

Service Appeal No. 665/2019

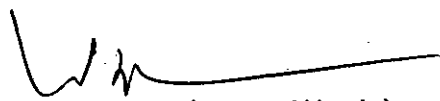
Rahim-ud-Din vs Govt

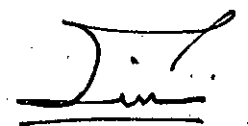
ORDER
13.12.2021

Appellant alongwith his counsel present. Mr. Muqaddar Khan, Inspector (Legal) alongwith Mr. Noor Zaman Khattak, District Attorney for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, placed on file of Service Appeal bearing No. 124/2019 titled "Fazal Khaliq Versus The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and three others", the instant appellant is accepted and the appellant is reinstated in service, however the intervening period during which the appellant remained out of service is treated as leave without pay. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
13.12.2021


(Atiq-ur-Rehman Wazir)
Member (Executive)


(Salah-ud-Din)
Member (Judicial)

16.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 05.08.2021 for the same as before.



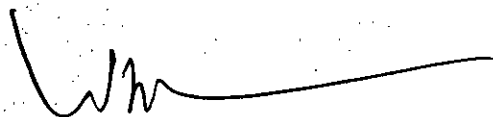
Reader

05.08.2021

Appellant in person present.

Mr. Kabirullah Khattak, Additional Advocate General alongwith Nisar Ahmed H.C for respondents present.

Former made a request for adjournment as his counsel is not available today. Adjourned. To come up for arguments on 13.12.2021 before D.B.



(Atiq Ur Rehman Wazir)
Member (E)



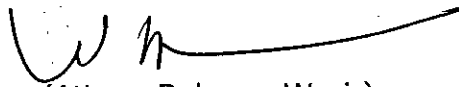
Chairman

19.11.2020

Appellant in person present.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Appellant requests for adjournment as his counsel is not available being indisposed. Adjourned. To come up for arguments on 02.02.2021 before D.B.



(Atiq ur Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

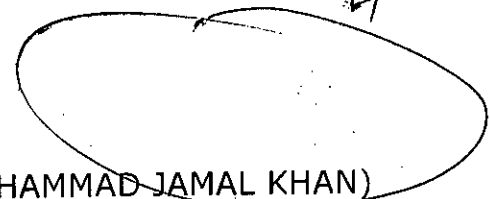
02.02.2021

Nemo for appellant. Mr. Asif Masood Shah, Deputy District Attorney and Mr. Zewar Khan, Inspector (legal), for the respondents are present.

The learned Additional Advocate General informed the bench that senior counsel for appellant namely, Mr. Rizwanullah is suffering from certain malady preventing him to attend the Tribunal today. Accordingly, the appeal is adjourned to 16.04.2021 on which date file to come up for arguments before D.B. In the meanwhile, appellant and his counsel have to be noticed for the date fixed.



(ATIQU-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)



(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

7-5.2020

Due to COVID19, the case is adjourned to

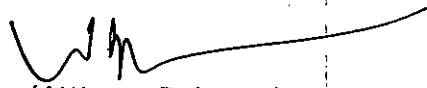
27/7/2020 for the same as before.


Reader

27.07.2020

Nemo for appellant. Mr. Ziaullah, DDA alongwith Zewar Khan, S.I (Legal) for the respondents present.

On the last date the matter was adjourned through Reader note, therefore, notices be issued to appellant/counsel for 16.09.2020 for hearing before the D.B.



(Attiq-ur-Rehman)
Member



Chairman

16.09.2020

Nemo for appellant.

Mr. Muhammad Jan learned Deputy District Attorney alongwith Zewar Khan Inspector for respondents present.

Issued involved in the present case is pending before Larger Bench of this Tribunal. However appellant be put to notice for arguments on 19.11.2020 before D.B.



(Atiq ur Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

21.10.2019

Appellant in person present. Mr. Zia Ullah, learned Deputy District Attorney alongwith Sahhibzada Imran ASI for the respondents present.

Representative of respondents submitted reply which is placed on record. To come up for arguments on 06.01.2020 before the D.B. The appellant may submit rejoinder within a fortnight, if so advised.


Chairman

06.01.2020


Learned counsel for the appellant present. Mr. Ziaullah, DDA for respondents present. Learned counsel for the appellant seeks adjournment as his counsel is not available today. Adjourn. To come up for arguments on 10.03.2020 before D.B.


Member


Member

10.03.2020

Counsel for the appellant present. Addl: AG alongwith Mr. Akhtar Said, ASI for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 07.05.2020 before D.B.


Member


Member

27.06.2019

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant has filed the present u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 20.08.2009 whereby the appellant was awarded major punishment of dismissal from service and against the order dated 22.01.2019 through which the departmental appeal of the appellant was dismissed.

Points urged need consideration. The present service appeal is admitted for 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 the respondents for written reply/comments. To come up for written reply/comments on 26.08.2019 before S.B. Respondent department is also directed to furnish Passport (IBMS) Travel History of the appellant on the next date fixed.

Appellant Deposited
Security & Process Fee
28/6/19

26.08.2019

Appellant in person and Addl. AG alongwith Zewar Khan, S.I (Legal) for the respondents present.

Member

Representative of the respondents requests for time. To come up for written reply/comments of the respondents on 24.09.2019 before S.B.

Chairman

24.09.2019

Appellant alongwith counsel and Addl. AG alongwith Zakirullah, PASI for the respondents present.

Representative of the respondents seeks further time. Adjourned to 21.10.2019 on which date the requisite reply/comments shall positively be submitted.

Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- _____ 665/2019 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/05/2019	<p>The appeal of Mr. Rahim-ud-Din presented today by Mr. Rizwanullah 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;"><i>[Signature]</i> REGISTRAR</p>
2-	22/05/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>28/06/19</u></p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>

**BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. 665 /2019

1. Rahim-ud-Din S/O Syed Rehman R/O Ajoo Talash, Tehsil Timergara, District Dir Lower.

APPELLANT

VERSUS

1. The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar etc.

RESPONDENTS

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3	Copies of Medical certificates consisting of 38 sheets	A	10-47
4	Copy of order of dismissal from service dated 20-08-2009	B	48
5	Copy of departmental appeal	C	49
6	Copy of rejection of departmental appeal dated 31-10-2012	D	50
7	Copy of revision dated 11-11-2012	E	51
8	Copy of rejection order dated 13-04-2016	F	52
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11	Copy of order of this Hon'ble Tribunal dated 03-05-2019	I	59-60
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13	Wakalatnama	—	—

Through

Dated: 20-05-2019

Rahimud Din
Appellant

Rizwanullah
Rizwanullah

Advocate High Court, Peshawar

**BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. 665 /2019

1. Rahim-ud-Din S/O Syed Rehman R/O Ajoo Talash, Tehsil Timergara, District Dir Lower.

APPELLANT

**Khyber Pakhtunkhwa
Service Tribunal**

VERSUS

Diary No. 790
Dated 21/5/2019

1. The Inspector General of Police, Khyber Pakhtunkhwa., Peshawar.
2. The Deputy Inspector General of Police, Malakand Region, Saidu Sharif, Swat.
3. The District Police officer, Dir Lower at Timergara.

RESPONDENTS

Filed to Day
Registrar
21/5/19

**APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974 AGAINST THE
IMPUGNED ORDER DATED 20/08/2009
PASSED BY THE DISTRICT POLICE,
OFFICER DIR LOWER AT
TAIMERGARA (RESPONDENT NO. 3)
WHEREBY THE APPELLANT WAS
AWARDED MAJOR PENALTY OF
DISMISSAL FROM SERVICE WITH
RETROSPECTIVE EFFECT FROM
THE DATE OF ABSENCE AGAINST
WHICH A DEPARTMENTAL APPEAL
AS WELL AS REVISION PETITION
WERE FILED BUT THESE WERE
DISMISSED ON 31/10/2012 AND**

13-04-2016 RESPECTIVELY. THE APPELLANT THEN FILED SERVICE APPEAL NO. 562/2016 WHICH WAS DISPOSED OF ON 05/07/2018 AND THE ABOVE TWO ORDERS WERE SET ASIDE AND THE APPELLATE AUTHORITY WAS DIRECTED TO DECIDE THE DEPARTMENTAL APPEAL THROUGH SPEAKING ORDER AS WELL AS OBSERVATION MADE THEREIN. THE APPEAL WAS NOW DISMISSED ON 22/01/2019 AND COPY THEREOF WAS PRODUCED BEFORE THIS HON'BLE TRIBUNAL ON 03/05/2019 IN EXECUTION PETITION NO. 31/2019.

Prayer in Appeal

By accepting this appeal, the impugned orders dated 20/08/2009 and 22/01/2019 may very graciously be set aside and the appellant may kindly be reinstated in service with full back wages and benefits.

Any other relief deemed appropriate in the circumstances of the case, not specifically asked for, may also be granted to the appellant.

Respectfully Sheweth,

Short facts giving rise to the present appeal are as under:-

1. That the appellant joined the services of Police Department incapacity as Constable. After his induction, he was deputed for one year mandatory training who completed it successfully.
2. That the appellant was performing his duty with great zeal, zest and devotion and no complaint whatsoever was received against him to his superior.

3. That due to insurgency situation at Malakand Division as well as the severe illness of his mother, he remained there to look after her. She is still confined to bed due to protracted illness.

(Copies of Medical prescription consisting of 38 sheets are appended as Annex-A).

4. That disciplinary proceedings were initiated at the back of appellant and ultimately he was awarded major penalty of dismissal from service with retrospective effect from the date of his absence from duty i.e. (09/06/2009) vide order dated 20/08/2009 passed by the District Police officer, Dir Lower at Taimergara (respondent No. 3).

(Copy of impugned order is appended as Annex-B).

5. That the appellant felt aggrieved by the said order, filed a Departmental appeal but the same was rejected on 31/10/2012.

(Copy of Departmental appeal and its rejection order are appended as Annex-C & D).

6. Thereafter, the appellant filed revision petition with the respondent No. 1 on 11/11/2012 but the same was also rejected on 13/04/2016.

(Copy of revision and its rejection order are appended as Annex-E & F)

7. That the appellant then invoked the jurisdiction of this Hon'ble Tribunal by way of filing Service Appeal No. 562/2016 which was disposed of on 05/07/2018 with the following observations: -

Admittedly the impugned punishment of dismissal from service was imposed upon the appellant with retrospective effect

hence the original order of dismissal from service is void and no limitation would run against the same.

On the other hand, the Departmental Appellate Authority simply filed/regretted the departmental appeal of the appellant on the ground of limitation, which did not exist anymore as observed in the preceding para.

Learned District attorney remained unable to rebut the contention of the learned counsel for the appellant that many other colleagues of the appellant who were also dismissed from service on the ground of absence from duty were reinstated either by the Appellate Authority or by the Review Board. In the stated circumstances of the case, the order dated 31/10/2012 of the Appellate Authority and the other dated 13/04/2016 of the Review Board are hereby set aside. Resultantly the departmental appeal of the appellant shall be deemed pending. Appellate Authority/Respondent No. 2 is directed to decide the same afresh with speaking order within a period of (03) months of the receipt of this judgment. The present service appeal is disposed off accordingly. Parties are left to bear their own cost. File be consigned to Record Room.

(Copy of Judgment consisting of 04 sheets is appended as Annex- G)

8. That the Appellate Authority was legally bound to have complied with the above order of this Hon'ble Tribunal by deciding the departmental

appeal within three months. But he did not bother for the same. Therefore, the appellant was constrained to invoke the jurisdiction of this Hon'ble Tribunal by way of filing execution petition No. 31/2019. During the pendency of said petition, the representative of respondents produced rejection order No. 582 dated 22/01/2019 before this Hon'ble Tribunal and copy thereof was provided to the appellant on the basis whereof, petition was disposed of accordingly on 03/05/2019. It is crystal clear from the perusal of rejection order that the same was dismissed on flimsy grounds as well as misconception of law.

(Copy of rejection order and order of this tribunal are appended as Annex- H and Annex-I respectively)

9. That the appellant now files this appeal before this Hon'ble Tribunal inter-alia on the following grounds.

GROUND OF APPEAL

- A. That respondents have not treated appellant in accordance with law, rules and policy on the subject and acted in violation of **Article 4 of the Constitution of Islamic Republic of Pakistan, 1973**. Therefore, the impugned orders are not sustainable in the eye of law.
- B. That the Appellate Authority was under statutory obligation to have considered the case of appellant in its true perspective and also in accordance with the judgment passed by this Hon'ble Tribunal dated 05/07/2018. But he did not bother for the same and again rejected the departmental appeal on flimsy grounds as well as misconception of law. Besides, the prime issue of discrimination regarding the appellant with similarly placed employees who were also awarded major penalty of dismissal/removal from service on the same grounds of absence from duty were reinstated on the basis of their appeals/revisions as discussed in the above judgment, was kept untouched and no findings whatsoever was given on it. Thus, the defiant and adamant conduct of Appellate Authority (respondent No. 2) clearly amounts to willful disobedience of the order/judgment

of this Hon'ble Tribunal and therefore, requires to be dealt with iron hands by awarding him exemplary punishment under the relevant law. Reliance in this respect can be placed on the judgment of august Supreme Court of Pakistan reported in **PLD-2012-SC-923 (citation-ff)**. The relevant citation of the judgment is as under:-

**P L D 2012 Supreme Court 923
(ff) Contempt of court---**

---Court order, implementation of---Contempt through disobedience of court order ("disobedience contempt") by executive and its functionaries---Effect---Responsibility for implementation (of court's orders) had been made obligatory on other organs of the State, primarily the executive-When a functionary of the executive refused to discharge its constitutional duty, the court was empowered to punish it for contempt.

Akin, it is a disparity and anomaly and is also violation of **Article 25 of the Constitution of Islamic Republic of Pakistan, 1973** which has unequivocally laid down that all citizens placed in similar circumstances are entitled to equal treatment and protection of law. The Hon'ble Supreme Court of Pakistan through various judgments has maintained that equal treatment is the fundamental right of every citizen. Reliance can be placed on **2002-SCMR-71 & 2007-SCMR-410(d)**. The relevant citations are as under:-

**2002-SCMR-71
(citation-c)**

---Art. 25---Equality of citizens---Two groups of persons similarly placed could not be treated differently---Dictates of law, justice and equity required exercise of power by all concerned to advance the cause of justice and not to thwart it.

**2007-SCMR-410(d)
(citation-d)**

---Art. 25---Equal protection of law--
-Principles---Concept of equal protection of law envisages that a

person or class of persons should not be denied the rights, which are enjoyed by other persons in the same situation.

Hence, the impugned orders are not tenable under the law.

(Copies of reinstatement orders of similarly placed employees consisting of 08 pages are appended as Annex- J)

- C.** That neither any charge sheet along with statement of allegations was served on the appellant nor any regular enquiry was conducted to substantiate his guilt. Similarly, no show cause notice and opportunity of personal hearing were provided to him. Thus, the appellant was deprived of his indispensable fundamental right of fair trial and due process of law as enshrined in Article 10-A of the Constitution of Islamic Republic of Pakistan, 1973 which cannot be denied in any case. Therefore, the impugned orders are against the spirit of administration of justice.
- D.** That the appellant was neither involved in any corruption, embezzlement or moral turpitude therefore, such harsh and extreme penalty of dismissal from service did not commensurate with the nature of allegations of absence from duty. Hence, the impugned orders are not sustainable under the law.
- E.** That the absence of the appellant was neither willful nor intentional but the circumstances were beyond his control due to severe illness of his mother. Therefore, the impugned orders are not warranted under the law.
- F.** That the impugned orders are against law, facts of the case and norms of natural justice. Therefore, the same are not tenable under the law.
- G.** That the respondents have passed the impugned orders in mechanical manner and the same are perfunctory as well as non-speaking and also

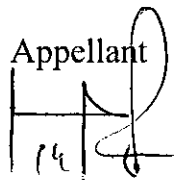
against the basic principle of administration of justice. Thus, the same are not warranted under the law.

- H.** That the impugned orders are based on conjectures and surmises. Hence, the same are against the legal norms of justice.
- I.** That the appellant would like to seek the permission of this Hon'ble Tribunal to advance some more grounds at the time of arguments.

In view of the above narrated facts and grounds, it is, therefore, humbly prayed that the impugned orders dated 20/08/2009 and 22/01/2019 may very graciously be set aside and the appellant may kindly be reinstated in service with full back wages and benefits.

Any other relief deemed proper and just in the circumstances of the case, may also be granted.

Through

Appellant


Rizwanullah

Advocate High Court, Peshawar.

Dated: 20/05/2019

**BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. _____/2019

1. Rahim-ud-Din S/O Syed Rehman R/O Ajoo Talash, Tehsil Timergara, District Dir Lower.

APPELLANT

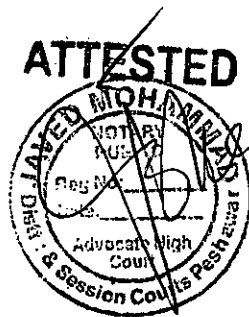
VERSUS

1. The Inspector General of Police, Khyber Pakhtunkhwa., Peshawar and others.

RESPONDENTS

AFFIDAVIT

I, Rahim-ud-Din S/O Syed Rehman R/O Ajoo Talash, Tehsil Timergara, District Dir Lower, do hereby solemnly affirm and declare that the contents of the accompanied Service Appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.



21 MAY 2019

Rahim-ud-Din

DEPONENT

Prof. Zahid Aslam Awan
FCPS(Med), FCPS(Cardiology)
Cardiologist/ Electrophysiologist

Said Rehman

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By 12/07/20

Subex. 2

Attested

ATTESTED
Appellant
Rahim Ullah Khan

Dr. ZAHID ASLAM AWAN

911

FCPS (Med) FCPS (Card) Fellowship EP & Pacing
Associate Professor Cardiology
Hayatabad Medical Complex, Peshawar.

w/o

Said Rehman

BP 170/100

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Refused admission.

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ایس زسٹریل

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Attested

ATTESTED

Appellant
Rohim Ullah

آر ایس پی

نمبر کیلئے فون سے پہر 03 بجے کریں
فون: 091-2563521 سہاگل 0346-9216948

DR. ZAHID ASLAM AWAN
FCPS (Med) FCPS (Card) Fellow EP
Associate Professor Cardiology
Hayatabad Medical Complex, Peshawar - Pakistan.

ڈاکٹر زاہد اسلم اعوان
کلینک: کمرہ نمبر 210، سیدانور میڈیکل سنٹر،
ڈگری گارڈن، پشاور۔ 3196

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Robina
Appellant

نمبر کیلئے فون سے پہر 03 بجے کریں
فون: 091-2563521 سہاگل 0346-9216948

DR. ZAHID ASLAM AWAN
FCPS (Med), FCPS (Card) Fellow EP
Associate Professor Cardiology
Hayatabad Medical Complex, Peshawar - Pakistan.

ڈاکٹر زاہد اسلم اعوان
کلینک: کمرہ نمبر 210، سید انور میڈیکل سنٹر،
ڈگری گارڈن، پشاور۔ 233

پہلی بروز ہفتہ و آوار

25/08/09

W/lo Said Rehman

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Attested

Attested
Rahimuddin
Appellant

نمبر کیلئے فون سے پہر 03 بجے کریں
فون: 091-2563521 سواک: 0346-9216948

DR. ZAHID ASLAM AWAN

FCPS (Med) FCPS (Card) Fellow EP
Associate Professor Cardiology
Hayatabad Medical Complex, Peshawar - Pakistan.

ڈاکٹر زاہد اسلم اعوان

کلینک: کمرہ نمبر 210، سیدانور میڈیکل سنٹر

ڈگری گارڈن، پشاور۔ 2303

چھٹی بروز ہفتہ والوار

28/10/09

W/o Saad Behm

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SR 140/90

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Rahimuddin
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ڈاکٹر زاہد اسلم اعوان

کلینک: کمرہ نمبر 210، سیدانور میڈیکل سنٹر،

ڈگری گارڈن، پشاور-3100

DR. ZAHID ASLAM AWAN

FCPS (Med) FCPS (Card) Fellow EP

Associate Professor Cardiology

Hayatabad Medical Complex, Peshawar - Pakistan.

نمبر کیلئے فون سے پہر 03 بجے کریں

فون: 091-2563521 موبائل: 0346-9216948

پیشہ بروزیفٹ و الوار

22/12/09

W/o Saad Rehman

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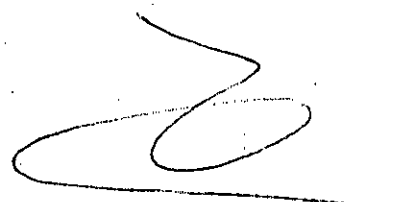
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Appellant

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Dr. ZAHID ASLAM AWAN

2423

FCPS (Med) FCPS (Card) Fellowship EP & Pacing
Associate Professor Cardiology
Hayatabad Medical Complex, Peshawar.

9/6/10

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CAD

RS 140/90

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(5) —→ Simvastaf
—→ 10mg

(6) —→ Nicotin
1+1 102

Dr. ZAHID ASLAM AWAN

FCPS (Med) FCPS (Card) Fellowship EP & Pacing
Associate Professor Cardiology
Hayatabad Medical Complex, Peshawar.

19/11/10

M/lo Said Akh

CAD

HTN

200/100-11

20 Aug 10

Monitor
100-100

Co-Valtec
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Cardinil
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Ascanol ✓
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Simvafel ✓
100

Amodip ✓
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Attested

Rehman's
Appreciation

98%

Dr. ZAHID ASLAM AWAN

2509

FCPS (Med) FCPS (Card) Fellowship EP & Pacing
Associate Professor Cardiology
Hayatabad Medical Complex, Peshawar.



23/12/10

Dr. Saad Rehman

CAD

130/80

Dr. Asim

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→ Flo-SR NA
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→ Loprim
→ 75

→ Simvast
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→ Nicotin
→ 10

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Appelcent

Dr. ZAHID ASLAM AWAN

FCPS (Med) FCPS (Card) Fellowship EP & Pacing
Associate Professor Cardiology
Hayatabad Medical Complex, Peshawar.

24/3/10

w/o Said Rehama

CAD

BP 15/9

→ Cor Carvel — 3
1+1 50

→ Cal Bembes R — 3
1+1

→ Isolate 22
1+1 20

→ Loprim (2)
75

→ Simvast (3)
10

→ Nicorid (3)
1+1 10

Z

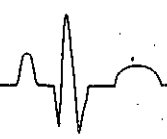
آئیڈی

Rehama
Peshawar

Dr. ZAHID ASLAM AWAN

1889

FCPS (Med) FCPS (Card) Fellowship EP & Pacing
Associate Professor Cardiology
Hayatabad Medical Complex, Peshawar.



28/2/11

W/o Saad Rehman

H/TN

CAD

BSI/12/12

→ Carasel

1 + 1 100

→ Calzembo ~~X~~

→

→ Flo-SR ✓

→

→ Coprim

→

→ Simvarel ✓

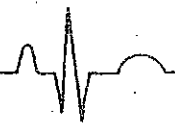
→

→ Nicoxil

→

Dr. ZAHID ASLAM AWAN

FCPS (Med) FCPS (Card) Fellowship EP & Pacing
Associate Professor Cardiology
Hayatabad Medical Complex, Peshawar.



Flu vaccine
1/11

Rashid
w/o Saad Reh

(AD)
HTN
BP 140/90

where

① → (AD) Mercor Co. Valtac ✓ 40/12.5
Valtec

② → (AD) Cal Ben Gosh
+ + +

③ → (AD) Movis 20
+ +

④ → (AD) Ascand
75

⑤ → (AD) Season
3-1-10

Attested

Robin Ullah
Appellant

Bestox
Revised
192
1000

1951

Dr. ZAHID ASLAM AWAN

FCPS (Med) FCPS (Card) Fellowship EP & Pacing
Associate Professor Cardiology
Hayatabad Medical Complex, Peshawar.



19/12/11

Bashare

CAD
HTA

where

BP 180/110

Aspirin
Atorvastatin

100

Herbener 90 SR
1 + 1

100

Monis 30
1 + 1 20

100

Asrad

Alleshi

100

Telsarta-D ✓

Raminudin
Appreciate

40/12/5

100

Stason
100

100 Aldomet

1 + 1 + 250

23

Dr. ZAHID ASLAM AWAN

3901

FCPS (Med) FCPS (Card) Fellowship EP & Pacing
PROFESSOR, CARDIOLOGY UNIT
Hayatabad Medical Complex, Peshawar.

14/2/12

Bashano

(AD)

HTN

BS. 150/90

100 Calzem 905R
1+1

100 Cardinit
1+1 20

100 Ascand
75

100 Season
100

✓ 100 Co-Valtec
160/125

Attest

Rohi Mullah
Appelland

Dr. ZAHID ASLAM AWAN

FCPS (Med) FCPS (Card) Fellowship EP & Pacing
PROFESSOR, CARDIOLOGY UNIT
Hayatabad Medical Complex, Peshawar.

25/6/12

Dr. Ashraf

CAD

where

Dr. Golac

Tab. Aspirin

Tab. Calzemose
+1

Tab. Cardinil
+1 6.4

Tab. Etilantamylor
+1

Tab. Ascand
+1 75

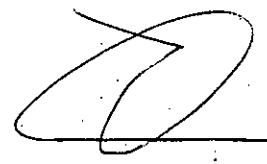
Attest

Tab. Valtec ✓

Rahimuddin
Appellant

Tab. Comp ✓

Tab. Simvarel
+1 10



Tab. Nitogel
+1 10

Prof. Zahid Aslam Awan

FCPS (Med), FCPS (Card), Fellowship EP & Pacing

Professor of Cardiology
Hayatabad Medical Complex,
Peshawar.

26/12/12

Bashere

ASD

where

SP 140/60

100 Calzemor
+1 90SR

105 Ascand
-75

100 Co. valtec

160/25

100 Cardinut
+1 20

100 Nicorid
+1 10

100 Simvastaf
5 = 10mg

Atkaid

Rehmanullah
Appellant

Prof. Zahid Aslam Awan

FCPS (Med), FCPS (Card), Fellowship EP & Pacing

Professor of Cardiology
Hayatabad Medical Complex,
Peshawar.

8/3/13

Rashid

CAD

where

SP 13/18

10 Calzem 90/2 ✓

10 Ascard 4 ✓

10 Cardinol 4 ✓

20 Nicogel 2 ✓

10 Amora 4 ✓

10 Covallec 4 ✓

Attended

Rehmanuddin
Appellant

[Signature]

10/10/13

Prof. Zahid Aslam Awan

FCPS (Med), FCPS (Card), Fellowship EP & Pacing

Professor of Cardiology
Hayatabad Medical Complex,
Peshawar.

BAGHTO Babar
SSYP

17.6.13

H/O

- Ant. MI + Inf.
- HTN
- wheeze

Tab. Atenolol
1 x 1 2.6

90

- Chest Pain / shoulder.

Calcium
1 x 1 900

BP 160/90 mmHg

Nicogel
1 x 1 10

Valtec
160ml

Ascard
75

Do
C.aurio
(2)

Simvastatin
20

Aspirin
0.1

Prof. Zahid Aslam Awan

F.C.P.S (Med), F.C.P.S (Card)

Cardiologist / Electrophysiologist

Hayatabad Medical Complex
Peshawar.

31/10/13

Bashir Bilal
55415

No

- Asth MI, Inf

- HTN

- Wheeze

Tab. Cardinib

1 + 1 2/6

Tab. Herbansen

180/25

Co. valtec

160/25

Ascard

75

Simvast

5 = 20

Cl

- Chest pain

- Shoulder pain

- (R) Arm pain

- Dyspnea

-

BP: 180/100 mmHg

Atteshi

Rehmanuddin
Appelcaml

Tab. Angidol
50

Prof. Zahid Aslam Awan

FCPS(Med), FCPS(Cardiology)
Cardiologist/ Electrophysiologist

بیمار شہزاد

31.12.14

4x

HTN

100 Montika
5 = 2 low

90

100 Valtac-AM

Dyspnoea IV

160/100

chest pain

100 Moduretic

060

Ascor

bp 140/90
omitting

100 Cardinil

Atletico

+ 2.6

Revised Medication
Appreciated

Salmicort inhaler

کارڈیالوجی ڈیپارٹمنٹ، حیات آباد میڈیکل کیمپس، پشاور

30

ڈاکٹر زوالفقار علی
M.B.B.S, D.C.P.
Pathologist



ڈاکٹر ہدایت اللہ
MPhil-Ph.D
Clinical Biochemist

سید انور کلینیکل لیبارٹری
SAID ANWAR CLINICAL LABORATORY

سید انور میڈیکل سنٹر ڈگری گارڈن پشاور کینٹ
Ph: 2215381, 2572702, 2214005 Fax: 2215379

NAME : SAID REHMAN
SEX : MALE
AGE : 60 YEARS
SPECIMEN : BLOOD
TEST REQUIRED : GLUCOSE FASTING
DATE : 25/08/2009
TIME : 16:04:56
REPORT # : 3581
REFERRED BY : DR. ZAHID ASLAM AWAN

RESULT

TEST	RESULT	UNITS	NORMAL RANGE
GLUCOSE FASTING	87	mg/dl	60 ----- 110

Attest

Rahimuddin
Appellant

DR. ZULFIQAR ALI
M.B.B.S
Clinical Biochemist
Lab Incharge

IMMUNOASSAY AUTOMATION ELISA (MEIA & FPIA) FACILITIES ARE ALSO PROVIDED FOR DIAGNO

COLOUR DOPPLER ECHO CARDIOGRAPHY REPORT
THE CARDIAC CARE CLINIC
SAID ANWAR MEDICAL CENTER

Room 220 1st Floor Dabgari Garden Peshawar

31

NAME: W/O SAID REHMAN AGE 60 YRS DATE 08.07.2009 ADDRESS _____ DIR _____

M-Mode & 2-D Study

M-Mode & 2-D measurements	observed (Cm)	Normal range according to weight (Lbs)					
		Adult	0-25	26-50	51-75	76-100	101-200
1 Left Vent Diastolic Dimension	4.2	5.7	3.2	3.8	4.5	4.7	4.9
2 Left Vent Systolic Dimension	2.8						
3 Rt Vent Dimension	2.0	2.6	1.5	1.5	2.0	2.0	2.2
4 Inter Vent Septal Thickness	1.3	1.1	0.6	0.7	0.8	0.8	0.8
5 Left Vent Post. Wall thickness	1.3	1.1	0.6	0.7	0.8	0.8	0.8
6 Aortic root Dimension	3.2	3.7	1.7	2.2	2.3	2.8	3.0
7 Left Atrial Dimension	3.0	4.0	2.3	2.7	2.8	2.8	3.0
8 LV Fractional Shortening	33%	30%					
9 LV Ejection Fraction		50%					

1. Mitral valve area (Cm)² _____ 2. V.S.D Size _____ 3. R.P.A _____ 4. L.P.A (Size) _____

COMMENTS ON M-MODE & 2-D:

Left ventricle Left atrium and Right ventricle are normal.
 Inferior segment is hypokinetic.
 Left ventricle systolic function is preserved.
 No LA/LV clot seen. No pericardial effusion visualized.
 Valvular structures are normal.
 No vegetation visualized. No ASD/VSD seen.
 IVS/PW thickness are increased.

Note: Not Valid for medico legal purpose

Note: Please Reconfirm ECHO Before If any Surgical Intervention

Doppler Study

	Gradiant mm Hg		REGURGITATION	HAEMODYNAMICS (mm Hg)	
	Peak	Mean			
Mitral Valve					
Tricupid Valve				Rt Vent Sys Press	
Aortic Valve			+1		
Pulmonic Valve				Mitral V. Area (Cm) ²	
VSD Gradiant					

COMMENTS ON DOPPLER: AR documented.
 Flow across Mitral valve E/A ratio is reversed.

CONCLUSION: Inferior segment hypokinesia,
 Left ventricle diastolic dysfunction,
 Mild AR.

Dr. Zahid Aslam Awan
 Associate Prof. Card. HMC.
 FCPS (Med) FCPS (Card).

Attest

*Robin M. Udell
 Appellcent*

Professor of Cardiology
Faisalabad Medical Complex,
Faisalabad.

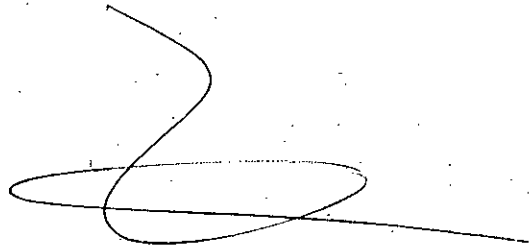
26/12/11

Said Rehman
MBBS
SP 11016

۱۰۰ Loprin
۷۵
۱۰ Simvastatin
۱۰

Attest

Rehmanuddin
Appellant

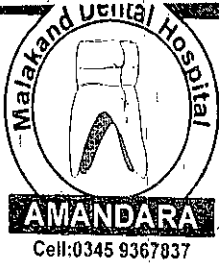


33

Dr. Izhar Khan

B.D.S. (Pesh) R.D.S. (Pak).
N.B.D.E. (1) (USA)
A.D.A. (USA) M.F.D.S (1) (UK)

Incharge Dental Block
A.H.Q. Hospital Ghalijo Orakzai Agency



اکٹر اظہار خان

ایس۔ ڈی۔ (پشاور) آر۔ ڈی۔ ایس۔ (پاک)
ایس۔ ڈی۔ ایس۔ (1) (یو۔ ایس۔ اے)
ایس۔ ڈی۔ ایس۔ (یو۔ ایس۔ اے) ایم۔ ایف۔ ڈی۔ ایس۔ (1) (یو۔ کے)
ڈیجٹل بلاک اے۔ ایف۔ ڈی۔ ایس۔ ایس۔ ڈی۔ اور ڈی۔ ایس۔ ڈی۔

8.7.41

Patient Name _____ Age _____ Sex ♂ Add. _____ Date _____

Clinical Record

Eosin

Rx
Eosin
Co - test
10
10
10

Test Required

Next Visit

Rahimuddin
Appellant

تعمیل بروز جمعہ المبارک
رابطہ: 0932 414850

موسم سرما: صبح 8:30 تا 5 بجے شام
موسم گرما: صبح 8 تا 1 بجے دوپہر 4 بجے رات



FCPS (Card) Fellowship CP & PACING
Senior Professor Cardiology
Medical Complex, Peshawar.

17

19/10/16

Said Reh

30/10/16

→ Cardinit
1+1 2-6

→ Carssel
1+1 25

→ Loprin
1+1 15c

→ Simvast
"

→ Saugobien
" " "

Attest

Reinuddin
Appellant

to

35

ed) FCPS (Card) Fellowship EP & Pacing
te Professor Cardiology
ad Medical Complex, Peshawar.

۱۷

9/6/10

Said Rehman
(AA)
BP 110/80

→ as Cardinit 100
1+1 2-0

→ as Carrel 100
1+1 25

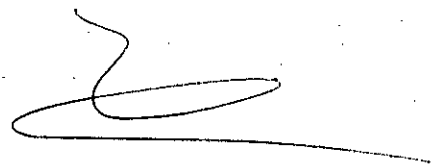
→ as Loprin 75

→ as Simvastatin 13
3 = 100

Atishid

Rahimuddin
Appellant

(→ as Sangobien)
1+1 25



te PROFESSOR Cardiology
ad Medical Complex, Peshawar.

24/3/10

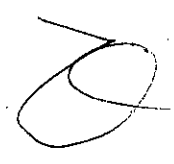
Said Beh
(AD)
RS 120/80

→ Cardinit
1+1 200

→ Carrel
1+1 25

→ Loprin
150

→ Simvast
100



28/10/09

Said Rehman

(AS)

RS 120/8c

Handwritten
at

→ 100 Carbol ✓
1 + 1 500


→ 100 Cardinit
1 + 1 200

→ 100 Loprin
1 + 1 25

→ 100 Simvast
1 + 1 100 ✓

Attached

Rahimuddin
Appreciant



25/08/09

Said Rehman

Eff. dt aug.
RS 13.18.09

→ Carseel
+ 1 sc

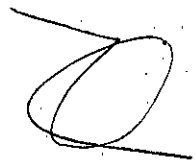
→ Cardinit
+ 1 2.6

→ Lofrin
— 1.75

ETT

Attestiert

Rahimuddin
Appellant



17

25/2/11

Said Rehman

BS 11018

* → (a) Cardinil
1 + 1 2C

* → (a) Carrel
1 + 1 25

→ (a) Loprin
— — 75

* → (a) Theragra H
— —

Actesko → (a) Simvastatin
3 = 1C

Rahimuddin
Appellant

F.C.P.S (Surgery)

ایف سی پی ایس (جنرل سرجری)

Medical Specialist

Not Valid For Medicolegal Purpose

سرجیکل سپیشلسٹ

Head Quarter Hospital
Malakand, Distt: Malakand

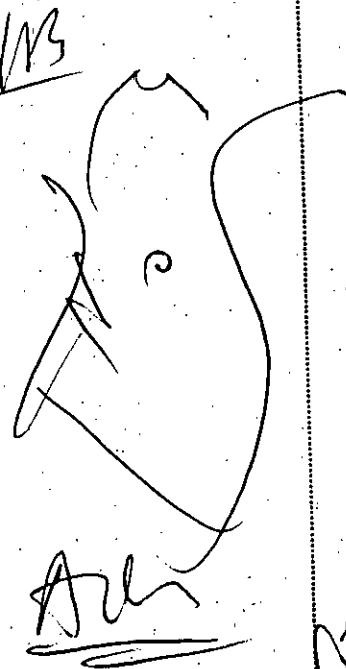
سرگٹ ہیڈ کوارٹر ہسپتال بٹ خیلہ

Age 64yr Sex ♂ Date 9/9/13

Medical Record

Rx
Rt H →

By



This Round
C/O, 1st

Dr. Enam
C/O

Dr. Raza
C/O

Dr. Raza
C/O

Handwritten signature

41

Department of Cardiology
Hospital and Medical Complex,
Faisalabad.

28/3/13

Said Rehman

CAD

BS 110/12

CO Coprin +

✓ Simvastatin

Monitor 25

Adi Ra
Cul

Attached

Rahimuddin
Appreciant

42

abad Medical Complex, Peshawar.

25/6/11

Said Rehman

CAD

BP 110/80

Cardiunt
1+1 2.6

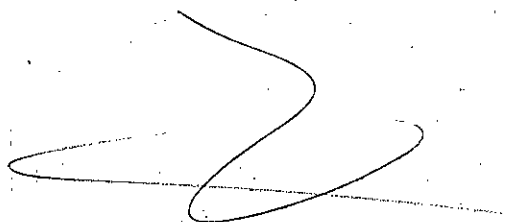
Coprimin
75

Merof
1+1 25

Simvastaf
20

Allishio

Rahimuddin
Appellant



Head Quarter Hospital
Distt: Malakand

Not valid for medicolegal Purpose

سرچینک

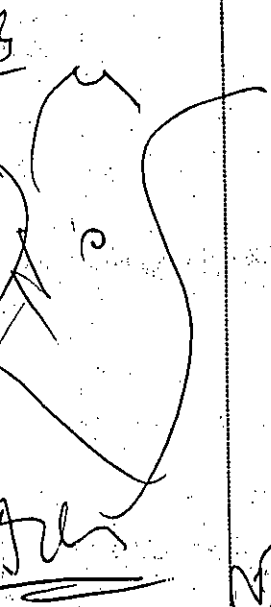
ڈسٹرکٹ ہیڈ کوارٹر ہسپتال بٹ خیلا

Age 64yr Sex ♂ Date 9/9/13

Medical Record

Rx

By



This Round

Dr. ...
Dr. ...
Dr. ...

Handwritten signature or initials.

S. (Pesh) R.D.S. (Pak)
D.E. (1) (USA)
A. (USA) M.F.D.S (1) (UK)
Large Dental Block
Q. Hospital Ghalijo Orakzai Agency



پشاور ڈی ایس آر ڈی ایس (پاک)
ایس ڈی ایس آر ڈی ایس (1) (یو ایس اے)
ایس ڈی ایس آر ڈی ایس (1) (یو ایس اے)
ایس ڈی ایس آر ڈی ایس (1) (یو ایس اے)
ایس ڈی ایس آر ڈی ایس (1) (یو ایس اے)
ایس ڈی ایس آر ڈی ایس (1) (یو ایس اے)

Name _____ Age _____ Sex 7 Add. _____ Date 8/7/13

Clinical Record

Rx

Handwritten signature

1 eos/

Co-
Handwritten notes

Sanid'
Handwritten notes

Attest

Rahim Ullah
Attest

Next Visit

رابطہ: 0932 414850

موسم سرما: 8:30 تا 5 بجے شام
موسم گرما: 1:30 بجے دوپہر تا 4 بجے رات



45

PROFESSOR Cardiology
Medical Complex, Peshawar.

11/10/1

Said Reh

BP 110/80

Co Cardint

1+1 20

Co Carbel

1+ 1+1 25

Co Loprin

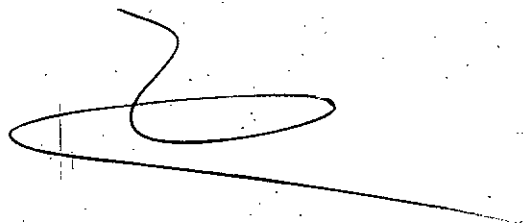
25

Co Simvafel

5 = 5 10

Attest

Rahimuddin
Appellant



Said Pch

(AS)

Bl 100/70 →

→ (a) Cardiant
1 + 1 2.6

→ (b) Carrel
1 + 1 25

→ (c) Loprin
1 + 1 150

→ (d) Simvofel
1 + 1 102

→ (e) Subex. 2

1/2

COLOUR DOPPLER ECHO CARDIOGRAPHY REPORT
THE CARDIAC CARE CLINIC
SAID ANWAR MEDICAL CENTER

47

Room 220 1st Floor Dabgari Garden Peshawar

NAME: SYED REHMAN AGE 66 YRS DATE 25.08.09 ADDRESS _____ DIR _____

M-Mode & 2-D Study

M-Mode & 2-D measurements	observed (Cm)	Normal range according to weight (Lbs)					
		Adult	0-25	26-50	51-75	76-100	101-200
1 Left Vent Diastolic Dimension	4.9	5.7	3.2	3.8	4.5	4.7	4.9
2 Left Vent Systolic Dimension	3.3						
3 Rt Vent Dimension	2.0	2.6	1.5	1.5	2.0	2.0	2.2
4 Inter Vent Septal Thickness	0.8	1.1	0.6	0.7	0.8	0.8	0.8
5 Left Vent Post. Wall thickness	0.8	1.1	0.6	0.7	0.8	0.8	0.8
6 Aortic root Dimension	3.8	3.7	1.7	2.2	2.3	2.8	3.0
7 Left Atrial Dimension	3.4	4.0	2.3	2.7	2.8	2.8	3.0
8 LV Fractional Shortening	33%	30%					
9 LV Ejection Fraction		50%					

1. Mitral valve area (Cm)² _____ 2. V.S.D Size _____ 3. R.P.A _____ 4. L.P.A (Size) _____

COMMENTS ON M-MODE & 2-D:

Note: Not Valid for medico legal purpose
 Note: Please Reconfirm ECHO Before if any Surgical Intervention

Left ventricle Left atrium and Right ventricle are normal.
 Good Left ventricle function.
 No segmental wall motion abnormalities seen.
 No LA/LV clot seen. No pericardial effusion visualized.
 Valvular structures are normal.
 No vegetation visualized. No ASD/VSD seen.
 No Mitral valve prolapse seen.

Doppler Study

	Gradient mm Hg		REGURGITATION	HAEMODYNAMICS (mm Hg)
	Peak	Mean		
Mitral Valve				
Tricupid Valve				
Aortic Valve				Rt Vent Sys Press
Pulmonic Valve				
VSD Gradient				Mitral V. Area (Cm) ²

COMMENTS ON DOPPLER: **Normal.**

CONCLUSION: **Normal echo study.**

Atiq
Rahimuddin
Appellan

Dr. Zahid Aslam Awah
 Associate Prof. Card. HMC.
 FCPS (Med) FCPS (Card).

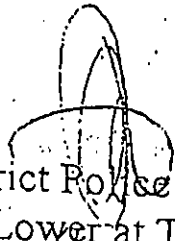
ORDER

Annexure B

This is a proper departmental order against constable Rahim-u-Din No.434 on the charge that he while posted at Police Line Timergara absented himself from duty with effect 9/6/2009 to date without any leave or permission. He was issued Charge Sheet with couple of Statement of Allegations and a committee consisting of Mr.Khan Raziq SDPO Timergara and SI Dost Mohammad Khan Cashier Lines was constituted to probe into the allegations and submit their finding. The enquiry committee conducted proper departmental enquiry, recorded the statements of all concerned including father of defaulter constable. The enquiry committee in their finding stated that the defaulter constable has gone to Saudi Arabia for seeking livelihood and there is no hope of his return to join his duty. The enquiry committee recommended him for dismissal from service with effect from 9/6/2009.

I have gone through the enquiry file, findings of the enquiry committee and have reached at the conclusion that the charge leveled against the defaulter constable Rahim-u-Din No.434 has been proved without any shadow of doubt, therefore, I, Mumtaz Zarin, T: Sh: QPM, DPO, Dir Lower hereby dismissed him from service with effect from 9/6/2009 i.e date of his absence.

O.B No. 1185
 Dated. 20/10/09


 District Police Officer,
 Dir Lower at Timergara.

**ATTESTED TO
 BE TRUE**

Attested

Rahimuddin
 Appellant

Sir,
 Entry made
 15/10/09

On 15/10/09
 Pl. Filed
 15/10/09

عنوان: درخواست برآمدگی مالی سروس کیفیت کاٹل

جناب عالی! گزارش بر حسب سائل درج ذیل - کوہنگ
دیرو کوٹری میں کیفیت کاٹل عہدتی جوڑا بنا
شرکس اندھی اپرائٹ ایجنڈاری کسبائے شریف
درجہ چھٹا -

خروج 06/09 کو والد صاحب (Saidullah) بھاری میں
جبتلہ جوکر چونکہ سائل کے سوا گھر - لاڈیگر کوٹری
نارینہ فرزند تھا - حسب اطلاع گھر خود جارہنگی
علاوہ حالہ اور بیماری میں تصرف رہا - اس
وقت جلاکنڈ ڈویژن میں ادرہت گری کا لہر
تھا -

Attested
Rohi Muehammad
7/7/2011

افسران بالہ صہبان بھی رخصت دے سے قاصر تھے -
چونکہ سائل والدین کے حقوق کو حد نظر رکھتے تھے
غیر طفر بنوئے حکم پولس سنیلہ ہزارہ عیس بدو کا
2 - چونکہ سائل زبانی غریب ہے -

کھذا استدعا ہے کہ سائل کے بحال درج ذیل
بجسٹ کاٹل بحال کرنے کا حکم صادر فرمایا
تاصیات دعوے کو رجوع کیا -

الکاسل
تالہ

ATTESTED TO
REQUIRE

(H)

Annexure B

(50)

From: The Deputy Inspector General of Police,
Malakand Region, Saidu Sharif, Swat.

To: The District Police Officer, Dir Lower.

No. 7854 /E, dated Saidu Sharif, the 31-10 /2012.

Subject: APPLICATION FOR REINSTATEMENT IN SERVICE.

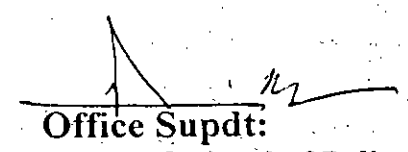
Memorandum:

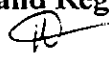
Reference your office Memo: No. 21472/EC, dated 18/10/2012.

Application for reinstatement in service of Ex-Constable Rahimuddin No. 434 of Dir Lower District, has been examined by Worthy / Regional Police Chief and filed being time barred.

The applicant may be informed accordingly.

EC


Office Supdt:

For: Deputy Inspector General of Police,
Malakand Region, Saidu Sharif, Swat.
 *Naqi*

صورت ۵۵
نور کتب خانہ

سیدہ نسیم علیہ الرحمہ
۳۷

Attest

Rahimuddin
Appellant


ATTESTED TO
BE TRUE

گور جناب اسپیکر جنرل صاحب محکم پولیس جنیو کھنواہ

عنوان :- درخواست بحالی ملازمت بحیثیت کانستبل

جناب عالی

تذراش بہ لب ادب اینکہ سائل حورم 11/2006 کو ضلع
دیروٹر میں بحیثیت کانستبل بھرتی ہو کر اپنی فرائض منصبی نہایت ایماندار
کے ساتھ انجام دیتا رہا۔

حورم 06/9/09 کو والدہ ام (Serious) بیماری میں مبتلا ہو کر چھوڑا
حسب اطلاع گھر خود چلا گیا۔ چونکہ سائل کے گھر میں دیگر کوئی نرینہ فرد نہ تھا
اسلئے والدہ صاحبہ کی علاج معالجہ اور تیمارداری میں مصروف رہا۔ چونکہ
اس وقت مالاکنڈ ویشن میں دہشت گردی کا دور دورہ تھا۔ اور
افسران محکمہ بھی رخصت اتقا قید دینے سے قاصر تھے۔

سائل والدین کے حقوق کو مد نظر رکھتے ہوئے باپین و م غیر حاضر ہو کر
محکم پولیس ضلع ہزاڈ میں ہو چکا ہے۔ چونکہ سائل انتہائی غریب
ہے اور دیگر کوئی ذالیم معاش نہیں ہے۔

اسلئے بحالات بالا استدعا ہے کہ سائل کے حال پر رحم و کرم فرما کر
دوبارہ بحیثیت کانستبل بحال ہونے کا حکم صادر فرمایا جائے۔
بندہ تاحیات دعا گو رہے گا۔

حورم 11/2012 العارص

آپ کا تابع المحکم رحیم الدین 434 برخواست شدہ

Attested

Rahimuddin
Appellant

ATTESTED TO
BE TRUE

12

Annexure F

52

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

No. S/ 2792 /16, Dated Peshawar the 13/04/2016.

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-Constable Raheem-Ud-Din No. 434. The appellant was dismissed from service w.e.f 09.06.2009 by DPO/Dir Lower vide OB No. 1185 dated 20.08.2009 on charges of absence from duty for 02 months and 11 days.

His appeal was rejected by RPO/Malakand Region, Swat vide Memo: No. 7854/E. dated 31.10.2012.

Meeting of Appeal Board was held on 25.02.2016 wherein appellant was heard in person. Petitioner failed to submit plausible reason behind his absence from duty. Furthermore, the impugned order of his dismissal from service was passed in the year 2009 and his departmental appeal was also rejected in the year 2012 while the instant Review Petition filed in the year 2015 is badly time barred. Thus his appeal is rejected on grounds of limitation and merit as well.

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

Najeeb

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

No. S/ 2793-2300/16.

Copy of the above is forwarded to the:

1. Regional Police Officer, Malakand Region, Swat.
2. District Police Officer, Dir Lower.
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. Office Supdt: E-IV CPO Peshawar.
8. Central Registry, CPO.

Attested

*Rahimuddin
Appellant*

[Signature]
ATTESTED TO
BE TRUE

PRP

FRP

① فصل عالی - رحم الرحمن - الیس - رگولر

Annex F (53)

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL,

PESHAWAR

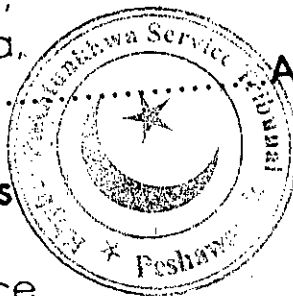
A.W.J. Peshawar
Service Tribunal
Diary No. 489
Date 16-5-2016

Service Appeal No. 562 /2016

Rahim-ud-Din S/o Syed Rehman,
R/o Ajoon Talash, Tehsil Timergara,
District Dir Lower.....

Appellant

Versus



1. Inspector General of Police,
Khyber Pakhtunkhwa,
2. D.I.G, Malakand Region
Saidu Sharif Swat.
3. D.P.O, Lower Dir.
4. D.S.P Headquarter,
Timergara Lower Dir.....

Respondents

**SERVICE APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT
AGAINST THE ORDER DATED 13.04.2016
OF THE AIG ESTABLISHMENT FOR IGP
KHYBER PAKHTUNKHWA, PESHAWAR VIDE
WHICH HE REJECTED APPEAL/REVIEW OF
THE APPELLANT AGAINST Dismissed
ORDER FROM his SERVICE DATED
09.09.2009.**

As submitted to-day
and filed;

16/5/16

Registration

26/5/16

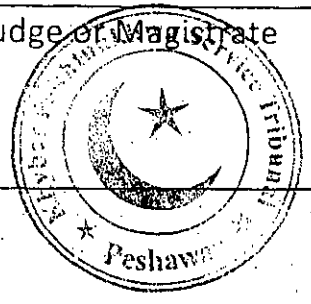
20-8-2009 = vide order dated 4/10/09

ATTESTE

EXAMINE
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

54

Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u> <u>At Camp Court Swat</u></p> <p style="text-align: center;">Appeal No. 562/2016</p> <p style="text-align: right;">Date of Institution ... 16.05.2016 Date of Decision ... 05.07.2018</p> <p>Rahim Ud Din son of Syed Rehman, Resident of Ajoon Talash, Tehsil Timregara, district Dir Lower.</p> <p style="text-align: right;">Appellant</p> <p>1. Inspector General of Police, Khyber Pakhtunkhwa. 2. D.I.G, Malakand Region Saidu Sharif Swat. 3. D.P.O, Lower Dir. 4. D.S.P headquarter, Timergara Lower dir.</p> <p style="text-align: right;">Respondents</p> <p>Mr. Sajjad Ahmad Jan Advocate-----For Appellant</p> <p>Mr. Usman Ghani District Attorney-----For Respondents</p> <p>Mr. Subhan Sher Chairman Mr. Muhammad Hamid Mughal Member</p> <p>05.07.2018</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>MUHAMMAD HAMID MUGHAL, MEMBER:</u> Appellant</p> <p>with counsel present. Mr. Usman Ghani learned District Attorney for the respondents present.</p> <p>2. Learned counsel for the appellant stated that the appellant has filed the present service appeal against the order dated 20.08.2009 whereby he was dismissed from service on the ground of absence from duty and against the order dated 31.10.2012 vide which the</p>		



Do

ATTESTED

[Signature]
MEMBER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

departmental appeal of the appellant was rejected; that the appellant has also challenged the order dated 13.04.2016 of the Review Board whereby departmental appeal/revision filed by the appellant was rejected. Learned counsel for the appellant argued that the appellant could not attend to his duties for a few months due to circumstances beyond his control as the mother of the appellant was severely ill. Learned counsel for the appellant argued that the appellant was met with discriminatory treatment as some of the colleagues of the appellant who were also dismissed under similar circumstance were reinstated either by the Appellate Authority or by the Review Board. Further argued that original impugned order of punishment of dismissal was also awarded to the appellant with retrospective effect hence being a retrospective punishment the original impugned order is a void order and no limitation runs against the same. Learned counsel for the appellant in support of his contention regarding discriminatory treatment submitted copies of reinstatement order of F.C Muhammad Yar No.2118, Constable Noor khan No.462, Constable Jawad Hassan No.2111, Constable Atta Ullah No. 2240, Constable Waheed Khan No.4886 of FRP, Constable Muhammad Shahid 4890 of FRP etc.

3. As against learned District Attorney resisted the present service appeal and defended the impugned orders on the ground mentioned therein.

4. Arguments heard. File perused.

5. Admittedly the impugned punishment of dismissal from

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

service was imposed upon the appellant with retrospective effect hence the original order of dismissal from service is void and no limitation would run against the same.

6. On the other hand, the Departmental Appellate Authority simply filed/regretted the departmental appeal of the appellant on the ground of limitation, which did not exist anymore as observed in the preceding para.

7. Learned District Attorney remained unable to rebut the contention of the learned counsel for the appellant that many other colleagues of the appellant who were also dismissed from service on the ground of absence from duty were reinstated either by the Appellate Authority or by the Review Board.

8. In the stated circumstances of the case, the order dated 31.10.2012 of the Appellate Authority and the order dated 13.04.2016 of the Review Board are hereby set aside. Resultantly the departmental appeal of the appellant shall be deemed pending. Appellate Authority/respondent No.2 is directed to decide the same afresh with speaking order within a period of three (03) months of the receipt of this judgment. The present service appeal is disposed off accordingly. Parties are left to bear their own costs. File be consigned to the record room.

Announced 05.07.2018 *Self- M. Hameed Nughal,*
Member
Comp Post Swat

Self- Subhan Sheer,
Chairman

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Annex-H

57



OFFICE OF THE
REGIONAL POLICE OFFICER, MALAKAND

AT SAIDU SHARIF SWAT.

Ph: 0946-9240381-882 Fax No: 0946-9240390

Email: dirmalakand@yahoo.com

ORDER:

This order will dispose off after re-examining the appeal dated 12/10/2012 (as a fresh) of Ex-Constable Rahim Uddin No. 434 of Dir Lower District for re-instatement into service in the light of august Service Tribunal, Khyber Pakhtunkhwa, Peshawar judgment dated 05/07/2018 in his service appeal No.562/2016.

Brief facts of the case are that Ex-Constable Rahim Uddin No. 434 of Dir Lower District while posted at Police Lines, Timergara absented from duty with effect from 09/06/2009 to 20/08/2009, without any leave or prior permission. He was issued charge sheet couple with statement of allegation and an enquiry committee consisting of Mr. Khan Raziq Khan, the then SDPO Timergara and SI Dost Muhammad Khan, the then Cashier Police Lines, Timergara was constituted to probe into the matter and submit finding. The committee conducted proper departmental enquiry, recorded the statements of all concerned including father of the defaulter Constable. His father stated in his statement that his son is not interested to serve further in Police Force and has proceeded abroad. The Enquiry Committee in their findings stated that the defaulter Constable has gone to Saudi Arabia for seeking livelihood and there is no hope of his return to re-join his duty. The enquiry committee reached the conclusion that the charges leveled against the defaulter Constable Rahim Uddin No. 434 was proved without any shadow of doubt and recommended him for dismissal from service with effect from the date of his absence i.e 09/06/2009. Therefore, the then DPO Dir Lower agreed with the finding report of the enquiry committee and dismissed him from service from the date of his absence 09/06/2009 vide his office OB No. 1185 dated 20/08/2009. He was previously preferred an appeal before this office which was examined and filed by the then RPO Malakand vide this office Memo: No. 7854/E, dated 31/10/2012 being long time barred.

The defaulter Ex-Constable was provided opportunity of personal hearing and called him in Orderly Room on 14/11/2018 and de novo enquiry was conducted through DPO, Dir Lower. After thoroughly probe into the matter and detail enquiry finding report initiated that "The previous record of Ex-FC has been scrutinized carefully which shows that he had gone abroad on his own sweet will. His father and brother corroborated the version that Ex-FC has gone to Saudi Arabia and has no more interest in Police service. The present statement of Ex-FC has been perused with previous history which is very different from each other. It is worth mentioning here that Police service is disciplined one and one cannot be spared on mere presumption. The plea taken by the Ex-FC is not based on reality but only to escape himself from the serious touch. Therefore the Enquiry Office opinion, the previous orders may be kept intact".

Alichi

Rahim Uddin
Appellant

58

SBS
22-01-19

On 02/01/2019, the defaulter Ex-FC was again called in Orderly room heard in person, but he badly failed to explain plausible reasons in his self defense perused enquiry papers and come to the conclusion to kept intact the order of then RPO Malakand and reject the current appeal.

Order announced

(MUHAMMAD SAEED)PSP
Regional Police Officer,
Malakand, at Saidu Sharif Swat

No. 10/10-12

Dated 22/01/2019

Copy for information to the:-

1. AIG Legal, CPO Peshawar with reference to his office No.3221/Legal, dated 19/10/2018 for information.
2. District Police Officer, Dir Lower with reference to his office memo: No. 14596/EC, dated 06/12/2018.
3. Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar with reference to his office memb: No. 1392/ST, dated 11/07/2018.

E. C. Insp Legal
[Signature]

(MUHAMMAD SAEED)PSP
Regional Police Officer,
Malakand, at Saidu Sharif Swat

District Police Officer,
Dir Lower at Timergara

22/1

Attest

Rahimuddin
Appellant

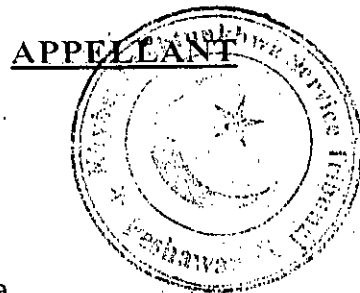
Annex-1

59

**BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Execution Petition No. 31/2019Khyber Pakhtunkhwa
Service TribunalDiary No. 110Dated 21-1-2019

1. Rahim-Ud-Din S/O Syed Rehman, resident of Ajoo Talash, Tehsil Taimar Garha, District Dir Lower.



VERSUS

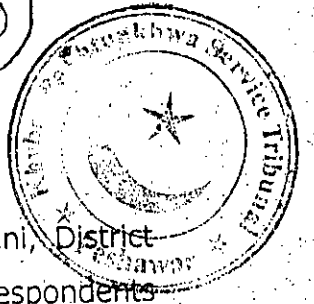
1. The Inspector General of Police, Khyber Pakhtunkhwa.
2. The Deputy Inspector General of Police, Malakand Region, Saidu Sharif, Swat.
3. The District Police Officer, Dir Lower.
4. The Deputy Superintendent of Police, Head Quarter, Taimar Garha, District Dir Lower.

RESPONDENTS

**APPLICATION UNDER SECTION 7
(2) (D) OF THE KHYBER
PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974 READ WITH
RULE 27 OF THE KHYBER
PAKHTUNKHWA PROVINCE
SERVICE TRIBUNAL RULES 1974
FOR INITIATING CONTEMPT OF
COURT PROCEEDINGS AGAINST
THE RESPONDENT NO. 2 FOR
DISOBEDIENCE OF THE**

Certified true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

60



E.P 31/2019

03.05.2019

Counsel for the petitioner and Mr. Usman Ghani, District Attorney alongwith Zewar Khan, S.I(Legal) for the respondents present.

The representative of respondents has produced order bearing Diary No. 585 dated 22.01.2019 issued by Regional Police Officer Malakand at Saidu Sharif Swat. The departmental appeal of petitioner was rejected through the order which came to the knowledge of petitioner today before the court. The copy of the order has been endorsed to the AIG Legal, CPO Peshawar, District Police Officer, Dir Lower and Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar. The endorsement further complement the fact that the petitioner was not officially communicated the order after its passing.

Learned counsel for the petitioner states that the order of RPO rejecting the departmental appeal of the petitioner has given fresh cause of action and the petitioner will pursue legal remedy available to him. He, however, strongly condemned the action of respondents in terms of decision of departmental appeal beyond the period of three months from the date of passing of judgment in Appeal No. 562/2016. In his view the directions/order of the Tribunal was not implementation in letter and spirit and the portion thereof was flagrantly violated.

Learned District Attorney states that he would take up the matter with the respondent department in order to avoid such delay in future.

In view of the above the proceedings in hand are consigned.

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Chairman

Date of Presentation of Application 13-5-19
 Number of Words 800
 Copying Fee 6
 Urgent 2
 Total 8
 Name of Copyist [Signature]
 Date of Completion of Copy 13-5-19
 Date of Delivery of Copy 13-5-19

Annex J
(Consisting of 61 pages)

Mar 27 9:48

HP LASERJET FAX

p. 1



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

No. S/ 1656 /17, dated Peshawar the 15/3/2017

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-Constable Neor Khan No. 462. The appellant was dismissed from service by DPO, Dir Lower vide OB No. 361, dated 16.03.2009 on the charge of absence from duty for 02 months and 04 days.

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

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

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

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

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

No. S/ 1657-64/17.

Copy of the above is forwarded to the:

1. Regional Police Officer, Malakand at Swat.
2. District Police Officer, Dir Lower.
3. PSC to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.
8. Central Registry Cell, CPO.

Attested

Najeeb
Appellate



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

No. SI/1725/17, dated Peshawar the 16.03.2017.

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-Constable Atta Ullah No. 2240. The appellant was dismissed from service by DPO, Dir Lower vide OB No. 30, dated 09.01.2015 on the charge of absence from duty for 02 months and 17 days.

Meeting of Appellate Board was held on 10.03.2017 wherein appellant was heard in person. During hearing petitioner contended that he was gone to Saudi Arabia for search of his brother.

The Board examined his record which revealed that petitioner was awarded harsh punishment of dismissal from service on the charge of absence from duty for 02 months and 17 days.

Therefore, in view of 03 years, 09 months and 28 days service at the credit of petitioner, the Board decided that the petitioner is hereby re-instated in service, however, the intervening period including period of absence from duty is considered as period in service but not on duty and he will not be entitled for salary of the intervening period. He will remain under special watch for one year.

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

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

No. SI/1726-33/17;

Copy of the above is forwarded to the:

1. Regional Police Officer, Malakand at Swat.
2. District Police Officer, Dir Lower.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.
8. Central Registry Cell, CPO.

Attested

Attested

(11)

126
63
B-1

ORDER

Annexure B-1

This order shall dispose of the departmental appeal lodged by Ex-Constable Waheed Khan No.4886 of FRP Malakand Range Swat against the order of SP FRP Malakand Range Swat

Ex-Constable Waheed Khan No.4886 was enlisted as Constable on 26.09.2007; He while posted to Platoon No. 1 Dir lower absented himself from his lawful duty w.e.f 28.09.2008 till his removal from service. He was issued charge sheet and statement of allegations vide SP Malakand Range Swat office No.750/EC dated 16.12.2008. Thus issued Final Show Cause Notice vide Endst: No.895/EC dated 03.01.2009 and the defaulter Constable was recommended for removal from service by the Enquiry committee. The defaulter Constable Waheed Khan No.4886 was removed from service vide SP Malakand Range Swat Office OB No.23.dated 21.02.2009.

He was heard in person Keeping in view his poor family background, I take a lenient view and the order regarding award of punishment i.e. removal from service is here by set aside. Ex-Constable Waheed Khan No.4886 of FRP Malakand Range Swat is here by re-instated in service with immediate effect. However the period of absence and the intervening period from service are treated as extra ordinary leave without pay.

Commandant
Frontier Reserve Police
Mardan Pakhtunkhwa, Peshawar.

No. 7880/EC dated Peshawar : 109/09/2015.

Copy of above along with service record is forwarded to SP FRP Malakand Range Swat for information and necessary action.

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D/S/le (1)

ATTESTED TO
BE TRUE

Attested

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(P2)

ORDER

new no. Amendment B228

14/9/2015

(64)
B-2
(5)

This order shall dispose of the departmental appeal lodged by, Ex- Constable Muhammad Shahid No.4890 of FRP Malakand Range Swat, against the order of SP FRP Malakand Range Swat.

Ex-Constable Muhammad Shahid No.4890 was enlisted as Constable in Police Department on 26.07.2007. He while posted to FRP Lines Timergara District Dir Lower platoon No.86 absented himself from his lawful duty w.e.f.1.09,2008 till his removal from service. He was issued charge sheet and statements of allegation vide Endst: No: 648/EC, dated 30.10.2008, thus issued Final Show Cause Notice vide Endst: No.886/EC, dated 3.01.2009. The Constable was recommended for removal from service by the enquiry committee.

In the light of the recommendation of the enquiry committee and material available on the record the defaulter Constable Muhammad Shahid No.4890 was removed from service vide SP FRP Malakand Range Swat Endst: No.239, dated 21.02.2009. Like some other personnel to the force the appellant also absented himself due to uncertain and tense situation in Malakand division especially at swat District. As the appellant is a trained Constable therefore in the best interest of the state he was recommended by SP FRP Malakand Range Swat for re-instatement in service.

He was heard in person. Keeping in view his poor family background, I take a lenient view and the order regarding award of punishment i.e. removal from service is here by set aside. Ex- Constable Muhammad Shahid No.4890 of FRP Malakand Range Swat is here by reinstated in service from with immediate effect. However the period of absence and the intervening period from service are treated as extra ordinary leave without pay.

[Signature]
Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar.

No 7659/EC dated Peshawar the 9 / 10 / 2015.

Copy of above is forwarded to SP FRP Malakand Range Swat for information and necessary action.

OB No 319
Date 14/09/2015

Encl - 5/Record & Enquiry Side

[Signature]
ATTESTED TO BE TRUE

OB/7659/EC/PO

For 14/9

[Signature]
SP FRP SWAT
14/09/2015

Attested

[Signature]
Applicant

1012

18/11/15

38 65
OFFICE OF S.O
1446
18/11/2015

ORDER

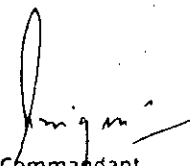
This order shall dispose off the departmental appeal lodged by,

Ex- Constable Muhammad Jan No.4893 of FRP Malakand Range Swat against the order of SP FRP Malakand Range Swat, ³⁶⁰⁹

Constable Muhammad Jan No.4893 was enlisted as Constable in Police Department on 26.07.2007. He while posted to Platoon No.86 Police Station Timergara District Dir Lower absented himself from his lawful duty w.e.f.2.04.2008 till his removal from service. He was issued charge sheet and statement of allegation vide SP FRP Malakand Range Swat Endst: No.482/EC, dated 7.07.2008. He failed to submit reply to the final show cause notice in the stipulated period and the defaulter Constable was recommended for removal from service by the enquiry committee.

In the light of the recommendation of the enquiry committee and material available on the record the defaulter Constable Muhammad Jan No.4893 was removed from service vide SP FRP Malakand Range Swat OB No.122 dated 22.07.2008.

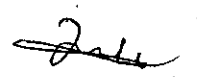
He was heard in person. Keeping in view his poor family background, I take a lenient view and the order regarding award of punishment i.e. dismissal from service is here by set aside. Ex- Constable Muhammad Jan No.4893 of FRP Malakand Range Swat is here by re-instated in service with immediate effect. However the period of absence and the intervening period from service is treated as extra ordinary leave without pay.


Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa Peshawar

No 9583 EC dated Peshawar the 13 / 11 / 2015.

Copy of above alongwith service record is submitted to the SP FRP Malakand Range Swat for information and necessary action.

Attested


Appellant

Handwritten signature

P-11

Handwritten signature

ORDER

This order shall dispose of the departmental appeal lodged by, Ex-Constable Jamshid Ali No.7838/4904 of FRP Malakand Range Swat against the order of SP FRP Malakand Range Swat.

Ex-Constable, Jamshid Ali No.7838/4904 was enlisted as Constable on 26.09.2007; He while posted to Platoon No.86 Dir lower absented himself from his lawful duty w.e.f 28.09.2008 till his removal from service. He was issued charge sheet and statement of allegations vide SP Malakand Range Swat office No.750/EC dated 16.12.2008. Thus issued Final Show Cause Notice vide Endst: No.895/EC dated 03.01.2009 and the defaulter Constable was recommended for removal from service by the Enquiry committee. The defaulter Constable Jamshid Ali No.7838/4904 was removed from service vide SP Malakand Range Swat Office OB No.76 dated 12.05.2008.

He was heard in person. Keeping in view his poor family background, I take a lenient view and the order regarding award of punishment i.e. removal from service is here by set aside. Ex- Constable Jamshid Ali No.7838/4904 of FRP Malakand Range Swat is here by re-instated in service with immediate effect. However the period of absence and the intervening period from service are treated as extra ordinary leave without pay.

Handwritten signature
Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar.

o/c

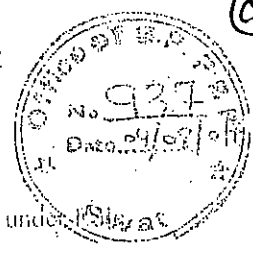
EC dated Peshawar the *23/05/2015*

Copy of above along with service record is forwarded to, SP FRP Malakand Range Swat for information and necessary action.

Attested

Handwritten signature
Appeller

Handwritten signature



ORDER

This order is hereby passed to dispose of departmental appeal under Section 11 of Khyber Pakhtunkhwa, Police Rules 1975, submitted by Ex-Constable Muhammad Arsalan No.7490/4870 of FRP-Malakand Range against the order of SP/FRP Malakand Range, Swat.

Brief facts of the case are that Constable Muhammad Arsalan No.7490/4870 was enlisted as constable in police department on 26.07.2007. He while posted to platoon No.86 Dir Lower absented himself from his lawful duty w.e.f.4.09.2008 till his removal from service. He was issued Charge Sheet and statement of allegations vide SP FRP Malakand Range Swat office Endst: No.646/EC, dated 30.10.2008, but neither he reported for duty nor submitted reply to the charge sheet in the stipulated period. In this regard he was issued Final Show cause Notice vide SP FRP Malakand Range Swat office Endst: No.890/EC, dated 03.01.2009, but he failed to submit reply to the final show cause notice in the stipulated period.

In the light of the recommendation of Enquiry Committee constable Muhammad Arsalan No.7490/4870 was removed from service vide SP FRP Malakand Range Swat OB No.23, dated 21.02.2009.

After going through the available records and also heard the applicant in person in orderly room, held in this office on 30.05.2016, it has pointed out that the applicant was not proceeded according to law as he was not provided the opportunity of personal hearing.

Keeping in view the above facts and as well as his poor family background I, take a lenient view, he (Ex-constable Muhammad Arsalan No.7490/4870 FRP, Malakand Range Swat) is hereby re-instated in service from the date of dismissal from service. However, his period of absence and the intervening period from service are treated as extra ordinary leave without pay.

Order announced,

Signature
Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar.

No. 6131/EC, dated Peshawar the 02/08/2016.

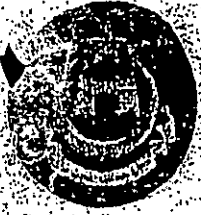
Copy of above is forwarded for information and necessary action to the SP FRP/Malakand Range, Swat. His service record alongwith departmental file sent herewith.

*SP/FRP/EC/PA
in action.*

*SP/FRP/Swat
2.8.2016*

Attested

Signature
Appell...



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR

No. SI 6173 /16, dated Peshawar, the 15/10/2016

6115
22-9-06
68

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-Constable Jarral Hassan No. 2011. The appellant was dismissed from service w.e.f 01/02/2015 by District Police Officer, Dir Lower wide OB No. 201 dated 18/03/2015 on the charge of absence for 01 months and 17 days.

His appeal was rejected by Regional Police Officer, Malakand at Swat wide order Endst No. 11 dated 29/04/2015.

Meeting of Appellate Board was held on 11/08/2016 where in appellant was heard in person. During hearing petitioner contended that his mother was ill and there was no male member of the family for her look after which did not allow him to join duties.

In view of 04 years, 01 months and 03 days service at credit of petitioner, the Board decided that the petitioner is hereby re-instated into service and the penalty of dismissal from service is modified into time scale Constable for 03 years. The intervening period be considered as period in service but not on duty and he will not be entitled for salary of the intervening period. He will remain under special watch for one year.

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

(NATEEB UR RAHMAN BUCVI)
AIG Establishment
For Inspector General of Police
Khyber Pakhtunkhwa
Peshawar

174-8016

Copy of the above is forwarded to the:

1. Regional Police Officer, Malakand at Saidu Sharif, Swat
2. District Police Officer, Dir Lower
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar
4. PA to Addl. IGP/HQrs, Khyber Pakhtunkhwa, Peshawar
5. PA to DIG/HQrs, Khyber Pakhtunkhwa, Peshawar
6. Office Supdt, E-IV CPO Peshawar
7. Central Registry, CPO

Attested

[Signature]
Appellate

Before the Honorable Chairman, KPK
Service Tribunal, Peshawar.

بعدالت

Service Appeal

Appellant (مخبر)
بنام

Rahim-ud-Din

vs
Inspector General of Police etc.
باعث خیر آئند

موزخه

مقدمه

دعویٰ

جزم

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کاروائی متعلقہ
آن مقام ~~Rajwala~~ کیلئے ~~Peshawar~~

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
دکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلقہ دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک دروپہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیار حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جاتہ التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

Accepted

2019 May 16th

المرقوم

Rahimuddin

کے لئے منظور ہے۔

Peshawar

بمقام

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No.665/2019

Ex Constable Rahim-ud-Din s/o Syed Rehman r/o Ajoon Talash Tehsil
Timergara Lower Dir Appellant.

VERSUS.

- 1) Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
- 2) Regional Police Officer Malakand at Saidu Sharif, Swat.
- 3) District Police Officer Dir Lower.....Respondents.

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1.	Para wise comments.	-	1-4
2.	Affidavit	-	5
3.	Power of Attorney	-	6
4	Copy of charge sheet.	"A"	7
5.	Statement of allegations.	"B"	8
6.	Service process.	"C"	9
7.	Copy of order.	"D"	10


(ZEWAR KHAN)
Inspector legal
Dir Lower

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No.665/2019

Ex Constable Rahim-ud-Din s/o Syed Rehman r/o Ajoon Talash Tehsil
Timergara Lower Dir Appellant.

VERSUS.

- 1) Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
- 2) Regional Police Officer Malakand at Saidu Sharif, Swat.
- 3) District Police Officer Dir Lower..... Respondents.

PARA WISE REPLY ON BEHALF OF RESPONDENTS.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS.

- 1) That the present service appeal is not maintainable in its form.
- 2) That the appellant has not come to this August Tribunal with clean hands.
- 3) That the present appeal is badly time barred.
- 4) That this Honorable Service Tribunal has no jurisdiction to entertain the present service Appeal.
- 5) That the appellant has got no cause of action.
- 6) That the appellant has suppressed the material facts from this Honorable Tribunal.

ON FACTS:

1. Pertains to record, hence needs no comments.
2. Incorrect, the appellant joined police department as Constable in the year 2006 and during the year 2009 willfully absented himself from duty without any leave or prior permission from his superiors. Consequently he was issued charge sheet plus statement of allegation and initiated proper inquiry. During inquiry, he was called to appear before the inquiry officer, but it came to know that the appellant has gone abroad i.e Saudi Arabia. (Copy of charge sheet plus statement of allegation and service report is enclosed as annexure A-B-C)

3. Incorrect, the appellant being member of disciplined force is required to seek leave or prior permission from his seniors or even to inform the nearest Police Station about the Situation being faced to him, but he neither inform his superior nor join the enquiry proceeding.
4. Incorrect, the appellant was properly issued charge sheet coupled with statement of allegation and was called on his home address to appear before the enquiry officer, where it was ascertained that the appellant had proceeded abroad i.e Saudi Arabia and as per report of his relatives, there is no likelihood of his return in near future. In such state of affairs, the process was completed and the order of dismissal was rightly passed.
5. Incorrect, the departmental appeal being time barred was rightly filed by the competent authority.
6. Incorrect, the appeal of the appellant was rejected on grounds of Limitation and merit.
7. Correct, and needs no comments.
8. Incorrect, in compliance with the Judgment of honorable service Tribunal, the respondent No. 02 carried out fresh enquiry in order to pass speaking order. The appellant was called and heard him in person, but he failed to advance any plausible reasons about the facts. After completion of inquiry and scrutinizing the record, the respondent No.02 kept intact the previous order of the then Regional Police Officer Malakand, which is based on facts and in right Conception of law. (Copy enclosed as annexure "D")
9. Incorrect, the appellant has got no jurisdiction to file the present appeal.

ON GROUNDS

- (A) Incorrect, the appellant was treated in accordance with law, rules and policy, no violation of the constitution of Pakistan has been committed.

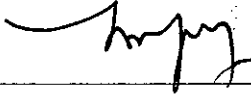
- (B) Incorrect, the appellate authority disposed off the case through speaking order in compliance with the Judgment of honorable Service Tribunal. The appellate authority after through deliberation and hearing of appellant in person came to the conclusion that the appeal of the appellant having no merit and disposed off the same on facts and within the conception of law. No discrimination with appellant has been done by respondents, as every case has its own facts and merits. The appellate authority pass the order in accordance with Judgment of service Tribunal in its true Spirit and no such disobedience has been committed in the whole process.
- (C) Incorrect, proper charge sheet plus statement of allegation has been issued, but it came to know that the appellant preceded Saudi Arabia, therefore served upon him indirectly i.e. through relatives. The appellant was not deprived of any right and the orders were based on facts and rules.
- (D) Incorrect, the appellant violated the Spirit of discipline and proceeded abroad without obtaining any leave or proper permission. This state of affairs paved the way for dismissal of appellant and the orders are based on law.
- (E) Incorrect, the appellant absented himself from duty intentionally and proceeded to Saudi Arabia as per statement of his father. The order was in accordance with law.
- (F) Incorrect, the orders are in accordance with law based on facts and norms of natural justice.
- (G) Incorrect, all the orders passed by respondents are comprehensive in nature, prepared after due deliberation, scrutiny of the conduct of appellant and speaking in nature.
- (H) Incorrect, all the orders are based on solid proofs and based on ground reality, keeping in view the conduct of appellant.
- (I) The respondents also seek leave of this honorable Tribunal to rely on additional grounds at the time of arguments/ hearing.

PRAYER:

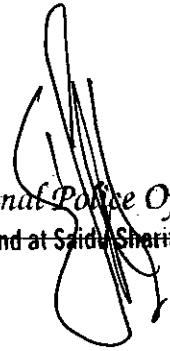
It is therefore humbly prayed that on acceptance of this Para-wise reply the service appeal may graciously be dismissed with costs.

Provincial Police Officer,

Khyber Pakhtunkhwa Peshawar.

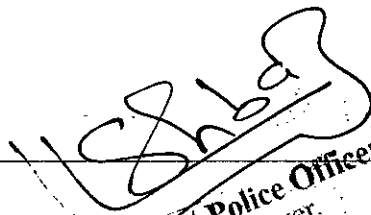


Regional Police Officer,
Malakand at Saidu Sharif, Swat.



Regional Police Officer,
Malakand at Saidu Sharif, Swat

District Police Officer,
Dir Lower.



District Police Officer
Dir Lower.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No.665/2019

Ex Constable Rahim-ud-Din s/o Syed Rehman r/o Ajoo Talash Tehsil
Timergara Lower Dir Appellant.


VERSUS.

- 1) Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
- 2) Regional Police Officer Malakand at Saidu Sharif, Swat.
- 3) District Police Officer Dir Lower.....Respondents.

AFFIDAVIT.

I, Zewar Khan Inspector Legal Dir Lower, do hereby solemnly affirm on oath, that the contents of accompanying comments on behalf of Respondents is correct to the best of my knowledge and belief. Nothing has been concealed from this honourable Court.

DEPONENT


(ZEWAR KHAN)
Inspector -Legal
Dir Lower.
15302-0226450-3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No.665/2019

Ex Constable Rahim-ud-Din s/o Syed Rehman r/o Ajoon Talash Tehsil
Timergara Lower Dir Appellant.

VERSUS.


- 1) Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
- 2) Regional Police Officer Malakand at Saidu Sharif, Swat.
- 3) District Police Officer Dir Lower.....Respondents.

POWER OF ATTORNEY

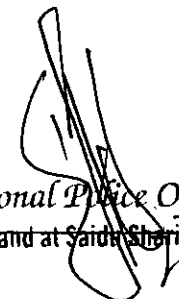
We the following respondents do hereby authorize
Mr. Zewar Khan SI Legal Dir Lower to appear on our behalf before
the Honorable service Tribunal in the above Service appeal and
pursue the case on each and every date.

He is also authorized to submit all the relevant documents in
connection with the above Service Appeal.

Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar.



Regional Police Officer,
Malakand at Saidu Sharif, Swat.



Regional Police Officer,
Malakand at Saidu Sharif, Swat

District Police Officer,
Dir Lower.



District Police Officer
Dir Lower.

Annexure "A"

CHARGE SHEET

I MUMTAZ ZAIN T.SH; QPM, District Police Officer, Dir Lower as competent authcty, hereby charge you Constable, Rahim-ud-Din No. 434, as follow.

That while you posted to Police Lines Timergara, absented yourself from duty with effect from 11/06/2009, to date with out any leave or prior permission.

By reason of th: above, you appear to be guilty of misconduct under Section-3 of NVFP Removal from service (Special Power) Ordinance-2000 and have rendered you self liable to all or any of the penalties specified in Section-3 of the said Ordinance.

Yours written deense if any, you should reach the enquiry committee with the specified period falling which it shall be presumed that you have no defense to put in and in that case ex-part action shall follow against you.

Intimate wither you desire to be heard in person.

Statements of allegation are enclosed.

(MUMTAZ ZAIN),
T: Sh: QPM.
District Police Officer,
Dir Lower at Timergara.

NO. 12643 /EB,

Dated 20/7 /09.

Copy to the:-

Accused Constable Rahim-ud-Din No. 434, s/o Said Rehman, r/o Ajjo Talash PS Talash c/o SHO PS Talash.

855
Date

C. S. J. Talash

Sho PS Talash

پیشگی ڈیڑھ لاکھ روپے کے لئے
ڈیڑھ لاکھ روپے کے لئے
ڈیڑھ لاکھ روپے کے لئے
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ڈیڑھ لاکھ روپے کے لئے

سید رحمان

سید رحمان

سید رحمان سید رحمان
15302-0873520-5

سید رحمان سید رحمان
15302-9921188.5

بنا۔ مالی

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بنا۔ مالی
بنا۔ مالی

DFC-PS-Talash
95-7-09

بنا۔ مالی

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بنا۔ مالی
بنا۔ مالی
بنا۔ مالی

DFC-PS-Talash
4-8-09

ENQUIRY NO. 1029 / 1029
DATED 20/07/2009.

DISCIPLINARY ACTION.

I, MUMTAZ ZARIN, T:Sh: QPM, District Police Officer, Dir Lower as competent authority, am of the opinion that Constable Rahim-ud-Din No. 434, has rendered himself liable to be proceeded against as they committed the following act/ Omissions with the meaning of Section-3 of the NWFP, Removal from Service (Special Power) Ordinance-2000.

STATEMENT OF ALLEGATIONS.

That he while posted to Police Lines Timergara, absented himself from duty with effect from 11/06/2009, to date with out any leave or prior permission.

For the purpose or scrutinizing the conduct of the said accused with reference to allegations, an enquiry committee consisting of the following officers is constituted under section-5 of the said ordinance.

1. Mr. Khan Raziq Khan, DSP/Timergara.
2. SI, Dost Muhammad Khan Cashier Line.

The enquiry committee shall I accordance with provision of the ordinance provide reasonable opportunity of bearing to the accused official, record its finding and make within 20 days of the receipt of this order, recommendation as to punishment or the appropriate action against accused.

The accused official and a well conversant representative of the department shall join the proceeding on date, time and place fixed by the enquiry committee.

(MUMTAZ ZARIN),
T: Sh: QPM.
District Police Officer,
Dir Lower at Timergara.

Sgt/T NO. 12640-42/EB,
21/7/09 Dated 20/7/2009.

Copy to the:-

1. Mr. Khan Raziq Khan, DSP/Timergara.
2. SI, Dost Muhammad Khan Cashier Line.
3. Constable, Rahim-ud-Din No. 434, c/o SHO PS Talash.

میں کسی سرکار و لاہور کے گل
کاغذ آج و کل ہر ہندو کی ہوشیے اقرار کرتے
نکھو رہا ہوں اس کی اصلاح الائنس B4
ہو رہا ہے۔ سعودی عرب کے ساتھ
ہے۔ غزیرہ کوئی نہیں کرتا۔
میں تصدیق کرتا ہوں۔
ال سید جمال
سرکار و لاہور کے گل کاغذ
15302-873520-5

میں کسی سرکار و لاہور کے گل
کاغذ آج و کل ہر ہندو کی ہوشیے اقرار کرتے
نکھو رہا ہوں اس کی اصلاح الائنس B4
ہو رہا ہے۔ سعودی عرب کے ساتھ
ہے۔ غزیرہ کوئی نہیں کرتا۔
میں تصدیق کرتا ہوں۔
ال سید جمال
سرکار و لاہور کے گل کاغذ
15302-873520-5

ال سید جمال

سرکار و لاہور کے گل کاغذ
15302-873520-5

صاحب عالی

میں کسی سرکار و لاہور کے گل
کاغذ آج و کل ہر ہندو کی ہوشیے اقرار کرتے
نکھو رہا ہوں اس کی اصلاح الائنس B4
ہو رہا ہے۔ سعودی عرب کے ساتھ
ہے۔ غزیرہ کوئی نہیں کرتا۔
میں تصدیق کرتا ہوں۔
ال سید جمال
سرکار و لاہور کے گل کاغذ
15302-873520-5

صاحب عالی

DFC-PSTelost

31-7-09

یورٹ ڈی سی ڈی کے ساتھ

والیوں کے ساتھ

Handwritten signature

Shop: Talosh
4-8-09

Annexure (D) Insp. Legal



OFFICE OF THE
REGIONAL POLICE OFFICER, MALAKAND
AT SAIDU SHARIF SWAT.

Ph: 0946-9240381-88 & Fax No. 0946-9240390

Email: digmalakand@yahoo.com

ORDER:

This order will dispose off after re-examining the appeal dated 12/10/2012 (as a fresh) of Ex-Constable Rahim Uddin No. 434 of Dir Lower District for re-instatement into service in the light of august Service Tribunal, Khyber Pakhtunkhwa, Peshawar judgment dated 05/07/2018 in his service appeal No. 562/2016.

Brief facts of the case are that Ex-Constable Rahim Uddin No. 434 of Dir Lower District while posted at Police Lines, Timergara absented from duty with effect from 09/06/2009 to 20/08/2009, without any leave or prior permission. He was issued charge sheet couple with statement of allegation and an enquiry committee consisting of Mr. Khan Raziq Khan, the then SDPO Timergara and SI Dost Muhammad Khan, the then Cashier Police Lines, Timergara was constituted to probe into the matter and submit finding. The committee conducted proper departmental enquiry, recorded the statements of all concerned including father of the defaulter Constable. His father stated in his statement that his son is not interested to serve further in Police Force and has proceeded abroad. The Enquiry Committee in their findings stated that the defaulter Constable has gone to Saudi Arabia for seeking livelihood and there is no hope of his return to re-join his duty. The enquiry committee reached the conclusion that the charges leveled against the defaulter Constable Rahim Uddin No. 434 was proved without any shadow of doubt and recommended him for dismissal from service with effect from the date of his absence i.e 09/06/2009. Therefore, the then DPO Dir Lower agreed with the finding report of the enquiry committee and dismissed him from service from the date of his absence 09/06/2009 vide his office OB No. 1185 dated 20/08/2009. He was previously preferred an appeal before this office which was examined and filed by the then RPO Malakand vide this office Memo: No. 7854/E, dated 31/10/2012 being long time barred.

The defaulter Ex-Constable was provided opportunity of personal hearing and called him in Orderly Room on 14/11/2018 and denovo enquiry was conducted through DPO, Dir Lower. After thoroughly probe into the matter and detail enquiry finding report initiated that "The previous record of Ex-FC has been scrutinized carefully, which shows that he had gone abroad on his own sweet will. His father and brother corroborated the version that Ex-FC is gone to Saudi Arabia and has no more interest in Police service. The present statement of Ex-FC has been perused with previous history which is very different from each other. It is worth mentioning here that Police service is disciplined one and one cannot be spared on mere presumption. The plea taken by the Ex-FC is not based on reality but only to escape himself from the serious touch. Therefore the Enquiry Officer's opinion, the previous orders may be kept intact".

22/01/19

On 02/01/2019, the defaulter Ex-FC was again called in Orderly room heard in person, but he badly failed to explain plausible reasons in his self defense perused enquiry papers and come to the conclusion to kept intact the order of then RPO Malakand and reject the current appeal.

Order announced

(MUHAMMAD SAEED) PSP
Regional Police Officer,
Malakand, at Saidu Sharif Swat

No. 1010-12/E

Dated 22/01/2019

Copy for information to the:-

1. AIG Legal, CPD Peshawar with reference to his office No.3221/Legal, dated 19/10/2018 for information.
2. District Police Officer, Dir Lower with reference to his office memo: No. 14596/BC, dated 06/12/2018.
3. Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar with reference to his office memo: No. 1392/ST, dated 11/07/2018.

E.C. / Insp Legal

(MUHAMMAD SAEED) PSP
Regional Police Officer,
Malakand, at Saidu Sharif Swat
15/01

District Police Officer,
Dir Lower at Timergara

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