


18.10.2022

Appellant present through counsel.

Kabir Ullah Khattak, learned Additional Advocate General for respondents present.

Former made a request for adjournment in order to prepare the brief. Adjourned. To come up for arguments on 09.11.2022 before D.B.


(Fareeha Paul)
Member(E)


(Rozina Rehman)
Member (J)

9.11.2022

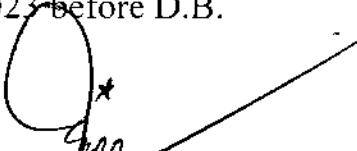
Since 9th November has been declared as public holiday, case is adjourned to 05.01.2023 for the same as before.



Reader

05.01.2023

Appellant in person present. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Appellant requested for adjournment on the ground that his counsel is busy before Hon'ble Peshawar High Court, Peshawar. Adjourned. Last opportunity is granted. To come up for arguments on 06.04.2023 before D.B.


(Mian Muhammad)
Member (E)


(Kalim Arshad Khan)
Chairman

30.03.2022

Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

Written reply/comments not submitted. Notices be issued to the respondents for submission of written reply/comments. Adjourned. To come up for written reply/comments on 25.04.2022 before S.B.

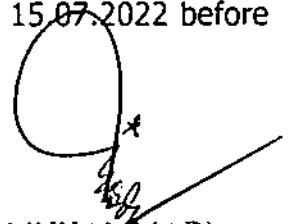


(MIAN MUHAMMAD)
MEMBER(E)

25.04.2022

Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, --Addl: AG alongwith Mr. Fayaz, HC for respondents present.

Written reply/comments on behalf of the respondents submitted which is placed on file. A copy of the same is also handed over to the clerk of learned counsel for the appellant. To come up for rejoinder as well as arguments on 15.07.2022 before D.B.



(MIAN MUHAMMAD)
MEMBER(E)

15.07.2022

Counsel for the appellant. Mr. Kabir Ullah Khattak, Additional Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment. Request accepted by way of last chance. To come up for rejoinder/arguments on 18.10.2022 before D.B.



(Fareeha Paul)
Member (E)



(Kalim Arshad Khan)
Chairman

06.12.2021

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant argued that the appellant is aggrieved of the impugned order dated 16.02.2021 passed by respondent No.3 whereby major penalty of dismissal from service was imposed on the appellant which was communicated to the appellant on 02.03.2021. He submitted departmental appeal on 31.03.2021. His departmental appeal was rejected on the ground of being time barred, by the appellate authority vide order dated 21.06.2021 and thus the original impugned order dated 16.02.2021 was kept intact. His revision petition was also filed on the ground of limitation, vide correspondence dated 29.07.2021 where-after he approached the Service Tribunal for redressal of his grievance on 30.08.2021. It was further contended that the appellant has not been treated according to the dictates of law and the ends of justice have not been fulfilled before awarding him the major penalty of dismissal from service.

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 15.02.2022 before S.B.

Appellant Deposited
Security & Process Fee

6/12/21

(Mian Muhammad)
Member(E)

15.02.2022

Due to retirement of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 30.03.2022 for the same as before.



Reader

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7504 /2021


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	30/09/2021	<p>The appeal of Mr. Kashif Muhammad resubmitted today by Mr. Yasir Saleem Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>06/12/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

The appeal of Mr. Kashif Muhammad, Ex-Constable No.935 Police, District Nowshera presented today i.e. on 30.08.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Certificate be given to the effect that the appellant has not been filed any service appeal earlier on the subject matter before this Tribunal.
- 2- Annexures A-1, B, C & E of the appeal are illegible which may be replaced by legible/better one.
- 3- Copies of Revision petition in respect of appellant mentioned in para 8 is not attached with the appeal which may be placed on it.

No. 1701 /S.T,


Dt. 01/09 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Yasir Saleem AHC.

R/sir

Resubmitted after completion
So far as Para ③ of objections stand in concern, the same is not available with the appellant. The cases may be put to the bench.
yeh


30-9-21

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

Service Appeal No. 7504/2021

Kashif Muhammad

.....Appellant

VERSUS

The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar & others

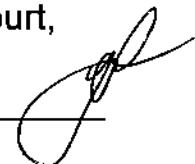
.....Respondents

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

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

Name:- **Yasir Saleem**
Advocate High Court,
Peshawar

Signature:- _____
Dated:- 28.08.2021



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

Appeal No. 7504/2021

Shif Muhammad

.....Appellant

VERSUS

The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar & others

.....Respondents

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S. No	Description of documents	Annexure	Page No
1.	Memo of appeal and Affidavit		1-5
2.	Copies of medical prescriptions & report	A	6-11
3.	Copy of charge sheet dated 28.07.2020	A-1	12-13
4.	Copy of Show Cause Notice dated 28.01.2021	B	14
5.	Copy of dismissal order dated 16.02.2021 & Medical Prescriptions of	C-C1	15-21
6.	Copy of departmental appeal dated 31.03.2021 & rejection order 21.06.2021	D&E	22-23
7.	Copies of revisional order dated 29.07.2021	F	24
8.	Vakalatnama		25

Through:

[Signature]
Appellant

YASIR SAEEM

Advocate High Court
Peshawar

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

Service Appeal No.____/2021

Kashif Muhammad, Ex-Constable No. 935, District Police, Nowshera.

.....Appellant

VERSUS

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

.....Respondents

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE ORDER DATED 16.02.2021, WHEREBY THE APPELLANT HAS BEEN AWARDED THE MAJOR PENALTY OF DISMISSAL FROM SERVICE VIDE OFFICE ORDER DATED 16.02.2021 COMMUNICATED TO THE APPELLANT ON 02.03.2021 AGAINST WHICH HIS DEPARTMENTAL APPEAL DATED 31.03.2021 HAS BEEN REJECTED VIDE ORDER DATED 21.06.2021 AND WAS UPHELD VIDE REVISIONAL ORDER DATED 29.07.2021 COMMUNICATED TO THE APPELLANT ON 30.07.2021.

Prayer in Appeal: -

On acceptance of this appeal the impugned orders dated 16.02.2021, 21.06.2021 & 29.07.2021, may kindly be set aside and the appellant may be re-instated into service with all back benefits and wages of service.

Respectfully Sheweth,

The appellant humbly submit as under.

1. That appellant was appointed as Foot Constable in the Respondent Department in the year 2009.

2. That ever since his appointment, the appellant had performed his duties as assigned with zeal and devotion and has never given any chance of complaint whatsoever regarding his performance.
3. That while performing his duties in the said capacity the appellant suffered from illness in the month of June, 2020. The doctor advised complete bed rest to the appellant till his recovery. Initially he recovered from ailment, he wanted to join his duty, however, his deteriorated condition did not permit him to join his duty. It is pertinent to mention here that he duly applied for leave on each occasion and the department assured he would be granted leave of kind due and it was the reason neither any charge sheet nor any show cause notice was served upon him. (Copies of medical prescriptions & report are attached as **annexure A**).
4. That while the appellant was on bed rest, he was proceeded departmentally for absence from duty in his absentia. Charge sheet dated 28.07.2020 though issued, however never communicated to the Appellant. ***(Copy of charge sheet dated 28.07.2020 is attached as annexure A-1).***
5. That thereafter reportedly show cause notice dated 28.1.2021 was also issued, however, the same was also not communicated to the appellant containing the baseless allegations of willful and deliberate absence from duty. ***(Copy of Show Cause Notice dated 28.01.2021 is attached as annexure B).***

6. That on 19.02.2021 the appellant, though, got recovered, but his mother was also ill and he had to take care of his mother and had to take his mother to doctor as such he was busy in her mother treatment. On 29.02.2021 when he went to report for duty, he was informed that he has already been dismissed from service on 16.02.2021. Thereafter the appellant requested for the provision of dismissal order and the disciplinary proceedings (if any) which were provided to him on 02.03.2021. ***(Copies medical prescriptions and dismissal order dated 16.02.2021 is attached as annexure C and C-1).***
7. That the appellant submitted his departmental appeal dated 31.03.2021, However the same has been rejected vide order dated 21.06.2021. ***(Copy of departmental appeal dated 31.03.2021 & rejection order 21.06.2021 are attached as annexure D&E).***
8. That feeling aggrieved from the rejection order dated 21.06.2021, revision petition dated nil to the respondent No. 01, however the same was also dismissed and regretted vide revisional order dated 29.07.2021 communicated to the appellant on 30.07.2021. ***(Copies of revisional order dated 29.07.2021 is attached as annexure F).***
9. That the impugned orders dated 16.02.2021, 21.06.2021 & 29.07.2021 are illegal unlawful against the law and facts hence liable to be set aside inter alia on the following grounds:

GROUND OF APPEAL.


- A. That the appellant has not been treated in accordance with law hence his rights secured and guaranteed under the law are badly violated.
- B. That no procedure has been followed before his dismissal from service. He has never been served any charge sheet and statement of

allegations nor any regular/ impartial inquiry has been conducted to dig out the facts before passing the impugned order of dismissal, thus the impugned order is defective in the eyes of law.

- C. That the appellant has not been provided proper opportunity of personal hearing before awarding him the penalty hence the appellant have been condemned unheard.
- D. That no charge sheet or statement of allegations as prescribed under the law and rules has been served upon him hence the appellant have not been provided fair opportunity to defend his self against the charges leveled. The impugned order is thus passed in violation of the principles of natural justice.
- E. That the appellant has never committed an act or omission which could be termed as misconduct, albeit he has been awarded the penalty. His absence was never willful but was due to his prolonged illness, which forced him to remain away from his duty.
- F. That it has been consistently held by the superior courts that punishment must commensurate to the magnitude of guilt.
- G. That it is also pertinent to mention here that the inquiry report (if any) has never been provided to the appellant, thus whole proceedings before the imposition of penalty are defective in the eye of law.
- H. That the appellant has at his credit a spotless service career, the penalty imposed upon him is harsh and liable to be set aside.

- I. That the appellant is jobless since his illegal dismissal from Service.
- J. That the appellant seeks the permission of this Honorable Tribunal to rely on additional ground at the hearing of this appeal

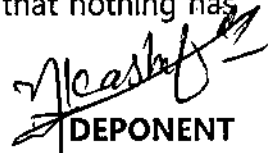
It is, therefore, humbly prayed that on acceptance of this appeal the impugned orders dated 16.02.2021, 21.06.2021 & 29.07.2021, may kindly be set aside and the appellant may be re-instated into service with all back benefits and wages of service.

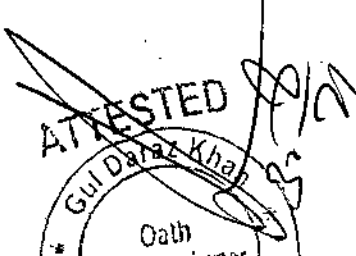
Through: 
Appellant

YASIR SABEM
Advocate High Court
Peshawar

AFFIDAVIT:

I, Kashif Muhammad, Ex-Constable No. 935, District Police, Nowshera. do hereby solemnly affirm and declare on oath that the contents of the above noted appeal as well as accompanied application for condonation of delay are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.


DEPONENT

ATTESTED

Gui Daraz Khan
Oath
Commissioner
Advocate High Court Peshawar

S. A.

CERTIFICATE:

It is certified that no such like appeal has earlier been filed by the appellant before this Hon'ble Tribunal.

ADVOCATE

6

D.H.Q. HOSPITAL NOWSHERA

OUT.DOOR PATIENTS TICKET



Rs. 10

Yearly OPD No: 025

Name سید علی Date 03/6/20

~ Sciatica pain → 7 days
 ~ Back pain → 10 days
Stw

Tab Jorin (1)

Tab Asthmo 50mg

Cap Cefixime

ADL Complete Home Bed

Rest for (02) months ✓

7

D.H.Q. HOSPITAL NOWSHERA OUT.DOOR PATIENTS TICKET



Rs. 10

Yearly OPD No: 967

Name R. Khatib Date 03.8.20

Spinaica Pain

Tab Masif
Lel
Tab Voltadolong
Lel
Niz mofylobid (15)
Dexam (1)

Adv Complete Home Bed
rest for (02) months
→

8

D.H.Q. HOSPITAL NOWSHERA



OUTDOOR PATIENTS TICKET

Rs.10 Yearly Evening OPD No: 523

Name [Signature] Date 02/10/20

40
Sciatica pain
Back pain Adv
Physiotherapy

→ Vit D₃ (B)
No. 20 (D)

Tab. Alabii
4p1

Tab. Artro 50mg
4p1

ADU Complete Home Bed rest
for 2 weeks

[Signature]
D.H.Q. Hospital
Nowshera

9

D.H.Q. HOSPITAL NOWSHERA

OUT.DOOR PATIENTS TICKET



Rs. 10

Yearly OPD No: 307

Name

Shahid

Date

01-12-20

ADDL

Mr. Ray C.S.S.

Apur

Cap Cellip

Cap Loop

Ths. Pofa

Cap Wei Sang

Cap Brien

Cap Wap

ADDL Curplike Home

Bed rest for 02 months

D.H.Q. Hospital
Nowshera

10

D.H.Q. HOSPITAL NOWSHERA

OUT.DOOR.PATIENTS TICKET



Rs. 10

Yearly OPD No: 10876

Name S. K. Singh Date 30-01-21

S. K. Singh

All India

Tab Meloxicam 1500

Tab Capro 2000

All Complete Home

Bed rest for

03 Weeks

(11)

D.H.Q. HOSPITAL NOWSHERA



OUT.DOOR PATIENTS TICKET

(Rs. 10)

Yearly OPD No: 11696

Name Soib

Date 19-02-21

Fitness Certificate

It is to Certified that
MR. KASHA MUKH
is now fit for his
duty.

12

DA

CHARGE SHEET

1. I, Capt. (R) Naimul Hasnain Liaquat, PSP District Police Officer, Nowshera, as competent authority, hereby charge FC Khazif No. 936 as per Statement of Allegations enclosed.

2. By reasons of above, you appear to be guilty of misconduct under Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975

3. You are, therefore, required to submit your written defense within 07 days of the receipt of this Charge Sheet to the Enquiry Officer, as the case may be

4. Your written defense, if any should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case extreme action shall follow against you

5. Intimate whether you desire to be heard in person.


District Police Officer,
Nowshera

CHARGE SHEET

1. Cant: (R) Najmul Hasnain Liauqat, PSP District Police officer, Nowshera, as competent authority hereby charged Fo Kashir No. 935 as per Statement of Allegations enclosed.
2. By reasons of above, you appear in the guilty of misconduct under Police Rules, 1975 and have rendered yourself to all or any of the penalties specified in Police Rules, 1975
3. You are, therefore, required to submit your written statement within 07 days of the receipt of this Charge Sheet to the Enquiry Officer, as the case may be.
4. Your written defense if any should reach the Enquiry Officer within the specified period failing which it shall be presumed that you have no defense to put in and in that, case ex-parte action shall follow against you.
5. Intimate whether you desire to be heard in person.

**Sd/-
District Police Officer,
Nowshera**

13

DISCIPLINARY ACTION

I, Capt (R) Najmat Hameed Liaquat, FSP, District Police Officer, Nowshera as competent authority and of the opinion that FC Khasif No. 935 has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meaning of Police Rules,


STATEMENT OF ALLEGATIONS

Whereas FC Khasif No. 935, while posted at PS Misri Banda, remained absent from duty without any leave/permission of the competent authority vide DD No. 14 dated 14/06/2020, PS Misri Banda and still absent, which amounts to grave misconduct on his part and rendered him liable for punishment under Khyber Pakhtunkhwa Police Rules, 1975.

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

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

FC Khasif No. 935 is directed to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer.


District Police Officer,
Nowshera

CC PA.
28/6/2020

(14) B

FINAL SHOW CAUSE NOTICE

Whereas, you Constable Kashif No. 935, while posted at Police Station Misri Banda, remained absent from lawful duty without any leave / permission of the competent authority vide DD No. 14 dated 06.06.2020 PS Misri Banda and is still absent.

On account of which, you were proceeded against departmentally through SDPO Pabbi, who after fulfillment of legal formalities submitted his report to the undersigned wherein he highlighted that you have remained absent from duty willfully and did not submit reply to your charge sheet, hence, recommended you for awarding major punishment.

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

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

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

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


District Police Officer,
Nowshera

37
/PA,
Dated 14/7/2021.

FINAL SHOW CAUSE NOTICE

Whereas, you Constable Kashif No. 935, while posted at Police Station also Banda, remained absent from Jawful duty without any leave / permission of the competent authority vide DD No. 14 dated 06.06.2020 PS Misri Banda and is still absent.

On account of which, you were proceeded against departmental through SDPO Pabbi, who after fulfillment of legal formalities submitted his report to the undersigned wherein he highlighted that you have remained absent from duty willfully, deliberately and did not submit reply to your charge sheet, hence, recommended you for awarding major punishment

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

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

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

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

No. 31/PA,
Dated: 28/1/2021

sd/-
District Police Officer,
Nowshera

POLICE DEPARTMENT

NOWSHERA DISTRICT

ORDER

This order will dispose of the departmental enquiry initiated under Khy Pakhtunkhwa Police Rules, 1975 against Constable Kashif No. 935, he while posted at Police Station Misri Banda, remained absent from lawful duty without any leave/permission of the competent authority vide DD No. 14 dated 06.06.2020 PS Misri Banda and is still absent.

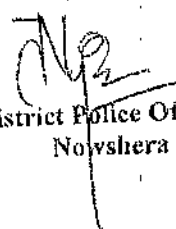
On account of which, he was proceeded against departmentally through SD Pabbi, who after fulfillment of legal formalities submitted his report to undersigned vide his Enquiry No 67/SI dated 28.01.2021, wherein he highlighted that he was contacted time and again attend the office of SDPO Pabbi in connection with his inquiry, but neither he attend the office Enquiry officer, nor submit reply to the charge sheet, therefore, recommended ex-parte against him.

He was served with Final Show Cause Notice on 04.02.2021, but failed to submit his reply. He is still absent, which shows that he is no more interested in police job.

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

Order No. 176

Dated 16/02/2021


District Police Officer
Nowshera

No. 408-12/PA, dated Nowshera, the 16/02/2021
Copy for information and necessary action to the:

1. Pay Officer.
2. Establishment Clerk.
3. OHC.
4. FMO with its enclosures (20 sheets).
5. Official concerned.



POLICY DEPARTMENT

ORDER

This order will dispose of the departmental enquiry initiated under Khyber Pakhtunkhwa Police Rules, 1975 against Constable Kashif No. 935, he while posted at Police Station Misri Banda, remained absent from lawful duty without any leave / permission of the competent authority vide DD No. 14 dated 06.06.2020 PS Misri Banda and is still absent.

On account of which he was proceeded against departmentally through SD Pabbi, who after fulfillment of legal formalities submitted his report to undersigned vide his of Endst No. 67/Sc dated 28.01.2021, wherein he highlighted that he was contacted time and again to attend the office of SDPO Pabbi in connection with his inquiry, but neither he attend the office Enquiry Officer, nor submit reply to the charge sheet, therefore, recommended ex-arte (sic) against him.

He was served with Final Show Cause Notice on 04.02.2021, but failed to submit his reply. He is still absent. Which shows that he is no more interested in police job.

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

OB No. 176
Dated: 16/02/2021

sd/-
District Police Officer
Nowshera

No. 408-12/PA, dated Nowshera, the 16/02/2021
Copy for information and necessary action to the:

1. Pay Officer
2. Establishment Clerk
3. OHC.
4. FMC with its enclosures (20 sheets)
5. Official concerned.

16

Dr. Afzaal Asghar

M.B.B.S. M.P.H. R.M.P. M.C.P.S(MED)

Medical Specialist

DHQ Hospital Nowshera

Clinic: Tariq Medicose Shama Chowk

Nowshera Cantt.



ڈاکٹر افضل اصغر

ایم بی بی ایس، ایم بی بی ایچ، آر ایم بی بی ایس، ایم سی بی ایس (میڈیسن)

میڈیکل سپیشلسٹ ڈی ایچ او ہسپتال نوشہرہ

کلینک: طارق میڈیکوس سھاما چوک نوشہرہ کینٹ

Name Mujahida Bibi Age 50y Sex F. Date 19-2-2021

Clinical Record

B.P: 150/90

Pulse: 80/min

Temp: 98.0 F

97.5
Chest

nil

nil C.V.S.

G.P.E.

Tas Levodopa (nb) Headache
has Hypertension

Cap Acetaminophen (nb) Migrain 2:
1000

Tas Acetaminophen (nb)
1000

Tas Uriminop (nb)
1000

Tas Alpocin (nb)
1000

Sp Gawson (nb)
u-u

DR. AFZAAL ASGHAR
Medical Officer
D.H.Q. Hospital Nowshera

کلینک اتوار کو بند رہے گا

0321-9764275 رابطہ کیلئے

کلینک ٹائمنگ: موسم گرما: 9 بجے تا 5 بجے رات موسم سرما: سہ پہر 4 بجے تا 8 بجے رات

NOT VALID FOR COURT

17

WASEEM MEDICAL & DIAGNOSTIC CENTRE

Kheshgi payan stop Kheshgi Nowshera

Name: Mujahida Bibi
Age: 45 Yrs
Sex: Female
Referred by: SELF

Lab No: 1020
ID No:
Date: 19/02/2021

HEMATOLOGY

Test	Result	Normal Range
White Blood Count	8,900.0	4.0-11.0x10 ⁹ /l
RBC	4.77	M: 4.5-6.5 F:3.9-5.6x10 ¹² /l
Hemoglobin	12.3	M:13.5-17.5 F:11.5-15.5 g/dl
Hct	38	M:40-50 % F:36-46 %
MCV	84	76-96 fl
MCH	26	27-34pg
MCHC	31	32-35g/dl
Platelets Count	264	150-400x10 ⁹ /l
Neutrophils	67	40-80 %
Lymphocytes	27	20-40 %
Monocytes	05	2-10 %
Eosinophils	01	1-6 %
Basophils		< 1-2 %
Reticulocytes		0.5-2.5 %

Comments:



certified by american society of clinical pathology
ASCP

Number: 0300-0599512
Email: waseemullahfaza19@gmail.com

Electronically verified report, requires no signature

Dr. Zar Shad
M.phil microbiology & biotechnology
Doctor of medical laboratory sciences
B.S Pathology

18

WASEEM MEDICAL & DIAGNOSTIC CENTRE

Kheshgi payan stop Kheshgi Nowshera

Name: Mujahida Bibi

Lab No: 1020

Age: 45 Yrs

ID No:

Sex: Female

Date: 19/02/2021

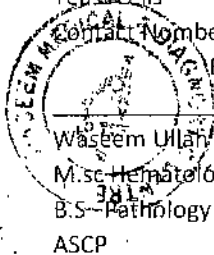
Referred by: SELF

Test	Result	Normal Range
Physical		
Quantity	55	ml
Color	Yellow	Yellow
Appearance	Clear	Clear
pH	6.0	6.2 - 7.2
Specific Gravity	1.015	1.005 - 1.030
Chemical		
Glucose	Nil	Nil
Protein	Nil	Nil/Trace
Ketones	Nil	Nil
Bilirubin	Nil	Nil
Urobilinogen	Nil	0.5-1.0 mg/dl
Nitrite	Nil	Nil
Microscopic		
Pus Cells	04-06	2-5
RBCs	10-12	0-3
Epithelial Cells	Nil	15-20
Ca-Oxalate	Nil	Occasional
Crystals	Nil	Occasional
Others	Nil	Nil
Bacteria	Nil	None
Granular Cast	Nil	Nil
Yeast cells	Nil	Nil

Contact Number: 0300-0599512

Email : waseemullahfazal9@gmail.com

Electronically verified report , requires no signature



Waseem Ullah
M.Sc. Hematology
B.S. Pathology
ASCP

Dr. Zar Shad
M.phil Medical Microbiology
DMLS
B.S Pathology

19

WASEEM MEDICAL & DIAGNOSTIC CENTRE

Kheshgi payan stop Kheshgi Nowshehra

Name: Mujahida Bibi

Lab No: 1020

Age: 45 Yrs

ID No:

Sex: Female

Date: 19/02/2021

Referred by: SELF

CLINICAL BIO CHEMISTRY

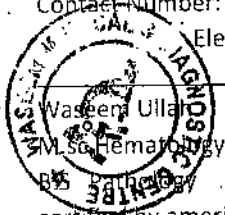
Test	Result	Normal Range
Plasma Glucose Random (BSR)	103	80 - 160 mg/dl

Comments:

Contact Number: 0300-0599512

Email : waseemullahfaza19@gmail.com

Electronically verified report , requires no signature



certified by american society of clinical pathology

ASCP

Dr. Zar Shad

M.phil microbiology & biotechnology

Doctor of medical laboratory sciences

B.S Pathology

20

Dr. Afzaal Asghar

M.B.B.S, M.P.H, R.M.P, M.C.P.S(MED)

Medical Specialist

DHQ Hospital Nowshera.

Clinic; Tariq Medicose Shama Chowk

Nowshera Cantt.



ڈاکٹر افضل اصغر

ایم بی بی ایس ایم پی ایچ ایم سی پی ایس (میدین)

میدیکل سپیشلسٹ ڈی ایچ ایچ کیو ہسپتال نوشہرہ

کلینک: طارق میڈیکوز شیخ چوک نوشہرہ کینٹ

Name Mufakida Biri Age 57yrs Sex F Date 29-2-2021

Clinical Record

for Diabetic regimen

B.P. 110/80

Pulse: 80/1

Temp: 98.0

TAB - Norcine 400p D.U.I.D.

- TAB Spartan

- TAB Acenae 100ap

Cap Desoo 30ap

Blue Chou 1000

tab Women 11mx 110

Chest

9/0

C.V.S.

Sub

G.P.E

Urine LR

کلینک اتوار کو بند رہے گا

رابطہ کیلئے: 0321-9764275

موسم سرما: سپر 4 بجے 8 بجے رات

9 بجے رات

NOT VALID FOR COURT

DR. AFZAL ASGHAR
Medical Officer
D.H.Q Hospital Nowshera

21

WASEEM MEDICAL & DIAGNOSTIC CENTRE

Kheshgi payan stop Kheshgi Nowshera

Name: Mujahida Bibi

Lab No: 1099

Age: 45 Yrs

ID No:

Sex: Female

Date: 29/02/2021

Referred by: SELF

Test	Result	Normal Range
Physical		
Quantity	50	ml
Color	Yellow	Yellow
Appearance	Clear	Clear
pH	6.0	6.2 - 7.2
Specific Gravity	1.015	1.005 - 1.030
Chemical		
Glucose	Nil	Nil
Protein	Nil	Nil/Trace
Ketones	Nil	Nil
Bilirubin	Nil	Nil
Urobilinogen	Nil	0.5-1.0 mg/dl
Nitrite	Nil	Nil
Microscopic		
Pus Cells	12-14	2-5
RBCs	01-02	0-3
Epithelial Cells	Nil	15-20
Ca-Oxalate	Nil	Occasional
Crystals	Nil	Occasional
Others	Nil	Nil
Bacteria	Nil	None
Granular Cast	Nil	Nil
Yeast	Nil	Nil



Phone: 0300-0599512

Email: waseemullahfaza19@gmail.com

Electronically verified report, requires no signature

Dr. Zar Shad

M.phil Medical Microbiology

DMLS

B.S Pathology

Waseem Ullah
M.Sc Microbiology
B.S Pathology
ASCP

خدمت صباب D.I.G. صاحب سرورین ڈوشین

(29)

بمقام جنرل انزاس

جمہوریہ خواست انوار سہیلی نمبر 1766 صفحہ 2/16
بابت اڈرو و حکم صباب D.P.O. صاحب نومبرہ

صباب عالی!

جمہوریہ خواست انوار سہیلی نمبر 1766

1. یہ سہیلی نومبرہ پورس میں نسبت کاشف خدمات
سہیلی کے رہتا ہے۔ جو سہیلی کو بوقت غیر حاضری کے
دینے نوٹس سے فارغ کر دیا گیا ہے۔ سہیلی اڈرو سہیلی
2. یہ سہیلی غیر حاضری قلم و خطا سہیلی۔ سہیلی
جمہوری سہیلی۔ اور سہیلی آئندہ کئی کئی طریقہ اور
انڈسٹری سہیلی اور سہیلی سے واپس آئے ہیں
3. یہ سہیلی ایک غیر فائدہ مند سہیلی۔ اور سہیلی
کا کوئی رول سہیلی میں ہے
4. یہ سہیلی سہیلی سہیلی سہیلی سہیلی سہیلی

31/3/2021

سہیلی کاشف نمبر 935 نومبرہ پورس
Cashier

23

ORDER

This order will dispose-off the departmental appeal preferred by Ex-Constable Kashif Muhammad No. 935 of Nowshera District Police against the order of District Police Officer, Nowshera, whereby he was awarded major punishment of dismissal from service vide OB: No. 176 dated 16.02.2021. The appellant was proceeded against departmentally on the allegations that he while posted at Police Station Misri Banda District Nowshera, absented himself from lawful duty vide Daily Diary No. 14 dated 06.06.2020 till the date of dismissal from service without any leave or prior permission from his senior officers.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Sub Divisional Police Officer (SDPO) Pabbi, Nowshera was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities, submitted his findings wherein he reported that the appellant was contacted time and again to appear before the enquiry Officer, but he failed and remained absent, which showed that he was no more interested in Police Service. He recommended the appellant for ex-parte action.

He was issued Final Show Cause Notice on 04.02.2021, but neither did he submit his reply nor did he assume the duty rather remained absent. Hence, he was awarded major punishment of dismissal from service from the date of absence.

Feeling aggrieved from the order of District Police Officer, Nowshera, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 16.06.2021.

From the perusal of service record of the appellant, it has been found that the allegations leveled against the appellant have been proved beyond any shadow of doubt. During the course of enquiry the appellant did not bother either to join enquiry proceedings or report his arrival which clearly depicts his disinterest towards his official duties. His period of absence is 360 days which cannot be ignored. Hence, the ver conduct of appellant is unbecoming of a disciplined Police Officer. Moreover, the appellant approached this forum at a belated stage by filing the instant appeal which is time barred by one month and sixteen days without advancing any cogent reason regarding such delay. Hence, order passed by the competent authority does not warrant any interference.

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

Order Announced.


Regional Police Officer,
Mardan.

DPONISTE
20/6/2021

No. 3257 IES; Dated Mardan the 21 - 06 - 2021

Copy forwarded to District Police Officer, Nowshera for information and necessary action w/r to his office Memo No. 1037/PA dated 27.04.2021. His Serial No. is returned herewith.

11/20/PA
14 22/6/2021
For action

ORDER

This order will dispose-off the departmental appeal preferred to Ex-Constable Kashif Muhammad No. 935 of Nowshera District Police against the order of District Police Officer, Nowshera, whereby he was awarded major punishment of dismissal from service vide OB No. 176 dated 16.02.2021. The appellant was proceeded against departmentally on the allegations that he while posted at Police Station Misri Banda District Nowshera, absented himself from lawful duty vide Daily Diary No. 14 dated 06.06.2020 till the date of dismissal from service without any leave or prior permission from his senior officers.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Sub Divisional Police Officer (SDPO) Pabbi, Nowshera was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings wherein he reported that the appellant was contacted time and again to appear before the enquiry officer but he failed and remained absent, which showed that he was no more interested in Police Service. He recommended the appellant for ex-parte action.

He was issued Final Show Cause Notice on 04.02.2021 but neither did he submit his reply nor did he assume the duty rather remained absent. Hence he was awarded major punishment of dismissal from service from the date of absence.

Feeling aggrieved from the order of District Police Officer, Nowshera the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 16.06.2021.

From the perusal of service record of the appellant. It has been found the allegations leveled against the appellant have been proved beyond any shadow (sic) doubt. During the course of enquiry the appellant did not bother either to join enquiry proceedings or report his arrival which clearly depicts his disinterest towards his office duties. His period of absence is 360 days which cannot be ignored. Hence, the (sic) conduct of appellant is unbecoming of a disciplined Police Officer. Moreover, to appellant approached this forum at a belated stage by filing the instant appeal which time barred by one month and sixteen days without advancing any cogent reason regarding such delay. Hence, order passed by the competent authority does not warranted any interference.

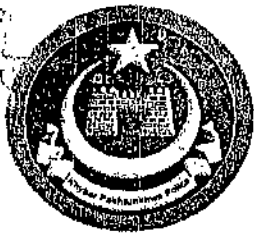
Keeping in view the above, I, Yaseen Farooq, PSP Regional Police Officer, Mardan, being the appellant authority, find no substance in the appeal, therefore, the same is rejected and filed, being time barred mentioned above.

Order Announced

No. 3257/ES

Dated Mardan the 21.06.2021

Copy forwarded to District Police Officer Nowshera for information and necessary action w;/r to his office Memo No. 1037/PA dated 27.04.2021 (sic)



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar.

No. S/ 3196 /21, dated Peshawar the 29/07 /2021.

(F)

(24)

To : The Regional Police Officer,
Mardan

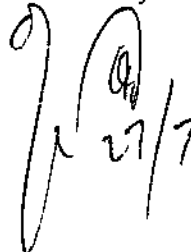
Subject: - REVISION PETITION.

Memo:

The competent Authority has examined and filed the revision petition submitted by Ex-Constable Kashif Muhammad No. 935 of Nowshera district Police against the punishment of dismissal from service awarded by District Police Officer, Nowshera vide OB No. 176, dated 16.02.2021, being time barred.


(NOOR AFGHAN)

Registrar,
For Inspector General of Police
Khyber Pakhtunkhwa, Peshawar


27/7

25

WAKALAT NAMA

IN THE COURT OF

1992 Sindh Tribunal Pk

Kashif Mubal
.....
.....
.....

VERSUS

PPO
.....
.....
.....

Accused/
Petitioner/
Appellant/
Plaintiff.

Respondent/
Defendant/
Complainant

Yasir Saleem Advocate High Court, Peshawar (herein after called the advocate) to be the Advocate for the Appellants in the above mentioned case, to do all the following acts, deeds and things or any of them ,that is to say ;

- 1) To act and plead in the above mentioned case in this court or any other Court in which the same may be tried or heard in the first instance or in appeal or review or execution or in any other stage of its progress until its final decision.
- 2) To sign, verify and present pleadings, appeals, cross- objections ,petitions for execution, review , revision, withdrawal, compromise or other petition or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of said case in all its stages.
- 3) To withdraw or compromise in the said case or submit to arbitration any difference or dispute that shall arise touching or in any manner relating to the said case.
- 4) To receive money and grant receipts therefore and to do all other acts and things which may be necessary to be done for the progress and the course of the prosecution of the said case.
- 5) To engage any other Legal practitioner authorizing him to exercise the power and authorities hereby conferred on the Advocate whenever he may think fit to do so.

AND I hereby agree to ratify whatever the Advocate or his substitute shall do in the promises.

AND I hereby agree not to hold the Advocate or its substitute responsible for the result of the said case and in consequence of his absence from the court when the said case is called up for hearing

AND I hereby that in the event of the whole or any part of the fee agreed by me to be paid to the Advocate remaining unpaid., He shall be entitled to withdraw from the prosecution of the said case until the same is paid.

In witnesses whereof I / we have hereto signed at _____ the _____ day to _____ the year _____

Executant / Executants Yasir Saleem

Accepted subject to the terms regarding fee _____

JAWAD UR REHMAN
Advocate High Court

YASIR SALEEM
Advocate High Court Peshawar

FR-4, 4th Floor, Bilour Plaza, Peshawar Saddar.
Bar Council: 10-6580, Cell No. 0331-8892589
Email: yasirsaleemadvocate@gmail.com

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

Service Appeal No. 7504/2021

Kashif Muhammad, Ex-Constable No. 935, District Nowshera.

.....Appellant

V E R S U S

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar etc

.....Respondents

I N D E X

S.No.	Description of documents	Annexure	Pages
1.	Reply of Respondents	-	1-3
2.	Affidavit	-	04
3.	Copy of detail of bad entries	A	05-06
4.	Copy of DD report No. 18 PS Pabbi with better copy.	B	07
5.	Copy of Final Show Cause Notice	C	08
6.	Copy of rejection order of departmental appeal.	D	09
7.	Copy of order rejection of revision petition with better copy.	E	10
8.	Copy of enquiry report with better copy	F	11


Inspector Legal,
Nowshera

①

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

Service Appeal No. 7504/2021

Kashif Muhammad, Ex-Constable No. 935, District Nowshera.

.....Appellant

V E R S U S

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

.....Respondents

REPLY ON BEHALF OF RESPONDENTS

Respectfully Sheweth: -

PRELIMINARY OBJECTIONS: -

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

Reply on Facts: -

1. Para pertains to record.
2. Incorrect. Performance of appellant was not satisfactory, as service record of the appellant is tainted with bad entries. (Detail of bad entries is annexure "A").
3. Incorrect. Plea of appellant regarding his alleged illness is not plausible, because he remained absent from duty for almost 08 months but during this time he did not bother either to apply for leave or to join his duty. It is worth to mention that appellant while posted at Police Station, Misri Banda remained absent from duty without any leave/permission of the competent authority vide Daily diary No. 14 dated 06-06-2020 Police Station, Misri Banda.

In order to scrutinize conduct of the appellant, enquiry was conducted through DSP Pabbi. As per daily diary No. 18 dated 29-09-2020, during the course of enquiry appellant was contacted several times, on his cell phone No. 0313-9534234, but he did not bother to appear before the enquiry officer. On 17-09-2020, appellant was informed through Police Station, Misri Banda while on 21-09-2020 appellant was contacted on his contact number and informed to collect his charge sheet from the office of DSP Pabbi. Similarly, on 25-09-2020, appellant was informed through incharge Police Post, Kheshgi, who (I/C PP) met the appellant at his house situated at Sheikh Shahbaz Baba, Kheshgi, where appellant assured him that on 28-09-2020 he will attend the office of DSP Pabbi

but each time appellant did not pay any heed to the orders of high ups and intentionally avoided appearing before the enquiry officer and collecting his charge sheet. (Copy of daily diary No. 18 of PS Pabbi is annexure "B").

4. Incorrect. Appellant intentionally avoided to join his duty as well as to join enquiry proceedings. When appellant was informed, time and again, to collect his charge sheet and statement of allegations, he turned a deaf ear to the same. Moreover, appellant neither submitted medical documents nor applied for any medical leave. Appellant took this plea, regarding his so called illness, only to give covering to his prolong absence.
5. Incorrect. Before awarding punishment, appellant was issued Final Show Cause Notice, which was duly received by the appellant himself. To this effect his signature, as token of receipt, was also obtained, on the back side of the Show Cause Notice. (Copy of Final Show Cause Notice is annexure "C").
6. Incorrect. Only to give covering to his prolong absence i.e 08 months, appellant gave this sorry/lame excuse of his own illness and then the illness of his mother.
7. Correct to the extent that appellant moved departmental appeal before the appellate authority, however, the same was rejected/failed being badly time barred. (Copy of rejection order is annexure "D").
8. Correct to extent that appellant moved revision petition before respondent No. 01 but the same was filed. (Copy of order is annexure "E").
9. Incorrect. Orders dated 16-02-2021, 21-06-2021 and 29-07-2021 are in accordance with law/rules, hence, are liable to be maintained inter alia on the following grounds: -


Reply on GROUNDS

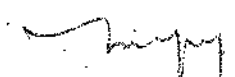
- A. Incorrect. Appellant was treated in accordance with law and no right of the appellant has been violated.
- B. Incorrect. Before awarding major punishment to the appellant, all legal and codal formalities have been fulfilled. Appellant was so many times informed to collect his charge sheet with statement of allegation from the office of DSP Pabbi (enquiry officer) but despite giving assurance by the appellant, he did not bother to collect the same and intentionally avoided to join enquiry proceeding.
- C. Incorrect. Before awarding penalty, appellant was issued Final Show Cause Notice which was collected by him in person but he did not bother to reply the same.
- D. Para already explained above.
- E. Incorrect. Appellant remained absent from duty for almost 08 months without any leave or proper permission of the competent authority. Moreover, appellant was repeatedly contacted to collect his charge sheet with statement of allegation but he turned a deaf ear to the same.


- F. Incorrect. By considering misconduct of the appellant, he was awarded major punishment of dismissal from service which commensurate with the gravity of misconduct of the appellant.
- G. Incorrect. Appellant, despite being contacted time and again, willfully and deliberately avoided to join the enquiry proceeding, hence, the enquiry officer recommended ex-parte action against the appellant. (Copy of enquiry report is annexure "F").
- H. Incorrect. Service record of the appellant is tainted with bad entries. (Detail of bad entries is already annexed as annexure -A.
- I. Irrelevant, however, he was dismissed from service.
- J. The respondents also seek permission of this Honourable Tribunal to advance additional grounds at the time of arguments.

Prayers

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


**Provincial Police Officer,
 Khyber Pakhtunkhwa,
 Peshawar.
 Respondent No. 01**


**Regional Police Officer,
 Mardan.
 Respondent No. 02**


**District Police Officer,
 Nowshera.
 Respondent No.03**

(4)

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

Service Appeal No. 7504/2021

Kashif Muhammad, Ex-Constable No. 935, District Nowshera.

.....Appellant


V E R S U S

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


.....Respondents

AFFIDAVIT

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


Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.
Respondent No. 01


Regional Police Officer,
Mardan.
Respondent No. 02


District Police Officer,
Nowshera.
Respondent No.03

انٹرنیٹ فونک فٹل آڈن کیلکولیشن واسٹف محمد 935

کل قطعات	مردود رقم تاریخ	تفصیل
6 عدد	228 08 2011-3-07	شہ فیاض - ٹیکسٹ - ڈیٹیک DMC - کیریئر سٹیشن ڈیٹیکل سٹیشن
2 عدد	443 19-3-019	تھانہ حضائی - انٹریٹ سٹریٹ آرڈر ایک یوم سیرٹیفیکیٹ رجسٹرڈ بلا سٹوآہ سے نماد یونی
2 عدد	710 22-5-019	5 یوم سیرٹیفیکیٹ رجسٹرڈ بلا سٹوآہ سے نماد یونی
2 عدد	794 19-6-019	40 یوم رجسٹرڈ فٹورڈ یونی
1 عدد	853 03-7-019	1 یوم سیرٹیفیکیٹ رجسٹرڈ بلا سٹوآہ سے نماد یونی
2 عدد	899 18-07-019	4 یوم سیرٹیفیکیٹ رجسٹرڈ بلا سٹوآہ سے نماد یونی
1 عدد	574 18-4-019	2 یوم سیرٹیفیکیٹ رجسٹرڈ بلا سٹوآہ سے نماد یونی
1 عدد	341 27-2-019	4 یوم سیرٹیفیکیٹ رجسٹرڈ بلا سٹوآہ سے نماد یونی
1 عدد	818 31-8-018	2 یوم سیرٹیفیکیٹ رجسٹرڈ بلا سٹوآہ سے نماد یونی
1 عدد	818 31-8-018	1 یوم سیرٹیفیکیٹ رجسٹرڈ بلا سٹوآہ سے نماد یونی
1 عدد	1107 23-12-016	60 یوم ڈائٹ ایو منظور یونی
2 عدد	1167 10-12-015	4 یوم سیرٹیفیکیٹ رجسٹرڈ بلا سٹوآہ سے نماد یونی کھام سیرٹیفیکیٹ رجسٹرڈ بلا سٹوآہ سے نماد یونی
16 عدد	180 13-12-015	4 یوم سیرٹیفیکیٹ رجسٹرڈ بلا سٹوآہ سے نماد یونی ڈول ٹی سیرٹیفیکیٹ رجسٹرڈ بلا سٹوآہ سے نماد یونی
2 عدد	995	8 یوم سیرٹیفیکیٹ رجسٹرڈ بلا سٹوآہ سے نماد یونی 5 یوم انٹریٹ ڈول ٹی سیرٹیفیکیٹ رجسٹرڈ بلا سٹوآہ سے نماد یونی

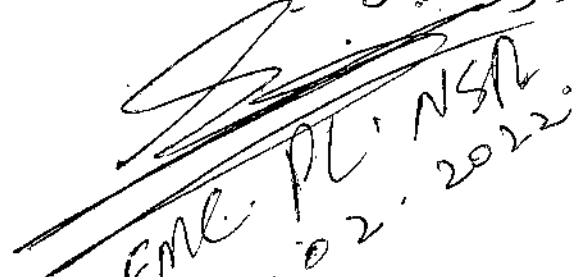
2 عدد -	111 10-9-15	15	میرحاضر کے دستاویز
2 عدد -	624 16-6-15	16	میرحاضر کے دستاویز
2 عدد -	646 23-6-15	17	4 نوم میرحاضر کے دستاویز بلا توثیق اور 2 نوم انکیٹرا ڈول کی سزا دی گئی ہے
2 عدد -	1020 29-10-14	18	1 نوم میرحاضر کے دستاویز بلا توثیق اور 2 نوم انکیٹرا ڈول کی سزا دی گئی ہے
1 عدد -	331 18-4-14	19	3 نوم میرحاضر کے دستاویز
4 عدد -	1006 27-10-14	20	4 نوم میرحاضر کے دستاویز بلا توثیق اور 2 نوم انکیٹرا ڈول کی سزا دی گئی ہے
2 عدد -	304 10-4-14	21	2 نوم میرحاضر کے دستاویز بلا توثیق اور 2 نوم انکیٹرا ڈول کی سزا دی گئی ہے
2 عدد -	982 14-10-14	22	6 نوم میرحاضر کے دستاویز 3 نوم انکیٹرا ڈول کی سزا دی گئی ہے اور 2 نوم انکیٹرا ڈول کی سزا دی گئی ہے
2 عدد -	1020 29-10-14	23	1 نوم میرحاضر کے دستاویز 2 نوم انکیٹرا ڈول کی سزا دی گئی ہے
1 عدد -	1066 13-11-14	24	18 نوم میرحاضر کے دستاویز سے 8 نوم میرحاضر کے دستاویز بلا توثیق اور 2 نوم انکیٹرا ڈول کی سزا دی گئی ہے
1 عدد -	1136 1-12-14	25	8 نوم میرحاضر کے دستاویز بلا توثیق اور 2 نوم انکیٹرا ڈول کی سزا دی گئی ہے
1 عدد -	876 16-9-14	26	1 نوم میرحاضر کے دستاویز 2 نوم انکیٹرا ڈول کی سزا دی گئی ہے
1 عدد -	875 16-9-14	27	6 نوم میرحاضر کے دستاویز سے 2 نوم میرحاضر کے دستاویز بلا توثیق اور 4 نوم انکیٹرا ڈول کی سزا دی گئی ہے
1 عدد -	749 11-8-16	28	1 نوم میرحاضر کے دستاویز بلا توثیق اور 2 نوم انکیٹرا ڈول کی سزا دی گئی ہے
1 عدد -	721 25-7-14	29	1 نوم میرحاضر کے دستاویز
1 عدد -	684	30	2 نوم میرحاضر کے دستاویز

انڈیکس فونی قتل آڈن کیل

کل قلمیات	مرد درجہ تاریخ	تفصیل
1 عدد -	599 27-8-14	3 نوم میر حاضری رخصت بلا سواہ سے شمار ہوئی
1 عدد -	499 2-8-14	3 نوم میر حاضری رخصت بلا سواہ سے شمار ہوئی ہے
2 عدد -	542 12-7-13	1 نوم میر حاضری ہے
2 عدد -	447 5-6-13	1 نوم میر حاضری پر وارنٹک دی گئی
1 عدد -	182 5-3-12	2 نوم میر حاضری رخصت بلا سواہ سے شمار ہو کر 200 سے جرمانہ کیا گیا
1 عدد -	222 27-3-12	4 نوم میر حاضری پر 300 سے جرمانہ ہو کر اب میر حاضری رخصت بلا سواہ سے شمار ہوئی
1 عدد -	34 11-1-12	2 نوم میر حاضری رخصت بلا سواہ سے شمار ہو کر 200 سے جرمانہ کیا گیا
1 عدد -	1283 20-12-11	2 نوم میر حاضری ہے
1 عدد -	1158 26-10-11	3 نوم میر حاضری رخصت بلا سواہ سے شمار ہوئی
1 عدد -	1151 26-10-11	3 نوم میر حاضری رخصت ہے
1 عدد -	977 8-9-11	3 نوم میر حاضری ہے
1 عدد -	807 14-7-11	1 نوم میر حاضری ہے
1 عدد -	804 14-7-11	3 نوم میر حاضری ہے
1 عدد -	655 15-8-11	1 نوم میر حاضری ہے
1 عدد -	523 14-5-11	2 نوم میر حاضری ہے
2 عدد -	708 29-8-11	1 نوم میر حاضری ہے

9	141	23 نومبر 2015ء کو عدالت کی طرف سے درخواست کی گئی تھی۔
6-2-15		47 شہادت کی حاکمیت کے تحت 2 نومبر 2015ء کو عدالت کی طرف سے درخواست کی گئی۔
2	1022	48 5 نومبر 2015ء کو عدالت کی طرف سے درخواست کی گئی تھی۔
6-9-19		51 14 نومبر 2015ء کو عدالت کی طرف سے درخواست کی گئی تھی۔
3	48	52 6 نومبر 2015ء کو عدالت کی طرف سے درخواست کی گئی تھی۔
15-1-019		53 25 نومبر 2015ء کو عدالت کی طرف سے درخواست کی گئی تھی۔
3	33	
8-1-020		
2	167	
6-2-020		
22	176	
16-2-021		

محکمہ ایس ایس کے ذریعہ فراہم کی گئی ہے۔


 F.M.C. PLI NSA
 02-02-2022

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FINAL SHOW CAUSE NOTICE

Whereas, you **Constable Kashif No. 935**, while posted at Police Station Misri Banda, remained absent from lawful duty without any leave / permission of the competent authority vide DD No. 14 dated 06.06.2020 PS Misri Banda and is still absent.


On account of which, you were proceeded against departmentally through SDPO Pabbi, who after fulfillment of legal formalities submitted his report to undersigned wherein he highlighted that you have remained absent from duty willfully / deliberately and did not submit reply to your charge sheet, hence, recommended you for awarding major punishment.

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

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

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

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


District Police Officer,
Nowshera

No 31 /PA,
Dated 28/1/2021.

کانتھ فی وڈ ریسٹریکٹ
کلیئرنگ ایجنسی

(BHO Kaler)

0313-9534234

17201-8714294-5

Handwritten signature

4/2/2021

کانتھ فی وڈ ریسٹریکٹ
کلیئرنگ ایجنسی

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⑨ Annex: D
1

ORDER.

This order will dispose-off the departmental appeal preferred by **Ex-Constable Kashif Muhammad No. 935** of Nowshera District Police against the order of District Police Officer, Nowshera, whereby he was awarded major punishment of dismissal from service vide OB: No. 176 dated 16.02.2021. The appellant was proceeded against departmentally on the allegations that he while posted at Police Station Misri Banda District Nowshera, absented himself from lawful duty vide Daily Diary No. 14 dated 06.06.2020 till the date of dismissal from service without any leave or prior permission from his senior officers.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Sub Divisional Police Officer (SDPO) Pabbi, Nowshera was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities, submitted his findings wherein he reported that the appellant was contacted time and again to appear before the enquiry Officer, but he failed and remained absent, which showed that he was no more interested in Police Service. He recommended the appellant for ex-parte action.

He was issued Final Show Cause Notice on 04.02.2021, but neither did he submit his reply nor did he assume the duty rather remained absent. Hence, he was awarded major punishment of dismissal from service from the date of absence.

Feeling aggrieved from the order of District Police Officer, Nowshera, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 16.06.2021.

From the perusal of service record of the appellant, it has been found that the allegations leveled against the appellant have been proved beyond any shadow of doubt. During the course of enquiry the appellant did not bother either to join enquiry proceedings or report his arrival which clearly depicts his disinterest towards his official duties. His period of absence is 360 days which cannot be ignored. Hence, the very conduct of appellant is unbecoming of a disciplined Police Officer. Moreover, the appellant approached this forum at a belated stage by filing the instant appeal which time barred by one month and sixteen days without advancing any cogent reason regarding such delay. Hence, order passed by the competent authority does not warrant any interference.

1120/PA
22/6/2021

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

EC/FMC
for action

Order Announced.

**Regional Police Officer,
Mardan.**

DP/NSR
22/6/2021

No. 3257 IES, Dated Mardan the 21-06- /2021.

Copy forwarded to District Police Officer, Nowshera for necessary action w/r to his office Memo: No. 1037/PA dated 27.04.2021. The original is returned herewith.

10 Annex E



Handwritten signature/initials

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar.

No. SI 376 /21, dated Peshawar the 28 /8/2021.

The Regional Police Officer,
Mardan

1793
3-8-21

Subject: REVISION PETITION.

Re: _____

The competent Authority has examined and filed the revision petition submitted by EX-Constable Kashif Muhammad No. 935 of Nowshera district Police against the punishment of dismissal from service awarded by District Police Officer, Nowshera vide OB No. 476 of 02.2021, being time barred.

(Signature)
(NOOR AFGHAN)
Registrar,
For Inspector General of Police
Khyber Pakhtunkhwa, Peshawar

4
27/7 No - *4025/21*
DR - *376/21*

Insp: Legal
DA/EC

EC/DPO Nowshera
for information

FCD in action

RPO Mardan
018/21

4094
06-08-21 / *DPO NSP*
05/8/2021

FMC
For info
Sumed
(Signature)



(10) Annex E
OFFICE OF THE
INSPECTOR GENERAL OF POLICE,
KHYBER PAKHTUNKHWA,
CENTRAL POLICE OFFICE,
PESHAWAR.

No.S/ 3196/21, dated Peshawar the 29-09-2021

Better Copy

To:

The Regional Police Officer,
Mardan.

Subject:

REVISION PETITION

Memo:

The competent authority has examined and filed the revision petition submitted by Ex-Constable Kashif Muhammad No. 935 of Nowshera district Police against the punishment of dismissal from service awarded by District Police Officer, Nowshera vide OB No. 176, dated 16-02-2021, being time barred.

Sd/-
(NOOR AFGHAN)
Registrar,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

DEPARTMENTAL ENQUIRY AGAINST CONSTABLE KASHIF NO. 935 OF PS MISRI BANDA.

ALLEGATIONS:

This is departmental enquiry against Constable Kashif No.935 while posted at PS Misri Banda, remained absent from duty without any leave/permission of the competent authority vide DD No.14 dated 06.06.2020 PS Misri Banda and still absent, which amounts to grave misconduct on his part and rendered him liable for minor/major punishment under Khyber Pakhtunkhwa Police Rules, 1975.

PROCEEDINGS:

For the purpose to scrutinize the conduct of defaulter Constable Kashif No.935 the undersigned being an Enquiry Officer, the defaulter Constable was contacted several times on his Cell No. 0313-9534234 but he did not attend the office. On 17.09.2020 the defaulter Constable was contacted through PS Misri Banda vide DD No.08 dated 18.09.2020 of PS Pabbi and similarly on his Cell No. he stated that he will receive charge sheet but also did not attend the office. On 21.09.2020 he was contacted again on his cell No., on 25.09.2020 a written parwana was sent through PS Nowshera Kalan/PP Kheshgi and his compliance report was entered in DD No.05 dated 26.09.2020 of PP Kheshgi which is enclosed and a written parwana was also sent to I/C PP Kheshgi vide this office dispatch No.41 dated 26.01.2021 but not attended the office (absence DD reports & parwanas are attached).

CONCLUSION:

The defaulter was time and again called to attend the enquiry proceedings but he didn't bother to attend. Therefore, Ex-Parte action may please be taken against him, He is recommended for major punishment, please.

Encl= (13) Sheets,

No. 67 /S

Dated: 28/01/2021


Deputy Superintendent of Police,
Pabbi Circle.

Police Department

Nowshera District

DEPARTMENTAL ENQUIRY AGAINST CONSTABLE KASHIF NO. 935 OF PS MISRI BANDA**Allegations:**

This is departmental enquiry against Constable Kashif No. 935 while posted at PS Misri Banda, remained absent from duty without any leave/permission of the competent authority vide DD No. 14 dated 06-06-2020 PS Misri Banda and still absent, which amount to grave misconduct on his part and rendered him liable for minor/major punishment under Khyber Pakhtunkhwa, Police Rules, 1975.

PROCEEDINGS

For the purpose to scrutinize the conduct of defaulter Constable Kashif No. 935 the undersigned being an Enquiry Officer, the defaulter, Constable was contacted several times on his Cell No. 0313-9534234 but he did not attend the office. On 17-09-2020 the defaulter Constable was contacted through PS Misri Banda vide DD No. 08 dated 18-09-2020 of PS Pabbi and similarly on his Cell No. he stated that he will receive charge sheet but also did not attend the office. On 21-09-2020 he was contacted again on his cell No, on 25-09-2020 a written parwana was sent through PS Nowshera Kalan/PP Kheshgi and his compliance report was entered in DD No. 05 dated 26-09-2020 of PP Kheshgi which is enclosed and a written parwana was also sent to I/C PP Kheshgi vide this office dispatch No. 41 dated 26-01-2021 but not attended the office (absence DD report & parwanas are attached).

CONCLUSION:

The defaulter was time and again called to attend the enquiry proceedings but he did not bother to attend. Therefore, Ex-Parte action may please be taken against him. He is recommended for major punishment, please.

Encl=(13) Sheets,

No. 67 /S

Dated 28-01-2021.

-5d-

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