

25.11.2021

Nemo for the appellant.

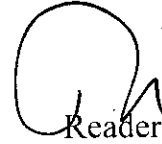
Notice for prosecution of the appeal be issued to the appellant as well as his counsel through registered post and to come up for preliminary hearing before the S.B on 27.01.2022 at Camp Court D.I.Khan.



(Salah-Ud-Din)
Member (J)
Camp Court D.I.Khan

27.01.2022

Tour to camp court D.I.Khan has been cancelled, therefore, adjourned to 27.06.2022 for the same.



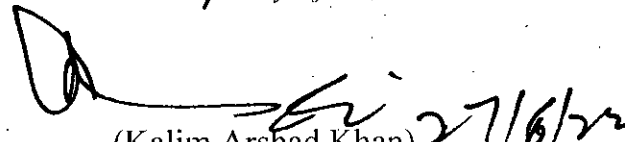
Reader

27th June, 2022

Learned counsel for the appellant present.

2. Learned counsel for the appellant states that as per instruction of his client, he wants to withdraw the instant appeal. As a token of admission of his submission he signed the margin of the order sheet. Dismissed as withdrawn. Consign.

3. *Pronounced in open court in D.I.Khan and given under my hand and seal of the Tribunal on this 27th day of June, 2022.*



(Kalim Arshad Khan) 27/6/22
Chairman
Camp Court D.I.Khan

sent to withdraw
this appeal
10/6/22

24.02.2021

Nemo for appellant.

Preceding date was adjourned on a Reader's note, therefore, notice be issued to appellant/counsel for 27.05.2021 for preliminary hearing before S.B at Camp Court D.I.Khan.



(Rozina Rehman)
Member (J)
Camp Court, D.I.Khan

Due to covid, therefore do come up for the same on - 30/9/21

*On
Reader*

30.09.2021

Nemo for the appellant.

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel and to come up for preliminary hearing before the S.B on 25.11.2021 at Camp Court D.I.Khan.



(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT D.I.KHAN

29.10.2020


Since 30.10.2020 has been declared as public holiday on account of Eid Milad-ud-Nabi, therefore, to come up for the same on 24.11.2020 before S.B at Camp Court, D.I.Khan.


READER

24.11.2020

Nemo for appellant.

Notice be issued to appellant/counsel for 26.01.2021 for preliminary arguments before S.B at Camp Court, D.I.Khan.


(Rozina Rehman)
Member (J)
Camp Court, D.I.Khan

26-01-2021

Due to Covid-19, case is adjourned to 24-02-2021 for the same as before.


Reader

26.02.2021

(Appellant in person present.)

(Riaz Khan (Aindakheil) learned A.A.G along with respondents present.)

(Former made a request for adjournment as his counsel is available today. Adjourned. To come up for arguments on 26.05.2021 before S.B at Camp Court D.I. Khan)

(Tia ur Rehman Wazir)
Member (J)
Camp Court, D.I.Khan

(Rozina Rehman)
Member (J)
Camp Court, D.I.Khan


27/3/2020

Due to COVID-19 the case is adjourned. To come up for the same 23/4/2020 at Camp Court, D.I Khan


Reader

23/4/2020

Due to COVID-19 the case is adjourned. To come up for the same 25/9/2020 at Camp Court, D.I Khan.


Reader

25.09.2020

Nemo for appellart.

Notice be issued to appellant/counsel for preliminary hearing for 30.10.2020 before S.B at Camp Court, D.I.Khan.


(Rozina Rehman)
Member (J)
Camp Court, D.I.Khan

23/10/2019


Since tour to D.I.Khan has been cancelled .To come for the same on 28/11/2019.



Reader

28.11.2019


Appellant in person present and requested for adjournment on the ground that his counsel is not available today due to general strike of the Bar. Adjourned to 30.01.2020 for preliminary arguments before S.B at Camp Court D.I.Khan.



(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan

30.01.2020

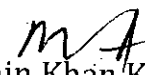
None present on behalf of the appellant. Notices be issued to appellant and his counsel for attendance and preliminary hearing for 27.02.2020 before S.B at Camp Court D.I.Khan.



(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan

27.02.2020

None present on behalf of the appellant. Notices be issued to appellant and his counsel for attendance and preliminary hearing for 27.03.2020 before S.B at Camp Court D.I.Khan.


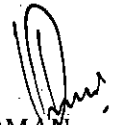

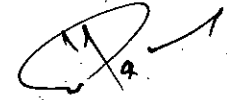


(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan

Form - A
FORM OF ORDER SHEET

Court of _____

Case No. - 825/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/06/2019	<p>The appeal of Mr. Muhammad Nawaz received today by post through Mr. Inamullah Khan Kundi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p>
2-	8.8.2019	<p style="text-align: right;">  REGISTRAR 24/8/19 </p> <p>This case is entrusted to touring S. Bench at D.I.Khan for preliminary hearing to be put up there on <u>28.8.2019</u></p> <p style="text-align: right;">  CHAIRMAN </p>
28.08.2019		<p>None present on behalf of the appellant. Notice be issued to appellant and his counsel for attendance and preliminary hearing for 25.09.2019 before S.B at Camp Court D.I.Khan.</p> <p style="text-align: right;">  (Muhammad Amin Khan Kundi) Member Camp Court D.I.Khan </p>
25.09.2019		<p>Learned counsel for the appellant present and seeks adjournment. Adjourn. To come up for preliminary hearing on 23.10.2019 before S.B at Camp Court, D.I.Khan.</p> <p style="text-align: right;">  Member Camp Court, D.I.Khan. </p>

To

The Registrar,
Service Tribunal Khyber Pakhtunkhwa,
Peshawar.

Muhammad Nawaz Versus Secretary Education etc

SERVICE APPEAL

Respected Sir,

Reference to objection dated 24/05/2018 received on 18/06/2018.

1. In respect of 1st objection, it is stated that the order OB No. 475 dated 18/07/2018 has wrongly been mentioned in the para#5 of the appeal and the same is irrelevant with the case of appellant and liable to corrected.
2. Two more sets of appeal are also annexed herewith.

Objection has been removed accordingly and service appeal mentioned above is hereby resubmitted for further necessary action please.

Dated: 21/06/2016

Yours' Sincerely



Inamullah Khan Kundi
Advocate High Court
D.I.Khan stationed at
Dera Ismail Khan

The appeal of Mr. Muhammad Nawaz son of Peer Khan r/o Mohallah Badarkhel village Amakhel Tehsil and District Tank Ex-Constable No. 8845/FRP received today i.e. on 23.05.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of order Ob no.475 dated 18.07.2018 mentioned in para-5 of the memo of appeal is not attached with the appeal which may be placed on it.
- 2- Two more copies/sets of the appeal along with annexures i.e. complete in all respect may be also be submitted with the appeal.

No. 1019 /S.T,

Dt. 24-5 /2019


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Inamullah Khan Kundi Adv.
High Court Dera Ismail Khan.

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

In service Appeal No. 825 /2019

Muhammad Nawaz **VERSUS**
(Appellant)

PPO KPK etc
(Respondents)

I N D E X

S.No.	Description of documents	Annexure	Pages
1.	Memorandum of Appeal and affidavit	--	1-8
2.	Copy of CNIC	A	9-10
3.	Copy of impugned order#Ob-186 dated 06/03/2019	B	11
4.	Copies of departmental appeal	C	12
5.	Copy of the order No. 3844-45/EC dated 25/04/2019	D	13
6.	Copy of charge sheet	--	14
7.	Copy of statement of allegations	--	15
8.	Vakalatnama	--	16

Dated: 21/05/2019

Your humble appellant



Muhammad Nawaz
Ex-Constable #8845/FRP.

Through counsel



Inamullah Khan Kundi
Advocate High Court,

0346-7864258.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 825 /2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 800

Dated 23/5/2019

Muhammad Nawaz son of Meer Khan r/o Mohallah
Badarkhel, village Amakhel, Tehsil & District Tank.
Ex-Constable#8845/FRP.

(Appellant)

VERSUS

1. Provincial Police Officer, (IGP), Khyber Pakhtunkhwa Central Police Office Peshawar.
2. Commandant Frontier Reserve Police, Khyber Pakhtunkhwa Peshawar.
3. Superintendent of Police, FRP, D.I.Khan Range, Dera Ismal Khan.

..... **(RESPONDENTS)**

Filed to day
Registrar
23/5/19

APPEAL UNDER SECTION 4 OF THE KPK SERVICES TRIBUNAL ACT, 1974, AGAINST, FIRSTLY THE IMPUGNED ORDER NO. OB-186 DATED 06/03/2019 ISSUED BY THE RESPONDENT#3, WHEREBY THE APPELLANT WAS AWARDED MAJOR PUNISHMENT OF REMOVAL FROM SERVICE AND FINALLY, AGAINST THE IMPUGNED ORDER NO. 3844-45/EC DATED 25/04/2019 OF APPELLATE AUTHORITY VIDE WHICH THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED.

Re-submitted to -day
and filed.

Registrar
24/6/19

Note: Addresses given above shall suffice the object of service. All necessary and proper parties have been arrayed in the panel of respondents.

Respectfully Sheweth;


1. That the appellant was inducted in Police Department (FRP) Dera Ismail Khan as Constable in the year 2011 and prior to the implementation of the impugned order the appellant had been serving the under the SP FRP Dera Ismail Khan and since induction had been performing his duties with honesty and with great zeal. That in the month of October, 2018, appellant's father all of a sudden got severe decease of Cancer. Appellant thoroughly got medical check-ups his father in different hospitals of the country. Copy of the CNIC of petitioner is annexed as **Annexure-A**.
2. That the appellant being a poor fellow had to invest a lot of money upon medical expenditures of his father and the department was very well aware of this fact but nobody bother to help the appellant. The appellant also submitted all the relevant medical reports and prescriptions to the concern.
3. That appellant has never ever been remained absent from his duty without informing his superiors and concerns but as the appellant was busy in treatment of his father, the respondents illegally and malafidely issued the ex-parte impugned order#Ob-186 dated 06/03/2019 issued by respondent#3, wherein the appellant was awarded major punishment of removal from service for his absence. Copy of the impugned order dated 06/03/2019 is annexed as **Annexure-B**.
4. That appellant preferred a departmental appeal on 27/03/2019 to the respondent#2 being appellate authority and disclosed all the true facts and acknowledging the real happenings with the appellant, the appellate authority vide office order No. 3844-45/EC dated 25/04/2019 rejected the appeal of the appellant. Copies of departmental appeal and impugned dated 25/04/2019 are annexed as **Annexure-C&D**.
5. That order#OB-475 dated 18/07/2018 and subsequently impugned orders of the appellate authority were based on mala fide and against the law, thus, the appellant left with no other remedy, the appellant approaches this honourable tribunal seeking reinstatement in service with all back benefits in

consequence of setting aside impugned orders on gracious acceptance of the instant petition on grounds hereinafter preferred.

GROUNDS

- a. That the orders passed by the departmental authorities, impugned hereby are arbitrary, discriminatory, legally and factually incorrect, ultra virus, void ab initio and militate against principle of natural justice, thus, are liable to be set aside and malafide.
- b. That the appellant is innocent and has been subjected to the penalty for no fault on his part. SP FRP/respondent#3 failed to follow the prescribed procedure and conducted ex-parte proceedings and the inquiry officer also failed to regulate the departmental inquiry in accordance with law and procedures described for the purpose and as such erred at the very outset of the proceedings, thus, causing grave miscarriage of justice as well as prejudice to the appellant in making his defence.
- c. That it is a matter of record that appellant has been vexed in clear defiance of law and principle laid by the superior courts as well as the tribunals as could be gathered from the facts and circumstances of the case.
- d. That the respondents/department awarded major penalty i.e. removal from service for the absence of the appellant which was not willful but was for the facts which were beyond the control of appellant. Even then the punishment

awarded to the appellant is too harsh for the unintentional absence.

- e. That appellant was not called for personal hearing before the respondent#3 as mentioned in the impugned order that appellant did not appear before him. The inquiry officer has not conducted the inquiry according to the law even the inquiry conducted was ex-parte and the impugned order dated 25/04/2019 was also ex-parte as evident from the impugned order ibid.
- f. That the appellant had sufficient length of service i.e. approximately 08 years rendered for the department while adjudicating the matter of departmental authority utterly ignored not only the provisions of law on the point but the rights, too, of the appellant including fringe benefits and by imposing the harshest of the penalties in defines of law as aforesaid, deprived the family of appellant of its only means of earning livelihood.
-  g. That the respondents while adjudicating in the matter of departmental proceedings and the appeal/representation as well as revision petition of the appellant were disposed of the entire matter in a slip shot manner through the orders impugned hereby, thus, the award of impugned punishment is patently unwarranted, illegal, ultra virus, nullity in law and apparently motivated for extraneous reasons and is not maintainable in law.

- h. That the petition of appeal is duly supported by law and rules formulated there under, besides the affirmation/affidavit annexed hereto.
- i. That this honourable Tribunal is competent and has ample powers to adjudge the matter under reference/appeal.
- j. That counsel for the appellant may graciously be allowed to raise additional grounds at the time of arguments.

In wake of submission made above applicant humbly requested that the impugned order No. OB-186 dated 06/03/2019 issued by the respondent#3 and subsequently impugned orders of the appellate authority may please be set aside and the applicant may graciously be reinstated in service with all back benefits.

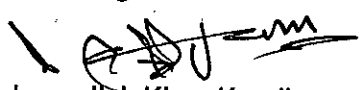
Any other relief deemed appropriate in circumstances of the case may also be allowed in favour of appellant in the large interest of justice.

Dated: 21/05/2019

Your humble appellant


Muhammad Nawaz
Ex-Constable#8845/FRP.

Through counsel


Inamullah Khan Kundi
Advocate High Court,

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

In service Appeal No. _____/2019

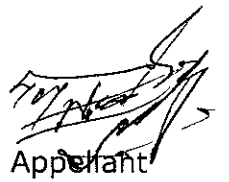
Muhammad Nawaz VERSUS
(Appellant)

PPO KPK etc
(Respondents)

CERTIFICATE

Certified that appellant have not filed an appeal regarding the subject controversy, earlier in this august Tribunal.

Dated ___/05/2019


Appellant

NOTE

Appeal with annexure along-with required sets thereof are being presented in separate file covers.

Dated 25/05/2019


Appellant's counsel

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

In service Appeal No. _____/2019

Muhammad Nawaz **VERSUS**
(Appellant)


PPO KPK etc
(Respondents)

AFFIDAVIT

I, **Muhammad Nawaz**, appellant herein, do hereby solemnly affirm on oath:-

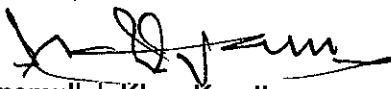
1. That the accompanying appeal has been drafted by counsel following our instructions;
2. That all para-wise contents of the appeal are true and correct to the best of my knowledge, belief and information;
3. That nothing has been deliberately concealed from this Honourable Court, nor anything contained therein, based on exaggeration or distortion of facts.

Dated 21/05/2019



DEPONENT

Identified By:-



Inamullah Khan Kundi
Advocate High Court,

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

In service Appeal No. _____/2019

Muhammad Nawaz **VERSUS**
(Appellant)

PPO KPK etc
(Respondents)

ADDRESSES OF THE PARTIES

Appellant:-

Muhammad Nawaz son of **Peer Khan** r/o Mohallah
Badarkhel, village Amakhel, Tehsil & District Tank.
Ex-Constable#8845/FRP.

(Appellant)

RESPONDENTS:-

- 1. Provincial Police Officer, (IGP), Khyber Pakhtunkhwa
Central Police Office Peshawar.**
- 2. Commandant Frontier Reserve Police, Khyber
Pakhtunkhwa Peshawar.**
- 3. Superintendent of Police, FRP, D.I.Khan Range, Dera
Ismal Khan.**

Dated: 21/05/2019

Your humble appellant


Muhammad Nawaz

Through counsel


Inamullah Khan Kundi
Advocate High Court

My this order will dispose off departmental enquiry conducted against Constable Muhammad Nawaz No.8845/FRP under Khyber Pakhtunkhwa Police Disciplinary Rules-1975 (Amended in 2014).

According to daily diary report No.70 dated 08.10.2018 of Modal Police Station Hangu, he remained absent from law full duties with effect from 08.10.2018 to till date. Show Cause Notice was prepared and sent to his home address for delivered upon him through Constable Muhammad Zubair No.9149 but he refused to received said show cause notice vide daily diary report No.09 dated 29.10.2018 of FRP Police Lines DIKhan. He reported back his arrival on 16.11.2018 vide daily diary report No.23 dated 16.11.2018 of Modal Police Station Hangu, total (39) days, according to daily diary report No.50 dated 28.11.2018 of District Police Lines DIKhan, he remained absent from law full duties with effect from 16.11.2018 to 28.11.2018 total (12) days and according to daily diary reports vide Mad No.07 dated 23.12.2018 and No.33 dated 02.01.2019 of FRP HQrs: Peshawar, he remained absent from law full duties with effect from 11.12.2018 to 23.12.2018 and 31.12.2018 to 02.01.2019 total (14) days respectively, similarly according to daily diary reports vide mad No.47 dated 22.01.2019 and No.71 dated 01.02.2019 of District Police Lines DIKhan, he remained absent from law full duties with effect from 18.01.2019 to 22.01.2019 total (04) days, total absence period comes (69)days and 01.02.2019 to till date respectively without any leave or permission from the competent authority.

On the basis of above he was issue charge sheeted along with summary of allegation. Reply of said charge sheet received which was found unsatisfactory. Muhammad Ismail Khan DSP/FRP DIKhan Range was nominated as enquiry officer to unearth the actual facts. After completion of all legal formalities the enquiry officer submitted his findings report along with other relevant papers. Charge Sheet and show cause notice along with other relevant paper were again marked to DSP Zahoor Ud Din with the directions to complete enquiry and report within 05 days. The enquiry officer submitted his report along with other relevant papers wherein the defaulter constable was found guilty of the charges leveled against him and recommended him for suitable punishment. He was called in orderly room on 26.12.2018, 02.01.2019, 10.01.2019, 16.01.2019, 23.01.2019, 30.01.2019, 06.02.2019, 13.02.2019, 20.02.2019, 27.02.2019 and 06.03.2019 but he does not appear before the undersigned. From perusal of his service record it revealed that he was enlisted as Constable on 03.01.2011, during his service he remained absent from law full duties for (410) days, awarded minor punishment of confinement to quarter guard for 05 days and forfeiture of one year approved service previously. His previous record shows that the defaulter Constable habitual absentee.

Keeping in view the facts stated above, I MR. AMAN ULLAH KHAN, Superintendent of Police FRP D.I.Khan Range, D.I.Khan, in exercise of powers vested in me under Khyber Pakhtunkhwa Police Disciplinary Rules-1975 amended-2014 hereby taking Ex-parte action against Constable Muhammad Nawaz No.8845/FRP awarded major punishment of Removal from service from the date of his absence i.e 08.10.2018 to 16.11.2018, 16.11.2018 to 28.11.2018, 11.12.2018 to 23.12.2018, 31.12.2018 to 02.01.2019, 18.01.2019 to 22.01.2019, 01.02.2019 to till date is treated as without pay.

ORDER ANNOUNCED.

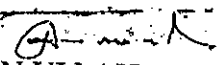
Dated _____/2019.

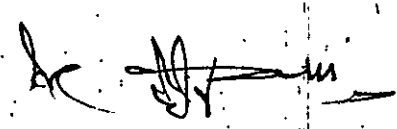
OB No. 186/FRP

Dated 06/03/2019

Copy to:-

1. Pay Officer
2. SRC
3. OHC


(AMAN ULLAH KHAN)
Superintendent of Police,
FRP, DIKhan Range DIKhan.

Handwritten notes:
To be true


تجربہ صباے والدشان لکھا لڈنٹ الفیہ آر پی لسیٹ اور -

درخواست نمبر 11: سائل کو دوبارہ اپنے ڈیوٹی پر تعینات کرانے کے احکامات جاری کرانے بابت سن سائل کا والد کس کے مرض میں مبتلا ہوئے کی وجہ سے اس پرانے والد نے سائل کو لڈنٹ میں کبایا تھا

صبا عالی

سائل صبا ذیل عرض گزار ہے

کہ یہ سائل ایک غریب، عیال دار شخص ہے۔ سائل کے لکھنؤ میں اپنے بوڑھے بیمار والدین کا بوجھ ہے۔ سائل ایک تعلیم یافتہ شخص ہے۔ سائل نے ایم اے ایف ایس کیلئے سائنس ایم اے عربی ایم اے اسلامیات، بی اے ایم اے اسلامیات اور ایم اے اسلامیات سے پاس کیے ہیں۔ صبا سائل کے والد سائل کے پاس ایک کمپنی ہے جس میں

مبتلا ہو گیا۔ جب سے سائل بہت پریشان رہتا اور اپنے ڈیوٹی سے غیر حاضر رہتا کیونکہ سائل کے گھر میں سائل کے علاوہ اور کوئی مذہب الیہ نہیں تھا۔ جو والد صاحب کے نوڈلنگ تھا۔ سائل نے پاس لے جانا۔ دریں وجہ، آخر کار دار فانی سے کوچ کر گیا ہے۔ 2019-03-06 کو اعلیٰ احقران نے سائل کو ڈس مینس کیا۔ اور اب سائل کا والد اس

سید استرعا ہے کہ سائل کی غربت، تعلیم، سالیہ سرکار کو ملحوظ خاطر فرماتے ہوئے سائل کو دوبارہ اپنے ڈیوٹی پر تعینات فرما کر تمام حیات دینی دعائیں ایجے گا۔ حضور کی عین کوارشن ہوگی

فقط 27/03/2019

سائل کا نام سید محمد نواز ولد سید بی بی خان بیٹا عمر 45 88 - الفیہ آر پی لسیٹ

Handwritten signatures and stamps at the bottom of the page.

ORDER

Ank-D 13

This order will dispose of the departmental appeal preferred by ex-constable Muhammad Nawaz No. 8845 of FRP DI Khan Range, against the order of SP FRP DI Khan Range, DI Khan issued vide OB No. 186, dated 06.03.2019, wherein he was awarded major punishment of removal from service. The applicant was proceeded against on the allegations of absence from lawful duties with effect from 08.10.2018 to 16.11.2018.

In this regard he was issued Show Cause Notice and sent to his home address for delivered upon him through constable Muhammad Zubair No. 9149, but he refused to receive the said Show Cause Notice vide daily dairy report No. 09, dated 29.10.2018 of FRP Police Line DI Khan. He reported back his arrival vide daily dairy report No. 23, dated 16.11.2018, and remained absent for period of (39) days. He again absented himself from lawful duties with effect from 16.11.2018 to 28.11.2018 (for the period of 12 days), 11.12.2018 to 23.12.2018, 31.12.2018 to 02.01.2019 (for period of 14 days) and 18.01.2019 to 22.01.2019 (for the period of 04 days), hence his total absence period comes (69) days. Thereafter, he absented himself with effect from 01.02.2019 till the date of removal from service i.e 06.03.2019 without any leave/permission of the competent authority.

On the basis of the above, he was issued Charge Sheet alongwith Summary of Allegations and Muhammad Ismail Khan DSP FRP DI Khan Range, was nominated as Enquiry Officer to unearth the actual facts. After completion of all codal formalities the Enquiry Officer submitted his findings alongwith other relevant papers. The Show Cause Notice, Charge Sheet alongwith his reply and other relevant paper were again marked to DSP Zahoor Ud Din with the directions to conduct enquiry and report within 05 days. The Enquiry Officer submitted his report, wherein the defaulter constable was found guilty of the charges leveled against him and recommended for suitable punishment. He was called in orderly room on various dates, but he failed to appear before the competent authority.

From perusal of his service record, it revealed that during his service he remained absent from lawful duties for total period of (410) days, awarded minor punishment of confinement to quarter guard for 05 days and forfeiture of one year approved service previously.

Upon the finding of Enquiry Officer and other material available on record, he was awarded major punishment of removal from service vide OB No. 186, dated 06.03.2019.

Feeling aggrieved against the impugned order of SP FRP DI Khan Range, DI Khan the applicant preferred the instant appeal. The applicant was summoned and heard in person in Orderly Room held on 24.04.2019.

During the course of personal hearing, the applicant failed to present any justification regarding to his prolong absence. It is settled preposition of law that the law helps the diligent and not indolent.

From perusal relevant of record, it has been found that the applicant a habitual absentee can not be reformed in future. Reinstatement will badly effect moral of the force. There doesn't seem any infirmity in the order passed by the competent authority, therefore no ground exist to interfere in same.

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

Order Announced.

Commandant

Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar.

No 3844-45/EC, dated Peshawar the 25/04/2019.

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

1. SP FRP DI Khan Range, DI Khan. His service record alongwith D-file sent herewith.
2. Ex-constable Muhammad Nawaz No. 8845 S/O Peer Khan, Police Station Mulazai, Village Awa Khel District Tank

No 2642-43 /FRP

dated: 2-11 /2018

CHARGE SHEET

I. Aman Ullah Khan, SP FRP DIKhan, as competent authority, am of the opinion that you Constable Muhammad Nawaz No.8845/FRP of FRP DIKhan Range have committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975.

II. According to daily diary report No.70 dated 08.10.2018 of Modal Police Station Hangu, you remained absent from law full duties with effect from 08.10.2018 to till date without any leave or permission from the competent authority. Show Cause Notice was prepared and sent to your home address for delivered upon you through Constable Muhammad Zubair No.9149 but you refused to received said show cause notice vide daily diary report No.09 dated 29.10.2018 of FRP Police Lines DIKhan. It is a gross "Misconduct" on your part as defined in Rule 2 (iii) of Police Rules 1975 and has rendered yourself liable to be proceeded against departmentially.

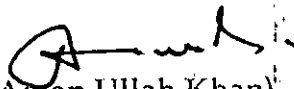
III. By reason of the above, you seem to be guilty as sufficient materials is placed before the undersigned; therefore it is decided to proceed against you in general police proceeding.

IV. You are; therefore, required to submit your written reply within 07 days of the receipt of this charges sheet to the Enquiry Officer.

V. Your written reply, if any, should reach the Enquiry Officer within specific period, failing which it shall be presumed that you have no defense to offer and in that case ex-parte action shall follow against you.


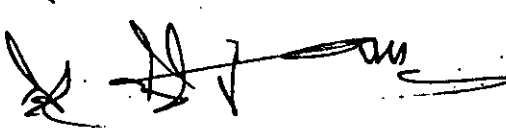
VI. Intimate as to whether you desire to be heard in person or not?

VII. A statement of allegation is enclosed.


(Aman Ullah Khan)

Superintendent of Police, FRP

DIKhan Range DIKha
On 2/11/18

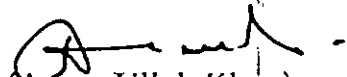
(B)

DISCIPLINARY ACTION

I, Aman Ullah Khan, SP FRP DIKhan as competent authority, am of the opinion that you Constable Muhammad Nawaz No.8845/FRP of FRP DIKhan Range of FRP have committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975.

STATEMENT OF ALLEGATION

1. According to daily diary report No.70 dated 08.10.2018 of Modal Police Station Hangu, you remained absent from law full duties with effect from 08.10.2018 to till date without any leave or permission from the competent authority. Show Cause Notice was prepared and sent to your home address for delivered upon you through Constable Muhammad Zubair No.9149 but you refused to received said show cause notice vide daily diary report No.09 dated 29.10.2018 of FRP Police Lines DIKhan. It is a gross "Misconduct" on your part as defined in Rule 2 (iii) of Police Rules 1975 and has rendered yourself liable to be proceeded against departmentally.
2. For the purpose of scrutinize the conduct of said Constable with reference to the above allegation, Muhammad Ismail Khan DSP/FRP DIKhan is appointed as Enquiry Officer.
3. The Enquiry Officer shall conduct proceeding in accordance with provision of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record it is finding, and make with twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused official.
4. The delinquent official shall join the proceeding on the date, time and place fixed by the officer.


(Aman Ullah Khan)
Superintendent of Police, FRP
DIKhan Range DIKhan
On 21/11/18

