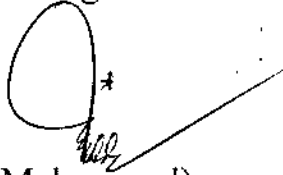


22.11.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 10.01.2023 before the D.B.

SCANNED  
KPST  
Peshawar



(Mian Muhammad)  
Member (E)



(Salah-Ud-Din)  
Member (J)

10.01.2023

Junior to counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General alongwith Atta ur Rehman Inspector (Legal) for the respondents present.

SCANNED  
KPST  
Peshawar

Learned Member Executive (Miss Fareeha Paul) left the court at 11.00 A.M in order to attend a meeting in the Law Department, Government of Khyber Pakhtunkhwa, therefore, this case is adjourned to 06.04.2023 for arguments before the D.B.

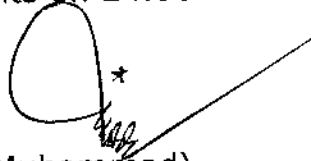


(Rozina-Rehman)  
Member(J)

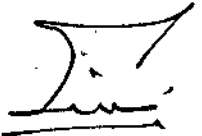
14.04.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the MTI Tribunal. Adjourned. To come up for arguments on 24.06.2022 before the D.B.



(Mian Muhammad)  
Member (E)



(Salah-ud-Din)  
Member (J)

24<sup>th</sup> June, 2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Attaur Rehman, Inspector (Legal) for the respondents present.

Learned counsel for the appellant seeks adjournment as he could not prepare the brief. Adjourned. To come up for arguments on 09.08.2022 before the D.B.



(Fareeha Paul)  
Member(E)



Chairman

9-8-2022

Due to the Public holiday the case is adjourned to the 22-11-2022



Reader

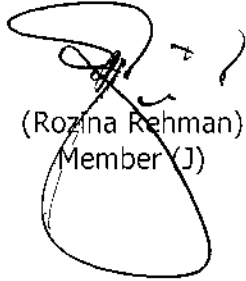
Continued

18.01.2021

Later on, learned counsel for appellant put appearance and preliminary arguments heard. File perused.

Points raised need consideration. Admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for written reply/comments. To come up for written reply/comments on 13.04.2021 before S.B.

Appellant Deposited  
Security & Process Fee  
28/1/21

  
(Rozina Rehman)  
Member (J)

13.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 02.08.2021 for the same as before.

  
Reader

02.08.2021

Counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG alongwith Khial Roz, Inspector for the respondents present.

Reply/comments has been submitted by the respondents. Placed on file. The appeal is entrusted to D.B for arguments on 27.12.2021.

27/12/2021

Due to ~~winter vacation~~ ~~the~~ ~~case~~ ~~is~~ ~~adjourned~~ ~~to~~ ~~come~~ ~~up~~ ~~for~~ ~~the~~ ~~same~~ ~~as~~ ~~before~~ ~~on~~ ~~14-4-2022~~

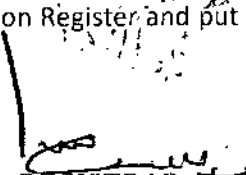

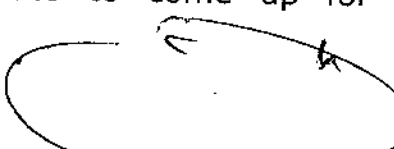
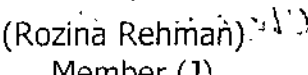
  
Chairman

  
Reader.

## FORM OF ORDER SHEET

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

Case No. 10818 /2020

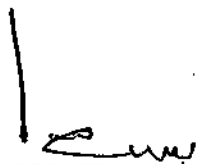
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/09/2020	<p>The appeal of Mr. Zubair Khan resubmitted today by Mr. Javed Iqbal Gulbella Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	02.11.2020	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>02/11/2020</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	02.11.2020	<p>Appellant is present in person.</p> <p>Since the Members of the High Court as well as of the District Bar Association, Peshawar, are observing strike today, therefore, learned counsel for appellant is not available today. Adjourned to 19.01.2021 on which date to come up for preliminary hearing before S.B.</p> <p style="text-align: right;"> (Muhammad Jamal Khan) Member (Judicial)</p>
	19.01.2021	<p>Nemo for appellant.</p> <p>Case is adjourned to 20.04.2021 for preliminary hearing, before S.B.</p> <p style="text-align: right;"> (Rozina Rehman) Member (J)</p>

The appeal of Mr. Zubair Khan Ex-cook F.C No. 3231 District Police Mardan received today i.e. on 11.09.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Copy of departmental appeal is not attached with the appeal which may be placed on it.

No. 2664 /S.T,

Dt. 14/09/2020

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Javed Iqbal Guibella Adv. Peshawar.

Reported Sir!  
The Departmental appeal is annexed on page  
No. 19, 20 & 21 as annexure-"D". Where as  
its departmental order is annexed on page-  
No. 18 as annexure-"C". Kindly find  
the appeal before Hon'ble Tribunal for  
hearing.

~~2~~  
15/9/20  
(An Noor)

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

In Re S.A 10819 /2020

Zubair Khan

**VERSUS**

I.G.P, Khyber Pakhtunkhwa and Others

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2.	Application for Condonation of delay		9-10
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5.	Copies of Medical documents	"A"	13-16
6.	Copy of impugned dismissal order Dated 29-10-2019	"B"	17
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Dated: 11/09/2020

*Appellant*

Through

**JAVED IQBAL GULBELA**  
Advocate High Court  
Peshawar.

Off Add: 9-10A Al-Nimrah Centre, Govt College Chowk Peshawar

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

In Re S.A \_\_\_\_\_/2020

Zubair Khan Ex-FC(Cook) No. 3231 S/o Raheem Khan  
R/o Mohallah Malak Abad Gudar Tehsil & District  
Mardan.

----- (*Appellant*)

**VERSUS**

1. Inspector General of Police, Khyber Pakhtunkhwa.
2. Regional Police Officer Mardan.
3. District Police Officer Mardan.

----- (*Respondents*).

**APPEAL U/S 4 OF KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL ACT 1974 AGAINST  
THE IMPUGNED OFFICE ORDER NO. 7895-  
97/PA DATED 29-10-2019 OF THE OFFICE OF  
DISTRICT POLICE OFFICER MARDAN  
WHEREBY THE APPELLANT WAS  
DISMISSED FROM SERVICE & IMPUGNED  
OFFICE ORDER NO. 706/ES DATED 20-01-  
2020 OF THE OFFICE OF REGIONAL  
POLICE OFFICER MARDAN AND  
IMPUGNED OFFICE ORDER NO.2924/20  
DATED 27-07-2020 OF THE OFFICE OF  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA, WHEREBY THE  
DEPARTMENT APPEAL & MERCY PETITION  
WERE DISMISSED IN A CLASSICAL  
CURSORY & WHIMSICAL MANNER.**

Respectfully Sheweth

1. That the Appellant is a naturally born bonafide citizen of Islamic Republic of Pakistan and hails, from a respectable family of District Mardan.
2. That after getting onto the rolls of this highly prestigious Police Department the Appellant never left any stone unturned in performance of his duties & was appraised on certain occasions for his work ethic and behavior.
3. That during the action packed days, the Appellant was performing his duties and was posted at Mardan. It is pertinent to mention here that the Appellant was suddenly hit by a chronic disease (Depressive Disorder) & accordingly requested for leave which was not considered by the Respondent Department due to the above mention severe psychiatric disorder, the Appellant started his treatment from Iftikhar Psychiatric Hospital Peshawar which lasted for three months and due to which the Appellant could not join his duty in Respondent



③

Department on medical grounds. (Copies of Medical documents are Annexed as Annexure "A").

4. That before going to quench out trust upon the injustices & unfettered discrimination metted out to the Appellant, it would be appropriate to mention here that the Appellant was dismissed from the rolls of Respondent Police Department without any rem or reason & without following the due course of law & codal formalities vide Order No 7895/97/PA Dated 29-10-2019, of office of DPO Mardan. (Copy of impugned dismissal order Dated 29-10-2019 is annexed as Annexure "B").
5. That despite having a strong case following a complete bolster furnished by the supra mentioned certainties coupled with the vivid fact of Medical certainties the Appellant moved a Departmental Appeal but faced a stark refusal & the Departmental Appeal of the Appellant was turn down vide impugned Office Order No. 706/ES Dated 20-01-2020 of the office of Regional Police Officer Mardan .(Copy of

(4)

impugned order dated 20-01-2020 is annexed as Annexure "C").

6. That feeling aggrieved from the order Dated 20-01-2020 the Appellant moved a Mercy Petition before the Inspector General of Police Khyber Pakhtunkhwa but here again the deuce fate of the Appellant prevailed and accordingly the Mercy Petition / second Revision of the Appellant was dismissed vide impugned office order no. S/2924/20 Dated 27-07-2020 of the office of Inspector General of Police Khyber Pakhtunkhwa in a cursory & whimsical manner. (Copy of mercy petition & order dated 27-07-2020 is annexed as Annexure "D & E").
7. That the Appellant went from Pillar to post but all his efforts went futile & prove like cries & echoes in the wilderness.
8. That from the supra mentioned episode the grievances that come into existence having no other efficacious remedy & forum to be addressed at, the Appellant approaches this Hon'ble tribunal inter alia, on the following grounds.

**GROUND:**

- A. That the impugned dismissal order is wrong, illegal, & void hence the same is liable to be set aside.
- B. That no inquiry whatsoever was ever conducted in presence of the Appellant nor any inquiry dispensation order was ever issued, even then the major penalty was imposed upon the Appellant which is against the law governing the subject & rules therein.
- C. That no charge sheet & no statement of allegations were ever issued to the Appellant & thus the mandatory instruments of law are missing in case of the Appellant.
- D. That even no proper right of defense was ever extended to the Appellant nor was heard in person & even then the harshest penalty was imposed which on part of the respondent Police department is an unlawful act.
- E. That even no Final Show Cause Notice was ever issued which is a mandatory provision of law even if no inquiry is made or advised or dispensed with.

(6)

- F. That the opportunity of personal hearing was also not extended to the Appellant and thus was condemned unheard & because of the same grave violation of the Rules took place in case of the Appellant.
- G. That where a law requires a thing to be done in a particular manner then that has to be done in a particular manner & not otherwise.
- H. That such reckless demeanor of the respondent Police department is an unreasonable departure from principle of policy contained within the constitution requiring them to secure well being of the Appellant by ensuring equitable adjustment of rights between the employer - Respondent Police department & employee - Appellant.
- I. That from every angle the impugned dismissal order is wrong, illegal, void, against the rights of the Appellant & is liable to be set aside.
- J. That the Appellant seeks permission of this Hon'ble tribunal to advance other grounds at the time of arguments.

It is therefore, most humbly prayed that on acceptance of the instant Service Appeal, the

impugned office order No.7895-97/PA Dated 29-10-2019 of the Office of District Police Officer Mardan as well as impugned Office order no706/ES Dated 20-01-2020 of the office of Regional Police Officer Mardan & impugned Office order No.2924/20 Dated 27-07-2020 of the Office of Inspector General of Police Khyber Pakhtunkhwa may kindly be set aside & by doing so the Appellant may kindly be re-instated into Service with all back benefits.

*Any other relief not specifically asked for may also graciously be extended in favor of the Appellant in the circumstances of the case.*

Dated: 11/09/2020

*Appellant*

Through

**JAVED IQBAL GULBELA  
SAGHIR IQBAL GULBELA  
AHSAN SARDAR**

**&**

**TAHIR KHAN**  
Advocates High Court  
Peshawar.

**NOTE:-**

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

**Advocate**

8

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

In Re S.A \_\_\_\_\_/2020

Zubair Khan

**VERSUS**

Inspector General of Police and Others

**AFFIDAVIT**

I, Zubair Khan S/o Raheem Khan R/o Mohallah Malak Abad Gudar, Tehsil & District Mardan, do hereby solemnly affirm and declare that all the contents of the accompanied appeal is true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.

  
**DEPONENT**

**CNIC#16101-4654686-1**

Identified By :

Javed Iqbal Gulbela  
Advocate High Court  
Peshawar.



9

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

In Re S.A \_\_\_\_\_/2020

Zubair Khan

**VERSUS**

I.G.P, Khyber Pakhtunkhwa and Others

**APPLICATION FOR CONDONATION OF DELAY**

**Respectfully Sheweth,**

1. That the petitioner is filing the accompanying appeal the contents of which may graciously be considered as integral part of the instant petition.
2. That the delay in approaching this Hon'ble Tribunal was due to locked down and COVID-19 pandemic country wide, which was not deliberate at all but accidental.
3. That law also favors adjudication on merits and technicalities of any sort must always be ignored while reaching a just and fair disposal of any les.
4. That for proper disposal of the accompanying case on its merits, the condonation of delay is indispensable.
5. That not only the Appellant has got a prima facie case and having balance of

(10)

convenience in his favor, but would suffer irreparable loss, if the instant petition is not allowed.

*It is, therefore, most humbly prayed that on acceptance of the instant petition, the delay if any occurred in filing the accompanying appeal, may graciously be condoned and the accompanying appeal may very graciously be decided on its merits.*

Petitioner/Appellant

Through

Javed Iqbal Gulbela  
Advocate, High Court  
Peshawar.



(11)

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

In Re S.A \_\_\_\_\_/2020

Zubair Khan

**VERSUS**

Inspector General of Police and Others

**AFFIDAVIT**

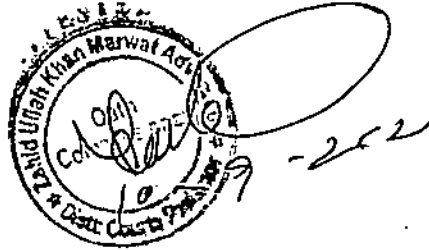
I, Zubair Khan S/o Raheem Khan R/o Mohallah Malak Abad Gudar, Tehsil & District Mardan, do hereby solemnly affirm and declare that all the contents of the accompanied ~~application~~ true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.

*Signature*  
**DEPONENT**

**CNIC#16101-4654686-1**

Identified By :

Javed Iqbal Gulbela  
Advocate High Court  
Peshawar.



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

In Re S.A \_\_\_\_\_/2020

Zubair Khan

**VERSUS**

I.G.P, Khyber Pakhtunkhwa and Others

**ADDRESSES OF PARTIES**

**APPELLANT.**

Zubair Khan Ex-FC(Cook) No. 3231 S/o Raheem Khan  
R/o Mohallah Malak Abad Gudar Tehsil & District  
Mardan.

**RESPONDENTS:**

1. Inspector General of Police, Khyber Pakhtunkhwa.
2. Regional Police Officer Mardan.
3. District Police Officer Mardan.

Dated: 11/09/2020

*Appellant*

Through

**JAVED IQBAL GULBELA**  
Advocate High Court  
Peshawar.

IFTIKHAR PSYCHIATRIC HOSPITAL

CONSULTANT PSYCHIATRIST

Dr. Mian Iftikhar Hussain

M.B.B.S, D.P.M, F.A.C.P(USA)  
Psychiatrist & Psychotherapist  
Email: hpws\_iph@yahoo.com  
Cell: 0343-9112614, 0347-9905488  
Web: www.iph.com.pk  
Near Dalazak Ring Road Chowk  
Pakha Ghulam Bridge, Peshawar.



کنسلٹنٹ سائیکیاٹرسٹ  
ڈاکٹر میاں افتخار حسین

ایم۔ بی۔ بی۔ ایس۔ ڈی۔ پی۔ ایم، ایف۔ اے۔ سی۔ پی۔ (امریکہ)  
ماہر امراض نفسیات، ذہنی، دماغی، منشیات و جنسیات  
نزد درہ زاک رنگ روڈ چوک نزد پختہ غلام مل پشاور

Pt,s Name Zubair Age Marloun Sex Male Date 08 - Aug - 2018

CLINIC RECORD

First visit

Mix anxiety  
Depressive  
Disorder

Rx

Tab. indral 10mg  
o.l.o 1 - ① + ①

Tab. Pexot - CR 12:5mg  
o.l.o 6 - ① + ①

Tab. Razlam 0.5mg  
① 7 - ① رات  
① 7 (دو دن) - ① رات  
یعنی

اوقات مشورہ صبح 10 بجے تا رات 8 بجے تک  
دوائی مسلسل جاری رکھیں اور بند نہ کریں۔ دوبارہ آنے کی تاریخ  
فون پر لے سکتے ہیں

# FOLLOW UP VISIT

Informant:

Diagnosis:

Last Visit

Improvement

Complaints

Self ✓

Sleep ↓↓

Appetite ↓

Mood Bowels - constipation

Mixing

Interest

Pleasure

Work

AH

Vh

Delusions

Obsessions/rituals.

Medication Taking:

O/E

PULSE

BP

TEMP

130

9

RS

GIT

CNS

CVS

- irritability

- Palpitation

- Headaches

- Panic attacks

- S.O.B.

- Low in feelings

Low

Dumb

p.d ideas

(serious)

✓

HEALTH PROMOTION WELFARE SOCIETY

Reg.No: 1680

IFTIKHAR PSYCHIATRIC HOSPITAL

CONSULTANT PSYCHIATRIST

Dr. Mian Iftikhar Hussain



M.B.B.S, D.P.M, F.A.C.P(USA)  
Psychiatrist & Psychotherapist  
Email: hpws\_iph@yahoo.com  
Cell: 0343-9112614, 0347-9905488  
Web: www.iph.com.pk  
Near Dalazak Ring Road Chowk  
Pakha Ghulam Bridge, Peshawar.

ڈاکٹر میاں افتخار حسین

کنسلٹنٹ سائیکیاٹریسٹ  
ایم۔ بی۔ بی۔ ایس۔ ڈی۔ پی۔ ایم، ایف۔ اے۔ سی۔ پی۔ (امریکہ)  
ماہر امراض نفسیات، ذہنی، دماغی، منشیات و جنسیات  
نزد در لہ زاک رنگ روڈ چوک نزد پکھا غلام مل پشاور

Pt,s Name Zubair Age \_\_\_\_\_ Sex ♂ Date 11/09/2019

CLINIC RECORD

Follow up  
visit

MADD

Rx

مردان

Tab. Gingival

① + ①

Tab. valpovax

② + ②

Cap. Ess

Tab. Ser

① + ①

دوائی مسلسل جاری رکھیں اور بند نہ کریں۔ دوبارہ آنے کی تاریخ 11/09/2019 کے ساتھ ساتھ ہسپتال کے فون پر لے سکتے ہیں  
اوقات مشورہ صبح 10 بجے تا رات 8 بجے تک

# FOLLOW UP VISIT

Informant:

Diagnosis:

Last Visit

Improvement ✓

Complaints

Self ✓

Sleep ✓

Appetite ✓

Mood Bowels /

Mixing

Interest

Pleasure

Work

AH ✓

Vh ✓

Delusions | P. d. ideas present

Obsessions/rituals.

Medication Taking:

O/E

PULSE

BP

TEMP

RS

GIT

CNS

CVS

P.t showed improv

Agitation

mild headache

vertigo

Palpitation ✓

# HEALTH PROMOTION WELFARE SOCIETY

Reg.No: 1680

## IFTIKHAR PSYCHIATRIC HOSPITAL

CONSULTANT PSYCHIATRIST

*Dr. Mian Iftikhar Hussain*

M.B.B.S, D.P.M, F.A.C.P(USA)  
Psychiatrist & Psychotherapist  
Email: hpws\_iph@yahoo.com  
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Web: www.iph.com.pk  
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Pakha Ghulam Bridge, Peshawar



کنسلٹنٹ سائیکیاٹرٹسٹ  
ڈاکٹر میاں افتخار حسین

ایم۔ بی۔ بی۔ ایس۔ ڈی۔ پی۔ ایم۔ ایف۔ اے۔ سی۔ پی۔ (امریکہ)  
ماہر امراض نفسیات، ذہنی، دماغی، منشیات و جنسیات  
نزد درہ زاک رنگ روڈ چوک نزد گل غلام مل پشاور

Pt,s Name Subiay Age 30 Sex M Date 10/10/2010

*Maddan*

### CLINIC RECORD

Follow up

*vifit*

**Rx**

Tab. Pexot CR  
25mg

① روزانہ ۲ بار

Tab. indral  
long

① روزانہ ۱ بار

Tab. Lexoten

① روزانہ ۱ بار

Cap. Est

① روزانہ ۱ بار

MADD

↑ Agitated

دوائی مسلسل جاری رکھیں اور بند نہ کریں۔ دوبارہ آنے کی تاریخ 10/10/2010 مقرر ہے۔

اوقات مشورہ صبح 10 بجے تا رات 8 بجے تک

# FOLLOW UP VISIT

Informant:

Diagnosis:

Last Visit

Improvement

Complaints

Self ✓

Sleep ↓

Appetite ✓

Mood Bowels

Mixing, i s

Interest ( ) ✓

Pleasure

Work

AH | ✓

Vh | ✓

Delusions | ✓

Obsessions/rituals.

Medication Taking:

O/E

PULSE

BP

TEMP

RS

GIT

CNS

CVS

Headaches

vertigo

physical weakness

fearfulness

palpitation



(16)

# HEALTH PROMOTION WELFARE SOCIETY

Reg.No: 1680

## IFTIKHAR PSYCHIATRIC HOSPITAL

CONSULTANT PSYCHIATRIST

*Dr. Mian Iftikhar Hussain*

M.B.B.S, D.P.M, F.A.C.P(USA)  
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کنسلٹنٹ سائیکاٹرسٹ  
ڈاکٹر میاں افتخار حسین

ایم۔ بی۔ بی۔ ایس۔ ڈی۔ پی۔ ایم، ایف۔ اے۔ سی۔ پی۔ (امریکہ)  
ماہر امراض نفسیات، ذہنی، دماغی، منشیات و جنسیات  
نزد در لہ زاک رنگ روڈ چوک نزد مغل غلام مل پشاور

Pt,s Name Zubair Age \_\_\_\_\_ Sex male Date 12/11/19

### CLINIC RECORD

Follow up  
visit

MADD

Rx

سر درز

Syp. iron fcy

① + ①

Tab. Pexot CR

12 گھنٹے

① → ①

اوقات مشورہ صبح 10 بجے تا رات 8 بجے تک  
دوائی مسلسل جاری رکھیں اور بند نہ کریں۔ دوبارہ آنے کی تاریخ (12/11/19) مقرر ہونے پر آ سکتے ہیں

# FOLLOW UP VISIT

Informant:

Diagnosis:

Last Visit

Improvement ✓

Complaints

Self ✓

Sleep ✓

Appetite ✓

Mood Bowels ✓

Mixing ✓

Interest ✓

Pleasure

Work

AH

Vh

Delusions

Obsessions/rituals.

Medication Taking:

O/E

PULSE

BP

TEMP

RS

GIT

CNS

CVS

P.T. Showed  
impr. in  
only physical  
mild weakness  
low IQ  
fatigue

Di  
Di



(17)  
**OFFICE OF THE  
DISTRICT POLICE OFFICER,  
MARDAN**

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: [dpo\\_mardan@yahoo.com](mailto:dpo_mardan@yahoo.com)

Am B  
2019

No. 7885-87 /PA

Dated 28/10/2019

ORDER ON ENQUIRY OF COOK CONSTABLE ZUBAIR NO.3231

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the subject official, under the allegations that while posted at Police Lines Mardan, Proceeded against departmentally through Mr. Zia Ullah SDPO/Takht-Bhai vide this office Statement of Disciplinary Action/Charge Sheet No.386/PA dated 28-08-2019, on account of absence from duty without any leave/permission of the competent authority vide DD No.27 dated 14-08-2019 till-date, who (E.O) after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.1310/ST dated 26-09-2019, recommending the alleged official for major punishment.


On 02-10-2019, he was served with a Final Show Cause Notice, under K.I Police Rules-1975, issued vide this office No.268/PA dated 30-09-2019, to which, his reply was due to reach this office within (07) days, but neither has he submitted his reply nor joined duty till-date.

Final Order

Cook Constable Zubair is hereby awarded a major punishment of dismissal from service with effect from 14.08.2019 with immediate effect, in exercise of the power vested in me under Police Rules-1975.

OB No. 7320

Dated 25/10/2019

  
(SAJJAD KHAN) PSP  
District Police Officer  
Mardan

Copy forwarded for information & n/action to:-

- 1) The DSP/HS Mardan.
- 2) The E.O & PO (Police Office) Mardan.
- 3) The OSI (Police Office) Mardan with ( ) Sheets.

(18)

Ann 'C'

OR  
14.1.2020

ORDER.

This order will dispose-off the departmental appeal preferred by Ex-Cook Constable Zubair Khan No. 3231 of Mardan District Police against the order of District Police Officer, Mardan, whereby he was awarded major punishment of dismissal from service vide OB No. 2320 dated 25.10.2019. The appellant was proceeded against departmentally on the allegations of his willful absence from his lawful duty vide daily diary No. 27 dated 14.08.2019 from Police Lines, Mardan till date of his dismissal.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Mr. Zia Ullah Khan the then ASP/Takht Bhai, Mardan was nominated to conduct Enquiry into the matter, who submitted his findings wherein he recommended the delinquent official for major punishment.

He was issued Final Show Cause Notice which he received but failed to submit his reply within stipulated period. Rather he remained absent, which meant that he was no more interested in Police job.

Keeping in view the recommendations of enquiry officer and other material available on record, the appellant was awarded major Punishment of dismissal from service from the date of absence by the District Police Officer, Mardan.

Feeling aggrieved from the order of District Police Officer, Mardan, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 14.01.2020.

From the perusal of the enquiry file and service record of the appellant, it came to light that the delinquent official has been showing irresponsible attitude in utter disregard of the discipline of the force. He could not present any cogent justification for such long absence from duty. Besides the above, prior to the instant dismissal, the appellant had also been dismissed from service on 13.11.2012 and 21.04.2015 on the same allegations, who was later on re-instated into service. But the appellant did not bother to mend his ways. Rather he repeated the same misconduct which is sheer violation of the norms of a disciplined force.

Keeping in view the above, I, Sher Akbar, PSP S.St Regional Police Officer, Mardan, being the appellate authority, finds no substance in the appeal, therefore, the same is rejected and filed being devoid of merit.

Order Announced.

  
Regional Police Officer,  
Mardan.

No. 706 /ES, Dated Mardan the 20 - 1 - /2020.

Copy forwarded to District Police Officer, Mardan for information and necessary w/r to his office Memo: No. 483/LB dated 30.12.2019. His Service Record is returned herewith.

(\*\*\*\*\*)

To

(19)

Amrota D<sup>u</sup>

The Provincial Police Officer,  
K.P.K. Peshawar.

Subject: Merit-Petition against the order of DPO/Mardan  
issued vide O.B. NO 2320 dated 25.12.2019  
where by the petitioner was awarded the punishment  
of Dismissal from service and Rejection of Appeal  
by DPE/MDN issued vide his office endorsement  
No 706/ES dated 20.1.2020

Respected Sir

- 1) It is submitted that petitioner was employed as Cook-Constable  
in Police department in the year 2010. Since then the  
petitioner performed his duty with zeal and efficiency.  
During the month of November 2019, petitioner remained  
absent at Police lines Mardan. On 08.08.2019, petitioner  
was suffered from chronic disease (DEPRESSIVE  
DISORDER) and requested the high-ups for leave.  
The request of the petitioner was not considered and  
went to his village for treatment.
- 2) The petitioner visited the hospital at Peshawar  
namely (HEALTH PROMOTION WELFARE SOCIETY  
IFTIKHAR PSYCHIATRIC HOSPITAL). Petitioner  
on 8.8.2019 started his treatment from the above  
mentioned hospital and continued the same till  
12.11.2019. (Medical documents are enclosed)
- 3) That during the period of absence, allegedly petitioner  
was issued charge sheet + summary of allegations  
followed by FSC. None of these documents  
were served on the petitioner. During the absence  
allegedly some departmental enquiry was conducted  
against the petitioner at the DPO Mardan, by  
them. Ex-parte action against the petitioner

and dismissed him from service vide O.P. No 2320  
dated 25.1.2019.

- 4) That Petitioner filed an appeal against the order of DPO Malan issued vide O.P. No 2320 dated 25.1.2019 before the D/A Malan. The D/A / MDR rejected the appeal of the Petitioner vide his office endorsement no 706/ES dated 20.1.2020. Hence the Prunt Mercii-petition. (copy of Letter no 706/ES dated 20.1.2020 is enclosed).

### Grounds of Prayere

- 1) That petitioner did not abscond himself from duty deliberately, but was due to Chronic disease of "Depression". The medical documents are enclosed as a proof.
- 2) That Neither Army Charge sheet / FSC was served on the petitioner, NOR petitioner was given an opportunity to produce his defence before the EO.
- 3) That an ex-parte Action was taken against the petitioner by DPO / Malan.
- 4) That It is the basic principle of law that no one can be condemned unheard.
- 5) That the alleged departmental enquiry, so conducted against the petitioner is not according to the law.
- 6) That the Prunt Mercii-petition is delayed. The Supreme Court of Pakistan in writ Petition no 907/2009 has emphasized / guaranteed the right of the petitioner that he should not be condemned unheard. The order of DPO / MDR has been passed in violation of universally accepted principles and natural justice. The Petitioner was not heard, nor reasons for his dismissal, apparently which was beyond his

Control, were not taken into account and thus caused  
Serious Prejudice to him.

- >) The Petitioner belongs to a poor family and the  
whole family is dependant upon the Police Service  
of the Petitioner.

Keeping in view the above facts and circumstances, it  
is humbly prayed that the order of DDO/MDN may  
kindly be set-aside and the Petitioner may be  
re-instated in Service from the date of dismissal  
please,

Dated, 15.2.2020

Yours obediently,

EX. Cook Constable Zubair Khan

NO 3231,

District Muzaffar

Contact NO : 0333-9881046.



(22)

Am E

OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

No. S/ 2924 /20, dated Peshawar the 27/10/2020.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by **Ex-FC (Cook) Zubair Khan No. 3231**. The petitioner was dismissed from service w.e.f 14.08.2019 by District Police Officer, Mardan vide OB No. 2320, dated 25.10.2019 on the allegations of absence from duty w.e.f 14.08.2019 till date of dismissal from service i.e. 25.10.2019 for total period of 02 months & 11 days. His appeal was rejected by Regional Police Officer, Mardan vide order Endst: No. 706/ES, dated 20.01.2020.

Meeting of Appellate Board was held on 09.07.2020 wherein petitioner was heard in person. During hearing petitioner contended that his absence was not deliberate but he was suffering from chronic disease of depression.

Perusal of the record reveals that he was earlier twice dismissed from service on 13.11.2012 and 21.04.2015 on the allegations of absence from duty which establishes that he is habitual absentee and there is no prospects of mending his ways. Therefore, the Board decided that his petition is hereby rejected.

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

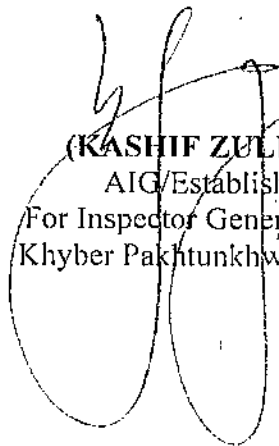
Sd/-

**DR. ISHTIAQ AHMED, PSP/PPM**  
Additional Inspector General of Police,  
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/ 2925/30 /20,

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan. One Service Roll and one Fauji Missal of the above named Ex-FC received vide your office Memo: No. 2831-32/ES, dated 18.03.2020 is returned herewith for your office record.
2. District Police Officer, Mardan.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

  
**(KASHIF ZULFIQAR) PSP**  
AIG/Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.



# وکالت نامہ

بعدالت: ضد سے سرسبز

نام: سید خان  
 دعویٰ: مخائب رسیدہ  
 تاریخ: ۱۱-۹-۲۰۲۰

باعث تحریر آنکہ مقدمہ مندرجہ بالا عنوان اپنی طرف سے واسطے پیروی و جوابدہی  
 بمقام کیلے جاوید اقبال گل بیلہ ایڈووکیٹ ہائی کورٹ کو بدین شرط وکیل  
 مقرر کیا ہے۔ کہ میں ہر پیشی کا خود یا بزرگیہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقدمہ وکیل  
 صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا، اگر پیشی پر من مظهر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے  
 کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہونگے۔ نیز وکیل صاحب موصوف صدر  
 مقام کچہری کی کسی اور جگہ یا کچہری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہونگے۔ اگر  
 مقدمہ علاوہ صدر مقام کچہری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر  
 من مظهر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نہ واپس کرنے کے بھی  
 صاحب موصوف ذمہ دار نہ ہونگے۔ مجھے کوکل ساختہ پرداختہ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور  
 صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجراء ڈگری و نظر ثانی اپیل و نگرانی ہر قسم کی درخواست پر دستخط و  
 تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کے روپیہ وصول کرنے اور رسید دینے اور داخل  
 کرنے اور ہر قسم کے بیان دینے اور سپرد و تاشی و راضی نامہ فیصلہ برخلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور  
 بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم انتہائی یا ترقی یا گرفتاری قبل از اجراء ڈگری بھی موصوف  
 کو بشرط ادائیگی علیحدہ مختار نہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا  
 اس کے کسی جزوی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے دوسرے وکیل یا بیرسٹر کو بجائے اپنے یا اپنے ہمراہ  
 مقرر کریں اور ایسے مشیر قانون کے ہر امر دہی اور ویسے ہی اختیارات حاصل ہونگے جیسے کے صاحب موصوف کو حاصل  
 ہیں۔ اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا۔ اور صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو  
 پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت  
 میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا کہ سند ہے۔  
 مورخہ: ۱۱-۹-۲۰۲۰ مضمون مختار نامہ لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

شمارہ ۱۱  
 ۱۱-۹-۲۰۲۰

سید خان

Accepted by

218 C

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

**Service Appeal No. 10819/2020**

Zubair Khan Ex Cook Constable No. 3231 s/o Raheem Khan r/o Mohallah Malak Abad  
Gudar Tehsil & District Mardan.....Appellant

**VERSUS**

The Inspector General of Police Khyber Pakhtunkhwa, Peshawar & others

.....Respondents

**Para-wise comments by respondents:-**

**Respectfully Sheweth,**

**PRELIMINARY OBJECTIONS**

1. That the appellant has not approached this Hon'ble Tribunal with clean hands.
2. That the appellant has concealed the actual facts from this Hon'ble Tribunal.
3. That the appellant has got no cause of action or locus standi to file the instant appeal.
4. That the appellant is estopped by his own conduct to file the instant Service Appeal.
5. That the appeal is unjustifiable, baseless, false, flawless and vexatious and the same is liable to be dismissed with special compensatory cost in favour of respondents.
6. That the Hon'ble Tribunal has no jurisdiction to adjudicate the matter.



**REPLY ON FACTS**

1. Pertains to personal information of the appellant needs no comments.
2. Incorrect. Plea taken by the appellant is not plausible because every police officer / official is under obligation to perform his duty regularly and with devotion because in this department no room lies for lethargy, because his performance was not satisfactory as previously he had been awarded two times major punishment of dismissal from service vide order book No. 3059, dated 13.11.2012 and order No.2444/ES dated 20.04.2015. He was reinstated by the appellate authority through order No. 1133/ES dated 04.04.2013 & order No. 1529-37/ES dated 19.02.2016 by the Central Police Office, Peshawar. Moreover, the perusal of service record of the appellant revealed that due to his lethargic attitude his entire service record is tainted with bad entries (Copy of list of bad entries with dismissal orders are attached as Annexure "A & B").
3. Incorrect. Stance taken by the appellant is baseless, because he was supposed to inform his senior officer about his illness, but he failed to do so, nor he submitted any application for medical leave and remained absent from his lawful duty without any leave/permission from the competent authority. Moreover, the story propounded by the appellant is totally tailored one.
4. Incorrect. Stance taken by the appellant is totally devoid of merit because he has been properly proceeded against departmentally by issuing him Charge Sheet with Statement of Allegations, which was duly served upon the appellant himself and he duly signed the photo copy of charge sheet as token of its receipt. However, during the course of enquiry, the appellant was contacted time and again to appear before the enquiry officer but neither he appeared before the enquiry officer nor submitted

his reply. Therefore, after fulfilling all legal and codal formalities, the enquiry officer held the appellant responsible of misconduct and recommended him for major punishment. The then District Police Officer issued Final Show Cause Notice to appellant, but again he kept mum which clearly depicted his disinterest in the official duties hence, he was awarded major punishment of dismissal from service which does commensurate with the gravity of misconduct of the appellant (Copy of Charge Sheet with Statement of allegations are annexed as "C").

5. Correct to the extent that the appellant preferred departmental appeal which was also decided on merit because the appellant was provided full-fledged opportunity of defending himself by the appellate authority but he bitterly failed to produce any cogent reason in his defense. Therefore, the same was rejected/filed being devoid of any merit.
6. Correct to the extent that the appellant preferred revision petition under Rule 11-A KP Police Rules 1975 as amended 2017 to the Inspector General of Police Khyber Pakhtunkhwa Peshawar. The revisionary authority decided the revision petition on merit, because the appellant was provided full-fledged opportunity of defending himself by the revisionary authority but this time too he failed to justify his innocence. Therefore, the same was rejected.
7. Para already explained needs no comments.
8. That appeal of the appellant is liable to be dismissed on the following grounds amongst the others.


**REPLY ON GROUNDS:**

- A. Incorrect. Order passed by the competent authority is legal, lawful hence, liable to be maintained.
- B. Incorrect. Stance taken by the appellant is totally devoid of merit because he has been properly proceeded against departmentally by issuing him Charge Sheet with Statement of Allegations, which was served upon the appellant who received himself and duly signed the photo copy of charge sheet as token of its receipt. However, during the course of enquiry, the appellant was contacted time and again to appear before the enquiry officer but neither he appeared before the enquiry officer nor submitted his reply. Therefore, the enquiry officer after fulfilling all legal and codal formalities, held the appellant responsible of misconduct and recommended the appellant for major punishment. The then District Police Officer issued Final Show Cause Notice to appellant, but again he kept mum which clearly depicted his disinterest in the official duties hence, he was awarded major punishment of dismissal from service which does commensurate with the gravity of misconduct of the appellant.
- C. Incorrect. Stance taken by the appellant is totally devoid of merit because he has been properly proceeded against departmentally by issuing him Charge Sheet with Statement of Allegations, which was duly received by the appellant himself and he duly signed the photo copy as token of its receipt (Copy of serving charge sheet is annexed as "D").

- D. Incorrect. Para explained earlier needs no comments.
- E. Incorrect. Plea taken by the appellant is not plausible because he was properly issued Final Show Cause Notice, but neither he did submit his reply nor appeared before the competent authority and remained kept mum which clearly depicted his disinterest in the official duties (Copy of Final Show Cause Notice is attached as annexure "E").
- F. Incorrect. Para already explained needs no comments.
- G. Incorrect. Stance taken by the appellant is not plausible.
- H. Incorrect the appellant has been treated in accordance with law, rules, policy & norms of natural justice. Hence plea of the appellant is devoid of any merits.
- I. Incorrect. Para already explained needs no comments.
- J. The respondents also seek permission of this honorable tribunal to adduce additional grounds at the time of arguments.

**PRAYER:-**

Keeping in view the above facts narrated facts it is most humbly prayed that the appeal of the appellant being badly barred by law and limitation may kindly be dismissed with costs please.

  
**Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.**  
(Respondent No. 01)

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

  
**District Police Officer,  
Mardan.**  
(Respondent No. 03)

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

**PESHAWAR.**

**In Re S.A No. 10819/2020**

Zubair Khan

**VERSUS**

Inspector General of Police Khyber Pakhtunkhwa Peshawar & others

**Reply to the application for condonation of delay:-**

**Respectfully Sheweth,**


**PRELIMINARY OBJECTIONS**

1. That applicant has no cause of action to file the instant application.
2. That the application is barred by law.


**REPLY ON FACTS**

1. That the appeal filed by the applicant before this Honorable Tribunal may kindly be dismissed being a badly time-barred.
2. Incorrect. Plea taken by the applicant is not plausible, because he failed to collect his order within time and tailored the instant story just to cover the limitation issue. It is worth to mention here that he has preferred service appeal to the appellate authority with a delay of 46 days after rejecting his revision petition.
3. Incorrect, plea taken by the applicant is whimsical / concocted rather fanciful hence, liable to be set at naught. As the apex court of Pakistan has held that the question of limitation cannot be considered a "technicality" simpliciter as it has got its own significance and would have substantial bearing on merits of the case.
4. Incorrect. Para earlier explained in the preceding para, hence denied.
5. Stance taken by the applicant is not plausible, his application may be filed being badly time-barred.

Keeping in view the above submission, it is most humbly prayed that the application of the applicant regarding condonation of delay may very kindly be dismissed please.

  
**Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.**  
(Respondent No. 01)

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

  
**District Police Officer,  
Mardan.**  
(Respondent No. 03)

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

**Service Appeal No. 10819/2020**


Zubair Khan Ex Cook Constable No. 3231 s/o Raheem Khan r/o Mohallah Malak Abad  
Gudar Tehsil & District Mardan.....Appellant

**VERSUS**

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

**COUNTER AFFIDAVIT.**

We, the respondents do hereby declare and solemnly affirm on oath that the contents of the Para-wise comments in the service appeal cited as subject are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honourable Tribunal.

  
**Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.**  
(Respondent No. 01)

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

  
**District Police Officer,  
Mardan.**  
(Respondent No. 03)

'A'

CHARACTER ROLL OF

14. COMMENDATORY ENTRIES.

Serial No

Dismissal ORDER

①

Awarded a Major punishment of dismissal from police force with immediate effect with counting his absence's period of (64) days as leave without pay.

OB No: 3059

13-11-2012

*[Signature]*  
DPO/Marad

Ex- Cook Cor dismissal pas:

Lines, Marad competent au

- i. DD
- ii. DD

Notice under 799/PA/SCI upon the del

time of fifteen proving the defense.

about Show still workin

Cook Cons 22.03.2013.

that no Shc hearing the punishmer

gross misc pay.

ORDER AN

ORDER

②

He is Re-instated in service

and awarded minor punishment steppege of two annual increments without accumulative effect on account of gross misconduct the

period he remain out of duty shall be treated as leave without pay vide DIS Marad

Subst:- 1133/Es dt:- 4-4-2013 and pay fixed Rs:- 5400/pm.

CBNO: 915

Dt: 08-04-2013.

*[Signature]*  
Police Officer  
Marad

No. 117

Co his office.



TER ROLL OF

15. CENSURES AND PUNISHMENTS.

Service

10/1

19

signed

on

dated

vide

number

16

He is hereby warned to be careful in future.

OB No 1319  
2-2-12

*[Signature]*  
DPO/MR

Order

He is hereby awarded major punishment of dismissal from service with immediate effect.

OB No 727  
2/14/15.

*[Signature]*  
SDPO/Marolai

ORDER

He was heard in or on 15-1-19, but failed to submit any plausible reasons in his defence therefore, his 10 days absence's period is counted as leave without pay and the rest as leave ~~with pay~~ of kind due.

OB No 104  
20/4-1-19.

3

*[Signature]*  
DPO/Marolai

*[Signature]*  
S/O  
M. G. ...  
J. S. ...  
*[Signature]*

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OFFICE OF THE DISTRICT POLICE OFFICER MARDAN

No. 7086-89/PA

Date 15-11-2012

DISMISSAL ORDER

3226

Cook Constable Zubair Khan No. 3226, while posted at Police Lines Mardan, remained absent from duty for (64) days without any leave/permission of the competent authority for the following periods:-

1. DD report No. 68 dated 13.08.12 to DD report No. 47 dated 15.08.2012 (02 days)
2. DD report No. 28 dated 23.08.12 to DD report No. 51 dated 24.10.2012 (62 days).

In this connection, he was served with proper Show Cause Notices under NWFP Police Rules 1975, issued vide this office Nos. 799/PA/SCN/R dated 17.09.2012 and 880/PA/SCN/R dated 09.10.2012 and delivered its upon him in person on 17.10.2012 through local Police respectively.

In compliance, he was bound to submit his reply within the stipulated time of seven days on receipt of notice, but he has failed to submit the requisite replies till-date, proving that he absented himself from duty deliberately and has nothing to present in his defense.

Keeping in view his less service, long absence's period and non presenting his replies in compliance of delivered show cause notices till date, I am of the considered opinion that Cook Constable Zubair Khan of Police Lines is not interested in Police Service and his more retention in the Police Force will badly affect the other Cook Constables, therefore ex-parte action is taken against him by awarding major punishment of dismissal from Police Force with immediate effect with counting his absence's period of sixty four (64) days as leave without pay, in exercise of the power vested in me under NWFP Police Rules 1975 including last Para of the show cause notice.

Order announced.

O.B No. \_\_\_\_\_

Dated \_\_\_\_\_/\_\_\_\_\_/2012

District Police Officer,  
Mardan.

Copy for information and necessary action to:-

1. The DSP/HQrs Mardan.
2. The Pay Officer (DPO) Mardan.
3. The E.C (DPO) Mardan.
4. The OASI (DPO) Mardan with (9) enclosures.

ORDER.

3226  
MR

My this order will dispose-off the departmental appeal preferred by Ex- Cook Constable Zubair Khan No. 3226 of Mardan District Police against the order of dismissal passed by District Police Officer, Mardan, vide OB: No. 3059 dated 13.11.2012.

Ex-Cook Constable Zubair Khan No. 3226, while posted at Police Lines, Mardan remained absent from duty for 64 days without any leave/permission of the competent authority for the following period:-

- i. DD report No. 68 dated 13.08.2012 to DD report No. 47 dated 15.08.2012 (02 days)
- ii. DD report No. 28 dated 23.08.2012 to DD report No. 51 dated 24.10.2012 (62 days)

On the basis of these allegation he was served with Show Cause Notice under NWFP Police 1975, issued vide District Police Officer, Mardan Nos. 799/PA/SCN/R dated 17.09.2012 and 880/PA/SCN/R dated 09.10.2012 and delivered upon the delinquent Official on 17.10.2012 through local Police.

In compliance he was bound to submit his reply within the stipulated time of fifteen days on receipt of notice, but he failed to submit the requisite reply till date, proving that he willfully absented himself from duty and has nothing to present in his defense.

The defaulter Cook Constable took the plea that he was informed about Show Cause Notice and also unaware of the process of proceeding although he is still working as Cook in Police Line

I have gone through the enquiry file as well as Service record of Ex-Cook Constable Zubair Khan No. 3226. He was also heard in person in orderly room on 22.03.2013. Keeping in view his poor family circumstances, a lenient view is taken. His plea that no Show Cause Notice was served upon him and he was not given an opportunity of hearing therefore, he is reinstated in service with immediate effect, and awarded minor punishment stoppage of two annual increments without cumulative effect on account of gross misconduct. The period he remained out of duty shall be treated as leave without pay.

ORDER ANNOUNCED.

OB/EC/0201  
for information  
SPD Mardan  
4/4/13

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

No. 1133 /ES/ Dated Mardan the 04/04/2013.

Copy to District Police Officer, Mardan for information and necessary action w/r to his office memo No. 38/LB dated 22.01.2013. He may be informed accordingly.

His Service record is returned herewith.

(\*\*\*\*\*)

Office of District Police Officer  
D. No. 412  
Date 10-4-13  
EB

OB No. 915  
8/4/13

ORDER.

This order will dispose-off the Show Cause Notice issued to Cook Constable Zubair Khan No. 3226, while posted to the Bungalow of Mr. Jafar Khan, the then Deputy Inspector General of Police Mardan Region-I, Mardan issued and served upon him vide this office No. 2697/PA dated 12.12.2014 on account of his willful absence. Further alleged that the official is dis-interest in his duty.

His written reply received in this office and perused. He was called to orderly room held in this office 15.04.2015, heard him in person. He failed to produce plausible reason. Hence, in exercise of Powers vested to me under Police Rules, 1975, Cook Constable Zubair Khan No. 3226 is hereby awarded major punishment of dismissal from service with immediate effect.

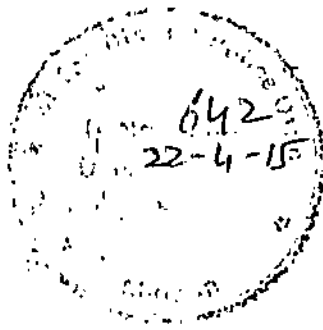
ORDER ANNOUNCED.

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

No. 2444 /ES, Dated Mardan the 20/04 /2015..

Copy to District Police Officer, Mardan for information and necessary action.

(\*\*\*\*\*)



EC  
For u/action

*[Signature]*  
DPO/Mardan  
20-4-15

OB 727  
21-4-15

*[Handwritten signature]*

His Service record is returned herewith. necessary action w/r to

(\*\*\*\*\*)

OB No. 915

19 Officer  
Date 12-4-15  
EB

No. S/ 1528- /16, Dated Peshawar the 19/02/2016.

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex- Cook Constable Zubair Khan No. 3226. The appellant was awarded punishment of Dismissal from service by DIG/Mardan vide Order No: 2444/ES, dated 20.04.2015, on charges of absence from duty for 02 years, while the appellant was posted as Cook in the Bungalow of Mr. Jafer Khan the then DIG/Mardan.

Meeting of Appeal Board was held on 14.01.2016, wherein the appellant was heard in person in detail. He contended that he was posted as Cook in the RPO residence where he performed duties for 02 years. He placed request for transfer to field duty but instead he was marked absent and subsequently dismissed from service.

The Board decided to reinstate the appellant into service. The intervening period plus period of absence from duty would be considered as period in service but not on duty and he will not be entitled for salary of the intervening.

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

*Najeeb*  
(NAJEEB-UR-RAHMAN BUGVI)  
AIG/Establishment  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

No. S/ 1528-37 /16

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan.
2. District Police Officer, Mardan.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PRO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. PA to AIG/Establishment CPO, Peshawar
8. Office Supdt: E-IV CPO Peshawar.
9. Central Registrar, CPO.

*OB No - 446*  
*22-2-16*

*Handwritten signature/initials*

OFFICE OF THE  
DISTRICT POLICE OFFICER,  
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: dpo\_mardan@yahoo.com

2019

No. 386 /PA

Dated 28/8/2019

DISCIPLINARY ACTION

I, SAJJAD KHAN (PSP), District Police Officer Mardan, as competent authority am of the opinion that Constable Zubair No.3231, himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975.


STATEMENT OF ALLEGATIONS

Whereas, Constable Zubair No.3231, while posted at Police Lines, remained absent from duty without any leave/permission of the competent authority vide DD No.27 dated 14-08-2019 till date.

For the purpose of scrutinizing the conduct of the said accused Official with reference to the above allegations, Mr. Zia Ullah SDPO Takht-Bhai is nominated as Enquiry Officer.

The Enquiry Officer shall, in accordance with the provision of Police Rules 1975, provides reasonable opportunity of hearing to the accused Police Officer, record/submit his findings and make within (30) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused Official.

Constable Zubair is directed to appear before the Enquiry Officer on the date + time and place fixed by the Enquiry Officer.

  
(SAJJAD KHAN) PSP  
District Police Officer  
Mardan

OFFICE OF THE  
DISTRICT POLICE OFFICER,  
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: dpo\_mardan@yahoo.com

2019

67

CHARGE SHEET

I, SAJJAD KHAN (PSP), District Police Officer Mardan, as competent authority, hereby charge Constable Zuhair No.3231, while posted at Police Lines, as per attached Statement of Allegations.

1. 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.
2. 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.
3. Your written defense, if any, should reach the Enquiry Officers 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.
4. Intimate whether you desired to be heard in person.

(SAJJAD KHAN) PSP  
District Police Officer  
Mardan



**OFFICE OF THE  
DISTRICT POLICE OFFICER,  
MARDAN**

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: [dpo\\_mardah@yahoo.com](mailto:dpo_mardah@yahoo.com)

No. 2168 /PA

Dated 30/09/2019

**FINAL SHOW CAUSE NOTICE**

Whereas, you Constable Zubair No.3231, while posted at Police Lines, remained absent from duty without any leave/permission of the competent authority vide DD No.27 dated 14-08-2019 till date.

In this connection, during the course of Departmental Enquiry, conducted by Mr. Zia Ullah SDPO/Takht-Bhai vide his office letter No.1810/ST dated 26-09-2019, in pursuance of this office Statement of Disciplinary Action/Charge Sheet No.386/PA dated 28-08-2019, holding responsible you of misconduct & recommended for major punishment.

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

Hence, I Sajjad Khan (PSP) District Police Officer Mardan, in exercise of the power 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 receipt of this Notice, failing which, it will be presumed that you have no explanation to offer.

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

Received by \_\_\_\_\_

Dated: \_\_\_/\_\_\_/2019

(SAJJAD KHAN) PSP  
District Police Officer

Mardan

Copy to SHO PS Labbar (Attention Moharrar) to deliver this Notice upon the alleged Constable Zubair No.3231 Son of Rahim Khan Resident of Malik Abad Gaddar or any of his closed family member & the receipt thereof shall be returned to this office within (05) days positively for onward necessary action.

0333 9886046



Sir,

He was bound to submit his reply by 09-X-19, but neither has he submitted his reply nor joined duty till date.

He is absent from 14-8-19 till date.

PA 24/X  
FF

اس دن زبیر کو نوٹس دیا گیا ہے۔

میں نے زبیر کو 3231 نمبر نوٹس دیا ہے

میں نے زبیر کو اس نوٹس کے بارے میں

ایلیمنٹیشن گائیڈ لائنوں پر ایک فوری

نوٹس دیا ہے اور اس کے بارے میں ایلیمنٹیشن گائیڈ

لائنوں کے بارے میں

ڈاکٹر محمد شہزاد صاحب

0342-9424689

4/10

جناب عالی!

میں نے زبیر کو نوٹس دیا ہے۔

میں نے زبیر کو اس نوٹس کے بارے میں

ایلیمنٹیشن گائیڈ لائنوں کے بارے میں

جناب عالی!

میں نے زبیر کو نوٹس دیا ہے۔

میں نے زبیر کو اس نوٹس کے بارے میں

ایلیمنٹیشن گائیڈ لائنوں کے بارے میں

ڈاکٹر محمد شہزاد صاحب

SHO PS JBR

OFFICE OF THE  
SUB-DIVISIONAL POLICE OFFICER,  
TAKHT BHAI CIRCLE

Tel. & Fax: 0937552211, E-Mail: [dsp.tbi@gmail.com](mailto:dsp.tbi@gmail.com)

No. 1810 /ST, Dated: 26/09/2019.

The Worthy District Police Officer,  
Mardan.

Subject: DISCIPLINARY ACTION AGAINST CONSTABLE ZUBAIR NO. 3231

Memo:

Kindly refer to your office Diary No. 386/PA, dated 28.08.2019.

This enquiry report is the outcome of an elaborate enquiry into a statement of allegation against Constable Zubair No. 3231, while posted at Police Lines Mardan, remained absent from duty without any leave/permission of the competent authority vide DD No. 27, dated 14.08.2019 till date. The competent authority designated the undersigned as enquiry officer.

**FINDING OF THE ENQUIRY:**

In this connection enquiry proceeding were initiated and the alleged Constable Zubair No. 3231 was contacted many times on his mobile No. 0333-9886046 to appear before the enquiry officer but he didn't come. A copy of Charge Sheet was delivered and served on him through local police of PS Jabbar but again he failed to appear before the enquiry officer. Once again he was contacted on his mobile phone as a final chance, but in vain, he deliberately didn't appear before the undersigned.

The alleged Constable enlisted in Police Department in 2010 and earned 01 good entry while 10 bad entries in his service so far.

**RECOMMENDATION:**

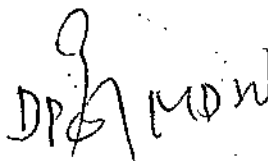
From the perusal of above facts, it is clear that Constable Zubair No. 3231 is not interested anymore in Police Department.

Therefore, it is recommended that, Constable Zubair No. 3231 may please be awarded "Major Punishment" if agreed.

  
Ziaullah (PSP)

Sub-Divisional Police Officer,  
Takht Bhai

Issue F. scw

  
DP



Handwritten initials and numbers at the top of the page.

Government of Khyber Pakhtunkhwa  
Office of the Deputy Superintendent of Police,  
HQrs/Traffic, Mardan.  
Ph:No. 0937-9230616 Email: dsphqrs\_mardan@gmail.com

To: The District Police Officer,  
Mardan.


No. 491 /HQrs dated Mardan the 18-8-2019

Subject: RECOMMENDATION FOR DEPARTMENTAL ACTION.

Memo:  
It is submitted that orderly, constable Zubair No. 3231, while posted at police lines, Mardan remained absent without any leave/permission of the competent authorities vide DD No. 27 dated 14.08.2019 to till date (DD report attached).

Therefore, he is recommended for strict departmental action.

Submitted, please.

  
(SHAKEEL AHMAD)  
Deputy Superintendent of Police,  
HQrs/ Mardan.

Pay Stop &  
Issue Charge Sheet

91  
DPO Mardan

OB 1763  
20-8-19

DPA



OFFICE OF THE  
DISTRICT POLICE OFFICER,  
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: dpo\_mardan@yahoo.com

2019

No. 7895-97 /PA

Dated 25/10/2019

**ORDER ON ENQUIRY OF COOK CONSTABLE ZUBAIR NO.3231**

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the subject official, under the allegations that while posted at Police Lines Mardan, Proceeded against departmentally through Mr. Zia Ullah SDPO/Takht-Bhai vide this office Statement of Disciplinary Action/Charge Sheet No.386/PA dated 28-08-2019, on account of absence from duty without any leave/permission of the competent authority vide DD No.27 dated 14-08-2019 till-date, who (E.O) after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.1810/ST dated 26-09-2019, recommending the alleged official for major punishment.

On 02-10-2019, he was served with a Final Show Cause Notice, under K.P Police Rules-1975, issued vide this office No.268/PA dated 30-09-2019, to which, his reply was due to reach this office within (07) days, but neither has he submitted his reply nor joined duty till-date.

**Final Order**

Cook Constable Zubair is hereby awarded a major punishment of dismissal from service with effect from 14.08.2019 with immediate effect, in exercise of the power vested in me under Police Rules-1975.

OB No. 2320

Dated 25/10/2019.

(SAJJAD KHAN) PSP  
District Police Officer  
Mardan

Copy forwarded for information & n/action to:-

- 1) The DSP/HQrs Mardan.
- 2) The E.O & PO (Police Office) Mardan.
- 3) The OSI (Police Office) Mardan with ( ) Sheets.

**ORDER.**

This order will dispose-off the departmental appeal preferred by Ex-Cook Constable Zubair Khan No. 3231 of Mardan District Police against the order of District Police Officer, Mardan, whereby he was awarded major punishment of dismissal from service vide OB No. 2320 dated 25.10.2019. The appellant was proceeded against departmentally on the allegations of his willful absence from his lawful duty vide daily diary No. 27 dated 14.08.2019 from Police Lines, Mardan till date of his dismissal.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Mr. Zia Ullah Khan the then ASP/Takht Bhai, Mardan was nominated to conduct Enquiry into the matter, who submitted his findings wherein he recommended the delinquent official for major punishment.

He was issued Final Show Cause Notice which he received but failed to submit his reply within stipulated period. Rather he remained absent, which meant that he was no more interested in Police job.

Keeping in view the recommendations of enquiry officer and other material available on record, the appellant was awarded major Punishment of dismissal from service from the date of absence by the District Police Officer, Mardan.

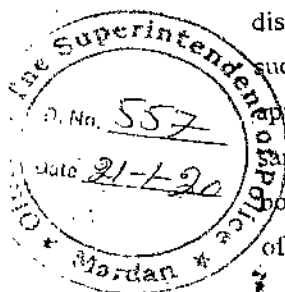
Feeling aggrieved from the order of District Police Officer, Mardan, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 14.01.2020.

From the perusal of the enquiry file and service record of the appellant, it came to light that the delinquent official has been showing irresponsible attitude in utter disregard of the discipline of the force. He could not present any cogent justification for such long absence from duty. Besides the above, prior to the instant dismissal, the appellant had also been dismissed from service on 13.11.2012 and 21.04.2015 on the same allegations, who was later on re-instated into service. But the appellant did not bother to mend his ways. Rather he repeated the same misconduct which is sheer violation of the norms of a disciplined force.

Keeping in view the above, I, Sher Akbar, PSP S.St Regional Police Officer, Mardan, being the appellate authority, finds no substance in the appeal. therefore, the same is rejected and filed being devoid of merit.

Order Announced.

*[Signature]*  
Regional Police Officer,  
Mardan.



*Csi/Dip Legal/PC*  
*on many acts*

*Df 20/1/2020*  
No. 706 /ES,

Dated Mardan the 20 - 1 - 2020.

Copy forwarded to District Police Officer, Mardan for information and necessary w/r to his office Memo: No. 483/LB dated 30.12.2019. His Service Record is returned herewith.

(\*\*\*\*\*)



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

No. SI/2924/20, dated Peshawar the 27/7/2020.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC (Cook) Zubair Khan No. 3231. The petitioner was dismissed from service w.e.f 14.08.2019 by District Police Officer, Mardan vide OB No. 2320, dated 25.10.2019 on the allegations of absence from duty w.e.f 14.08.2019 till date of dismissal from service i.e. 25.10.2019 for total period of 02 months & 11 days. His appeal was rejected by Regional Police Officer, Mardan vide order Endst: No. 706/ES, dated 20.01.2020.

Meeting of Appellate Board was held on 09.07.2020 wherein petitioner was heard in person. During hearing petitioner contended that his absence was not deliberate but he was suffering from chronic disease of depression.

Perusal of the record reveals that he was earlier twice dismissed from service on 13.11.2012 and 21.04.2015 on the allegations of absence from duty which establishes that he is habitual absentee and there is no prospects of mending his ways. Therefore, the Board decided that his petition is hereby rejected.

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

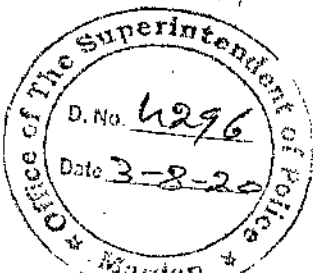
Sd/-

DR. ISHTIAQ AHMED, PSP/PPM  
Additional Inspector General of Police,  
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. SI/2925/30/20.

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan. One Service Roll and one Fauji Missal of the above named Ex-FC received vide your office Memo: No. 2831-32/ES, dated 18.03.2020 is returned herewith for your office record.
2. District Police Officer, Mardan.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.



EC/OSI  
For information  
DPO, Mardan  
30/7/20

(KASHIF ZULFIQAR) PSP  
AIG/Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

OFFICE OF THE  
DISTRICT POLICE OFFICER,  
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: dpo\_mardan@yahoo.com

2019

No. 386 /PA

Dated 28/8/2019

DISCIPLINARY ACTION

I, SAJJAD KHAN (PSP), District Police Officer Mardan, as competent authority am of the opinion that Constable Zubair No.3231, himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975.

STATEMENT OF ALLEGATIONS

Whereas, Constable Zubair No.3231, while posted at Police Lines, remained absent from duty without any leave/permission of the competent authority vide DD No.27 dated 14-08-2019 till date.

For the purpose of scrutinizing the conduct of the said accused Official with reference to the above allegations, Mr. Zia Ullah SDPO Takht-Bhai is nominated as Enquiry Officer.

The Enquiry Officer shall, in accordance with the provision of Police Rules 1975, provides reasonable opportunity of hearing to the accused Police Officer, record/submit his findings and make within (30) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused Official.

Constable Zubair is directed to appear before the Enquiry Officer on the date + time and place fixed by the Enquiry Officer.

(SAJJAD KHAN) PSP  
District Police Officer  
Mardan

اس وقت پولیس کو بائیل ایک ایچ ایچ آر جی  
نام خان ASI کے لئے اطلاع دی جو وطن  
نے دسویں - جس کی میں لہر تھا دستاویز  
کی - عہدہ وقت پر حاضر ہو جاؤ گا۔  
زبیر خان

---

زبیر خان 3231 جیل پولیس لاس  
0333-9886046



(2)

**OFFICE OF THE  
DISTRICT POLICE OFFICER,  
MARDAN**


Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: dpo\_mardan@yahoo.com

2019

**CHARGE SHEET**

I, SAJJAD KHAN (PSP), District Police Officer Mardan, as competent authority, hereby charge Constable Zubair No.3231, while posted at Police Lines, as per attached Statement of Allegations.

1. 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.
2. 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.
3. Your written defense, if any, should reach the Enquiry Officers 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.
4. Intimate whether you desired to be heard in person.

  
(SAJJAD KHAN) PSP  
District Police Officer  
Mardan

(2)  
**OFFICE OF THE  
DISTRICT POLICE OFFICER,  
MARDAN**

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: dpo\_mardan@yahoo.com

2019  
E 9

268 /PA

Dated 30/09/2019

**FINAL SHOW CAUSE NOTICE**

Whereas, you Constable Zubair No.3231, while posted at Police Lines, remained absent from duty without any leave/permission of the competent authority vide DD No.27 dated 14-08-2019 till date.

In this connection, during the course of Departmental Enquiry, conducted by Mr. Zia Ullah SDPO/Takht-Bhai vide his office letter No.1810/ST dated 26-09-2019, in pursuance of this office Statement of Disciplinary Action/Charge Sheet No.386/PA dated 28-08-2019, holding responsible you of misconduct & recommended for major punishment.

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


Hence, I Sajjad Khan (PSP) District Police Officer Mardan, in exercise of the power 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 receipt of this Notice, failing which; it will be presumed that you have no explanation to offer.

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

Received by \_\_\_\_\_

Dated: \_\_\_/\_\_\_/2019

  
**(SAJJAD KHAN) PSP  
District Police Officer  
Mardan**

Copy to SHO PS Jabbar (Attention Moharrar) to deliver this Notice upon the alleged Constable Zubair No.3231 Son of Rahim Khan Resident of Malik Abad Gaddar or any of his closed family member & the receipt thereof shall be returned to this office within (05) days positively for onward necessary action.



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

**Service Appeal No. 10819/2020**


Zubair Khan Ex Cook Constable No. 3231 s/o Raheem Khan r/o Mohallah Malak Abad  
Gudar Tehsil & District Mardan.....Appellant

**VERSUS**

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

**AUTHORITY LETTER.**

Mr. Khyal Roz Inspector Legal Branch, (Police) Mardan is hereby authorized to appear before the Honourable Service Tribunal, Khyber Pakhtunkhwa, Peshawar in the above captioned service appeal on behalf of the respondents. He is also authorized to submit all required documents and replies etc. as representative of the respondents through the Addl: Advocate General/Govt. Pleader, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

  
**Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.**  
(Respondent No. 01)

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

  
**District Police Officer,  
Mardan.**  
(Respondent No. 03)

**BEFORE THE HONBLE PESHAWAR HIGH COURT**  
**PESHAWAR**

In W.P No: \_\_\_\_\_/2021

Zubair

**Versus**

Inspector General of Police & Others

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Through

Appellant

**JAVED IQBAL GULBELA**

Advocate Supreme Court  
of Pakistan

&

**SAGHIR IQBAL GULBELA**

Advocates High Court  
Peshawar

Dated: 27/12/2021

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**BEFORE THE HON'BLE SERVICES TRIBUNAL KHYBER**  
**PAKHTUNKHWA PESHAWAR**

Zubair

**Versus**

Inspector General of Police & Others

**Rejoinder on Behalf of the Appellant**  
**to the comments filed by the**  
**Respondents.**

**Respectfully Sheweth,**

**Reply to Preliminary objections:-**

Reply to the preliminary objection:-

1. Para No.1 of the preliminary objection is incorrect, wrong, illegal and unlawful, hence denied.
2. Para No.2 of the preliminary objection is incorrect and misleading, Therefore sternly denied. Moreover the appellant did not concealed any facts from this Hon'ble Court in respect of instant appeal.
3. Para No.3 of the preliminary objection is wrong, illegal, concocted, frivolous and unlawful, Therefore sternly denied. Moreover the appellant has a good cause of action as well as legal and prima facie locus standi to file the instant appeal before this Hon'ble Tribunal for

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recognition, acknowledge and enforcement of his right in shape of reinstatement in to service with all back benefits, in accordance with law.

4. Para 'No.4' of the preliminary objections is wrong, illegal, concocted as well as against the law, Hence denied.
5. Para 'No.5' of the preliminary objection is misleading, hypocritical, malicious, illegal and unlawful, Therefore sternly denied.
6. Para 'No.6' of the preliminary objection is wrong, illegal, unlawful and void ab-intio, Hence denied.. Moreover this Hon'ble Tribunal has got ample jurisdiction to entertain the instant appeal in accordance with law.

**On Facts:-**

1. Para 'No.1' of the comments needs no reply
2. Para 'No.2' of the comments has incorrect, misleading, hypocritical and malicious, Therefore sternly denied; while that of the main appeal is true and correct.
3. Para 'No.3' of the comments is incorrect, misleading, malicious, and hypocritical, therefore sternly denied. Moreover true and detailed picture has been portrayed in the main appeal.

4. Para 'No.4' of the comments is wrong, incorrect, fabricated, illegal and unlawful, therefore sternly denied. Moreover true and correct detail picture is given in the corresponding para of the main appeal.
5. Para 'No.5' of the comments is hypocritical, misleading, maliciously and incorrect, hence denied. Moreover detailed are detailed out in the main appeal.
6. Para 'No.6' of the comments is hypocritical, misleading, maliciously and incorrect; Hence denied. While corresponding para of the main appeal is true and correct.
7. Para 'No.7' of the comments is misleading, hypocritical, misleading & malicious; Hence sternly denied.
8. Para 'No.8' of the comments is misleading, hypocritical, misleading & malicious; Therefore sternly denied.

#### GROUNDS:

- A. Para "A" of the comments is incorrect, illegal and unlawful, hence denied. While that of the main appeal is true and correct.
- B. Para "B" of the comments is wrong, fabricated, misleading, hypocritical, illegal and unlawful therefore sternly denied. While



the corresponding para of the main appeal is true correct, legal and lawful.

C. Para "C" of the comments is incorrect, false and concocted, hence denied. While the corresponding para of the main appeal is true and correct.

D. Para "D" of the comments is misleading and hypocritical, hence denied. Moreover the corresponding para of the main appeal is true and correct.

E. Para "E" of the comments is incorrect, false and fabricated hence denied. Moreover true, correct & detail picture has been given in the corresponding para in the main appeal.

F. Para "F" the comments is incorrect, wrong, illegal and unlawful, Therefore is sternly denied. While that of the main appeal is true and correct.

G. Para "G" of the comments incorrect, misleading and frivolous, Therefore sternly denied.

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H. Para "H" of the comments is malicious, misleading, hypocritical, concocted, fabricated hence denied.


I. Para "I" of the comments is incorrect, false and frivolous, Hence denied.

J. Para "J" of the comments is incorrect, false and frivolous, Hence denied.

*It is therefore, most humbly prayed that that on acceptance of the instant rejoinder, the appeal of the appellant may kindly be allowed.*

Through

  
Appellant

  
**JAVED IQBAL GULBELA**  
Advocate Supreme Court  
of Pakistan

&  
**SAGHIR IQBAL GULBELA**  
Advocates High Court  
Peshawar

Dated: 27/12/2021

(E)

**BEFORE THE HON'BLE PESHAWAR HIGH COURT**  
**PESHAWAR**

In W.P No: \_\_\_\_\_/2021

Zubair

Versus

Inspector General of Police & Others

**AFFIDAVIT**

I, Zubair Khan S/o Raheem Khan R/o Mohallah Malak Abad Gudar, Tehsil & District Mardan, do hereby solemnly affirm and declare on oath that contents of the "Rejoinder", are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.



N.I.

Deponent

CNIC: 16101-4654686-1

Cell No: \_\_\_\_\_

Identified By:-

**Javed Iqbal Gulbela**

Advocate Supreme Court  
of Pakistan