (Respondent No. 1) hence this appeal, inter-alia, on the grounds that he was falsely involved in the criminal case and that on acceptance of his application under section 265-K Cr.P.C, he was acquitted of the charge by the Addl. Sessions Judge-I, Mardan vide judgment dated 12.01.2012; that he had no chance to prefer appeal due to his involvement in the earlier case and trial/criminal proceedings against him, but after his acquittal from the trial Court, he was entitled to be reinstated in service; and that being a trained member of police force and also having no serious disciplinary charge against him in the past, he deserved to be given a chance to serve the department once again with the same devotion and dedication.

The appeal was resisted by the respondents who raised several objections in their written reply/para-wise comments including preliminary objection with regard to limitation and further objections.

TESTED

[Handwritten Signature]
 Additional IGP
 Peshawar

[Handwritten Signature]

the effect that the appellant absented from official duty and also absconded in the criminal case, therefore, he was proceeded against departmentally and after proof of charge against him, he was removed from service and also that his departmental appeal was rejected on sound grounds after due consideration. The respondents defended the impugned action against the appellant on the grounds that proper procedure prescribed by the law was adopted and the appellant was removed from service only after he was found guilty of the charge.

During the course of arguments, the learned counsel for the appellant produced copies of the order of the Tribunal dated 23.5.2014 in the case of one Tainour, who, according to the learned counsel, is brother of the appellant and was also involved in the criminal case alongwith the appellant and discharged from service by the competent authority i.e. District Police Officer, Mardan; but has, subsequently, been reinstated by the appellate authority i.e. D.I.G of Police, Mardan Region-I, Mardan, whereupon his appeal was withdrawn from the Tribunal.

Be that as it may, the appellant was charged, as the charge sheet and statement of allegations would show, only for his involvement in the criminal case and no allegation of absence from duty was levelled against him in the charge sheet and statement of allegations. Therefore, his acquittal in the criminal case would *ipso-facto* entitle him to reinstatement as the charge is no longer available against him.

As regards the allegation of absence from duty, suffice it to say that not only the allegation has been levelled belatedly in the impugned order as the same finds no mention in the charge sheet and statement of allegations, but after treating the period of absence as leave without pay by the competent authority, this allegation also vanishes in the thin air.

So far objection with regard to limitation is concerned, the service appeal has been lodged within one month on 23.5.2012 after departmental appeal of the appellant was rejected on merits, and not on limitation, by the appellate authority on 2.5.2012. Besides, after his acquittal in the criminal case on 12.01.2012, the appellant could lawfully prefer departmental appeal within one month on 01.2.2012.

Consequently, the appeal is accepted, impugned orders of the competent authority dated 18.2.2009 and that of the appellate authority dated 2.5.2012 are set aside and the appellant is reinstated in service with consequential benefits, if any. There shall, however, be no order as to costs.

ANNOUNCED
02.7.2014

Sd/- Member
Sd/- Chairman

Certified to be true copy

[Signature]
K. S. Srinivasan
Secretary

Date of Receipt of copy *4-7-2014*
 No. of copies *1600*
 Copy to *10*
 To *2*
 To *12*
 To *10*
 Date of delivery of copy *4-7-2014*
 Date of delivery of copy *4-7-2014*

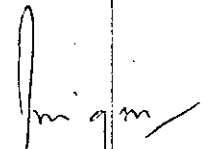
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R/1

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ORDER

As per directions of Inspector General of Police Khyber Pakhtunkhwa, Peshawar vide CPO letter No.2606/Legal, dated 25.05.2015, the decision of Khyber Pakhtunkhwa Service Tribunal, Peshawar dated 02.07.2014 in service appeal No.572/2012 is hereby implemented, Ex- Constable Adnan No. 3985 of FRP/Head Quarters Peshawar, is hereby re-instated in service on conditional basis till the decision of CPLA lodged against the above mentioned judgment.



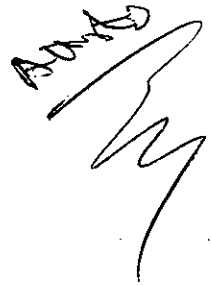
**Commandant,
Frontier Reserve Police,
Khyber Pakhtunkhwa, Peshawar.**

No. 6808/19 / EC, dated Peshawar the 28 /05/2015.

LR
28/05

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

- 1- Dy: Commandant FRP, KPK. Peshawar.
- 2- DSP/FRP/HQrs: Peshawar.
- 3- OASI/SRC/Accountant FRP HQrs:
- 4- Constable Adnan S/o Gohar Nosh No. 3985 R/o Galyara Rustim District Mardan.



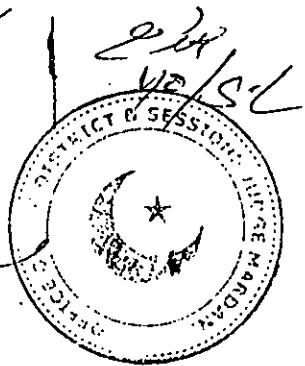
R13

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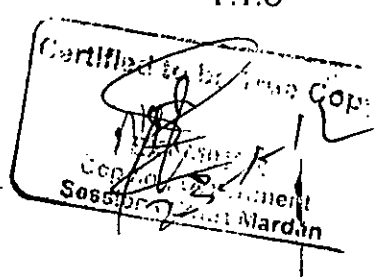
O----11
12.01.2012

Accused Adnan and Taimour on bail with counsel and SPP for the State present. Arguments on application heard and case file perused.

This order is meant to dispose of the instant petition submitted in case FIR No.705 dated 08.11.2008 u/Ss 302/34 PPC registered at PS Rustam, Mardan by above named accused, wherein they have sought their acquittal u/s 265-K Cr.P.C on the grounds that the facing trial accused/petitioners are totally innocent and have falsely implicated with malafide

P.T.O

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intention in the present case and the accused may be acquitted of the charge being totally innocent.

Brief facts of the prosecution case are that on 08.11.2008 at 12:30 hours complainant Sulaiman Shah son of Muslim Shah resident of Garyala brought the dead body of his brother namely Zaheen Shah with the help of his co-villagers, to PS Rustam and reported the matter to the effect that on the day of occurrence alongwith his decd brother came out of their house and were proceeding towards nearby shops. His brother was some steps ahead from him, when at 12:30 hrs they reached to the place of occurrence, there Adnan and Taimoor sons of Gohar Nosh were present duly armed with pistols and on seeing them started firing with their respective pistols, due to which his brother Zaheen Shah got injured and he took him in injured condition to DHQ, Hospital, Mardan, where he succumbed to his injuries. Motive was disclosed as an oral altercation took place between the decd and accused party one day prior to the occurrence. Thus he charged the accused Adnan and Taimoor for the commission of offence and the present case was registered against the accused named above under the relevant law.

After the completion of investigation accused were sent up for trial to this Court. On the commencement of trial, they were charge sheeted to which they met with denial and claimed trial. The prosecution in order to substantiate its case against the accused was invited to produce/record its evidence.

In support of its case the prosecution produced/examined as many as five (05) PWs in all, whose statements were recorded and placed on file. Thereafter learned defence counsel moved an application for the disposal of the case u/s 265-K Cr.P.C, notice of the same was given to the prosecution for its confirmation or otherwise.

Learned defence counsel contended that accused is totally innocent and falsely implicated in the present case. That no incriminating thing was recovered from the accused or on their pointation. That the instant case is fake and concocted one. Therefore, he prayed for acquittal of accused within the meanings of section 265-K Cr.P.C.

Learned SPP for the state counsel strongly resisted the arguments of learned counsel for the accused facing trial.

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[Signature]
Sessions Court Mardan

[Signature]

Arguments on the application heard and file perused.

Perusal of the record would transpire that though both the accused have been directly nominated in the FIR but the star/material witness (complainant) of prosecution was examined as PW-1 though formally supported the prosecution case through his statement in examination-in-chief but during his cross examinations he totally exonerated the accused by saying that he had charged the accused after consultation on the basis of suspicion. That after satisfying himself regarding the innocence of accused, he does not want to prosecute the accused facing trial anymore.

It is also pertinent to mention here that both the accused were released on bail by this court on the basis of compromise produced by complainant alongwith LHs of the deceased, wherein they recorded his no objection on the release of accused facing trial.

Hence in the circumstances, as the PW/complainant has given concessional statement coupled with compromise produced by the complainant and LHs of the decd, there is no probability of the conviction of accused, thus further recording of evidence would be a futile exercise. Resultantly application submitted by the accused for acquittal u/s 265-K Cr.P.C is accepted and the accused facing trial Adnan and Taimour sons of Gohar Nosh are hereby acquitted of the charge leveled against him. His bail bonds stands cancelled and sureties are hereby discharged from the liabilities towards the bonds.

Case property if any, be disposed of in accordance with law after the period provided for appeal/revision.

File be consigned to record room after necessary completion and compilation.

Announced.
Dt. 12.01.2012.

(Mrs. Riffat Aamir)
Addl: Sessions Judge-I, Mardan.

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Name of Applicant	
Date of Presentation of Application	23/01/12
Date on which copy prepared	23/01/12
Date of delivery	3/1/12
Name of Court	
Court Fee	
Stamp of Court	
Signed of Copyist	
Date of Delivery	23/01/12

Certified True Copy

[Signature]

Copyist

Mardan

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BEFORE THE HONARABLE SERVICE
TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR.

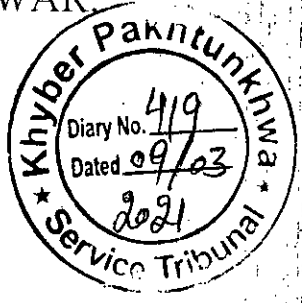
Put up to the court with
refugee appeal.

Adan s/o Gohar Rosh.....Petitioner

9/3/2021

Versus

Police Department.....Respondents



Reader

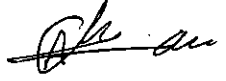
APPLICATION FOR EALY HEARING IN CASE NO. 180/2019 IN
THE ABOVE TITLED CASE

RESPECTFULLY SHEWETH:-

1. That the subject case is pending before this hon'ble court and next date of hearing is fixed for 11/06/2021.
2. That the date of hearing in the above noted case is to much long.
3. That the petitioner is very poor man and there is no likelihood for earing of bread for his children.


It is, therefore, humbly requested that the above captioned case may kindly be fixed for early hearing

Dated:-08/03/2021


Applicant
Through counsel

Adnan

May be accelerated to
a date in 1st week of
May, 2021. Notice
cost to be borne by Applicant.

 15/3/21

5.5.21



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

No. 1018 /ST

Dated: 13-5-2021

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name:

Ph:- 091-9212281
Fax:- 091-9213262

To

The Superintendent of Police FRP,
Government of Khyber Pakhtunkhwa,
Police - 31 Kohat Range Kohat.

Subject: JUDGMENT IN APPEAL NO. 180/2019, MR. ADNAN KHAN.

I am directed to forward herewith a certified copy of Judgement dated 14.01.2022 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR

KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR