

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**

BEFORE: **KALIM ARSHAD KHAN** ...CHAIRMAN
MUHAMMAD AKBAR KHAN ...MEMBER (Executive)

Service Appeal No.4280/2020

Date of Presentation of Appeal.....24.04.2020
Date of Hearing.....30.01.2023
Date of Decision.....31.01.2023

Mr. Sajjad Ali, Ex-Constable, Police Line, Mardan.
.....(*Appellant*)

Versus

1. **The Inspector General of Police**, Khyber Pakhtunkhwa, Peshawar.
2. **The Regional Police Officer**, Mardan Region at Mardan.
3. **The District Police Officer**, District Mardan.
.....(*Respondents*)

Present:

Mr. Kamran Khan,
Advocate.....For appellant.

Syed Naseer Ud Din Shah,
Assistant Advocate General.....For respondents

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDERS DATED 29.05.2014 WHEREBY MAJOR PENALTY OF DISMISSAL FROM SERVICE HAS BEEN IMPOSED ON THE APPELLANT AND AGAINST THE IMPUGNED APPELLATE ORDER DATED 03.03.2020 WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED ON NO GOOD GROUNDS.

JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: Vide order dated 28.05.2014, the appellant was dismissed from service for his alleged absence from duty while



the period of his absence was treated as leave without pay. The appellant filed departmental appeal on 14.01.2020, which was rejected and filed on 03.03.2020. Against the appellate order dismissing the departmental appeal, the appellant filed this appeal on 20.04.2020.

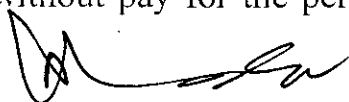
2. On receipt of the appeal and its admission to full hearing, the respondents were summoned, who, on putting appearance, contested the appeal by filing written reply raising therein numerous legal and factual objections. The defence setup was a total denial of the claim of the appellant.

3. We have heard learned counsel for the appellant, and learned Assistant Advocate General for the respondents.

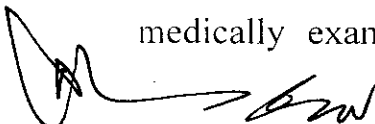
4. Learned counsel for the appellant submitted that the impugned order was not justified when the appellant was recommended for medical leave as well as grant of Rs. 10000/- as Medical Aid vide letter No. 188-PA dated 24.01.2014. Besides learned counsel relied on the judgment of this Tribunal passed in appeal No. 892/2018 titled "Kahlid Iqbal-vs-the Province of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs, Department, Khyber Pakhtunkhwa, Peshawar" and service appeal No. 281/2017 titled "Sadiq-vs-Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar".

5. On the other hand learned Assistant Advocate General refuted the arguments and prayed for the dismissal of the appeal.

6. There is nobody to deny that vide the impugned order dated 28.05.2014 the appellant was penalized for his alleged absence and was awarded two punishments, one for dismissal from service and the other for granting leave without pay for the period of absence, therefore, in view of the judgement of



the august Supreme Court of Pakistan reported as 2020 SCMR 1154 titled "Federation of Pakistan through Secretary Ministry of Law and Justice Division, Islamabad-vs-Mamoon Ahmad Malik" wherein the august Supreme Court of Pakistan was pleased to ~~have~~ ^{without pay} observed that once the absence period has been treated as extra ordinary leave, no further punishment could have been imposed upon the accused official. Similarly in civil petition No. 549-P of 2014 titled "Additional IGP/Commandant FRP, Government of Khyber Pakhtunkhwa Peshawar, etc-vs-Adnan" wherein the august Supreme Court of Pakistan observed that the only allegation of misconduct against the respondent, as reflected in the statement of allegations, was his absence from duty without valid permission. And, when the competent authority treats the said absence from duty as leave without pay, then, the allegation of misconduct would not remain in the field. Similarly the show cause notice, issued by the DPO, Mardan on 24.01.2014, shows that while proceeding against the appellant, the DPO had dispensed with the enquiry but then the enquiry was also initiated which anomaly could not be clarified by the respondents. It is on the record that in reply to show cause notice the appellant submitted an application on 06.02.2014 wherein he had not only informed the superiors about his ailment but also about the complete bed rest advised by the doctor as well as ~~has~~ requested for grant of medical leave but the submission of the appellant remained unheeded. According to Section 13 of the Civil Servants Revised Leave Rules 1981, Leave on Medical Certificate--- Leave applied for on medical certificate shall not be refused. The authority competent to sanction leave may, however, at its discretion, secure a second medical opinion by requesting the Civil Surgeon or the Medical Board to have the applicant medically examined. The existing provisions contained in Supplementary



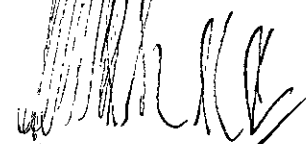
Rules, 212,213 and Rules 220 to 231 for the grant of leave on medical grounds will continue to apply. In the circumstances, it is not established that the absence of the appellant was either deliberate or willful rather because of his ailment and for the said ailment he was initially granted leave for fifteen days which he sought to be extended vide his reply to show cause notice dated 06.02.2014 and therefore, the impugned action of dismissal was not justified especially when the period of absence of the appellant was already treated as leave without pay, therefore, we allow this appeal, set aside the order of dismissal of the appellant and order reinstatement of the appellant with all back benefits except the period of his absence till the date of dismissal, which period has already been treated as leave without pay by the DPO. Costs shall follow the event. Consign.

07. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 31st day of January, 2023.*



KALIM ARSHAD KHAN

Chairman



MUHAMMAD AKBAR KHAN

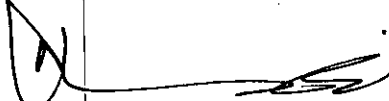
Member (Executive)

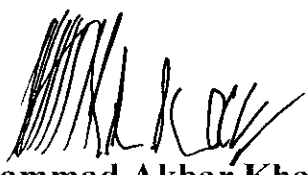
ORDER

31st Jan, 2023 1. Learned counsel for the appellant present. Syed Naseer Ud Din Shah, Asst. AG for the respondents present.

2. Vide our detailed judgment of today placed on file, we allow this appeal, set aside the order of dismissal of the appellant and order reinstatement of the appellant with all back benefits except the period of his absence till the date of dismissal, which period has already been treated as leave without pay by the DPO. Costs shall follow the event. Consign.

03. *Pronounced in open court in Peshawar and given under our hands and seal of this Tribunal on this 31st day of January, 2023.*


(Kalim Arshad Khan)
Chairman


(Muhammad Akbar Khan)
Member (E)


30th Jan, 2023

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

Arguments heard. To come up for order on 31.01.2023 before

D.B.

(Muhammad Akbar Khan)
Member (E)


(Kalim Arshad Khan)
Chairman

21st Oct., 2022

Because of strike of the Bar, this matter is adjourned to 2.12.2022. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.



(Fareeha Paul)
Member(E)

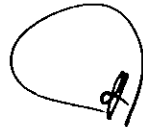


(Kalim Arshad Khan)
Chairman

02.12.2022

Clerk of learned counsel for the appellant present. Mr. Atta-ur-Rehman, Inspector (Legal) alongwith Mr. Muhammad Jan, District Attorney for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not feeling well today. Adjourned. To come up for arguments on 30.01.2023 before the D.B.



(Rozina Rehman)
Member (J)



(Salah-Ud-Din)
Member (J)

SCANNED
KPST
Peshawar

25.05.2022

Learned counsel for the appellant present. Mr. Noor Zaman Khattak, District Attorney alongwith Mr. Atta-Ur-Rehman, Inspector for the respondents present.

Representative of the respondents submitted written reply/comments which is placed on file. Copy of the same is handed over to the learned counsel for the appellant. To come up for rejoinder if any, and arguments on 04.8.2022 before D.B.

(Mian Muhammad)
Member (E)

4-8-2022

Proper DB not available the case is adjourned to 10-10-2022

[Faint handwritten notes in Urdu, possibly mentioning 'DB' and 'adjournment']

Reader

10.10.2022

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

Learned counsel for the appellant sought adjournment on the ground that he has not gone through the record. Adjourned. To come up for arguments before the D.B on 21.10.2022.

(Mian Muhammad)
Member (E)

(Salah-Ud-Din)
Member (J)


16.11.2021

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Khayal Roz, Inspector for respondents present. Preliminary arguments have been heard.

In pursuance of order sheet dated 23.09.2021 reply/parawise comments alongwith connected documents have been submitted by official respondents No.1 to 3 which are placed on file.


The appeal is admitted to regular hearing subject to all just legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days. To come up for arguments on 07.03.2022 before D.B.

Appellant Deposited
Security & Process Fee
21/11/21


(Mian Muhammad)
Member(E)

7-3-2022

Due to retirement of the Honorable Chairman the case is adjourned to come up for the same as before on 25-5-2022

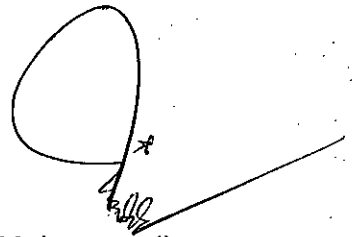

Kandis

Sajjad Ali, 4280/2020

23.09.2021

Counsel for the appellant present. Preliminary arguments heard.

P. Learned counsel for the appellant at the outset of his arguments contended that the appellant was on medical leave sanctioned by SP (Operation and Headquarter) Mardan on 24.01.2014 and which had been extended from time to time till 2020. The appellant, on recovery of his health, submitted his arrival report in office for duty but he was handed over the impugned order dated 29.05.2014 vide which he was awarded the major penalty of "dismissal from service". He submitted departmental appeal on 14.01.2020. However, his departmental appeal was also rejected/filed (being devoid of merit and badly time barred) vide appellate order of respondent No.2 dated 03.03.2020, hence, the instant service appeal instituted in the Service Tribunal on 24.04.2020. Learned counsel for the appellant was confronted with the question that "Had the appellant submitted applications for extension in medical leave from ^{time to} time? and when did he submit his arrival report for duty after recovery of his health?. Learned counsel for the appellant admitted that such documents are not available with him and it would be appropriate if the court may issue pre-admission notice to the respondents for the purpose. Let pre-admission notice be issued to the respondents for submission of the requisite record. File to come up for preliminary hearing on 16.11.2021 before the S.B.



(Mian Muhammad)

Member(E)

17.03.2021

Due to tour of Camp Court Abbottabad and shortage of Members at Principal Bench Peshawar, the case is adjourned to 24.06.2021 before S.B.



Reader

24.06.2021

Junior to counsel for the appellant present. Through this appeal, the appellant seeks the relief for sitting aside the impugned order dated 29.05.2014 and 03.03.2020 with further relief for reinstatement of the appellant into service with all back benefits. The appellant was removed from service by order dated 29.05.2014 against which he filed departmental appeal on 14.01.2020 and after decision of the said appeal on 03.03.2020, the present service appeal was filed on 24.04.2020. The senior counsel is not present while Muhammad Maaz Madni, Advocate seeks adjournment on his behalf. Request is accorded. To come up for preliminary hearing on above noted point on 23.09.2021 before S.B.



Chairman

03.06.2020

Nemo for the appellant.

Notices as required on 18.05.2020 seem to have not been issued. Fresh notices be issued to appellant/counsel for the next date of hearing. To come up for preliminary hearing on 12.08.2020 before S.B.


Chairman

12.08.2020

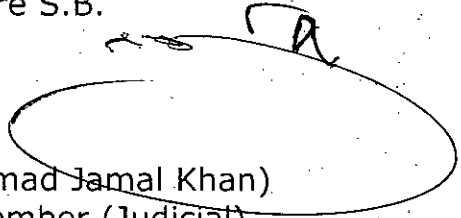
Counsel for the appellant present.

Learned counsel requests for adjournment in order to further prepare the brief on the point of delay involved in the matter. Adjourned to 20.10.2020 before S.B.


Chairman

20.10.2020

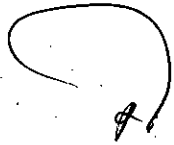
The legal fraternity is observing strike today, therefore, the case is adjourned to 22.12.2020 before S.B.


(Muhammad Jamal Khan)
Member (Judicial)

22.12.2020

Nemo for appellant.

Case is adjourned to 17.03.2021 for preliminary hearing, before S.B.


(Rozina Rehman)
Member (J)


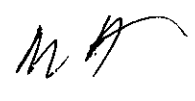
Appear

*P-24
delay*

Form- A

FORM OF ORDER SHEET

Court of _____
Case No. - 4280 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/05/2020	<p>The appeal of Mr. Sajjad Ali resubmitted today by Mr. Noor Muhammad Advocate, may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR 11/5/2020</p>
2-		<p>This case is entrusted to S.Bench for preliminary hearing to be put up on <u>18-05-2020</u></p> <p style="text-align: right;">MEMBER</p>
	18.05.2020	<p>None present on behalf of the appellant. Notice be issued to the appellant and his counsel for preliminary hearing on 03.06.2020 before S.B.</p> <p style="text-align: right;"> (M. AMIN KHN KUNDI) (MEMBER-J)</p>


P.22

The appeal of Sajjad Ali received today i.e. 24.04.2020 by Mr. Noor Muhammad Khattak, Advocate is incomplete on the following score which is returned to his counsel for completion and resubmission within 15 days.

- 1- Annexures of the appeal are not flagged which may be flagged.
- 2- Affidavit in r/o appellant is not attached with the appeal which may be placed on it.
- 3- Five more copies of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.
- 4- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the petition which may be placed on it.

No. 1039 /S.T,

Dt. 24-04 /2020


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv, Peshawar.

Note:

Sir,
All objections have been removed,
hence re-submitted today dated 11/5/2020.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 4280 /2020

SAJJAD ALI

VS

POLICE DEPTT:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1	Memo of appeal	1- 3.
2	Letter dated 24.01.2014	A	4.
3	Medical prescriptions	B	5- 21.
4	Impugned order	C	22.
5	Departmental appeal	D	23.
6	Appellate order	E	24.
7	Vakalat nama	25.

APPELLANT

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

SERVICE APPEAL NO. 4280 /2020

Diary No. 2657

Mr. Sajjad Ali, Ex-Constable,
Police Line, Mardan.

Dated 24/04/2020

APPELLANT

VERSUS

- 1- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2- The Regional Police Officer, Mardan Region at Mardan.
- 3- The District Police Officer, District Mardan.

.....**RESPONDENT**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDERS DATED 29.05.2014 WHEREBY MAJOR PENALTY OF DISMISSAL FROM SERVICE HAS BEEN IMPOSED ON THE APPELLANT AND AGAINST THE IMPUGNED APPELLATE ORDER DATED 03.03.2020 WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED ON NO GOOD GROUNDS

PRAYER:

That on acceptance of this service appeal the impugned orders dated 29.05.2014 and 03.03.2020 may very kindly be set aside and the appellant may be re-instated into service with all back benefits. Any other remedy which this august Tribunal deems fit that may also be granted in favor of the appellant.

R/SHEWETH:

ON FACTTS:

- 1- That the appellant was serving in the respondent department as Constable No.3079. That from the date of joining the Police Department the appellant has performed his duty with all zeal and zest, efficiently and up to the entire satisfaction of his superior.
- 2- That during service the appellant had been affected by the serious disease of Kidney and the respondents were well known about the said disease of the appellant. That due to the said illness of the appellant the Superintendent of Police Operations & Headquarter, Mardan granted Rs. 10,000/- as Medical aid. Medical rest for fifteen days and also recommended for light duty vide letter dated 24.01.2014. Copy of the letter is attached as annexure.....A.

Filed to-day
Registrar
24/4/2020

Re-submitted to-day
and filed.

Registrar

- 3- That later on the disease became more contagious and the appellant started treatment for the said disease from the Doctor concerned and the doctor concerned advised complete bed rest. That day to day the disease became more dangerous due to which the appellant was no longer able to perform his duty. Copies of the medical prescriptions are attached as annexure.....**B.**
- 4- That after recovery from the said illness when the appellant approached the quarter concerned to re-join of his duty the authority handed over the impugned order dated 29.05.2014 whereby the appellant has been dismissed from service without fulfilling the codal formalities. Copy of the impugned order is attached as annexure.....**C.**
- 5- That appellant feeling aggrieved from the impugned order dated 29.05.2014 preferred Departmental appeal before the appellate authority but the same was rejected on no good grounds. Copies of the Departmental appeal & appellate order are attached as annexure.....**C & D.**
- 6- That appellant feeling aggrieved and having no other remedy but to file the instant service appeal on the following grounds amongst the others.

GROUND:

- A- That the impugned orders dated 29.05.2014 & 03.03.2020 are against the law, facts, norms of natural justice and materials on the record, hence not tenable and liable to be set aside.
- B- That appellant has not been treated by the respondent department in accordance with law and rules on the subjected noted above and as such respondents violated the Article 4 and 25 of the Constitution of Islamic Republic of Pakistan.
- C- That no absence notice has been served on the appellant before issuing the impugned order dated 29.05.2014.
- D- That no publication has whatsoever been made by the respondent Department before issuing the impugned order dated 02.02.2018 which is necessary as per Rule-9 of the Civil Servant (Efficiency & Discipline) Rules, 2011.
- E- That absence of appellant was not willful but due to cause illness, therefore, the impugned order dated 29.05.2014 is not tenable in the eye of law and liable to be set aside.

F- That illness of the appellant was in knowledge of the respondents but inspite of that the respondent No.3 issued the impugned order dated 29.05.2014 which is not tenable in the eye of law.

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

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

APPELLANT

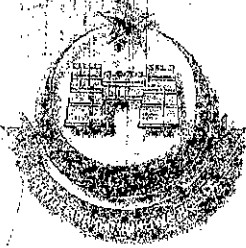
SAJJAD ALI

THROUGH:


NOOR MUHAMMAD KHATTAK

&


MIR ZAMAN SAFI
ADVOCATES



OFFICE OF THE
SUPERINTENDENT OF POLICE
OPERATIONS & HEADQUARTERS,
MARDAN.

~~2~~
A-4

To: The District Police Officer,
Mardan.
No. 138/PA, dated Mardan the 24-01-2014.

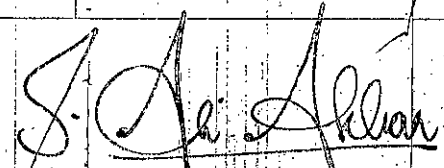
Subject: WEEKLY ORDERLY ROOM.

Memo:

The following Lower Subordinates of the District Police, Mardan appeared before the undersigned in Orderly Room held on 22.01.2014. After their personal hearing the following Recommendations are mentioned against their names:-

S. No.	Name & No.	Requested for	Recommendation/ Remarks of the undersigned
1	Constable Aurangzeb No.1061 of PS SMT.	Request for light/ normal duty due to renal disease.	Not recommended as he did not produce any Medical document.
2	Constable Akbar Din No. 1459 of PS City.	Request for transfer to investigation Wing/ literate duty.	Not recommended (he could not name the 5 Rivers of Pakistan).
3	Constable Nacem No. 593 of PS City.	Request for transfer to Investigation Wing.	Not recommended.
4	Constable Mukhtiyar No. 1705 of PS Saddar.	Request for transfer to Police Lines/ Police Offices for taking Admission in Computer Course.	Not recommended (he could not name the great Political Philosophers - despite having done MA Political Science)
5	Constable Sajjad Ali No. 3079 of PS City.	Request for light duty due to renal problem.	May be granted Rs.10, 000/- as Medical Aid. Medical rest for 15 days and light duty is recommended.
6	Constable Siyar No. 1890 of Police Lines.	Request for light duty being suffering from heart disease.	May be granted Rs.10, 000/- as Medical Aid and light duty is recommended.
7	Constable Saeed No. 739 (suspend) Police Lines.	Request for release of his pay.	His pay may please be released.
8	Constable Javid No. 1984 (suspend) Police Lines.	-do-	His pay may please be released.

Submitted please.


(SYED ALI AKBAR SHAH)PSP,
Superintendent of Police,
Operations & Headquarters,
Mardan.

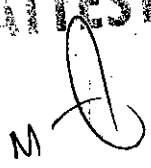
No. _____/PA.

Copy to the Deputy Inspector General of Police Mardan Region-I, Mardan for favour of information, please.

ATTESTED

(SYED ALI AKBAR SHAH)PSP,
Superintendent of Police,
Operations & Headquarters,
Mardan.



M 



MARDAN MEDICAL COMPLEX

Teaching Hospital Mardan KPK

OUT PATIENTS DEPARTMENT

RS. 5

B-5

Name: 25th Sex: _____

Department: _____ Address: _____

OPD No. 66772 Date: 15/11/13

History

SP. 180/100

R/-

90 Headache

Clinical Examination

Blurred
vision
↓
Provisional Diagnosis

H - 110 Cannon's
Dry nose
Dry throat
No
T₃ Cap 8/L

Investigations Required

Ref to med
wards

ATTESTED

(Signature)

Young policeman diagnosed case of grade II renal parenchymal disease, presented to us with headache and body weakness.

28. Pz 78/min B.Pz 190/120 both arms.

Crust Clear Bk, CVS 2 S₁ + S₂ to CNS. Conscious & oriented. P₁ abd. NAD.

Rx:

- Tabs. Exlor 10/160mf
wls - in in ①

- Tabs. Hilaxin 0.5mf
w to 5 w - in in ①

Referred to Nephrologist for further work-up esp Renal artery stenosis.

Adv

- Urea/creat

- S-Electrolyts

Advised 3 days

bed rest

for wief 15/4/13

15/4/13

6

Maj. Dr. Waqar Abbas

MBBS, FCPS
Classified Medical Specialist
CMH Mardan
Mob: 0333-5439172



میجر ڈاکٹر وقار عباس

ایم بی بی ایس - ایف سی پی ایس
کلاسیفائیڈ میڈیکل سپیشلسٹ سی ایم ایچ مردان
موبائل: 0333-5439172

Maj. Dr. Fatimah Zareen

MBBS, FCPS
Classified Medical Specialist
CMH Mardan
Mob: 0300-5287066
CMH Ph: 0937-56536122

میجر ڈاکٹر فاطمہ زریں

ایم بی بی ایس - ایف سی پی ایس
کلاسیفائیڈ میڈیکل سپیشلسٹ سی ایم ایچ مردان
موبائل: 0300-5287066

P'Name

Soilad **FATIMAH ZAREEN**
Maj (Dr)
MBBS, FCPS
Classified Medical Specialist
CMH Mardan
Age 27

Sex M

Date 16-11-13

Clinical Record

Rx

Hypertension

BP 170/100

Young male, single,

Cause?

Mo Hx x 2 yrs.

R

Non smoker.

Tab. Ampex 10/4 180.

ایب صبح ستی

Mo off x on gradually,

Tab. Loprin 75mg 180.

ایب صبح

occ. vomiting,

palpitations on exertion.

Cap. Besipolom 30mg 180

ایب صبح مارے

Dyspepsia

BP

دولے

Chest

- Heart

- Abdomen

U/s abd / KUB. **ATTESTED**

Rfx.

- Anti Hypertension abs

ECU LNH

Maj (Dr)
FATIMAH ZAREEN
MBBS, FCPS
Classified Medical Specialist
CMH Mardan

16/11/13

→ Urea : 23.8 mmol/L.

→ Creat : 649 umol/L.

Na/K (N)

U/S : RPD.

Δ CRP.

Referred to working Col. Khalid at CMH P

for expert opinion & management

CPE

Tes. Oabau-D

100

التبويب 100

Tes. Ibest-F

100

التبويب

J-

Maj (Dr)
FATIMAH ZAREEN
MBBS, FCPS
Classified Medical Specialist
CMH Mardan

Col

DR MUHAMMAD KHALID RAHMAN

MBBS, FCPS.

CLASSIFIED MEDICAL SPECIALIST
NEPHROLOGIST

CMH PESHAWAR

7
ڈاکٹر محمد خالد رحمن

ایم۔ بی۔ بی۔ ایس، ایف۔ سی۔ پی۔ ایس
کلاسیفائیڈ میڈیکل سپیشلسٹ، نفرالوجسٹ
ماہر امراض گردہ، ڈایالیسیس، ٹرانسپلانٹ
امراض سینہ، شوگر، بلڈ پریشر، معدہ، جگر، اعصاب

18/11/13

Sajjad

Htn, CKA -

S. Cr. > 800

Bot Small Kidney

Adh

146/80

Tas. Amper 10/4

1 + 1

میں سے - Motilium 1 + 1

میں سے - Cap Selanz 5R 1 + 1

میں سے - To LoPhos 1 + 1

میں سے - Bon One 0.5
1 + 0.5

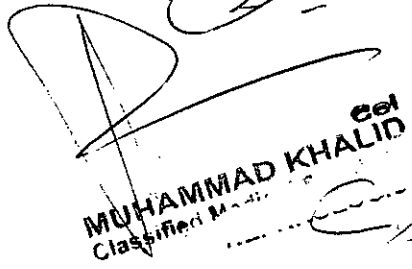
ATTESTED

u

X 200

Duty

- ① - Light duty
- ② - Complete rest for one week


 MUHAMMAD KHALID
 Classified Medical Officer

→ T.B. Paradol (20)

علاج کے لیے 2 سب سے زیادہ

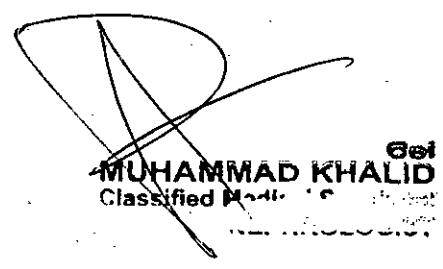
AV fistula سے آئینے کرنا

Prospective donor ←

5/2

فہم - 3 -

دو بائیں اور دو دائیں


 MUHAMMAD KHALID
 Classified Medical Officer

- CBC, ESR
- BUN, Cr
- RA T_s

DTPA renal scan + GFR
NMI File Please.

Prof. **Dr. Akhtar Ali**

Physician & Nephrologist (Gold Medalist)
M.B.B.S, (Pesh), M.R.C.P, (U.K).M.R.C.P. (Eire)
F.R.C.P. (Eire), F.R.C.P. (Edin)
Professor & Head Department of Nephrology
Post Graduate Medical Institute, Lady Reading Hospital Pesh.
Member of Examiner Faculty of Nephrology, Member (C.P.S.P.)
Member & International Society of Nephrology, Member E.D.T.A.
CLINIC: Habib Medical Complex, Opp. Mission Hospital
Dabgari Garden, Peshawar Pakistan.
For Appointment: 091-2211310, 2217629
HOSPITAL: +92-91-9211430-49

پروفیسر ڈاکٹر اختر علی (8)

فزیشن و نفرالوجسٹ (گولڈ میڈلسٹ)
ایم بی بی ایس (پشاور)، ایم آر سی پی (یو۔ کے)، ایم آر سی پی (آئر لینڈ)
ایف آر سی پی (آئر لینڈ)، ایف آر سی پی (ایڈنبرا)
ہیڈ آف ڈیپارٹمنٹ نفرالوجی لیڈی ریڈنگ ہسپتال پشاور
کلینک: حبیب میڈیکل کمپلیکس نزد مشن ہسپتال ڈبگری گارڈن پشاور پاکستان
اپوائنٹمنٹ فون: 091-2217629, 2211310
ہسپتال فون: +92-91-9211430-49

ہفتہ اور اتوار کو کلینک بند رہے گا۔

Not Valid For Court

Patient's Name: Date: 11-11-17

Mr. Sajjad
رضوان خان صاحب
Police Constable

STK

Dr. Akhtar Ali
Peshawar
11/11/17

Tas
11/11/17

Dr. Akhtar Ali
Peshawar
11/11/17

Dr. Akhtar Ali
Peshawar
11/11/17

ATTESTED

Dr. Akhtar Ali
Peshawar
11/11/17

Dr. Akhtar Ali
Peshawar
11/11/17

Assistant Professor
Nephrologist & Transplant Physician

نفرالوجسٹ و ٹرانسپلانٹ اینڈ میڈیکل سپیشلسٹ

اسسٹنٹ پروفیسر (9)

Dr. Syed Munib



ڈاکٹر سید منیب

MBBS (Pesh), FCPS (Medicine),
Fellowship in Nephrology & Transplantation (Singapore)
Assistant professor, Institute of kidney Diseases (IKD)
Hayatabad Medical Complex (HMC) Peshawar
Member of Pakistan Society of Nephrology (PSN)
Member of international Society of Nephrology (ISN)
Member of international Society of Peritoneal Dialysis (ISPD)
Member of Transplant Evaluation Committee (IKD, KPK)
Member of The Transplant Society of The World (TTS)
Hospital Phone: 091-9217461-9217262
Appointment Clinic: 091-2220383/2573853

ایم بی بی ایس (پشاور)، ایف سی بی ایس (میڈیسن)

فیوشپ ان نفرالوجی اینڈ ٹرانسپلانٹ (سنگاپور)

اسسٹنٹ پروفیسر کڈنی سنٹر حیات آباد میڈیکل کیمپلیکس پشاور

ماہر امراض: گردہ شانہ، بلڈ پریشر، شوگر، پتھری، معدہ، جگر، یرقان

تبدیلی گروہ CAPD ڈائلیس

Name Atahar Sajjad Ali Age 27 Sex M Date 24/12/13

Clinical Record

Rx

HTN - 2y

Amlodipine

20

RAS 2

Renofulvic

At small pulse

at 17hr

at 5.0

120/80

Creatinine (0.6) / dl

creatinine 1.8 / dl

duplex up to EACS

RAS

BP 9.2 x 5.2

CF 9.0 x 4.0

for Adalat CA 20

for Amlodipine

for Stomach 40

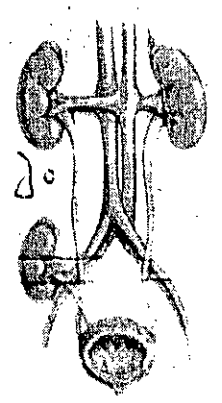
for Jopran

for Calceol/Demo

ATTESTED

[Signature]

for PR manifest (-)



Appointment Clinic 091-2220383/2573853

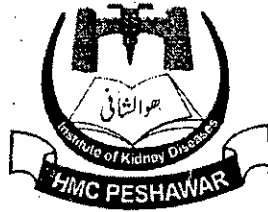
نفرالوجسٹ و ٹرانسپلانٹ اینڈ میڈیکل سپیشلسٹ

Assistant Professor
Nephrologist & Transplant Physician

نفرالوجسٹ و ٹرانسپلانٹ اینڈ میڈیکل سپیشلسٹ

اسٹنٹ پروفیسر (15)
ڈاکٹر سید منیب

Dr. Syed Munib



MBBS (Pesh), FCPS (Medicine),
Fellowship in Nephrology & Transplantation (Singapore)
Assistant professor, Institute of Kidney Diseases (IKD)
Hayatabad Medical Complex (HMC) Peshawar
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ایم بی بی ایس (پشاور)، ایف سی پی ایس (میڈیسن)
فیوشپ ان نفرالوجی اینڈ ٹرانسپلانٹ (سنگاپور)
اسٹنٹ پروفیسر کنڈنی سٹریجیاٹ آباد میڈیکل کمپلیکس پشاور
ماہر امراض: گردہ مشانہ، بلڈ پریشر، شوگر، پتھری، معدہ، جگر، یرقان
تبدیلی گردہ CAPD ڈائلیس

Name Syed Ali Age 26 Sex M Date 01/01/14

Clinical Record

hcm-2y
Ac
- 2
③ hcm
weal
reaf
- fil
@CPR
15-16-17/14
11.3/84mm
Acf 38
mm 143
cut 46

Rx

① for Adalat RA

v6

2 for Mucil

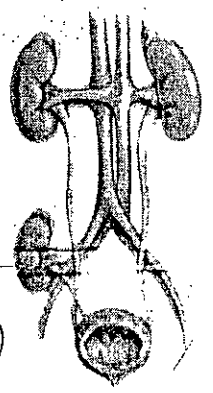
for

Stamwell

for Jorbes

ATTESTED

1-17-14
Calhoun / Deen
2014



for ANANT H

SADAF Medical laboratory

Hilal-e-Ahmer Building Near
Mehran Medicose Dabgari Garden Peshawar.
Ph: No: 091-2590927 , 2590928



Dr. Nazeem Afridi
M.B.B.S (Pak) FRCS (Glasg)

Patient / Name; Sajjad Ali

Age: N/A Sex :Male

Date: 01-01-2014

Specimen :Blood

Test Required :Blood

Refer By :Dr.Syed Muneeb

FBC,ALT

Test	Result	Unit	Normal Value
Haemoglobin	11.3	G/dl	M (14 -----16) F (12-----14)
TLC	8,400	/cmm	4000 -- 11000
Neutrophils	65	%	40-----70
Lymphocytes	32	%	20-----40
Eosinophils	00	%	01-----06
Monocytes	03	%	02-----10
ALT(SGPT)	38	U/L	Up to 49

ATTESTED

M

Laboratory Incharge

Note: To ensure a reliable and efficient service contact the lab reception within 48 hours for clarification of any results or free repetition of the test



Patient Name: Sajjad Ali

Age: N/A

Sex: Male

Dated: 01-01-2014

Specimen: Blood

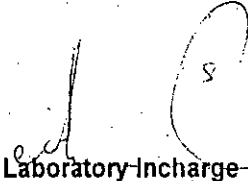
Test Required: Blood

Refer By: Dr. Syed Muneeb

Result

TEST	RESULT	UNITS	NORMAL RANG
UREA	143	mg/dl	15-----45
Creatinine	4.6	mg/dl	0.6-----1.5

ANALYZED
M


Laboratory Incharge



Patient Name: Sajjad Ali

Age: N/A **Sex:** Male

Dated: 01-01-2014

Specimen: Urine

Test Required: Urine R/E

Refer By: Dr. Syed Muneeb

URINE EXAMINATION

Color	P, Yellow	Pus Cells	02-----03	/HPF
Volume	15 ML	Red Cells	03-----05	/HPF
PH	Acidic	Eipth Cells	NIL	/HPF
Proteins	(+)	Mucus Thread	NIL	/HPF
Sugar	NIL	Calcium Oxalate	NIL	/HPF
Bacteria	NIL	Amorph Urates	(+)	/HPF
Grainular Cast	NIL	RBC Cast	NIL	-----

ATTESTED

MO

Laboratory Incharge

Prof.

Dr. Akhtar Ali

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M.B.B.S, (Pesh), M.R.C.P, (U.K).M.R.C.P. (Eire)
F.R.C.P. (Eire), F.R.C.P. (Edin)

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For Appointment: 091-2211310, 2217629
HOSPITAL: +92-91-9211430-49

14
پروفیسر ڈاکٹر اختر علی

پروفیسر ڈاکٹر اختر علی (گولڈ میڈلسٹ)
بی ایس (پشاور)، ایم آر سی پی (یو۔ کے)، ایم آر سی پی (آئر لینڈ)
بی ایس پی (آئر لینڈ)، ایف آر سی پی (ایڈنبرا)
پروفیسر اور ہیڈ ڈیپارٹمنٹ نفرالوجی ریڈنگ ہسپتال پشاور
جسٹ میڈیکل سوسائٹی انٹرنیشنل ممبر، ممبر ایڈ ٹی اے
فون: 091-2217629, 2211310
فون: +92-91-9211430-49

ہفتہ اور اتوار کو کلینک بند رہے گا۔

Not Valid For Court

Patient's Name:.....

محمد سجاد علی

Date: 03.6.1

Handwritten signature

JUR

10/6/1

Handwritten notes on the left side of the page

Handwritten notes in the center: 5 days of your along for antibodies...
reqd. for work
by at - E for work

Handwritten notes on the right side of the page

Handwritten notes and dates: 27/1/11, 20/1/11

Handwritten signature and notes: Tanna, Haval, Pura

ATTESTED

Handwritten signature

Handwritten notes: 160/111-10

Handwritten notes: 1/12

Handwritten notes: 3 clear up v, 1/11-1/11

Handwritten notes at the bottom left: 1/11, 1/11, 4/11

M. H. small key.

M 11-3

M. B. W. /

-116

W. B. /

all-11

W. B. W. /

M. B. W. /

M

M. B. W. /

W.

M

M. B. W. /

W.

M

M. B. W. /

W. B. /

M

M. B. W. /

W.

M. B. W. /

M. B. W. /

M. B. W. /

M

M. B. W. /

(K)

M. B. W. /

(11)

Prof.

Dr. Akhtar Ali

Physician & Nephrologist (Gold Medalist)
M.B.B.S, (Pesh), M.R.C.P, (U.K).M.R.C.P. (Eire)
F.R.C.P. (Eire), F.R.C.P. (Edin)

Professor & Head Department of Nephrology
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CLINIC: Habib Medical Complex, Opp. Mission Hospital
Dabgari Garden, Peshawar Pakistan.
For Appointment: 091-2211310, 2217629
HOSPITAL: +92-91-9211430-49

پروفیسر ڈاکٹر اختر علی

ن و نقر الوحسٹ (گولڈ میڈلسٹ)
ایف ایس (پشاور)، ایم آر سی پی (یو۔ کے)، ایم آر سی پی (آئر لینڈ)
آر سی پی (آئر لینڈ)، ایف آر سی پی (ایڈنبرا)
ف ڈی پارٹمنٹ نفرالوجی لیڈی ریڈنگ ہسپتال پشاور
- حبیب میڈیکل کمپلیکس نزد مشن ہسپتال ڈبگری گارڈن پشاور پاکستان
فون: 091-2217629, 2211310
فون: +92-91-9211430-49

ہفتہ روزہ اتوار کو کلینک بند رہے گا۔

Not Valid For Court

Patient's Name: سارنگ Date: 29-X-14

Handwritten notes in Urdu and English, including medical terms and patient information. Includes a stamp that says "ATTESTED".

07/14/16

10 PG

02.69m

4-157

260

07/14/16

07/14/16

1000

No. 1000

4

Address 1000

Naval 1000

Carroll 1000

Reverend 1000

1000

1000

1000

1000

1000

UNITED LABS

Habib Medical Complex,
Dabgari Gardens, Peshawar.
Phone: 2561960-2217629, Ext: 258.



UNITED LABS

16
Dr. Taj Ali Khan
MBBS, MCPS
M. Phil (Haematology),
Associate Professor of Haematology,
PGMI Lady Reading Hospital, Peshawar.

Dr. Hamidullah Shah
MBBS, FCPS (Histo/Cytopathology)
Assistant Prof. & I/C Histopathology,
PGMI/LRH, Peshawar.

Jalil Khan
M.Sc. (Biochemistry),
Consultant Biochemist.

Abdul Jabbar
M.Phil Microbiology,
Consultant Microbiologist,
HMC, Peshawar.

Name : 99 =SAJJAD ALI

Date : 05-12-2014

Age : Years

Sex : Male

Request : Urea - Creatinine - Complete Blood Count -

ID : 000A-03

TEST

NORMAL

RESULT

Complete Blood Count

Haemoglobin	M(13-18)	8.9 g/dl
Total RBC Count		3.30 mill/cmm
Total Leucocytes	4000-11000	6900 /cmm
Diff: Leucocyte Count		
Neutrophils	40-75	70 %
Lymphocytes	20-45	24 %
Eosinophils	01-06	04 %
Monocytes	06-10	02 %
Platelet Count	150000-400000	187000 /cmm
PCV (Packed Cell Volume)		28.6 %
MCV (Mean Corpusc. Volume)		86.7 fl
MCH (Mean Corpuscular Hb)		27.0 pg
MCHC (Mean Corp. Hb. Conc.)		31.1 g/dl

ATTESTED
M

Consultant
Haematologist
DR. TAJ ALI KHAN

Note:- To ensure a reliable and efficient service referring consultants are requested to contact the lab reception within 24 hours for analysis.

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Habib Medical Complex,
Dabgari Gardens, Peshawar.
Phone: 2561960-2217629, Ext: 258.



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(17)

Dr. Taj Ali Khan

MBBS, MCPS
M. Phil (Haematology),
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Jalil Khan

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Consultant Biochemist.

Abdul Jabbar

M.Phil Microbiology,
Consultant Microbiologist,
HMC, Peshawar.

Name : 99 =SAJJAD ALI

Age : Years

Sex : Male

Date : 05-12-2014

ID : 000A-03

Request : Urea - Creatinine - Complete Blood Count -

TEST

NORMAL

RESULT

Urea

10-50 < 50 Y
10-55 > 50 Y

✓
157 mg/dL

Creatinine

0.5-1.5

✓
6.0 mg/dL

ATTESTED

M. J

Jalil Khan

Consultant Biochemist
MR. JALIL KHAN

Prof.

Dr. Akhtar Ali

Physician & Nephrologist (Gold Medalist)
M.B.B.S, (Pesh), M.R.C.P, (U.K).M.R.C.P. (Eire)
F.R.C.P. (Eire), F.R.C.P. (Edin)

Professor & Head Department of Nephrology
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Member of Examiner Faculty of Nephrology, Member (C.P.S.P.)
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ہفتہ اور اتوار کو ٹیکہ بند رہے گا۔

Not Valid For Court

پروفیسر ڈاکٹر اختر علی (18)

پیش و نفرالوجسٹ (گولڈ میڈلسٹ)
ایم بی بی ایس (پشاور)، ایم آر سی پی (یو کے)، ایم آر سی پی (آئر لینڈ)
ایف آر سی پی (ایئر لینڈ)، ایف آر سی پی (ایڈنبرا)

پروفیسر ڈیپارٹمنٹ نفرالوجی لیڈی ریڈنگ ہسپتال پشاور
بنک: حبیب میڈیکل کمپلیکس نزد مشن ہسپتال ڈبگری گارڈن پشاور پاکستان
ایمفونٹ فون: 091-2217629, 2211310
ہسپتال فون: +92-91-9211430-49

Patient's Name: Date: 7.11.11

Handwritten notes in Urdu and English, including "Mr. Khan" and "3/4/11".

Handwritten notes and signatures, including "ATTESTED" stamp and "I am..."

17 10.2
2. 11.2

4 11.2
2 5.11
No.

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16 11
my

No name

316112

60/60

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my school of No

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to Renewal day
17.2

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to in many 4

copy of paper 40

my school - 18.2

2/11

UNITED LABS

Habib Medical Complex,
Dabgari Gardens, Peshawar.
Phone: 2561960-2217629, Ext: 258.



UNITED LABS

Dr. Taj Ali Khan 19
MBBS, MCPS
M. Phil (Haematology),
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PGMI/LRH, Peshawar.

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MBBS, FCPS (Histo/Cytopathology)
Assistant Prof. & I/C Histopathology,
PGMI/LRH, Peshawar.

Jalil Khan
M.Sc. (Biochemistry),
Consultant Biochemist.

Abdul Jabbar
M.Phil Microbiology,
Consultant Microbiologist

Name : 70 = SAJJAD ALI Age : Years Sex : Male
Date : 28-01-2015 ID : 000A-03
Request : Urea - Creatinine - Calcium - Phosphorus - Complete Blood Count - Urine Examination -

<u>TEST</u>	<u>NORMAL</u>	<u>RESULT</u>
<u>Complete Blood Count</u>		
Haemoglobin	M(13-18)	10.2 g/dl
Total RBC Count		3.40 mill/cmm
Total Leucocytes	4000-11000	8100 /cmm
<u>Diff. Leucocyte Count</u>		
Neutrophils	40-75	76 %
Lymphocytes	20-45	20 %
Eosinophils	01-06	02 %
Monocytes	06-10	02 %
Platelet Count	150000-400000	188000 /cmm
PCV (Packed Cell Volume)		27.6 %
MCV (Mean Corpusc. Volume)		81.2 fl
MCH (Mean Corpuscular Hb)		30.0 pg
MCHC (Mean Corp. Hb. Conc.)		37.0 g/dl

ATTESTED
M

Consultant
Haematologist
DR. TAJ ALI KHAN

Note:- To ensure a reliable and efficient service referring consultants are requested to contact the lab reception within 24 hours for clarification of any results or free repetition of the test.

UNITED LABS

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Dabgari Gardens, Peshawar.
Phone: 2561960-2217629, Ext: 258.



20
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Consultant Microbiologist.

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Name : 70 =SAJJAD ALI Age : Years Sex : Male
Date : 28-01-2015
Request : Urea - Creatinine - Calcium - Phosphorus - Complete Blood Count - Urine Examination ID : 000A-03

<u>TEST</u>	<u>NORMAL</u>	<u>RESULT</u>
Urea	10-50 < 50 Y 10-55 > 50 Y	✓ 172 mg/dL
Creatinine	0.5-1.5	✓ 5.8 mg/dL
Calcium	8.5-10.5	↓ ✓ 7.6 mg/dL
Phosphorus	2.5-4.5	↑ ✓ 6.6 mg/dL

ATTESTED

M

Jalil Khan

Consultant Biochemist
MR. JALIL KHAN

Note:- To ensure a reliable and efficient service referring consultants are requested to contact the lab reception within 24 hours for appointment.

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21

Dr. Taj Ali Khan
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PGMI/LRH, Peshawar.

Dr. Hamidullah Shah
MBBS, FCPS (Histo/Cytopathology)
Assistant Prof. & I/C Histopathology,
PGMI/LRH, Peshawar.

Jalil Khan
M.Sc. (Biochemistry),
Consultant Biochemist.

Abdul Jabbar
M.Phil Microbiology,
Consultant Microbiologist.

Name : 70 =SAJJAD ALI Age : Years Sex : Male
Date : 28-01-2015 ID : 000A-03
Request : Urea - Creatinine - Calcium - Phosphorus - Complete Blood Count - Urine Examination -

Urine Examination

PHYSICAL

CHEMICAL

MICROSCOPIC

Quantity	10 ml	Albumin	++	Red Cells	02-04 /HPF
Color	YELLOW	Sugar	NIL	Pus Cells	04-06 /HPF
pH	ACIDIC	Ketone Bodies		Epith Cells	/HPF
Sp.Gravity		Bile		Casts	
		Urobilin		Granular	/HPF
				Hyaline	/HPF

OTHER : M THREADS (+)

ATTESTED
M

Consultant Pathologist
DR. TAJ ALI KHAN

Associate
Assistant Professor
Nephrologist & Transplant Physician

نفرالوجسٹ و ٹرانسپلانٹ اینڈ میڈیکل سپیشلسٹ

21/A

اسٹنٹ پروفیسر

Dr. Syed Munib



ڈاکٹر سید منیب

MBBS (Pesh), FCPS (Medicine),
Fellowship in Nephrology & Transplantation (Singapore)
Assistant Professor, Institute of Kidney Diseases (IKD)
Hayatabad Medical Complex (HMC) Peshawar
Member of Pakistan Society of Nephrology (PSN)
Member of International Society of Nephrology (ISN)
Member of International Society of Peritoneal Dialysis (ISPD)
Member of Transplant Evaluation Committee (IKD, KPK)
Member of the Transplant Society of The World (TTS)
Member of American Society of Nephrology (ASN)
Hospital Phone: 091-9217461-9217262
Appointment Clinic: 091-2220383/2573853

Associate Professor
Nephrology & Transplant
IKD, HMC, Peshawar

ایم بی بی ایس (پشاور)، ایف سی پی ایس (میڈیسن)
فیلوشپ ان نفرالوجی اینڈ ٹرانسپلانٹ (سنگاپور)
اسٹنٹ پروفیسر کنڈنی سنٹر حیات آباد میڈیکل کمپلیکس پشاور
ماہر امراض گردہ مثانہ، بلڈ پریشر، شوگر، پتھری، معدہ، جگر، پیرقان

تبدیلی کردہ CAPD ڈائلیسز

17/06/15

Name Sujjal Aeri Age 307 Sex M Date 17/06/15

Clinical Record

HTN
OKD-5
Anan
Pellen
mulligul

Rx AD ← B ← O ← Cause of die

for Adalat CA
for Phosphorus
for meadone 0.5M



120/80/
C12
8-5/8200
Aci 39
ur 177
cut 8-2
HSD Flav
Coul 77 8-10

for Phos
for meadone 0.5M
for Phos
for Phos
for Phos
for Phos

ATTESTED

C-22

ORDER

Constable Sajjad Ali No. 3079, while posted at Police Station City Mardan committed the following acts, which leads to gross misconduct on his part as defined in Rules 02 (iii) of Police Rules 1975. Brief facts are that Constable Sajjad Ali No. 3079, while he was posted at Police Station City Mardan deliberately absented yourself from the lawful duty without prior permission/leave from his superiors vide DD No.52, dated 19.11.2013 to DD No.32 dated 01.02.2014.

In this connection, Constable Sajjad Ali No. 3079, was charge sheeted vide this office No. 569/R, date 23.04.2014 and he was also proceeded against departmentally through inquiry officer, Mr: Mian Naseeb Jan DSP/HQrs: Mardan who after fulfilling necessary process, submitted his findings to the undersigned vide his office endorsement No. 371/HQrs: dated 26.05.2014, in which the allegations has been established against the defaulter constable.

The undersigned agree with the findings of enquiry officer and the alleged Constable Sajjad Ali No. 3079, is hereby dismissed from service and his absence period counted as leave without pay, in exercise of the power vested in me under the above quoted rules.

Order announced

O B No. 1241

Dated 28/5/2014

(Gul Afzal Afjli)
District Police Officer,
Mardan.

No. CCSE-94 dated Mardan the 29/5/2014

Copy for information and necessary action to:-

1. The Deputy Inspector General of Police Mardan Region-1
2. The S.P Operations, Mardan.
3. The DSP/HQrs Mardan.
4. The Pay Officer (DPO) Mardan.
5. The E.C (DPO) Mardan.
6. The OASI (DPO) Mardan.

ATTESTED

M

To

The Regional Police Officer,
Mardan Region at Mardan.

D - (23)

Subject: **DEPARTMENTAL APPEAL AGAINST THE IMPUGNED
ORDER DATED 28-5-2014 WHEREBY THE APPELLANT
HAS BEEN DISMISSED FROM SERVICE**

Sir,

With due respect it is stated that I was the employee of police Department and had served the Department as constable quite efficiently and upto the entire satisfaction of superiors. That during service I was seriously ill and I approached the doctor for treatment for the said illness, consequently the doctor concerned advised me complete bed rest.

That on the said advice I applied for medical leave and as such the competent authority granted medical leave to me through proper order. That due acute renal disease and on the advice of doctor concerned I applied for the extension of my medical leave but unfortunately no reply was given to me by the competent authority. That as such I continued my treatment and recently I have been recovered from the said disease.

That after recovery from the said illness I approached the concerned quarter to rejoin my duty but the concerned authority instead of allowing me to join duty, handed over the impugned order dated 28.5.2014 whereby I have been dismissed from service.

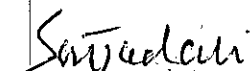
Respected Sir, my absence from duty was not intentional but because of said illness, therefore under the principle of natural justice and in light of rules/regulations I may kindly be re-instated into service with all back benefits.

It is therefore, most humbly requested that on acceptance of this Departmental appeal the impugned order dated 28.5.2014 may very kindly be set aside and I may be reinstated into service with all back benefits.

Dated: 14.01.2020

ATTESTED




Yours sincerely,

SAJJAD ALI,
Ex- Constable no.3079,
Police lines, Mardan.

19.11.2013

21.11

31.12

31.01

2/2

ORDER.

This order will dispose-off the departmental appeal preferred by Ex-Constable Sajjad Ali No. 3079 of Mardan District Police against the order of the then District Police Officer, Mardan, wherein he was awarded major Punishment of dismissal from Service vide office OB: No. 1241 dated 28.05.2014. The appellant was proceeded against departmentally on the allegations, that he while posted at Police Station City, Mardan deliberately absented himself from the lawful duty without prior permission/leave from his seniors with effect from 19.11.2013 to 01.02.2014. E-24

In this connection he was issued Charge Sheet alongwith Statement of Allegations and proper departmental enquiry proceedings were initiated against him and the then DSP/HQrs: Mardan was nominated as enquiry officer. The enquiry Officer after fulfilling necessary process, submitted his findings to the then District Police Officer, Mardan, in which the allegations have been established against the delinquent Official.

In the light of findings of Enquiry Officer, he was issued Final Show Cause Notice, to which his reply was received but found unsatisfactory. He was also heard in orderly room by the then District Police Officer, Mardan.

Keeping in view the recommendation of Enquiry Officer and other material available on record, the appellant was dismissed from service and his absence period was treated as leave without pay vide office OB: No. 1241 dated 28.05.2014.

From perusal of the enquiry file and the service record of the appellant, it has been found that the delinquent official has been showing irresponsible attitude in utter disregard of the discipline of the force. It has also been found that the order of dismissal was passed on 28.05.2014 and the instant departmental appeal has been filed by the appellant on 15.01.2020, hence his appeal is badly time barred.

Based on the appreciation of the situation painted above, I, Sher Akber, PSP S.St, Regional Police Officer, Mardan, being the appellate authority, finds no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit and badly time barred.

Order Announced.


Regional Police Officer,
Mardan.

No. 2343 /ES,

Dated Mardan the 03-03 /2020.

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

ATTESTED


VAKALATNAMA

Before the Khyber Pakhtunkhwa Service Tribunal
Peshawar

OF 2020

Sajjad Ali

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Police Deptt.

(RESPONDENT)
(DEFENDANT)

I/We *Sajjad Ali*

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/2020

Sajjad Ali

CLIENT

ACCEPTED
NOOR MOHAMMAD KHATTAK

S
SHAHZULLAH YOUSAFZAI

M
MIR ZAMAN SAFI

&
AFRASIYAB KHAN
ADVOCATES

OFFICE:

Flat No.3, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.

Phone: 091-2211391

Mobile No. **0345-9383141**

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR



Restoration Application No. 196/2016

In service Appeal No. 134-2016

1066
27-10-16

Inayat ur Rehman Son of Inayat Khan R/o Orakzai, Kohat.

.....Petitioner

VERSUS

Inspector General of Prisons

.....Respondent

**APPLICATION FOR RESTORATION OF
THE ABOVE TITLED SERVICE APPEAL
WHICH WAS DISMISSED FOR NON
PROSECUTION VIDE ORDER DATED
25/10/2016.**

RESPECTFULLY SHEWETH.

1. That the above cited service appeal was pending adjudication before this Honourable Tribunal which was dismissed for non prosecution vide order dated 25/10/2016.
2. That the petitioner belongs to district Kohat and clerk of the counsel was given 26/10/2016 as date fixed inspite 25/10/2016.
3. That when the applicant arrived today i.e. 26/10/2016 for attending this Honourable Tribunal, he was informed that the appeal was fixed for

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 KYBER PAKHTUNKHWA SERVICE TRIBUNAL</u> Service Appeal No. 134/2016</p> <p style="text-align: right;">Date of Institution 08.02.2016 Date of Decision 11.10.2019</p> <p>Inayat ur Rehman S/O Inayat Khan R/O Kaghazayi, P.O Kohat, Tehsil & District Kohat. Ex-Jail Warder at Central Prison Peshawar.</p> <p style="text-align: right;">Appellant</p> <p style="text-align: center;">Versus</p> <p>1. Inspector General of Prisons Khyber Pakhtunkhwa Peshawar. 2. Superintendent Circle Head Quarters Prison Peshawar. 3. Superintendent Central Prison Peshawar.</p> <p style="text-align: right;">Respondents</p> <p>11.10.2019 Mr. Muhammad Hamid Mughal-----Member(J) Mr. Ahmad Hassan-----Member(E)</p> <p style="text-align: center;"><u>JUDGMENT</u> <u>MUHAMMAD HAMID MUGHAL, MEMBER:</u> Appellant present. Learned counsel for the appellant present. Mr. Kabir Ullah Khattak learned Additional Advocate General present.</p> <p>2. The appellant (Ex-Jail Warder) has filed the present service appeal against the order dated 03.09.2014 whereby he was awarded penalty of compulsory retirement from service on the ground of</p>

11.10.2019

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

absence from duty. The appellant has also assailed the order dated 08.01.2016 through which his departmental appeal was rejected.

3. Learned counsel for the appellant argued that the appellant was appointed as Jail Warder in the year 1992; that on 01.07.2014 the appellant fell severely ill and for that reason, he could not perform his duties; that the appellant was awarded punishment of compulsory retirement without observing legal requirements; that the appellant was not served with any Show Cause Notice nor any inquiry was conducted and no chance of personal hearing was given to the appellant; that the appellant has more than twenty years of service at his credit hence the penalty imposed upon the appellant is otherwise excessive and not maintainable; that no limitation would run against the patently illegal and void order.

4. As against that learned AAG argued that the departmental appeal of the appellant was time barred; that the appellant remained absent from duty w.e.f 02.07.2014 till the issuance of order of punishment of compulsory retirement from service; that Show Cause Notice dated 04.07.2014 was served upon the appellant on his home address; that in case the appellant was ill, he should have examine himself through Senior Medical Officer Jail and if needed, he would have been referred to outside hospitals for treatment/investigation

5. Arguments heard. File perused.

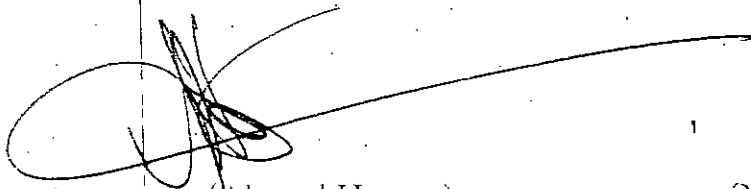
6. The appellant remained absent from duty without obtaining proper leave/permission, however before awarding major penalty of

10.2019
 ATTESTED

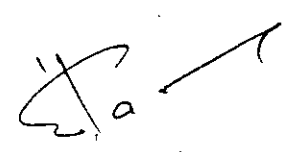
EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

compulsory retirement, no proper legal procedure was adopted as provided under Rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011. Nor any regular inquiry was held. Learned AAG even could not demonstrate that the Show Cause Notice dated 04.07.2014 was served upon the appellant.

7. In the light of above circumstances, when admittedly the appellant has more than twenty years of service at his credit, this Tribunal is of the considered opinion that the impugned order of awarding punishment, is not tenable. Consequently the impugned orders are set aside and the appellant is reinstated in service. Intervening period shall be treated as extraordinary leave without pay. The respondent department is at liberty to conduct proper inquiry under the law against the appellant. The present service appeal is accepted in the above noted terms. Parties are left to bear their own costs. File be consigned to the record room.



(Ahmad Hassan)
Member



(Muhammad Hamid Mughal)
Member

ANNOUNCED
11.10.2019

Certified to be true copy

GOVERNMENT OF KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

Date of Distribution of	12-8-20
Number of Copies	2000
Copying Fee	22-
Urgent	4-
Total	26-
Name of Copy	A
Date of Demand	12-8-20
Date	12-8-20

C کور

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

Service Appeal No. 4280/2020

Mr. Sajjad Ali Ex Constable Police Line Mardan.....Appellant

VERSUS

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

.....Respondents

INDEX

S. No.	Description of Documents	Annexure	Pages.
1.	Written Reply.	----	1-3
2.	Affidavit.	----	4
3.	Copy of list of bad entries	A	5-9
4.	Copy of Charge Sheet and reply of charge sheet	B&C	10-16
5.	Copy of Authority Letter.	----	17

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

Service Appeal No. 4280/2020

Mr. Sajjad Ali Ex Constable Police Line Mardan.....Appellant

VERSUS

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

.....Respondents

Para-wise comments by respondents:-

Respectfully Sheweth,

PRELIMINARY OBJECTIONS

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

REPLY ON FACTS

1. Correct to the extent that the appellant was serving as Constable in Police Department. While rest of para is not plausible because every police officer /official is under obligation to perform his duty regularly and with devotion because in this department no room lies for lethargy. Moreover, the perusal of service record of the appellant revealed that due to his lethargic attitude his entire service record is tainted with bad entries (Copy of list of bad entries is attached as Annexure "A").
2. Incorrect. Stance taken by the appellant is not plausible because the appellant is habitual absentee and neither he did submit any application for casual leave nor did he inform his immediate officer about his illness. While rest of Para is correct when he while performing his duty, the Superintendent of Police Operations and HQrs granted medical aid to the appellant as well as recommended for light duty, but the appellant being member of disciplined force, was supposed to inform his senior officers about his illness.

- 2 20
- Pertains to personal information of the appellant needs no comments.
4. Incorrect. Stance taken by the appellant is totally devoid of merit because he has been properly proceeded against departmentally by issuing him Charge Sheet with Statement of allegations and accordingly the appellant submitted his reply. The enquiry officer during the course of enquiry provided full-fledged opportunity to the appellant to produce evidence/grounds in his defense but in fiasco. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended the appellant for awarding punishment. In the light of above, the appellant was awarded major punishment of dismissal from service, which does commensurate with the gravity of misconduct of the appellant (Copies of charge sheet with statement of allegations and reply of appellant to the charge sheet are attached as annexures "B" & "C").
5. Correct to the extent that the appellant preferred departmental appeal which was decided on merit because the appellant was provided full-fledged opportunity of defending himself by the appellate authority but he bitterly failed to produce any cogent reasons in his defense. Therefore, the same was rejected and filed being devoid of merit and **badly time barred**.
- It is worth to mention here that the appellant in order to cover the issue of limitation filed departmental appeal with an inordinate delay of 5 years 07 months 16 days, whereafter he filed instant service appeal.**
6. That appeal of the appellant is liable to be dismissed on the following grounds amongst the others.

REPLY ON GROUNDS:

- A. Incorrect. Orders passed by the competent authority as well as appellate authority are legal, lawful, based on facts and according to natural justice, hence, liable to be maintained.
- B. Incorrect the appellant has been treated in accordance with law, rules & norms of natural justice, besides, the respondents have not violated the Article of the Constitution of Islamic Republic of Pakistan, hence, stance of the appellant is totally ill-founded.
- C. Incorrect. Stance taken by the appellant is totally devoid of merit because he has been properly proceeded against departmentally by issuing him Charge Sheet with Statement of allegations and the appellant submitted his reply. The enquiry officer during the course of enquiry provided full-fledged opportunity to the appellant to produce evidence/grounds in his defense but in fiasco. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended the appellant for awarding punishment. In light of above, the appellant was awarded major punishment of dismissal

from service, which does commensurate with the gravity of misconduct of the appellant.

- D. Para explained earlier needs no comments.
- E. Incorrect. Stance taken by the appellant is ill based, hence, order passed by the competent authority is tenable in the eye of law.
- F. Incorrect. Stance taken by the appellant is not plausible because the appellant is habitual absentee and he had not submitted any application for casual leave nor informed his Senior Officer about his illness.
- G. The respondents also seek permission of this honorable tribunal to adduce additional grounds at the time of arguments.

PRAYER:-

It is therefore, most humbly prayed that on acceptance of above submissions, appeal of the appellant may very kindly be dismissed being a badly time-barred and devoid of merits.


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


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


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

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

Service Appeal No. 4280/2020

Mr. Sajjad Ali Ex Constable Police Line Mardan.....Appellant

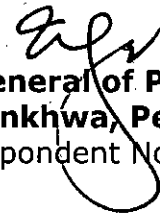
VERSUS

- 1. The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar
- 2. The Regional Police Officer, Mardan
- 3. The District Police Officer, Mardan Region, Mardan

.....Respondents

COUNTER AFFIDAVIT.

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


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


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


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

Annexure A (S) A

5

(Continued)

12. MISCELLANEOUS PARTICULARS

12. Miscellaneous Particulars.

Decorations.

Signature of award and date only Gazette Notification in case of Quaid-e-Azam Police Medal and the Police Medal. Other special decoration to be entered full under commendatory entries).

13. Miscellaneous Particulars including awards others than those accompanied by commendation certificates, admission to removal from promotion lists.

Passed Recruits course during the term ending 22-11-2010, vide comdt PTC Hangu Notification no. 744-48/s dt 21-2-2011

OB NO. 1872
9-5-2011

DPD/MR

Police service card issued with No 3354
Date 31-10-13

Order

He is hereby dismissed from service and his absence period counted as leave without pay.

OB No 1241
28/5/14

Asst. Commr.
Dera Ismael Khan

15. CENSURES AND PUNISHMENTS.

Serial No.

He is hereby warned to
be Careful in future.

OB No: 1635
24-5-12

DPo/MR

Warned to be Careful in
future and his absence's period
of Two days counted as leave.

OB No: 1478

5-7-2013

DPo/MR

① day Extra drill for his Absence.

OB No-2200

8-10-13

DPo/MR

⑤ days Extra drill for his Absence.

OB No-2356

28-10-13

DPo/MR

16. CENSURES AND PUNISHMENTS. - Contd.

Serial No.

② days Extra duty for his Absence.

OB No-2529
25-11-13

DP/ML

③ days Extra duty for his Absence

OB No-185
21-1-14

DP/ML

④ days Extra duty for his Absence

OB No. 525
26-2-14

DP/ML

ntinued

16. LEAVE, ABSENCE AND BREAKS IN SERVICE.
All Periods not counting as "approved service" to be entered in red ink.

8

1.		2.			3.	4.
Date		Extent			No. Of District Order	Description of leave i.e privilege hospital, sick leave or of absence, or forfeiture of approved service.
From	To	Years	Months	Days		
				(5)	4246 1-11-10	Leave w/o pay DPO/MR
				(1)	4961 30-12-10	do - DPO/MR
				(1)	4141 9-12-11	do - DPO/MR
				(02)	596 28-2-12	do - DPO/MR
				(1)	597 28-2-12	do - DPO/MR
				(2)	598 28-2-12	do - DPO/MR
				(2)	1174 14-4-12	do - DPO/MR
				(1)	1635 24-5-12	do - DPO/MR
				(2)	2258 8-8-12	do - DPO/MR
				(1)	2290 10-8-12	do - DPO/MR
				(3)	2291 10-8-12	do - DPO/MR
				(2)	2291 10-8-12	do - DPO/MR

(9) (5)

(2) $\frac{2493}{10-9-12}$ leave w/o pay - DPO/MR

(2) $\frac{2876}{18-10-12}$ - do - DPO/MR

(2) $\frac{2878}{19-10-12}$ - do - DPO/MR

(7) $\frac{251}{29-1-13}$ - do - DPO/MR

(4) $\frac{1864}{29-8-13}$ - do - DPO/MR

(1) $\frac{2356}{28-10-13}$ - do - DPO/MR

(2) $\frac{2579}{25-11-13}$ - do - DPO/MR

(5) $\frac{185}{21/1/14}$ - do - DPO/MR

(3) $\frac{525}{26-2-14}$ - do - DPO/MR

Annexure "B" (10)

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

No. 569 /R/D.A-P.R-1975.

Dated 23-4- /2014.

DISCIPLINARY ACTION UNDER NWFP POLICE RULES - 1975

I, **Gul Afzal Khan** District Police Officer, Mardan as competent authority am of the opinion that **Constable Sajjad Ali No.3079** has rendered himself liable to be proceeded against as he committed the following acts/omission within the meaning of section-02 (iii) of NWFP Police Rules 1975.

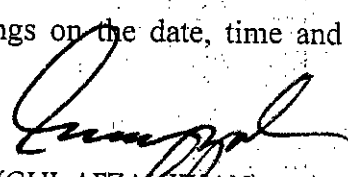
STATEMENT OF ALLEGATIONS

That **Constable Sajjad Ali No.3079**, while posted at Police Station City, deliberately absented himself from the lawful duty without any leave/permission vide DD No. 52 dated 19.11.2013 to DD No. 32 dated 01.02.2014 (*Total 72 days*). He is recommended for departmental proceedings by ASP/City.

2. For the purpose of scrutinizing the conduct of the said official with reference to the above allegations **Main Naseeb Jan DSP/HQrs: Mardan** is appointed as Enquiry Officer without any permission/leave.

3. The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record its findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

4. The accused officer shall join the proceedings on the date, time and place fixed by the Enquiry Officer.


(GUL AFZAL KHAN)
District Police Officer,
Mardan.

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN.

No. 569 /R, dated Mardan the 23-4- /2014.

Copy of above is forwarded to the:

1. DSP/HQrs Mardan for initiating proceedings against the accused official / Officer namely **Constable Sajjad Ali No.3079**, under Police Rules, 1975.
2. **Constable Sajjad Ali No.3079**, with the directions to appear before the Enquiry Officer on the date, time and place fixed by the enquiry officer for the purpose of enquiry proceedings.

***** !!! *****

(11) 0


CHARGE SHEET UNDER NWFP POLICE RULES 1975

I, **Gul Afzal Khan** District Police Officer, Mardan as competent authority hereby charge you **Constable Sajjad Ali No.3079**, as follows.

That you **Constable Sajjad Ali No.3079**, while posted at Police Station City, deliberately absented yourself from the lawful duty without any leave/permission vide DD No. 52 dated 19.11.2013 to DD No. 32 dated 01.02.2014 (**Total 72 days**). He is recommended for departmental proceedings by ASP/City.

This amounts to grave misconduct on your part, warranting departmental action against you, as defined in section - 6 (1) (a) of the NWFP Police Rules 1975.

1. By reason of the above, you appear to be guilty of misconduct under section - 02 (iii) of the NWFP Police Rules 1975 and has rendered yourself liable to all or any of the penalties as specified in section - 04 (i) a & b of the said Rules.
2. You are therefore, directed to submit your written defense **within seven days** of the receipt of this charge sheet to the enquiry officer.
3. Your written defence if any, should reach to the enquiry officer within the specified period, failing which, it shall be presumed that you have no defense to put-in and in that case, an ex-parte action shall follow against you.
4. Intimate whether you desired to be heard in persons.


(GUL AFZAL KHAN)
District Police Officer,
Mardan

فائل انکوائری رپورٹ ازاں کنسٹیبل سجاد علی نمبر 3079 تھانہ سٹی مردان

جناب عالی!

بحوالہ چھٹی انگریزی نمبری R/569 مورخہ 23/04/14 کنسٹیبل سجاد علی نمبر 3079 کیخلاف
انکوائری ہو کر مذکورہ بحوالہ 52 روز ناچہ 19/11/13 کو تھانہ سٹی سے غیر حاضر ہو کر بحوالہ مد 32 روز ناچہ
01/02/14 کو تھانہ سٹی میں حاضری کر کے کل 72 یوم غیر حاضر رہ چکا ہے۔

کنسٹیبل سجاد علی نمبر 3079 پر مورخہ 02/05/14 کو چارج شیٹ تقسیم ہو کر جس نے اپنا تحریری جواب داخل
دفتر کیا۔ جس میں مذکورہ کنسٹیبل نے بیان کیا کہ وہ شب باشی پر گھر چلا گیا تھا۔ جہاں پر وہ بیمار ہو کر نزدیک ہسپتال جا کر وہاں
پر ڈاکٹر سے معائنہ کر کے ڈاکٹر نے ٹیسٹ کرا کے ٹیسٹ سے ملیریا بخار ظاہر ہوا۔ ڈاکٹر نے ادویات دے کر ساتھ ہی آرام کا
مشورہ دیا۔ اور مورخہ 01/02/14 کو تھانہ میں صحت یابی کے بعد حاضری کی۔ کنسٹیبل مذکورہ نے اپنے خلاف چارج
شیٹ کو بلا کسی کارروائی کے داخل دفتر کرنے کی استدعا کی ہے۔

دوران انکوائری کنسٹیبل سجاد علی نمبر 3079 نے پرائیویٹ ڈاکٹر سے علاج معالجہ کا میڈیکل کاغذات چیک کرنے
پر تواریخ کے ساتھ مطابقت ہوتی ہے۔ مگر پولیس روز کے تحت کوئی قانونی طریقہ کار نہیں اپنایا ہے۔ اور مذکورہ کا سروس ریکارڈ
چیک کر کے جس میں 26 Bad Entries جبکہ کوئی Good Entries نہیں پائی گئی۔ جس سے ظاہر ہوتا ہے کہ
کنسٹیبل مذکورہ عادی غیر حاضر باش ہے۔ اور کارسروکار میں کوئی دلچسپی نہیں رکھتا۔ جس سے دوسرے پولیس آفیسران پر بڑے
اثرات مرتب ہو رہے ہیں۔ پولیس روز باب 16 فقرہ 09 واضح ہے۔ بارہا چھوٹی چھوٹی سزائیں دینے سے محکمہ کے پر
بڑا اثر پڑتا ہے اسلئے کنسٹیبل سجاد علی نمبر 3079 کو بوجہ دغدار سروس ریکارڈ اور 72 یوم غیر حاضری کرنے پر
Major Punishment دینے کی سفارش کی جاتی ہے۔

کل قطعات (37)

(میاں نصیب جان)

ڈپٹی سپرنٹنڈنٹ آف پولیس ہیڈ کوارٹر مردان

Approved

Dismissed

from Service
The
26/5

No 371 /HQrs:

Date: 26/05/2014

13

بیان احوال سید علی 3079 تھانہ سہ

3

سید علی

بیان احوال سید علی 3079 تھانہ سہ

جو قیمت پر مبنی ہے

17/5
14

Said Ali
3079

0313-8252053

2009
عزل

14

صا عالی

386/PA
SCOR (R)

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Complete Bed Rest

Complete Bed Rest

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مربع 24 $\frac{1}{014}$

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مربع 24 $\frac{1}{014}$

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M.B

M.B

15

OFFICE OF THE DISTRICT POLICE OFFICER MARDAN

386 /R/SCN/R

Date 24-01-2014

SHOW CAUSE NOTICE UNDER POLICE RULES 1975

Whereas, you Constable Sajjad No. 3079, while posted at Police Station City, remained absent from duty without any leave/permission of the competent authority vide DD report No. 52 dated 19.11.2013 till date, as per report of ASP/City vide his office letter No. Nil, dated Nil.

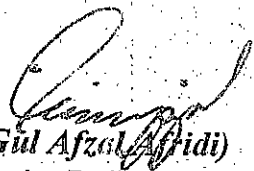
You are therefore, found guilty of misconduct, as defined in section 2 (iii) of NWFP Police Rules 1975 and as such are liable to action under section 3 of the said Rules.

Based on the above facts, I am satisfied that no enquiry is needed in this case as contained in section 5. 3 clauses (a) & (c) under the said Rules.

Now, therefore you Constable Sajjad are called upon under section 4 (1) of the NWFP Police Rules 1975, to show cause within 15 days of the issuance of this notice, as to why one or more penalties including major penalty of dismissal from service should not be imposed upon you.

NOTE.

Take note that if you failed to submit reply in compliance of this show cause notice within the stipulated time, it will be presumed that you have nothing to offer in your defense and in that case, an ex-parte action shall straightaway be taken against you without any further notice.


(Gul Afzal Afridi)
District Police Officer,
Mardan.

Copy to SHO/City (Attention Moharrar) with the direction to deliver this notice upon Constable Sajjad No. 3079 and the receipt thereof should be returned to this office within (05) days positively.

ORDER

Constable Sajjad Ali No. 3079, while posted at Police Station City Mardan committed the following acts, which leads to grass misconduct on his part as defined in Rules 02 (iii) of Police Rules 1975. Brief facts are that Constable Sajjad Ali No. 3079, while he was posted at Police Station City Mardan deliberately absented yourself from the lawful duty without prior permission/leave from his superiors vide DD No.52, dated 19.11.2013 to DD No.32 dated 01.02.2014.


In this connection, Constable Sajjad Ali No. 3079, was charge sheeted vide this office No. 569/R, date 23.04.2014 and he was also proceeded against departmentally through inquiry officer, Mr: Mian Naseeb Jan DSP/HQrs: Mardan who after fulfilling necessary process, submitted his findings to the undersigned vide his office endorsement No. 371/HQrs: dated 26.05.2014, in which the allegations has been established against the defaulter constable.

The undersigned agree with the findings of enquiry officer and the alleged Constable Sajjad Ali No. 3079, is hereby dismissed from service and his absence period counted as leave without pay, in exercise of the power vested in me under the above quoted rules.

Order announced

O.B No. 1241

Dated 28 / 5 / 2014


(Gul Afzal Afridi)
District Police Officer,
Mardan.

No. 6089-94 dated Mardan the 29/5/2014

Copy for information and necessary action to:-

1. The Deputy Inspector General of Police Mardan Region-1
2. The S.P Operations, Mardan.
3. The DSP/HQrs Mardan.
4. The Pay Officer (DPO) Mardan.
5. The E.C (DPO) Mardan.
6. The OASI (DPO) Mardan.

اللہ راجہ

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

Service Appeal No. 4280/2020

Mr. Sajjad Ali Ex Constable. Police Line Mardan.....Appellant

VERSUS

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

.....Respondents

AUTHORITY LETTER.

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


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


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


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

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE ANWAR UL HAQ BANDIAL
MR. JUSTICE YAHYA AFSKIDI

Civil Petition No. 549-P of 2014

(Against the order dated 02.07.2014 passed by the Khyber Pakhtunkhwa Service Tribunal, Peshawar in Appeal No. 572 of 2012)

**Additional IGP/Commandant FRP, Government of KPK
Peshawar, etc.**

...Petitioners

Versus

✓ **Adnan**

...Respondent

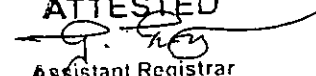
For the petitioner: Mr. Atif Ali Khan, Addl. Advocate-
General, KPK

For the respondents: Mr. Javed A. Khan, ASC
Mr. M. Ajmal Khan, AOR

Date of hearing: 09.10.2020

ORDER

YAHYA AFSKIDI, J. Adnan, a Constable in Frontier Reserve Police (FRP) ("the respondent") was proceeded against departmentally for his absence from duty for three months and 21 days without any leave of the competent authority. The inquiry so initiated was finally culminated in his removal from service *vide* order dated 18.02.2009. The respondent, who was charged and tried for murder in case FIR No. 705 dated 08.11.2008 under sections 302 and 34, PPC registered at Police Station Rustam, on his acquittal by the competent court *vide* judgment dated 12.10.2012 moved the petitioner

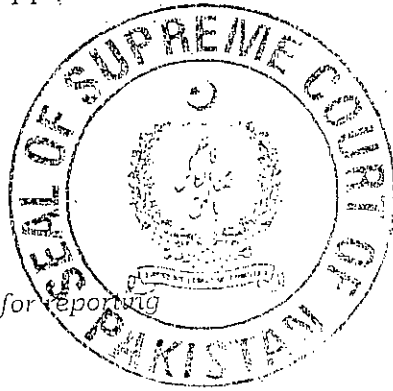
ATTESTED

Assistant Registrar
Supreme Court of Pakistan
Peshawar.

for his reinstatement. The departmental representation of the respondent was not allowed, however; the period of his absence was treated as leave without pay. Aggrieved, the respondent filed an appeal before the Khyber Pakhtunkhwa Service Tribunal, which was accepted. Hence, the present petition.

2. The only allegation of misconduct against the respondent, as reflected in the statement of allegations, was his absence from duty without valid permission. And, when the competent authority treats the said absence from duty as leave without pay, then, the allegation of misconduct would not remain in the field.¹

2. Accordingly, for the reasons stated hereinabove, it is noted that no question of public importance within the contemplation of Article 212 of the Constitution of the Islamic Republic of Pakistan, 1973 is raised in the instant petition for any positive exercise of jurisdiction by this Court. Consequently, this petition, being bereft of merit, is dismissed and leave to appeal is refused.

Sd- Umar Ata Bandial, J
Sd- Yahya Afridi, J



Peshawar
09.10.2020
Not approved for reporting
Arif

Certified to be true copy
Assistant Registrar
Supreme Court of Pakistan
Peshawar.

21/X/2020

¹ Lahore Development Authority and others v. Muhammad Nadëem Kaciloo and another (2006 SCMR 434).

Leave w/o pay Appellant

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.

SERVICES APPEAL NO. 281 /2017

Sadiq Ex Constable No. 5184 Son of Saeed Ur Rahman R/o Mera Achini Bala, Peshawar.

... APPELLANT

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 288

Dated 27-3-2017

VERSUS

- 1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
- 2. Capital City Police Officer, Peshawar.
- 3. Superintendent of Police Headquarter, Peshawar.

... RESPONDENTS

APPEAL U/S 4 OF THE SERVICES TRIBUNAL ACT
1974 AGAINST THE ORDER DATED 15/12/2016
WHEREBY THE APPELLANT HAS BEEN AWARDED
MAJOR PUNISHMENT OF DISMISSAL FROM
SERVICE, AGAINST THE DEPARTMENTAL APPEAL
WAS ALSO REJECTED VIDE ORDER DATED
22/02/2017.

PRAYER:

Filed to-day
Registrar
27/3/2017

ON ACCEPTANCE OF THIS APPEAL THE THE
ORDER DATED 15/12/2016 AND 22/02/2017 MAY
PLEASE BE SET ASIDE AND THE APPELLANT MAY
PLEASE BE RE-INSTATED IN SERVICE WITH FULL
BACK BENEFITS OF SERVICE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 281/2017

Date of Institution ... 27.03.2017

Date of Decision ... 23.12.2021

Sadiq Ex-Constable No. 5184 Son of Saeed Ur Rahman R/o, Mera Achini Bala,
Peshawar.

... (Appellant)

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and two others.

... (Respondents)

Roeeda Khan,
Advocate

... For Appellant

Noor Zaman Khattak,
District Attorney

... For respondents

AHMAD SULTAN TAREEN
ATIQU-UR-REHMAN WAZIR

...
...

CHAIRMAN
MEMBER (EXECUTIVE)

JUDGMENT

ATIQU-UR-REHMAN WAZIR MEMBER (E):-

Brief facts of the

case are that the appellant joined police department as constable in 2009. During the course of his service, the appellant was proceeded against on the charges of absence and was ultimately dismissed from service vide order dated 15-12-2016. Feeling aggrieved, the appellant filed departmental appeal, which was rejected vide order dated 22-02-2017, hence the instant service appeal with prayers that the impugned orders dated 15-12-2016 and 22-02-2017 may be set aside and the appellant may be re-instated in service with all back benefits.

02. Learned counsel for the appellant has contended that the impugned orders are illegal and passed in utter violation of law and rules on the subject;

that the appellant has not been treated in accordance with law and mandatory provisions of law have badly been violated by respondents; that no inquiry has been conducted in the matter in order to find facts and to prove the allegations leveled against the appellant; that no charge sheet/statement of allegations as well as show cause notice was served upon the appellant; that even the appellant was not afforded opportunity of personal hearing; that absence from duty of the appellant was not willful but was due to compelling reasons which were beyond control of the appellant; that the penalty so imposed is harsh, which does not commensurate with guilt of the appellant; that ex-parte action has been taken against the appellant, thus the impugned orders are void and liable to be set aside.

03. Learned District Attorney for the respondents has contended that the appellant absented himself from lawful duty without permission of the competent authority; that the appellant remained absent from duty for almost two years; that on ~~an~~ account of absence from duty, proper charge sheet/statement of allegation was served upon the appellant and inquiry to this effect was conducted and the inquiry officer recommended him for major punishment being habitual absentee; that final show cause notice was served upon the appellant at his home address, but he failed to respond to the show cause notice; that all the codal formalities have been fulfilled and the appellant was awarded with major punishment of dismissal from service.

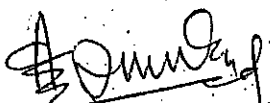
04. We have heard learned counsel for the parties and have perused the record.

05. Record reveals that the appellant was proceeded against on the charges of absence and to this effect, charge sheet/statement of allegations are available on record, but it could not be ascertained from record as to whether the same were actually served upon the appellant. Similarly, showcause notice is also available on record but the same has not been served upon the appellant. The

inquiry so conducted also would show that the appellant was not associated with proceedings of the inquiry. On the other hand, plea of the appellant to the effect that he was kidnapped by the terrorists and was warned not to attend to his duty was not taken into consideration. The appellant has placed on record certain FIRs which would show that the appellant was a dedicated police official and repeatedly confronted the terrorist, hence we see an element of truth in his stance. We have also observed that the appellant was proceeded against on the ground of absence for the mentioned period, however the authority has treated the mentioned period as leave without pay, as such the very ground, on the basis of which the appellant was proceeded against, has vanished away. Wisdom in this respect derived from the judgment of the august supreme court of Pakistan, reported as 2006 SCMR 434 and 2012 TD (Services) 348.

06. In view of the situation, the instant appeal is accepted. The impugned orders dated 15-12-2016 and 22-02-2017 are set aside and the appellant is re-instated in service. The intervening period is treated as extra ordinary leave without pay. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
23.12.2021


(AHMAD SULTAN TAREEN)
CHAIRMAN


(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

Leave w/o pay Appellant

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,PESHAWAR.SERVICES APPEAL NO. 281 /2017

Sadiq Ex Constable No. 5184 Son of Saeed Ur Rahman R/o Mera Achini Bala, Peshawar.

... APPELLANT

Khyber Pakhtunkhwa
Service TribunalDiary No. 288Dated 27-3-2017

VERSUS

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.
3. Superintendent of Police Headquarter, Peshawar.

... RESPONDENTS

APPEAL U/S 4 OF THE SERVICES TRIBUNAL ACT
1974 AGAINST THE ORDER DATED 15/12/2016
WHEREBY THE APPELLANT HAS BEEN AWARDED
MAJOR PUNISHMENT OF DISMISSAL FROM
SERVICE, AGAINST THE DEPARTMENTAL APPEAL
WAS ALSO REJECTED VIDE ORDER DATED
22/02/2017.

PRAYER:

Filed to-day

Registrar

27/3/2017.

ON ACCEPTANCE OF THIS APPEAL THE THE
ORDER DATED 15/12/2016 AND 22/02/2017 MAY
PLEASE BE SET ASIDE AND THE APPELLANT MAY
PLEASE BE RE-INSTATED IN SERVICE WITH FULL
BACK BENEFITS OF SERVICE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 281/2017

Date of Institution ... 27.03.2017

Date of Decision ... 23.12.2021

Sadiq Ex-Constable No. 5184 Son of Saeed Ur Rahman R/o Mera Achini Bala,
Peshawar.

... (Appellant)

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and two others.

... (Respondents)

Roeeda Khan,
Advocate

... For Appellant

Noor Zaman Khattak,
District Attorney

... For respondents

AHMAD SULTAN TAREEN ...
ATIQ-UR-REHMAN WAZIR ...

CHAIRMAN
MEMBER (EXECUTIVE)

JUDGMENT

ATIQ-UR-REHMAN WAZIR MEMBER (E):-

Brief facts of the

case are that the appellant joined police department as constable in 2009. During the course of his service, the appellant was proceeded against on the charges of absence and was ultimately dismissed from service vide order dated 15-12-2016. Feeling aggrieved, the appellant filed departmental appeal, which was rejected vide order dated 22-02-2017, hence the instant service appeal with prayers that the impugned orders dated 15-12-2016 and 22-02-2017 may be set aside and the appellant may be re-instated in service with all back benefits.

02. Learned counsel for the appellant has contended that the impugned orders are illegal and passed in utter violation of law and rules on the subject;

that the appellant has not been treated in accordance with law and mandatory provisions of law have badly been violated by respondents; that no inquiry has been conducted in the matter in order to find facts and to prove the allegations leveled against the appellant; that no charge sheet/statement of allegations as well as show cause notice was served upon the appellant; that even the appellant was not afforded opportunity of personal hearing; that absence from duty of the appellant was not willful but was due to compelling reason which were beyond control of the appellant; that the penalty so imposed is harsh, which does not commensurate with guilt of the appellant; that ex-parte action has been taken against the appellant, thus the impugned orders are void and liable to be set aside.

03. Learned District Attorney for the respondents has contended that the appellant absented himself from lawful duty without permission of the competent authority; that the appellant remained absent from duty for almost two years; that on account of absence from duty, proper charge sheet/statement of allegation was served upon the appellant and inquiry to this effect was conducted and the inquiry officer recommended him for major punishment being habitual absentee; that final show cause notice was served upon the appellant at his home address, but he failed to respond to the show cause notice; that all the codal formalities have been fulfilled and the appellant was awarded with major punishment of dismissal from service.


04. We have heard learned counsel for the parties and have perused the record.


05. Record reveals that the appellant was proceeded against on the charges of absence and to this effect, charge sheet/statement of allegations are available on record, but it could not be ascertained from record as to whether the same were actually served upon the appellant. Similarly, showcause notice is also available on record but the same has not been served upon the appellant. The

inquiry so conducted also would show that the appellant was not associated with proceedings of the inquiry. On the other hand, plea of the appellant to the effect that he was kidnapped by the terrorists and was warned not to attend to his duty was not taken into consideration. The appellant has placed on record certain FIRs which would show that the appellant was a dedicated police official and repeatedly confronted the terrorist, hence we see an element of truth in his stance. We have also observed that the appellant was proceeded against on the ground of absence for the mentioned period, however the authority has treated the mentioned period as leave without pay, as such the very ground, on the basis of which the appellant was proceeded against, has vanished away. Wisdom in this respect derived from the judgment of the august supreme court of Pakistan, reported as 2006 SCMR 434 and 2012 TD (Services) 348.

06. In view of the situation, the instant appeal is accepted. The impugned orders dated 15-12-2016 and 22-02-2017 are set aside and the appellant is reinstated in service. The intervening period is treated as extra ordinary leave without pay. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
23.12.2021


(AHMAD SULTAN TAREEN)
CHAIRMAN)


(ATTIQ-UR-REHMAN WAZIR)
MEMBER (E)

BEFORE THE HON'BLE
SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. 892 /2018



Khyber Pakhtunkhwa
Service Tribunal

Dist. No. 1149

Dated 11-7-2018

Khalid Iqbal S/o Payo Khan (Warder BPS-05)

Wrana Muskan, P.O. Wrana, Takht Nasrati, District Karak

(Appellant)

*Leave v/o
Appellant*
Important

VERSUS

- 1) The Province of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs, Department KPK, Peshawar
- 2) The Inspector General of Prisons, KPK Peshawar
- 3) The Superintendent Circle, Headquarters Prison, Dera Ismail Khan
- 4) The Superintendent Headquarters Prison, Peshawar

(Respondents)

Filed to-day
Registrar
11/7/18
Appeal Under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, whereby the appellant has been removed from service vide order dated 22.12.2016 and his departmental appeal against the impugned order was rejected by respondent No. 2 vide order dated 06.07.2018.

Respectfully Sheweth,

The appellant humbly submits as under:

ATTESTED
[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.

Service Appeal No. 892/2018

Date of Institution ... 11.07.2018

Date of Decision ... 29.07.2021



Khalid Iqbal S/o Payo Khan (Warder BPS-05)
Wrana Muskan, P.O. Wrana, Takht Nasrati, District Karak.

... (Appellant)

VERSUS

Province of Khyber Pakhtunkhwa through Secretary Home & Tribal
Affairs, Department KPK, Peshawar and three others.

... (Respondents)

MISS. ROEEDA KHAN,
Advocate

For appellant.

MR. JAVED ULLAH,
Assistant Advocate General

For respondents.

MR. SALAH-UD-DIN
MR. ATIQ-UR-REHMAN WAZIR

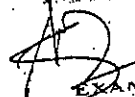
MEMBER (JUDICIAL)
MEMBER (EXECUTIVE)

JUDGMENT:

SALAH-UD-DIN, MEMBER:-

Brief facts giving rise to filing of the Instant service appeal are that the appellant was serving as Warder in Central Prison Bannu, when disciplinary action was initiated against him on the ground of his willful absence from duty from 02.12.2015 till 22.12.2016. On conclusion of the inquiry, the penalty of imposition of removal from service was imposed upon the appellant vide order dated 22.12.2016 passed by the competent Authority. The same was challenged by the appellant through filing of departmental appeal on

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Services Tribunal
Peshawar

08.05.2018, wherein he took the stance that it was on account of blood feud enmity, that the appellant along with his family shifted to an unknown locality and could not attend his duty. The departmental appeal of the appellant was declined vide order dated 06.07.2018, hence the instant service appeal.

2. Respondents were summoned, who submitted para-wise comments.

3. Learned counsel for the appellant has argued that whole of inquiry proceedings were conducted at the back of the appellant, which has caused prejudice to the appellant; that the appellant was proceeded against on the ground of willful absence, however the procedure as prescribed in Rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, was not complied with, which fact has rendered the whole inquiry proceedings as void ab-initio; that the order of removal from service was passed in absence of the appellant without any intimation to him and when the appellant went to Central Prison Bannu for resuming his duty, he came to know regarding his removal from service, therefore, he filed departmental appeal and as such the delay in filing of departmental appeal is condonable; that the impugned orders are not sustainable in the eye of law, therefore, the same may be set-aside and the appellant may be reinstated in service with all back benefits.

4. On the other hand, learned Assistant Advocate General for the respondents has contended that the appellant has remained absent from duty for considerable long period, without any sanctioned leave, therefore, proper disciplinary action was taken against the appellant by fulfilling all codal formalities; that the willful absence of the appellant stood proved in a proper departmental inquiry, therefore, the penalty of removal from service was rightly imposed upon the appellant; that the impugned orders do not need any interference and the appeal of the appellant is liable to be dismissed with costs.

5. Arguments heard and record perused.

6. A perusal of the record would show that the appellant was proceeded against on the ground of willful absence from duty with

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal

effect from 02.12.2015 till 22.12.2016. Rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, prescribes the procedure to be adopted in case of willful absence of a government servant. The said rule is reproduced as below:-

"9. **Procedure in case of willful absence:** Notwithstanding anything to the contrary contained in these rules, in case of willful absence from duty by a government servant for seven or more days, a notice shall be issued by the competent authority through registered acknowledgement on his home address directing him to resume duty within fifteen days of issuance of the notice. If the same is received back as undelivered or no response is received from the absentee within stipulated time, a notice shall be published in at least two leading newspapers directing him to resume duty within fifteen days of the publication of that notice, failing which an ex-parte decision shall be taken against the absentee. On expiry of the stipulated period given in the notice, major penalty of removal from service may be imposed upon such Government servant".

7. In view of material available on the record, it is crystal clear that neither any notice was issued to the appellant through registered acknowledgement nor any notice was published in two leading newspapers, directing the appellant to resume his duty. The Authority could have taken ex-parte decision only after fulfilling of aforementioned condition, however the procedure as prescribed in Rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 was not complied with, therefore, the entire inquiry proceedings are nullity in the eye of law.

8. Furthermore, the impugned order dated 22.12.2016 passed by Superintendent Circle H/PS Prison D.I.Khan would show that the period of willful absence of the appellant was treated as leave without pay. The relevant portion of the impugned order dated 22.12.2016 is reproduced as below:-

"NOW THEREFORE, in exercise of power conferred under Rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, the undersigned being competent Authority after observing all legal procedure formality hereby award major penalty of removal from service to Mr. Khalid Iqbal attached to Central Prison

ATTESTED

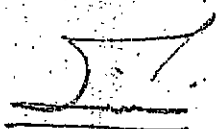

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal


Bannu for his willful absence: The period of his absence i.e from 02.12.2015 to 22.12.2016 is hereby treated as leave without pay";

9. The appellant was proceeded against on the ground of willful absence with effect from 02.12.2015 to 22.12.2016, however the Authority has treated the said period as leave without pay. As such, the very ground, on the basis of which the appellant was proceeded against, has vanished away. Wisdom in this respect derived from the judgment of the august Supreme Court of Pakistan, reported as 2006 SCMR 434.

10. In light of the above discussion, the appeal in hand is accepted and the appellant is reinstated into service, however the intervening period of his absence from duty shall be treated as leave without pay. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
29.07.2021


(SALAH-UD-DIN)
MEMBER (JUDICIAL)


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

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

BEFORE THE HON'BLE
SERVICE TRIBUNAL KPK PESHAWAR



Service Appeal No. 892 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1149

Dated 11-7-2018

Khalid Iqbal S/o Payo Khan (Warder BPS-05)

Wrana Muskan, P.O. Wrana, Takht Nasrati, District Karak

(Appellant)

VERSUS

- 1) The Province of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs, Department KPK, Peshawar
- 2) The Inspector General of Prisons, KPK Peshawar
- 3) The Superintendent Circle, Headquarters Prison, Dera Ismail Khan
- 4) The Superintendent Headquarters Prison, Peshawar

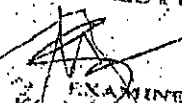
(Respondents)

Filed to-day Appeal Under Section 4 of the Khyber
11/7/18, Registrak Pakhtunkhwa Service Tribunal Act 1974, whereby
the appellant has been removed from service vide
order dated 22.12.2016 and his departmental
appeal against the impugned order was rejected by
respondent No. 2 vide order dated 06.07.2018.

Respectfully Shewcth,

The appellant humbly submits as under:

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.

Service Appeal No. 892/2018

Date of Institution ... 11.07.2018

Date of Decision ... 29.07.2021



Khalid Iqbal S/o Payo Khan (Warder BPS-05)
Wrana Muskan, P.O. Wrana, Takht Nasratl, District Karak.

... (Appellant)

VERSUS

Province of Khyber Pakhtunkhwa through Secretary Home & Tribal
Affairs, Department KPK, Peshawar and three others.

... (Respondents)

MISS. ROEEDA KHAN,
Advocate

For appellant.

MR. JAVED ULLAH,
Assistant Advocate General

For respondents.

MR. SALAH-UD-DIN
MR. ATIQ-UR-REHMAN WAZIR


MEMBER (JUDICIAL)
MEMBER (EXECUTIVE)

JUDGMENT:

SALAH-UD-DIN, MEMBER:-

Brief facts giving rise to filing of the instant service appeal are that the appellant was serving as Warder in Central Prison Bannu, when disciplinary action was initiated against him on the ground of his willful absence from duty from 02.12.2015 till 22.12.2016. On conclusion of the inquiry, the penalty of imposition of removal from service was imposed upon the appellant vide order dated 22.12.2016 passed by the competent Authority. The same was challenged by the appellant through filing of departmental appeal on

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EXAMINER
Khyber Pakhtunkhwa
Services Tribunal
Peshawar

08.05.2018, wherein he took the stance that it was on account of blood feud enmity, that the appellant along with his family shifted to an unknown locality and could not attend his duty. The departmental appeal of the appellant was declined vide order dated 06.07.2018, hence the instant service appeal.

2. Respondents were summoned, who submitted para-wise comments.

3. Learned counsel for the appellant has argued that whole of inquiry proceedings were conducted at the back of the appellant, which has caused prejudice to the appellant; that the appellant was proceeded against on the ground of willful absence, however the procedure as prescribed in Rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, was not complied with, which fact has rendered the whole inquiry proceedings as void ab-initio; that the order of removal from service was passed in absence of the appellant without any intimation to him and when the appellant went to Central Prison Bannu for resuming his duty, he came to know regarding his removal from service, therefore, he filed departmental appeal and as such the delay in filing of departmental appeal is condonable; that the impugned orders are not sustainable in the eye of law, therefore, the same may be set-aside and the appellant may be reinstated in service with all back benefits.

4. On the other hand, learned Assistant Advocate General for the respondents has contended that the appellant has remained absent from duty for considerable long period, without any sanctioned leave, therefore, proper disciplinary action was taken against the appellant by fulfilling all codal formalities; that the willful absence of the appellant stood proved in a proper departmental inquiry, therefore, the penalty of removal from service was rightly imposed upon the appellant; that the impugned orders do not need any interference and the appeal of the appellant is liable to be dismissed with costs.

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal

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7. In view of material available on the record, it is crystal clear that neither any notice was issued to the appellant through registered acknowledgement nor any notice was published in two leading newspapers, directing the appellant to resume his duty. The Authority could have taken ex-parte decision only after fulfilling of aforementioned condition, however the procedure as prescribed in Rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 was not complied with, therefore, the entire inquiry proceedings are nullity in the eye of law.

8. Furthermore, the impugned order dated 22.12.2016 passed by Superintendent Circle H/PS Prison D.I.Khan would show that the period of willful absence of the appellant was treated as leave without pay. The relevant portion of the impugned order dated 22.12.2016 is reproduced as below:-

"NOW THEREFORE, in exercise of power conferred under Rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, the undersigned being competent Authority after observing all legal procedure formality hereby award major penalty of removal from service to Mr. Khalid Iqbal attached to Central Prison

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal

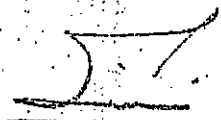
Bannu for his willful absence. The period of his absence i.e from 02.12.2015 to 22.12.2016 is hereby treated as leave without pay",

9. The appellant was proceeded against on the ground of willful absence with effect from 02.12.2015 to 22.12.2016, however the Authority has treated the said period as leave without pay. As such, the very ground, on the basis of which the appellant was proceeded against, has vanished away. Wisdom in this respect derived from the judgment of the august Supreme Court of Pakistan, reported as 2006 SCMR 434.

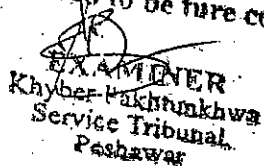
10. In light of the above discussion, the appeal in hand is accepted and the appellant is reinstated into service, however the intervening period of his absence from duty shall be treated as leave without pay. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
29.07.2021


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


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

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EXAMINER
Khyber-Pakhtunkhwa
Service Tribunal
Peshawar

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