



30.01.2023

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Painsdakhel, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 05.04.2023 before the D.B.

SCANNED  
KPST  
Peshawar

  
(Fareeha Paul)  
Member (E)

  
(Salah-ud-Din)  
Member (J)


10.11.2022


Counsel for the appellant present.

Naseer Ud Din Shah learned Assistant Advocate General for the respondents present.

Former requested for adjournment on the ground that he has not prepared the brief. Adjourned. To come up for arguments on 09.01.2023 before D.B.

SCANNED  
KPST  
Peshawar

  
(Fareeha Paul)  
Member (E)

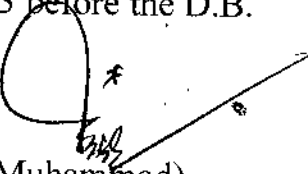
  
(Rozina Rehman)  
Member (J)


09.01.2023

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant seeks further time for preparation of arguments. Adjourned. To come up for arguments on 30.01.2023 before the D.B.

SCANNED  
KPST  
Peshawar


  
(Mian Muhammad)  
Member (E)

  
(Salah-Ud-Din)  
Member (J)

06.04.2022

Appellant present in person. Mr. Sarmad Ali, SI (Legal) for the respondents present.

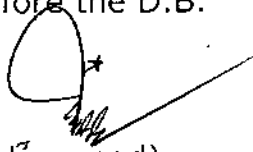
Representative of the respondents furnished reply/comments. Placed on file. To come up for arguments on 07.07.2022 before the D.B. The appellant may submit rejoinder, within a fortnight, if so advised.


  
Chairman

07.07.2022

Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his counsel is not available today due to "strike" of lawyers. Adjourned. To come up for arguments on 31.08.2022 before the D.B.

  
(Mian Muhammad)  
Member (E)

  
(Salah-ud-Din)  
Member (J)

31.08.2022

Bench is incomplete, therefore, case is adjourned to 10.11.2022 for the same as before.


  
Reader

30.11.2021

Counsel for the appellant present. Preliminary arguments have been heard.

Learned counsel for the appellant argued that the appellant has been dismissed from service vide impugned order dated 29.06.2020 and his departmental appeal was also rejected/filed vide appellate order dated 13.08.2021 both the orders are impugned and assailed in the service appeal which has been filed in the Service Tribunal on 09.09.2021. It was further contended that the appellant was sick and requested for medical leave but he was rather proceeded against for willful absence. However, necessary requirements under Rule-9 of the Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules 2011 have not been fulfilled and the appellant has been condemned unheard violating his fundamental rights guaranteed under Article-4 and 25 of the Constitution.

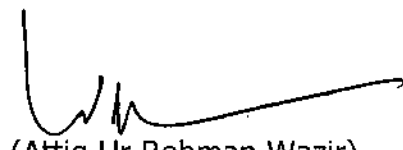
The appeal is admitted to regular hearing subject to all just legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for submission of reply/comments. To come up for reply/comments on 02.02.2022 before S.B.

  
(Mian Muhammad)  
Member(E)

02.02.2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Add: AG alongwith Mr. Sarmad Ali, ASI for respondents present.

Written reply not submitted. Representative of the respondents seeks time for submission of written reply/comments on the next date. Adjourned. To come up for written reply/comments on 06.04.2022 before S.B.

  
(Attiq Ur Rehman Wazir)  
Member(E)

SCANNED  
KPST  
Peshawar

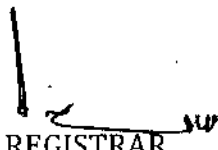

Appellant Deposited  
Security & Process Fee

Form- A

FORM OF ORDER SHEET

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

Case No.- 7495/2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	04/10/2021	<p>The appeal of Mr. Saadat Khan resubmitted today by Muhammad Arif 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</p> <p>2-</p> <p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>30/11/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR

Service Appeal No. 7495 of 2021

Sadat Khan ..... Appellant

VERSUS

Police Department and others

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8-	Roznamcha	"F"	10
9-	Charge Sheet	"G"	11
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Dated 09/09/2021

Appellant

Through

Muhammad Arif Jan Afridi  
Advocate  
High Court, Peshawar  
Cell # 0333-8807676

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

SERVICE APPEAL NO. \_\_\_\_\_/2020

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 7537

Dated 09/9/2021

Mr. Saadat-Khan, Ex-Constable No. 412/Traffic,  
Traffic Police Lines, Peshawar.....

APPELLANT

VERSUS

- 1- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2- The Chief Capital City Police Officer, District Peshawar.
- 3- The Chief Traffic Police Officer, District Peshawar.

.....RESPONDENT

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED  
ORDERS DATED 29.06.2021 WHEREBY MAJOR PENALTY OF  
DISMISSAL FROM SERVICE HAS BEEN IMPOSED ON THE  
APPELLANT AND AGAINST THE IMPUGNED APPELLATE  
ORDER DATED 13.08.2021 WHEREBY DEPARTMENTAL APPEAL  
OF THE APPELLANT HAS BEEN REJECTED ON NO GOOD  
GROUNDS**

**PRAYER:**

That on acceptance of this service appeal the impugned orders dated 29.06.2021 and 13.08.2021 may very kindly be set aside and the appellant be re-instated into service with all back benefits. Any other remedy which this august Tribunal deems fit that may also be granted in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

1- That the appellant was the employee respondent Department and was serving as Constable No.412/Traffic quite efficiently and up to the entire satisfaction of his superior.

Medto-day  
Registrar  
9/9/2021

2- That during service the appellant was seriously ill and due to illness the appellant approached the high ups for medical leave but the authority concerned refused the said request of the appellant. That due to savior illness the appellant left his lawful duty without granting proper medical leave.

3- That the appellant approached the doctor for medical checkup and after detail checkup the doctor concerned advised the appellant for complete bed rest. Copy of the medical prescriptions are attached as annexure.....A.

4- That after recovery from the said illness the appellant approached the concerned quarter for re-joining of his duty but the authority concerned handed over the impugned order dated 29.06.2021 whereby the appellant has

been dismissed from service. Copy of the impugned order is attached as annexure.....B.

5- That appellant feeling aggrieved from the impugned order dated 29.06.2021 preferred Departmental appeal before the appellate authority but the same has been rejected on no good grounds. Copies of the Departmental appeal & appellate order are attached as annexure.....C & D.

6- That appellant feeling aggrieved and having no other remedy but to file the instant service appeal on the following grounds amongst the others.

**GROUND:**

A- That the impugned orders dated 29.06.2021 & 13.08.2021 are against the law, facts, norms of natural justice and materials on the record, hence not tenable and liable to be set aside.

B- That appellant has not been treated by the respondent department in accordance with law and rules on the subjected noted above and as such respondents violated the Article 4 and 25 of the Constitution of Islamic Republic of Pakistan.

C- That the respondent Department acted in arbitrary and malafide manner while issuing the impugned order dated 29.06.2021 which is not tenable in the eye of law, hence liable to be set aside.

D- That no absence notice has been served on the appellant before issuing the impugned order dated 29.06.2021.

E- That no publication has whatsoever been made by the respondent Department before issuing the impugned order dated 02.02.2018 which is necessary as per Rule-9 of the Civil Servant (Efficiency & Discipline) Rules, 2011.

F- That absence of appellant was not willful but due to cause of his illness, therefore, the impugned order dated 29.06.2021 is not tenable in the eye of law and liable to be set aside.

G- That illness of the appellant was in knowledge of the respondents but inspite of that the respondent No.3 issued the impugned order dated 29.06.2021 which is not tenable in the eye of law.

H- That no chance of personal hearing/defense has been provided to the appellant before issuing the impugned order dated 29.06.2021 which is necessary as per judgment of the Apex Court before taking punitive action against the civil servants.

I- That the appellant seeks permission to advance any other ground and proofs at the time of hearing.



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

Dated: 07.09.2021

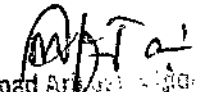


APPELLANT

SAADAT KHAN

THROUGH:

UZMA SYED

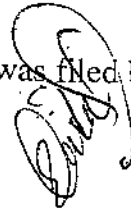


Muhammad Arif  
Advocate High Court  
Mob: 0333-8807676

ADVOCATES

**CERTIFICATE:**

It is certified that no other earlier appeal was filed between the parties.



DEPONENT

**LIST OF BOOKS:**

- 1- CONSTITUTION OF PAKISTAN, 1973
- 2- SERVICES LAWS BOOKS
- 3- ANY OTHER CASE LAW AS PER NEED

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

APPEAL NO. \_\_\_\_\_/2021

SAADAT KHAN

VS.

POLICE DEPTT:

AFFIDAVIT

I Uzma Syed, Advocate High Court, Peshawar on the instructions and on behalf of my client do hereby solemnly affirm and declare that the contents of this **service appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



UZMA SYED  
Advocate  
High Court, Peshawar



2 2

A-5

# TAHIR MEDICAL CENTER



0300-5870006

## طاہر میڈیکل سنٹر

Patient's Name: Sadia Khan Age: 3/6/2022 Sex: M Date: 3/6/2022

### Clinical Record

## Rx

Not Valid For Court

درد  
بوجھ  
کمر  
کمر

- 1) Tab. Diclofenac p
- 2) Tab. Paracetamol 500mg
- 3) Cap. Laseic 200mg  
Twice in J
- 4) Tab. Paracetamol 500mg

Dr. M. TAHIR  
MBBS (MD)  
PMDC (ISLAMABAD)

ORDER

This order will dispose off the departmental enquiry initiated against Constable Saadat Khan No.412 for absentsing himself from duty with effect from 24.04.2021 and still at large without leave/permission of the competent authority. He was detailed for rigorous training to PTC Hangu vide AIG/Trg CPO letter No.4216/Trg, dated 20.04.2021 for his absenteeism and lack of interest towards duty but he failed to report his arrival at PTC Hangu. He was therefore, charge sheeted and SP/Hqrs. Traffic was nominated as Enquiry Officer to conduct formal departmental proceedings against him under the Khyber Pakhtunkhwa Police Rules 1975.

He was served with charge sheet but failed to submit his written reply within the stipulated period of 07-days. The Enquiry Officer therefore, recommended in his findings that ex parte action may be taken against him for his willful and continuous absence.

From on perusal of his service record, it was found that accused constable was enlisted on 30.12.2016. During his short span of service, he earlier remained absent for a period of 35 days on different occasions. Besides this, he has also been awarded minor punishment of forfeiture of 02 years approved service vide this office endst. No.692-95/PA, dated 29.12.2020 (OB No.755, dt. 31.12.2020) by SP/Hqrs. Traffic for involvement in case FIR No.560, dated 16.06.2020 U/S 337-A(2)/34 PPC, PS Badhaber, Peshawar.

Keeping in view recommendation of the Enquiry Officer as well as his blemish service record, an ex-parte action is therefore, taken against accused constable Saadat Khan No.412, is awarded major punishment of dismissal from service under the Khyber Pakhtunkhwa Police Rules 1975 from the date of his absence i.e. 24.04.2021.

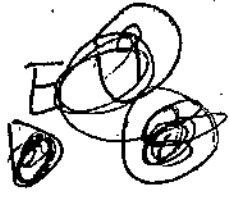
*Mj*  
(ABBAS NAJEED KHAN MARWAT) P  
CHIEF TRAFFIC OFFICER,  
PESHAWAR.

No. 843-46 /PA, Dated Peshawar the 29/06/2021.  
Copies for necessary action to the:-

1. SP/Hqrs. Traffic, Peshawar.
2. Accountant
3. OSI
- ✓ 4. SRC (along-with complete enquiry file consisting of 06 pages)

OB No. 48  
Date 29/6

~~ATTESTED~~



خدمت جنا کیشیل سٹی پولیس انیسر چاب پشاور  
 معین - درخواست برائے بحالی ملازمت و بر خلاف  
 آرڈر ایک نمبر 484 فورم 29/06/2021 جسکی بناء پر  
 سائل کو ملازمت سے برقرار کیا گیا ہے۔

جنا عالی! خودیام گزارش ہے کہ سائل سال 2016ء کو محکمہ پولیس میں

مقرر ہو کر ریٹائر ہو گیا ہے۔

1۔ کہ سائل نے خلاف عہدہ حاضری کی بناء پر محکمہ انکوائری شروع ہو کر سائل کی  
 سائل کو سزا کے طور پر P.T.C پر سزا دینا اور عہدہ حاضری کو سب سے روکنے کے لئے

2۔ کہ چونکہ سائل کو P.T.C روانگی سے متعلق بروقت مطلع نہیں کیا گیا اور چوٹی

سائل کو عہدہ حاضری سے روکا گیا ہے۔

3۔ کہ سائل کو عہدہ حاضری سے روکا گیا ہے۔

4۔ کہ اس سے باوجود سائل نے خلاف محکمہ انکوائری شروع ہو کر سائل کی

کو صفائی کا موقع بااثر نہیں دیا گیا۔ سائل کو ملازمت سے برقرار کیا گیا ہے۔

5۔ کہ سائل نے خلاف قواعد عدالت 560 فورم 16/11/2020 337-A(2) قائم کیا ہے۔

6۔ کہ سائل نے عدالت سے اپنا حق ادا نہیں کیا ہے۔

7۔ کہ سائل نے عدالت سے اپنا حق ادا نہیں کیا ہے۔

8۔ کہ سائل نے عدالت سے اپنا حق ادا نہیں کیا ہے۔

اس لئے درخواست ہے کہ عدالت بالا حلف و کتابت کے تحت سائل کو

ATTESTED

الحق



D-18

OFFICE OF THE  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR


ORDER.

This order will dispose of the departmental appeal preferred by Ex-Constable Sadat Khan No. 412/T who was awarded the major punishment of "Dismissal from service" under PR-1975 by CTO/Peshawar vide OB No. 484 dated 29.06.2021.

2- Short facts leading to the instant appeal are that the appellant while posted at traffic unit Peshawar was proceeded departmentally on charges that he was detailed for rigorous training to PTC Hangu for his absentceism and lack of interest towards duty but he failed to report his arrival at PTC Hangu.

3- He was issued proper Charge Sheet and Summary of Allegations by CTO/Peshawar and SP/HQ: City Traffic was appointed as enquiry officer to scrutinize the conduct of the accused official. The enquiry officer after conducting proper enquiry submitted his findings while recommending the official for Major punishment. The competent authority in light of the findings of the enquiry officer awarded the above major punishment.

4- He was heard in person in O.R and the relevant record along with his explanation perused. During personal hearing the appellant failed to submit any plausible explanation in his defence. Therefore, his appeal for setting aside the punishment awarded to him by CTO/Peshawar vide OB No. 484 dated 29.06.2021 is hereby rejected/filed.

  
(ABBAS AHSAN) PSP  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR.

No. 2522-23 /PA dated Peshawar the 13 / 08 /2021

Copies for information and necessary action to the :-

1. CTO/Traffic, Peshawar along with enquiry file w/r to his office No. 2311/SRC-II dated 16.07.2021.
2. Official Concerned.

~~ATTACHED~~

سید  
NO: 810/DAEP  

---

12/07/2021

A (E)

قلم نمبر 88 وزارت امور خارجہ 06-07-2021

۲۲۵

۵۸

یورپ اور ایشیا کے ممالک میں سفر کیلئے ۱۹۰ یورپ اور ایشیا کے ممالک میں سفر کیلئے ۱۹۰

وقت ۱۸:۱۰ بجے درج ذیل سفیر کنسول کے پاس ۱۹۰ یورپ اور ایشیا کے ممالک میں سفر کیلئے ۱۹۰

۸۴۳.۴۶.۶۶ ۴۳۹.۴۲۹.۹۱ ۲۹.۰۶.۵۲

۱۷۴ ۰۶-۰۷-۲۰۲۱

۱۷۴ ۰۶-۰۷-۲۰۲۱

قلم نمبر ۱۹۱

ATTACHED



CHARGE SHEET

1. WHEREAS I am satisfied that a formal enquiry as contemplated by Police Rules 1975 is necessary and expedient.

2. AND whereas, I am of the view that the allegations if established would call for major/minor penalty, as defined in Rule-3 of the aforesaid Rules.


3. Now therefore, as required by Rule 6 (1) (a) & (b) of the said Rules. I, **ABBAS MAJEED KHAN MARWAT**, Chief Traffic Officer, Peshawar hereby charge you Constable Haider Ali No.650 under Rules 5 (4) of the Police Rules 1975 on the basis of following allegations:-

i) That you were detailed for rigorous training at PT C Hangu but absented yourself from 24.04.2021 and still at large without leave/permission of the competent authority.

4. By doing this you have committed gross misconduct on your part.

5. AND I hereby direct you further under Rule 6 (l) (b) of the said Rules to put-in written defence within 07-days of the receipt of this Charge Sheet as to why the proposed action shall not be taken against you and also state whether you desire to be heard in person.

6. AND in case your reply is not received within the stipulated period to the enquiry officer, it shall be presumed that you have no defence to offer and in that case, ex-parte action will be taken against you.

  
**(ABBAS MAJEED KHAN MARWAT)**  
CHIEF TRAFFIC OFFICER,  
PESHAWAR.

(Competent Authority)

\_\_\_\_\_

ذیل  
سابقہ کارڈ  
رہنہ

**ARRESTED**

بعدالت سرور ٹریبونل

19



2021ء پنجاب  
سعادت خان بنام کی پولیس

مورخہ  
مقدمہ  
دعویٰ  
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے میں صاحب کی طرف سے درخواست

آن مقام سرور ٹریبونل کے عارضہ کی عین میں  
مقرر کر کے اقرار کیا جاتا ہے کہ صاحب کی مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقریر 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  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم بیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی  
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و بیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت  
مقدمہ مذکور کے کل یا جزوی کارروائی 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 داخستہ منظور قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے  
سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں  
گے کہ بیروی مذکور کریں۔ لہذا نکالت نامہ لکھ دیا کہ سند ہے۔

20

ماہ

الرقوم

Accepted

واہ العبد

Accepted Muhammad Arit Jan Afridi  
Advocate High Court  
Mob: 0333-8807676

MAJ

سعادت خان وکیل ملک  
ملکہ بی بی کوٹلی

**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA**

**PESHAWAR**

**Service Appeal No. 7495/2021**

Sadat Khan Ex-Constable No.412/Traffic ..... (Appellant)

VERSUS

The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar & two others. .... (Respondents)

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(HABIB KHAN)  
DSP Legal, City Traffic Police,  
Peshawar

**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA**  
**PESHAWAR**

**Service Appeal No. 7495/2021**

Sadat Khan Ex-Constable No.412/Traffic ..... (Appellant)

VERSUS

The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar & two others.  
..... (Respondents)

**PARAWISE-COMMENTS ON BEHALF OF RESPONDENTS NO. 1, 2 & 3**

**RESPECTFULLY SHEWETH**

**PRELIMINARY OBJECTIONS.**

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

**FACTS:**

1. Correct to the extent that appellant was employee of respondent department but pursuing the course of service, the performance of the appellant was not upto mark (bad entries, enquiries and punishments are annexed as "A").
2. Incorrect, appellant did not follow proper departmental procedure to obtain leave from the competent forum.
3. Incorrect, medical leave has not been granted/verified by government sanctioned medical officers as per chapter 8 "leave" of Police Rules 1934.
4. Incorrect, order dated 29.06.2021 was passed by keeping in view recommendation of the enquiry officer as well as the blemish service record of the appellant.

5. Incorrect, appellant was heard in person in Orderly Room but during personal hearing the appellant failed to submit any plausible explanation in his defense, thus his appeal was rejected.
6. The appeal of appellant being devoid of any merit may kindly be dismissed on the following grounds:

**Grounds:**

- A. Incorrect, orders of the respondents are based on facts, Justice and are in accordance with law/rules.
- B. Incorrect, appellant was treated in accordance with law/rules and the respondents never infringed any provisions of the constitution of Pakistan.
- C. Incorrect, order dated 29.06.2021 was passed by keeping in view recommendation of the enquiry officer as well as the blemish service record of the appellant.
- D. Incorrect, appellant was tried to serve with charge sheet along-with summary of allegations through Cell No. 0300-984684 but to the sheer disappointment of the enquiry officer, the appellant did not received the telephone call, thus ex-parte action was taken against appellant through order sheet dated 29.06.2021 (annexure "B" is attached as proof of charge sheet and summary of allegations).
- E. Incorrect and irrelevant, there is no such record of order dated 02.02.2018 concerning the appellant.
- F. Incorrect, appellant did not follow proper departmental procedure to obtain leave from the competent forum while order dated 29.06.2021 is based on facts, justice and is in accordance with law/rules.
- G. Incorrect, appellant did not follow proper departmental procedure to obtain leave from the competent forum. Whereas, medical leave has not been granted/verified by government sanctioned medical officers as per chapter 8 "leave" of Police Rules 1934.
- H. Incorrect, appellant was tried to serve with charge sheet along-with summary of allegations through Cell No. 0300-984684 but to the sheer disappointment of the enquiry officer, the appellant did not received the telephone call, thus ex-parte action was taken against appellant through order dated 29.06.2021.

That respondent may also be allowed to advance any additional grounds at the time of hearing of the appeal.

**PRAYER:**

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

  
PROVINCIAL POLICE OFFICER,  
KHYBER PAKHTUNKHWA,  
PESHAWAR

  
CAPITAL CITY POLICE OFFICER  
PESHAWAR

  
CHIEF TRAFFIC OFFICER,  
PESHAWAR

**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA**

**PESHAWAR**

**Service Appeal No. 7495/2021**


Sadat Khan Ex-Constable No.412/Traffic ..... (Appellant)

VERSUS

The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar & two others. .... (Respondents)

**AFFIDAVIT**






We Respondents 1,2 & 3 do hereby solemnly affirm and declare that the contents of the written apply are true and are correct to the best of our knowledge and belief and Nothing has been concealed from this Honorable Court.

  
PROVINCIAL POLICE OFFICER,  
KHYBER PAKHTUNKHWA,  
PESHAWAR

  
CAPITAL CITY POLICE OFFICER  
PESHAWAR

  
CHIEF TRAFFIC OFFICER,  
PESHAWAR

## CHARACTER ROLL OF

Serial No.	15. CENSURES AND PUNISHMENTS - Contd
	<p>Charge from: 12<sup>11</sup>/<sub>019</sub>, 01 day absent from duty  Punishment absent period as P.W.O pay.  O.B. No.: 532.  dt.: 26-11-019</p> <p style="text-align: right;">  CHIEF TRAFFIC OFFICER,  PESHAWAR.</p>
	<p>Charge from: 20<sup>11</sup>/<sub>019</sub>, 01 day absent from duty  Punishment absent period as P.W.O pay  O.B. No. - 555.  dt.: 5-12-2019</p> <p style="text-align: right;">  CHIEF TRAFFIC OFFICER,  PESHAWAR.</p>
	<p>Charge from: 26<sup>11</sup>/<sub>019</sub>, 01 day absent from duty  Punishment absent period as P.W.O pay  O.B. No. - 560.  dt.: 9-12-2019</p> <p style="text-align: right;">  CHIEF TRAFFIC OFFICER,  PESHAWAR.</p>
	<p>Charge from: 06<sup>12</sup>/<sub>019</sub>, 01 day absent from duty  Punishment absent period as P.W.O pay  O.B. No. 589.  dt. 30-12-019.</p> <p style="text-align: right;">  CHIEF TRAFFIC OFFICER,  PESHAWAR.</p>
	<p>Charge from: 13.14<sup>12</sup>/<sub>019</sub>, 02 days absent from  Punishment absent period as P.W.O  O.B. No.: 590.  dt. 30-12-019</p> <p style="text-align: right;">  CHIEF TRAFFIC OFFICER,  PESHAWAR.</p>



OLL OF

15. CENSURES AND PUNISHMENTS - Contd.

Charge from - 27<sup>01</sup>/<sub>2019</sub>, 01 day absent from duty.  
Punishment absent period as l.w.o pay.

OB, No. - 13.  
dt. 06-01-2020

*[Signature]*  
CHIEF TRAFFIC OFFICER,  
PESHAWAR.

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Charge from - 06<sup>01</sup>/<sub>2020</sub>, 01 day absent from duty.  
Punishment absent period as l.w.o pay.

OB, No. - 22.  
dt. 15-01-2020

*[Signature]*  
CHIEF TRAFFIC OFFICER,  
PESHAWAR.

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Charge from - 16<sup>01</sup>/<sub>2020</sub>, 01 day absent from duty.  
Punishment absent period as l.w.o pay.

OB, No. - 41  
dt. 23-01-2020

*[Signature]*  
CHIEF TRAFFIC OFFICER,  
PESHAWAR.

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also

Charge from - 08<sup>01</sup>/<sub>2020</sub>, 01 day absent from duty.  
Punishment absent period as l.w.o pay.

OB - No. - 26.  
dt. 21-01-2020

*[Signature]*  
CHIEF TRAFFIC OFFICER,  
PESHAWAR.

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2020

Charge from 27<sup>02</sup>/<sub>2020</sub>, 01-day absent from duty.  
Punishment absent period as l.w.o pay

OB. NO 70  
dt. 10-02-2020

*[Signature]*  
Superintendent of Police  
Traffic Peshawar

Charge from 9<sup>01</sup>/<sub>2020</sub>, 01 day absent from duty.  
Punishment absent period as l.w.o pay.

OB - No. 303.  
dt. 20-7-2020

*[Signature]*  
CHIEF TRAFFIC OFFICER,  
PESHAWAR.

(7)


(Continued)

FACTER ROLL OF

Serial No.

## 15. CENSURES AND PUNISHMENTS - Contd.

Charge from: 27 <sup>05</sup>/<sub>20</sub>, 01 day absent from duty.  
 Punishment absent period as L.W.O pay  
 O.B. No. - 256.  
 dt. 01-07-2020.

Mr.  CHIEF TRAFFIC OFFICER,  
 PESHAWAR.

Charge from: 23 <sup>07</sup>/<sub>2020</sub>, 01-day absence from duty.  
 Punishment, Absence period as L.W.O pay and 01-  
 day incentive deducted.

O.B. No. 359

dt. 18-08-2020

Mr.  CHIEF TRAFFIC OFFICER,  
 PESHAWAR.

Charge from: 17 <sup>09</sup>/<sub>2020</sub>, 01 day absent from duty.  
 Punishment absent period L.W.O pay and  
 01 day incentive deducted.

O.B. No. 533

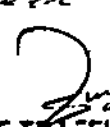
Date: 28 <sup>09</sup>/<sub>2020</sub>

Mr.  CHIEF TRAFFIC OFFICER,  
 PESHAWAR.

Charge from: 12 <sup>10</sup>/<sub>20</sub>, 01 day absent from duty.  
 Punishment absent period as L.W.O pay  
 and 01 day incentive deducted.

O.B. No. - 613.

dt. 23-10-2020

Mr.  CHIEF TRAFFIC OFFICER,  
 PESHAWAR.

Charge from: 14 <sup>10</sup>/<sub>20</sub>, 01 day absent from duty.  
 Punishment absent period as L.W.O pay  
 and 01 day incentive deducted.

O.B. No. 614.

dt. 23 <sup>10</sup>/<sub>20</sub>.

Mr.  CHIEF TRAFFIC OFFICER,  
 PESHAWAR.

Serial No.

15. CENSURES AND PUNISHMENT

Charge from 09-12-2017 To 10-12-2017.  
One (1) day absence from duty.

Punishment absence Period as L.W.O pay.  
O.B. No. 430 dated 20-12-2017.

*[Signature]*  
SSP / Traffic  
Peshawar.

Charge from: 22 <sup>03</sup>/<sub>2018</sub> TO 23 <sup>03</sup>/<sub>2018</sub> One  
day absence from duty.

Punishment absence Period as L.W.O pay.  
O.B. No: 143  
dt: 4-4-2018.

*[Signature]*  
SSP / Traffic  
Peshawar.

Charge from: 22 <sup>9</sup>/<sub>019</sub>, 01 day absent from duty.  
Punishment absent period as L.W.O pay.

O.B. No: -176  
dt: -20-5-019

*[Signature]*  
CHIEF TRAFFIC OFFICER,  
PESHAWAR.

Charge from: 16 <sup>7</sup>/<sub>019</sub>, 01 day absent from duty.  
Punishment absent period as L.W.O pay.

O.B. No: -285  
dt: 2-8-2019

*[Signature]*  
CHIEF TRAFFIC OFFICER,  
PESHAWAR.

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Charge from - 19 <sup>10</sup>/<sub>020</sub>, 01 day absent from duty.  
Dismissance absent period as 1-w 0 pay  
and 01 day incentive deducted.

CR No. - 618.  
Dt. 27-10-2020.

*[Signature]*  
CHIEF TRAFFIC OFFICER,  
PESHAWAR.

Charge from - 24 <sup>10</sup>/<sub>020</sub>, two days absent from duty.  
Dismissance absent period as 1-w 0 pay  
and two days incentive deducted.

CR No - 627.  
Dt. - 30 <sup>10</sup>/<sub>020</sub>

*[Signature]*  
CHIEF TRAFFIC OFFICER,  
PESHAWAR.

Charge from - 26 <sup>10</sup>/<sub>020</sub>, 01 day absent from duty.  
Dismissance absent period as 1-w 0 pay  
and 01 day incentive deducted.

CR No. - 636.  
Dt. 4-11-2020.

*[Signature]*  
CHIEF TRAFFIC OFFICER,  
PESHAWAR.

Charge from - 30 <sup>10</sup>/<sub>020</sub>, 01 day absent from duty.  
Dismissance absent period as 1-w 0 pay. and  
01 day incentive deducted.

CR No. - 646.  
Dt. 6 11 - 2020.

*[Signature]*  
CHIEF TRAFFIC OFFICER,  
PESHAWAR.

Order.

This is an order on the departmental enquiry initiated  
against Constable Saadul Khan No: 412 for involvement  
in case FIR No: 560, dated, 16-06-2020 U/S 337-A (2)/  
24 PPC, PS Badkaber, Peshawar. He was Charge  
Sheeted and DSP/HQPS Traffic was nominated as  
enquiry to conduct formal departmental proceedings  
under the Khyber Pakhtunkhwa Police Rules 1975  
and submit his finding.

10

**ORDER**

This order will dispose off the departmental enquiry initiated against Constable Saadat Khan No.412 for absenting himself from duty with effect from 24.04.2021 and still at large without leave/permission of the competent authority. He was detailed for rigorous training to PTC Hangu vide AIG/Trg CPO letter No.4216/Trg, dated 20.04.2021 for his absenteeism and lack of interest towards duty but he failed to report his arrival at PTC Hangu. He was therefore, charge sheeted and SP/Hqrs. Traffic was nominated as Enquiry Officer to conduct formal departmental proceedings against him under the Khyber Pakhtunkhwa Police Rules 1975.

He was served with charge sheet but failed to submit his written reply within the stipulated period of 07-days. The Enquiry Officer therefore, recommended in his findings that ex parte action may be taken against him for his willful and continuous absence.

From on perusal of his service record, it was found that accused constable was enlisted on 30.12.2016. During his short span of service, he earlier remained absent for a period of 35 days on different occasions. Besides this, he has also been awarded minor punishment of forfeiture of 02 years approved service vide this office endst. No.692-95/PA, dated 29.12.2020 (OB No.755, dt. 31.12.2020) by SP/Hqrs. Traffic for involvement in case FIR No.560, dated 16.06.2020 U/S 337-A(2)/34 PPC, PS Badhaber, Peshawar.

Keeping in view recommendation of the Enquiry Officer as well as his blemish service record, an ex-parte action is therefore, taken against accused constable Saadat Khan No.412 <sup>and he</sup> is awarded major punishment of dismissal from service under the Khyber Pakhtunkhwa Police Rules 1975 from the date of his absence i.e. 24.04.2021.

*Mujeeb*  
**(ABBAS MAJEED KHAN MARWAT) PSP**  
CHIEF TRAFFIC OFFICER,  
PESHAWAR.

No. 843-46 /PA, Dated Peshawar the 29/06 /2021.  
Copies for necessary action to the:-

1. SP/Hqrs. Traffic, Peshawar.
2. Accountant
3. OSI
- ✓ 4. SRC (along-with complete enquiry file consisting of 06 pages)

O.B No. 484  
Date 29/6/21

177  
4-9-2020

(E) (B) (11)

**CHARGE SHEET**

1. WHEREAS I am satisfied that a formal enquiry as contemplated by Police Rules 1975 is necessary and expedient.
2. AND whereas, I am of the view that the allegations if established would call for major/minor penalty, as defined in Rule-3 of the aforesaid Rules.
3. Now therefore, as required by Rule 6 (1) (a) & (b) of the said Rules I, **ABBAS MAJEED KHAN MARWAT**, Chief Traffic Officer, Peshawar hereby charge you Constable Saadat Khan No.412 under Rules 5 (4) of the Police Rules 1975 on the basis of following allegations:-
  - i) That you were detailed for rigorous training at PTC Hangu but absented yourself from 24.04.2021 and still at large without leave/permission of the competent authority.
4. By doing this you have committed gross misconduct on your part.
5. AND I hereby direct you further under Rule 6 (1) (b) of the said Rules to put-in written defence within 07-days of the receipt of this Charge Sheet as to why the proposed action shall not be taken against you and also state whether you desire to be heard in person.
6. AND in case your reply is not received within the stipulated period to the enquiry officer, it shall be presumed that you have no defence to offer and in that case, ex-parte action will be taken against you.

  
**(ABBAS MAJEED KHAN MARWAT)**  
CHIEF TRAFFIC OFFICER,  
PESHAWAR.

(Competent Authority)

Date  
MA Si - TL  
4-9-2020

(4) (12)

**DISCIPLINARY ACTION**

1. I, **ABBAS MAJEED KHAN MARWAT**, Chief Traffic Officer, Peshawar as competent authority, am of the opinion that Constable Saadat Khan No.412 has rendered himself liable to be proceeded against, as he committed the following acts/omission within the meaning of section 03 of Police Rules 1975.

**SUMMARY OF ALLEGATIONS**

2 i) That he was detailed for rigorous training at PTC Hangu but absented himself from 24.04.2021 and still at large without leave/permission of the competent authority.

3. For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, an Enquiry Committee comprising of the following officer(s) is constituted:-

a. Mr. Iftikhar Ali, SP/Traffic Hqrs. Peshawar.

b. \_\_\_\_\_

4. The enquiry committee/officer shall in accordance with the provision of the Police Rules 1975 provide reasonable opportunity of hearing to the accused officer/official and make recommendations as to punishment or any other appropriate action against the accused.

  
(**ABBAS MAJEED KHAN MARWAT**)  
CHIEF TRAFFIC OFFICER,  
PESHAWAR.

(Competent Authority)

MA SI - 14  
4-9-2020

**REFERENCE ATTACHED**

The contents of the Charge Sheet issued to FC Sadaat Khan No. 412 by W/CTO Peshawar, envisages that he was detailed for rigorous training at PTC Hangu but absented himself from 24.04.2021 till date. The undersigned was nominated as enquiry officer.

In order to conduct the enquiry, the delinquent constable was tried to serve with charge sheet. But to the sheer disappointment of the undersigned FC Sadaat Khan No. 412 didn't received the telephone call. He was time and again tried through cell No. 0300-5984684.

It is pertinent to note here that Constable Sadaat Khan No. 412 was nominated/recommended for rigorous training owing to his absenteeism and lack of interest in official duty. However, the delinquent official failed to comply with the directions of W/CTO and is still absent.

In the light of foregoing circumstances it is recommended that owing to his unscrupulous attitude and lack of interest in duty, ex-parte action may be taken against FC Sadaat Khan No. 412, hence he is recommended for major punishment.

Submitted, please.

  
**SUPERINTENDENT OF POLICE  
HQRS: CITY TRAFFIC POLICE  
PESHAWAR.**

No. 485 /R dated Peshawar the 28 /06/2021

4-9-2020